

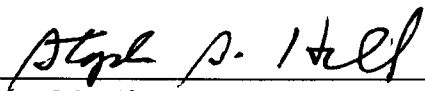


putative class, plaintiffs were compelled to file an emergency motion to stay the proceedings nunc pro tunc to December 2, 2002 pending an interlocutory appeal and to petition this Court for permission to take an interlocutory appeal under Fed. R. Civ. P. 23(f).

On December 18, 2002, the district court convened the status conference scheduled in the December 2 order. During the course of the status conference, the district court indicated its willingness to permit plaintiffs to have an opportunity to take their long-sought class discovery. The district court also indicated that plaintiffs could renew their motion for class certification at the conclusion of that discovery.

Accordingly, in light of the district court's willingness to afford plaintiffs the discovery that lays at the heart of their Rule 23(f) petition and to continue to toll the statute of limitations, plaintiffs hereby withdraw their petition without prejudice to their ability to petition the Court in the future in the event that circumstances warrant such a petition.

Respectfully submitted,

  
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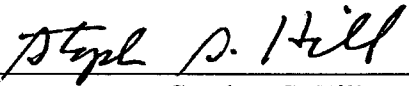
Date: January 6, 2003

**CERTIFICATE OF SERVICE**

I hereby certify that on the 6<sup>th</sup> day of January 2003, I have caused the foregoing Reply of Plaintiffs Guadalupe L. Garcia, Et Al To The Response of Defendant Ann Veneman To Plaintiffs' Petition for Permission To Take An Interlocutory Appeal Under Fed. R. Civ. P. 23(f) to be served by hand delivery upon

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