

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 08-5110

September Term 2008

1:00-cv-02445-JR

Filed On: November 17, 2008 [1149588]

Guadalupe L. Garcia, For himself and on
behalf of G.A. GARCIA and SONS FARM,
et al.,

Appellants

v.

Ed Schafer, Secretary, United States
Department of Agriculture,

Appellee

ORDER

It is **ORDERED**, on the court's own motion, that this case be scheduled for oral argument on January 09, 2009, at 9:30 A.M., before Circuit Judges Rogers and Griffith and Senior Circuit Judge Edwards.

The time and date of oral argument will not change absent further order of the Court.

A separate order will be issued regarding the allocation of time for argument.

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Cheri W. Carter
Deputy Clerk

The following forms and notices are available on the Court's website:

Memorandum to Counsel Concerning Cases Set for Oral Argument (Form 71)

United States Court of Appeals

District of Columbia Circuit
Washington, D.C. 20001-2866

Mark J. Langer
Clerk

General Information
(202) 216-7000

PLEASE READ THIS MEMORANDUM IN ITS ENTIRETY

MEMORANDUM TO ALL COUNSEL OF RECORD

RE: Important Information Concerning Cases Set for Oral Argument

(1) SCHEDULING ORDER

A briefing schedule has now been established in your case. Because the briefing is keyed to the date of argument, the Court will be unable to grant requests for waiver of time limits for briefs or transcripts except in truly extraordinary situations. The Court now requires that the last brief be filed a minimum of fifty (50) days prior to the first day of the month in which your case is scheduled for argument. Please review D.C. Cir. Rule 28(e)(3) before filing motions for extension of time or to exceed page limits for briefs. It is requested that intervenors notify this office by letter if they do not intend to participate in a joint intervenors' brief or to file a separate brief. Counsel for appellant(s)/petitioner(s) who do not intend to file a reply brief are encouraged to notify this office by letter before the due date for filing of that brief. Please note that A BRIEFING REMINDER WILL NOT BE SENT.

(2) FORM 72

Form 72 will be mailed to counsel approximately two weeks prior to oral argument. It is your responsibility to complete and return the Form 72 at least seven (7) days in advance of oral argument. Only counsel for the principal parties, and other counsel who intend to argue, must complete and return the form.

(3) TIME FOR ORAL ARGUMENT

Approximately two (2) weeks before the oral argument date the Court will enter an order setting forth the amount of time to be allowed for argument. See Fed. R. App. P. 34 and D.C. Cir. Rule 34 concerning the apportionment of time allotted. Consolidated cases are considered to be one case for purposes of argument time. The order in which the cases are listed on the calendar is not necessarily the order in which they will be argued on the day of argument. **THE ORDER IN WHICH A CASE SHALL BE HEARD WILL BE AVAILABLE APPROXIMATELY FIVE (5) DAYS PRIOR TO ARGUMENT ON THE COURT'S INTERNET SITE: (www.cadc.uscourts.gov).** Counsel on each of the scheduled dates must report to the courtroom and check in with the Courtroom Deputy by 9:10 a.m. for the morning court session and 1:40 p.m. for the afternoon court session, regardless of their position on the calendar. The court rarely sits in afternoon session. Counsel must refer to the scheduling order issued by the Court to determine whether argument will be heard during a morning or an afternoon session. The starting time set out in the scheduling order can only be changed by a superceding order of the Court. Counsel is to call the court at (202)216-7280 or (202)216-7300 in the event counsel is delayed unexpectedly.

(4) PARTICIPATION IN ORAL ARGUMENT

Ordinarily not more than two counsel may be heard for each side. See D.C. Cir. Rule 34. However, the order allotting time may limit the number of counsel to only one per side. If two counsel intend to present argument for one side, the calendar clerk (202-216-7312) should be notified of the names of the attorneys and the agreed amount of time for each attorney.

(5) MEMBERSHIP IN THE BAR

This Court maintains a bar separate from the United States District Court for the District of Columbia and the District of Columbia Court of Appeals. An attorney intending to present argument should be a member in good standing of the Bar of this Court. A pending application for admission in proper form will satisfy this requirement. An application for admission may be obtained by calling the Clerk's Office at 202-216-7280 and is also available on the Court's web site: www.cadc.uscourts.gov. Arrangements for admission to the Bar should be made at least seven (7) days before oral argument.

In some instances, an attorney who is not a member of the Bar will be admitted *pro hac vice* for purposes of argument only. To be admitted, an attorney must file an appropriate motion at least seven (7) days before oral argument. The name of an attorney who is not a member of the Bar or has not argued a case *pro hac vice* will not appear on any opinion issued by the Court.

(6) SUBMISSIONS IN CASES WHICH ARE SCHEDULED FOR ORAL ARGUMENT OR WHICH HAVE BEEN ARGUED

All submissions in cases scheduled for oral argument shall contain a statement at the top of the first page thereof, in large type, that the case is scheduled for oral argument on [insert date] or that the case has been argued on [insert date] or submitted without oral argument. See D.C. Cir. Rules 27(a)(4) and 28(a)(7).

(7) NOTICE OF SETTLEMENT

All counsel are strongly encouraged to notify the Court as soon as settlement negotiations begin, when settlement of the case becomes likely, and when settlement is reached. This notice allows for more efficient allocation of judicial resources. Additionally, counsel should promptly notify the Court if settlement negotiations are terminated. Notice must be given in an appropriate motion or by letter to the Clerk.

(8) MOTION FOR POSTPONEMENT

Any motion for postponement should be submitted immediately upon receipt of this notice. Counsel should be aware, however, that the Court looks with disfavor upon such a motion and it will not be routinely granted.

(9) REMOVAL OF CASE FROM CALENDAR

In the event the Court determines that argument is not necessary, an order to that effect will be entered. See D.C. Cir. Rule 34(j).

(10) INCLEMENT WEATHER OR OTHER EMERGENCY CLOSINGS

If a determination is made that the Court will be closed or the court schedule will be changed due to inclement weather or an emergency situation, the court will make every effort to contact counsel who is scheduled to argue. Counsel are advised that even if the court is closed, oral argument may still take place. In addition, counsel may call the court at (202)216-7000 and listen to the entire Special Announcement recording to confirm whether oral argument will proceed. Counsel should not rely upon any public broadcast announcements concerning government closures.

ALL COUNSEL ARE ENCOURAGED TO BE FAMILIAR WITH THE RULES OF THIS COURT. COPIES OF THE RULES CAN BE OBTAINED BY CALLING THE CLERK'S OFFICE AT (202)216-7280. THE RULES ARE ALSO AVAILABLE ON THE COURT'S INTERNET SITE at www.cadc.uscourts.gov.