

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GUADALUPE L. GARCIA, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 00-2445 (JR)
	:	
ANN V. VENEMAN, Secretary,	:	
United States Department of	:	
Agriculture,	:	
	:	
Defendant.	:	

NOTICE TO COUNSEL

The parties are invited to submit supplemental briefing on the following question: What specific regulatory provisions are relevant to the question of whether plaintiffs state a valid claim under the Administrative Procedure Act, and how should they be applied given their changing nature over time? Particular attention should be paid to following matters:

(1) The significance, if any, of the procedures contemplated by Pub. L. No. 105-277 § 741(b)-(g), *codified at* 7 U.S.C. § 2279 Note.

(2) The significance, if any, of the regulations promulgated at 7 C.F.R. Part 15f. *See also* 63 Fed. Reg. 67392 (promulgating Interim Final Rule).

(3) The relevance of changes that have occurred in the regulatory regime over time, and the applicability *vel non* of the past and current regulations (including intra-departmental regulations such as DR-4033-3) to plaintiffs' claims.

Supplemental briefs submitted within 14 days of the date of this order will be considered.

JAMES ROBERTSON
United States District Judge