

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ORGANIZATION FOR)
COMPETITIVE MARKETS,)
)
Plaintiff,)
)
v.)
)
OFFICE OF INSPECTOR)
GENERAL, USDA,)
)
Defendant,)
)
and)
)
NATIONAL CATTLEMEN’S BEEF)
ASSOCIATION,)
)
Defendant-Intervenor.)
_____)

Civil Action No. 14-1902 (EGS)

DEFENDANT OIG’S MOTION TO MODIFY THE BRIEFING SCHEDULE

Defendant, Office of Inspector General (“OIG”), United States Department of Agriculture (“USDA”), Defendant-Intervenor, National Cattlemen’s Beef Association (“NCBA”), by and through their undersigned counsel, to modify the parties’ briefing schedule. Plaintiff does not believe good cause exists for the requested delay, opposes the motion, and will file a response with the court explaining its reasons for that position.

Counsel for OIG and NCBA agree to the following briefing schedule:

- USDA and NCBA’s Motions for Summary Judgment - August 28, 2017**
- OCM Opposition and Cross-Motion for Summary Judgment - September 27, 2017**
- USDA and NCBA Reply & Response to OCM Cross-Motion - October 18, 2017**
- OCM Reply - November 8, 2017**

For good cause, OIG states as follows: On July 5, 2017, at approximately 3:00 p.m., OIG's supervising agency counsel informed undersigned counsel for OIG that agency counsel, Jill Sayre unexpectedly retired from the OIG, effective Friday, June 30, 2017. It is the understanding of undersigned counsel for OIG that OIG's supervising agency counsel were unaware of Ms. Sayre's retirement until June 22, 2017.

Ms. Sayre has been agency counsel on this case at both the administrative level and the District Court level for more than five (5) years. In addition, Ms. Sayre, who is an experienced FOIA attorney, was the only attorney working on this case.

In addition, Ms. Sayre was a remote employee of OIG, who physically worked in California. As a result of her remote status, OIG supervising attorneys did not receive the case files in this case from Ms. Sayre, by United Parcel Service, until Monday, July 3, 2017 and July 5, 2017.

In addition, OIG has a small legal staff and losing an attorney with Ms. Sayre's experience is significant. Moreover, OIG's supervising attorneys and its FOIA officer are ill-equipped to step into Ms. Sayre's position to effectively handle this matter. As of this filing, this case has been assigned to USDA HQ Attorney Matthew H. Bolstad, as agency counsel. Attorney Bolstad is currently reviewing the extensive files in this case to timely file OIG's opening brief under OIG and NCBA's proposed timeline.

Finally, this litigation is OIG's top priority, but in order for OIG's office to continue to function, the proposed schedule that OIG and NCBA agree to is a realistic period of time given the unexpected setback detailed above.

Dated: July 11, 2017

Respectfully submitted,

CHANNING D. PHILLIPS
UNITED STATES ATTORNEY
D.C. BAR NUMBER 415793

DANIEL F. VAN HORN, D.C. Bar No. 924092
Chief, Civil Division

/s/

RHONDA L. CAMPBELL, D.C. Bar No. 462402
Assistant United States Attorneys
Civil Division
555 4th Street, N.W.
Washington, D.C. 20530
(202) 252-2559
Rhonda.campbell@usdoj.gov

Counsel for United States