



It is **ORDERED** that Defendants U.S. Environmental Protection Agency and Andrew Wheeler, in his official capacity as Administrator of the U.S. Environmental Protection Agency (Defendants), show cause by filing a response to this Order with the Southern District of New York by December 22, 2020, at 5 p.m. concerning: (1) why Plaintiffs should not be granted a temporary restraining order and/or preliminary injunction, pursuant to Fed. R. Civ. P. 65, to enjoin Defendants, and those in concert with them including State agencies responsible for implementing federal pesticide regulations, from implementing, applying, or taking any action under the Final Rule, Pesticides; Agricultural Worker Protection Standard; Revision of the Application Exclusion Zone Requirements, 85 Fed. Reg. 68,760-01 (Oct. 30, 2020), which goes into effect on December 29, 2020; (2) why the Fed. R. Civ. P. 65(c) security requirement should not be waived because no costs or damages will flow from maintaining the status quo, *see Doctor's Assocs., Inc. v. Distajo*, 107 F.3d 126, 136 (2d Cir. 1997); and (3) why Plaintiffs should not be granted a stay postponing the effective date of the Final Rule, pursuant to 5 U.S.C. § 705, until this case is decided on the merits and final judgment is entered.

Plaintiffs petitioned Defendants for an administrative stay of the effective date of the Final Rule pending judicial review under 5 U.S.C. § 705 on December 4, 2020, and requested a response by December 14, 2020. The petition is attached as Exhibit 13 to the Declaration of Carrie Apfel. Defendants have thus far not responded to Plaintiffs' petition. In the petition, Plaintiffs notified Defendants that if an administrative stay were not granted, they would seek a court stay of the rule.

It is further ordered that Plaintiffs and Defendants shall appear for a video teleconference before the Court for oral argument on Plaintiffs' proposed Order on December \_\_\_\_\_, 2020, at \_\_\_\_\_ a.m./p.m.

Respectfully submitted,

DATED: December 18, 2020

/s/ Eve Gartner

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