



In accordance with the oral rulings issued by the Court at the hearing held on June 19, 2012, and to ensure the expeditious resolution of the above-styled actions, it is

**ORDERED** that the plaintiffs in the above-styled actions shall amend their complaints to reflect factual developments in the cases and assert any new claims they wish to raise on or before July 13, 2012. The Court sua sponte grants the plaintiffs leave to amend their complaints in the interests of justice and efficiency. See Fed. R. Civ. P. 15(a)(2) (“[A] party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.”).<sup>1</sup> It is further

**ORDERED** that the plaintiffs’ motion in Love v. Vilsack, Civ. No. 00-2502, for leave to file a Fourth Amended Complaint, is **DENIED** as moot in light of the foregoing ruling, and given the need to update the complaint to reflect developments subsequent to the filing of the plaintiffs’ motion and proposed Fourth Amended Complaint on November 7, 2011. It is further

**ORDERED** that the deadlines for the defendants’ responses to the plaintiffs’ forthcoming amended complaints are **STAYED** pending further Order of the Court. It is further

**ORDERED** that consistent with the government’s request at the hearing held on June 19, 2012, the government shall submit to the Court and the plaintiffs on or before August 3, 2012, a final version of the claims form that it plans to use in connection with its forthcoming administrative claims process. It is further

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<sup>1</sup> Several of the plaintiffs in Garcia v. Vilsack, Civ. No. 00-2445, filed a separate action, Cantu v. United States, Civ. No. 11-541, challenging the constitutionality of the government’s administrative claims process, which the Court is currently holding in abeyance pending the government’s finalization of its administrative claims process. While the Court appreciates that Garcia and Cantu arise out of different events, the cases are nonetheless related and the Court thus discerns no reason why the plaintiffs could not simply assert the constitutional claims from Cantu in an amended complaint in Garcia, rather than seeking to reinstate Cantu. The Court will not, however, order the plaintiffs to proceed in this manner, since the plaintiffs may have some tactical reason for opting to press their constitutional claims in a separate case.

**ORDERED** that these cases shall be referred to a Magistrate Judge for a period beginning on July 13, 2012, and continuing until August 24, 2012, for the purpose of formulating a schedule governing the litigation of these cases. The Magistrate Judge shall issue a report and recommendation to the undersigned setting forth his or her proposal on or before August 24, 2012.<sup>2</sup> That report and recommendation shall:

1. Evaluate whether the plaintiffs' claims challenging the constitutionality of the government's administrative claims process should be resolved by the Court through a preliminary round of dispositive motion briefing before any other action is taken in these cases. If such briefing is recommended, the Magistrate Judge shall propose a schedule governing that briefing. If such briefing is not recommended, the Magistrate Judge shall propose a schedule governing the briefing of any pre-discovery motions, including dispositive motions, motions to transfer, and motions to intervene.
2. Address any other matters and propose any other steps necessary to ensure the expeditious resolution of these cases. It is further

**ORDERED** that the parties shall appear before the Court for a status conference at 10:00 a.m. on August 28, 2012.

**SO ORDERED** this 20th day of June, 2012.

REGGIE B. WALTON  
United States District Judge

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<sup>2</sup> If the Magistrate Judge requires more time to issue a report and recommendation, the undersigned will amend the schedule accordingly.