



Canadian Cattlemen's Association

News Release

Court of Appeals Denies R-CALF Request for Rehearing

(October 14, 2005) On October 13th the Ninth Circuit Court of Appeals denied both R-CALF's request for a re-hearing and their request for a rehearing *en banc* of that court's decision to overturn the preliminary injunction against Canadian live cattle imports. It was the overturning of the preliminary injunction that allowed Canadian under 30 month feeder and slaughter cattle to begin moving to the U.S. in July.

The panel of three judges that issued the decision overturning the preliminary injunction denied R-CALF's request for a rehearing. In addition, no active judge in the Ninth Circuit Court of Appeals asked for a vote on R-CALF's request for a rehearing *en banc*. Had any one of the 47 active judges requested it, a vote of all the active judges would have decided if a rehearing in front of a larger panel of judges would have been heard.

"This effectively ends the appeals process for the overturning of the preliminary injunction in the Court of Appeals. If R-CALF wants to continue its efforts to reverse the overturning of the preliminary injunction, they would now have to appeal it to the Supreme Court," says Stan Eby, President of the Canadian Cattlemen's Association. "We sincerely hope that R-CALF will cease its unwarranted and wasteful court actions and recognize that science will prevail. We also hope the R-CALF members will begin to understand that the Canadian industry is not a threat to their livelihood and that two-way trade benefits everyone."

Judge Cebull of the U.S. District Court, Montana Division, has yet to issue his decision whether or not additional hearings will be heard in his court prior to his ruling on R-CALF's request for a permanent injunction against Canadian live cattle and beef.

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CCA is the National Voice for the Beef Cattle Industry, representing over 90,000 Cattle Producers