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IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF MONTANA
 BILLINGS DIVISION

RANCHERS CATTLEMEN ACTION LEGAL FUND)
 UNITED STOCKGROWERS OF AMERICA,)
 Plaintiff,)
 CV-04-BLG-RFC)

vs.

STIPULATION)
 AND ORDER)
 UNITED STATES DEPARTMENT OF AGRICULTURE,)
 ANIMAL AND PLANT HEALTH INSPECTION)
 SERVICE, and ANN M. VENEMAN, IN HER)
 CAPACITY AS THE SECRETARY OF AGRICULTURE,)
)
 Defendants.)

_____)

Whereas defendants are engaged in a rulemaking that may affect the justiciability of this case, pursuant to Fed. R. Civ. P. 65 and the Court's April 26, 2004 Temporary Restraining Order, and subject to the approval of this Court, plaintiffs and defendants hereby stipulate and agree as follows:

1. The temporary restraining order entered on April 26, 2004, is converted into a preliminary injunction which will expire five days after plaintiff is notified of final agency action (as indicated in paragraph 4, below) on the rulemaking proposed on November 4, 2003, 68 Fed. Reg. 62,386, and reopened on March 8, 2004, 69 Fed. Reg. 10,633.

2. While the preliminary injunction is in effect, the only bovine meat products that can be imported from Canada for human consumption, and in accordance with the required risk mitigation measures, are those identified in Exhibit 1. Ruminant products originating in a BSE-free region or from the United States that are processed in Canada and exported to the United States shall not be deemed Canadian products as defined in Exhibit 1, as long as the products are not co-mingled with products from BSE regions.

3. The May 11, 2004 hearing on plaintiff's application for a preliminary injunction is vacated.

4. Defendants will provide a status report on the rulemaking process referenced in paragraph 1 every forty-five days until final agency action is published in the Federal Register and will notify the Court and plaintiffs on the date that final agency action goes on display at the Federal Register.

5. Defendants will provide at least five business days' notice to plaintiff prior to filing any motion to modify or dissolve the preliminary injunction.

FOR PLAINTIFF:

_____ Date: _____

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FOR DEFENDANTS:

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SO ORDERED: _____ Date: _____
RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I certify that on May 4, 2004, a copy of the Stipulation And Order was served upon plaintiff's counsel by first-class mail, postage prepaid, as follows:

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