

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CREEKSTONE FARMS PREMIUM BEEF, :
L.L.C., :
 :
Plaintiff, :
 :
v. : Civil Action No. 06-0544 (JR)
 :
U.S. DEPARTMENT OF AGRICULTURE, :
et al., :
 :
Defendants. :

ORDER

For the reasons set forth in the accompanying memorandum, each of the parties' cross-motions for summary judgment [6, 10] is **granted in part and denied in part**. Defendants' motion is **granted** as to Count I and **denied** as to Count II, and plaintiff's motion is **denied** as to Count I and **granted** as to Count II. It is

ORDERED, ADJUDGED and DECREED that defendants' prohibition of the private use of rapid test kits to screen cattle for bovine spongiform encephalopathy is unlawful. It is

FURTHER ORDERED by the Court *sua sponte* that the effectiveness of this order is **stayed pending appeal**. If no appeal is taken, it will become effective on June 1, 2007.

SO ORDERED.

JAMES ROBERTSON
United States District Judge