

03-1164 JOHANNIS V. LIVESTOCK MARKETING

DECISION BELOW: 335 F3d 711

LOWER COURT CASE NUMBER: 02-2769, 02-2832

QUESTION PRESENTED:

1. Whether the Beef Promotion and Research Act of 1985 (Beef Act), 7 U.S.C. 2901 et seq., and the implementing Beef Promotion and Research Order (Beef Order), 7 C.F.R. Part 1260, violate the First Amendment insofar as they require cattle producers to pay assessments to fund generic advertising with which they disagree.
2. Whether the district court erred in issuing a nation-wide injunction against the collection of all assessments under the Beef Act, including those from cattle producers who support the generic advertising and those used to fund activities other than generic advertising.

LIMITED TO QUESTION 1 PRESENTED BY THE PETITION. CONSOLIDATED WITH 03-1165 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 5/24/2004