

EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AGRIPROCESSORS, INC., SHOLOM
RUBASHKIN, BRENT BEEBE,
HOSAM AMARA, ZEEV LEVI and
KARINA PILAR FREUND,

Defendants.

No. 08-CR-1324-LRR

SCHEDULING ORDER

On December 9, 2008, the court held a telephonic scheduling conference in the above-entitled matter. Assistant United States Attorney Peter E. Deegan, Jr. represented the government. Attorney Kevin J. Nash represented Defendant AgriProcessors, Inc. Attorney Paula L. Roby represented Agriprocessors, Inc.'s Chapter 11 Trustee. Attorneys F. Montgomery Brown and Guy R. Cook represented Defendant Sholom Rubashkin. Attorney Raphael M. Scheetz represented Defendant Brent Beebe.

The court GRANTED Defendant Brent Beebe's Motion to Continue and Extend Pretrial Motion Deadlines (docket no. 136) and Defendant Sholom Rubashkin's Motion for Extension of Time to File Pre-Trial Motions (docket no. 126) (collectively, "Motions") as follows:

1. The court continued the trial of this matter until September of 2009. Jury selection shall begin on September 8, 2009. Presentation of the evidence shall begin on September 14, 2009. Counsel are reminded that these are firm dates and no further continuances are contemplated. However, if a motion for severance is made and granted, the court reserves the right to schedule a trial on a portion of this case at an earlier or later time;

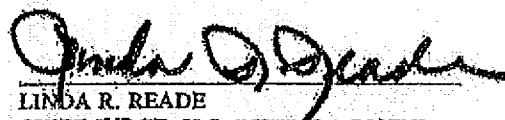
2. For the reasons stated in the Motions and by the parties and the court at the conference, the court finds that “[t]he ends of justice served by” continuing the trial date as to all Defendants in this case “outweigh[s] the best interest of the public and [D]efendant[s] in a speedy trial.” 18 U.S.C. § 3161(h)(8)(A). Again, the court finds that it is unreasonable to expect defense counsel to prepare adequately for the pending pretrial proceedings and for the trial itself within the time limits established by the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The court is sensitive to the fact that Defendant Sholom Rubashkin is presently detained pending trial. This circumstance, however, is outweighed by the complexity of the case and the sheer volume of the discovery materials. *See* 18 U.S.C. § 3161(h)(8)(B)(ii) and (iv); *see, e.g., United States v. Gamboa*, 439 F.3d 796, 803 (8th Cir. 2006) (affirming continuance of trial date); *United States v. Fogarty*, 692 F.2d 542, 546 (8th Cir. 1982) (similar);

3. Any motions to change venue and/or district, motions for recusal, motions to sever and motions alleging grand jury misconduct must be filed on or before January 30, 2009; and

4. Upon agreement of the parties, all pretrial motions filed from this date forward shall be assigned to the undersigned and not referred to the United States Magistrate Judge.

IT IS SO ORDERED.

DATED this 10th day of December, 2008.


LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA