IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RURAL EMPOWERMENT ASSOCIATION FOR COMMUNITY HELP, et al., Plaintiffs, v. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, et al., Defendants.	Civ. No. 18-cv-02260-TJK **Motion for Leave to Supplement Complaint**

PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO SUPPLEMENT COMPLAINT AND MEMORANDUM OF LAW

Pursuant to Fed. R. Civ. P. 15(d), Plaintiffs Rural Empowerment Association for Community Help, Animal Legal Defense Fund, Center for Biological Diversity, Center for Food Safety, Don't Waste Arizona, Inc., Environmental Integrity Project, Food & Water Watch, Humane Society of the United States, Sierra Club, Sound Rivers, and Waterkeeper Alliance (collectively, "Plaintiffs") respectfully seek leave to file a supplemental Complaint (included as Attachment 1) in this action to add an additional party and to incorporate a challenge to a final rule issued by Defendants United States Environmental Protection Agency and its Administrator Andrew Wheeler (collectively, "EPA" or "Agency") on June 13, 2019.[1] The Rule directly relates to the challenged agency action at issue in this case. *See* Amendment to Emergency Release Notification Regulations on Reporting Exemption for Air Emissions From Animal Waste at Farms; Emergency Planning and Community Right-to-Know Act, 84 Fed. Reg. 27,533

[1] A redlined version comparing the original Complaint to the Supplemental Complaint is attached as Attachment 2.

(June 13, 2019) ("Final Rule" or "Rule") (Exhibit 2 to Proposed Supplemental Complaint). The current action challenges unlawful guidance EPA issued on its website that exempts Concentrated Animal Feeding Operations ("CAFOs") from reporting toxic releases of ammonia and hydrogen sulfide emanating from animal waste into the air under the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11004 et seq., and the new Rule – proposed after Plaintiffs filed this lawsuit and finalized just weeks ago – codifies this impermissible exemption. Thus, because this lawsuit challenges EPA's efforts to exempt CAFOs from reporting their toxic air emissions under EPCRA, and because the Final Rule codifies this exemption, Plaintiffs' challenge to the Final Rule should be incorporated into this case.

In addition to supplementing the Complaint with this new and related challenge, Plaintiffs also seek leave to supplement the Complaint to add a new party that suffers the same injuries as the parties that originally brought this lawsuit, and that intends to file a lawsuit to challenge the Final Rule. Like the original parties to this action, this additional organization has members who live and work in close proximity to CAFOs and who are harmed by EPA's action exempting these industrial facilities from reporting their toxic air emissions to state and local officials. Without this information about the harmful chemicals released into the air they breathe, the affected communities cannot take necessary measures to protect their health and wellbeing.

Notably, EPA will suffer no undue delay or prejudice from this request, for three reasons. First, EPA has not yet produced a complete record in the present action. Rather, Plaintiffs have challenged the limited record EPA produced, and that challenge remains pending before this Court. Second, EPA will ultimately have to produce a separate record for any challenge to the

Final Rule, whether that challenge is combined with this present action or brought as a separate lawsuit. Allowing Plaintiffs to supplement the Complaint to challenge the Final Rule will expedite, rather than delay, resolution of any such challenge. And third, even if supplementation of the Complaint did somehow delay this lawsuit, such delay does not prejudice EPA because EPA's total exemption of all CAFOs from reporting their toxic air emissions already is in effect, and has been in effect in its current scope ever since EPA first published the challenged guidance on its website in October 2017.

Counsel for Plaintiffs has conferred with counsel for EPA, who represents that EPA takes no position on this Motion.

Respectfully submitted,

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RURAL EMPOWERMENT ASSOCIATION FOR COMMUNITY HELP, et al., Plaintiffs, v. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, et al., Defendants.	Civ. No. 18-cv-02260-TJK **Memorandum of Points And Authorities**

PLAINTIFFS' MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO SUPPLEMENT COMPLAINT

INTRODUCTION

Concentrated Animal Feeding Operations ("CAFOs") are industrial livestock operations that concentrate large numbers of animals and their waste. Emissions generated from animal waste at CAFOs are highly toxic and are sickening communities across the country. Exposure to ammonia and hydrogen sulfide released from the highly concentrated animal waste produced at CAFOs causes a multitude of health problems, including, but not limited to, respiratory problems, nasal and eye irritation, headaches, nausea, and even death.

EPCRA protects communities from toxic exposure to CAFO emissions by requiring these industrial facilities to report to state and local authorities information about their releases of hazardous material into the environment when releases exceed threshold reportable quantities. This information – which must be made available to the public – enables community members and responders to develop remedial measures, investigate facilities, and protect against future releases. Notably, the vast majority of livestock operations in the United States are smaller

animal feeding operations that are unlikely to release hazardous substances at levels that trigger EPCRA's reporting requirements. Only the largest facilities, which confine thousands or millions of food-producing animals each, are likely to be subject to EPCRA's reporting requirements.

For more than a decade, EPA has taken steps to undermine the effectiveness of EPCRA's reporting requirements by exempting CAFOs from this obligation. These efforts weaken the protections against toxic releases that EPCRA provides to local communities. In 2017, the United States Court of Appeals for the District of Columbia Circuit vacated a 2008 EPA rule, which exempted all but the largest CAFOs from reporting air releases from animal waste under EPCRA, rejecting EPA's argument that the reporting requirements serve no regulatory purpose. *See Waterkeeper All. v. EPA*, 853 F.3d 527, 537–38 (D.C. Cir. 2017). In doing so, the court emphasized the benefits EPCRA reporting provides to communities exposed to hazardous releases, including providing information about the hazardous substances "rapidly released from the manure" during pit agitation that "may reach toxic levels or displace oxygen, increasing the risk to humans and livestock," and enabling authorities to respond with investigations, clean-ups, abatement orders, or other remedial measures, such as requiring a change in a CAFO's waste management system. *Id.* at 536–37.

Despite this clear rejection of its attempt to exempt CAFOs from EPCRA's reporting requirements, EPA is now going even further by completely eliminating the critical community protections afforded by EPCRA. Just six months after the D.C. Circuit ruling – but prior to issuance of the court's mandate that would have required CAFOs to report their emissions – on October 26, 2017, EPA published on its website "guidance" that exempted all CAFOs from EPCRA's toxic release reporting requirement based solely on its new interpretation of the

EPCRA "routine agricultural operations" provision. *See* EPA, *CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms* (Oct. 26, 2017) ("2017 EPCRA Exemption") (Exhibit 3 to Proposed Supplement Complaint, Att. 1); EPA, *Does EPA interpret EPCRA Section 304 to require farms to report releases from animal waste?* (Oct. 25, 2017) ("2017 EPCRA Q&A") (Exhibit 4 to Proposed Supplemental Complaint, Att. 1). Then, in April 2018, EPA updated its EPCRA Exemption to include a second basis to exempt CAFOs from EPCRA's reporting requirement: the March 2018 amendments to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") included in the Fair Agricultural Reporting Method ("FARM") Act. *See* EPA, *CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms* (Apr. 30, 2018) ("EPCRA Exemption") (Exhibit 1 to Proposed Supplemental Complaint, Att. 1); EPA, *How do the Reporting Requirements in EPCRA Section 304 Apply to Farms Engaged in "Routine Agricultural Operations"?* (Apr. 27, 2018) ("EPCRA Q&A") (Exhibit 5 to Proposed Supplemental Complaint, Att. 1); EPA, How does the Fair Agricultural Reporting Method (FARM) Act impact reporting of air emissions from animal waste under CERCLA Section 103 and EPCRA Section 304? (Apr. 27, 2018) ("FARM Act Q&A") (Exhibit 6 to Proposed Supplemental Complaint, Att. 1). This version of the EPCRA Exemption included both the "routine agricultural operations" rationale and the FARM Act rationale to exempt CAFOs from EPCRA's reporting requirement. By this point, EPA had amended the EPCRA Exemption at least twice.

Plaintiffs filed the present lawsuit challenging this website guidance on September 30, 2018. *See* Dkt. No. 1. Shortly thereafter, on November 14, 2018 – more than a year after first promulgating the 2017 EPCRA Exemption and after amending it at least six times – EPA

published a Notice of Proposed Rulemaking, Emergency Release Notification Regulations on Reporting Exemption for Air Emissions from Animal Waste at Farms; Emergency Planning and Community Right-to-Know Act, 83 Fed. Reg. 56,791 (Nov. 14, 2018), in which EPA proposed to formalize its unlawful guidance ("Proposed Rule"), attached as Exhibit 7 to Proposed Supplemental Complaint, Att. 1.

The Proposed Rule aimed to "amend the EPCRA release notification regulations . . . to include the reporting exemption for air emissions from animal waste at farms," relying on the FARM Act's exemption of such emissions from reporting under CERCLA as justification. *See* 83 Fed. Reg. at 56,792 ("[T]his proposed rulemaking is based on the relationship of the EPCRA section 304 reporting requirements to the CERCLA section 103 reporting requirements, as recently amended.").[2]

A number of the Plaintiffs filed detailed comments opposing the Proposed Rule. Comments of Earthjustice et al. (Dec. 14, 2018) [EPA-HQ-OLEM-2018-0318-0398; EPA-HQ-OLEM-2018-0318-0399; EPA-HQ-OLEM-2018-0318-0400] (Exhibit 8 to Proposed Supplemental Complaint, Att. 1).

After receiving 87,473 comments, of which at least 87,091 (more than 99%) were from organizations and individuals opposing the Proposed Rule, *see* 84 Fed. Reg. at 27,535, on June 13, 2019, EPA published the Final Rule, entitled Amendment to Emergency Release Notification

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[2] EPCRA's reporting provisions are similar to provisions of CERCLA that likewise require EPA to list "hazardous substances" with reportable quantities and require facilities to report both isolated and continuous releases. 42 U.S.C. §§ 9602, 9603(a). While EPCRA requires submission of release reports to state and local emergency response agencies, CERCLA requires submission of such reports to the federal government. *Compare id.* § 9603(a), *with id.* § 11004(b), (c). Under CERCLA, EPA lists ammonia and hydrogen sulfide as "hazardous substances" with a reportable quantity of 100 pounds per day for each, just as under EPCRA. 40 C.F.R. § 302.4(a). While the FARM Act exempted CAFOs from reporting releases from animal waste under CERCLA, it did not include an exemption for such reporting under EPCRA.

Regulations on Reporting Exemption for Air Emissions From Animal Waste at Farms; Emergency Planning and Community Right-to-Know Act ("Final Rule" or "Rule"), 84 Fed. Reg. 27,533. This Rule finalizes the Proposed Rule's exemption of CAFOs from reporting their toxic air emissions under EPCRA, and thus codifies the EPCRA Exemption into EPA's EPCRA regulations. *See id.*

Both the EPCRA Exemption and the Final Rule leave communities without the information necessary to protect against harmful releases of ammonia and hydrogen sulfide from animal waste, information that could be used to avoid exposure, initiate cleanups, investigate facilities, propose remedial measures, and otherwise keep communities safe from these poisonous substances. This, in turn, leaves them vulnerable to exposure to hazardous chemicals released by animal waste at CAFOs.

Plaintiffs challenged the EPCRA Exemption in an effort to redress the significant harms they and their millions of members suffer as a result of EPA's decisions to exempt these industrial polluters from reporting their toxic emissions and thus informing the surrounding communities about the enormous quantities of hazardous pollutants released into the air they breathe. They intend to challenge the Final Rule on the same grounds.

ARGUMENT

I. LEGAL STANDARD

Pursuant to Fed. R. Civ. P. 15(d), "[o]n motion and reasonable notice, the court may, on just terms, permit a party to serve a supplemental pleading setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented." A party may supplement its complaint "to set forth new facts that update the original pleading or provide the basis for additional relief; to put forward new claims or defenses based on events that took place after the original complaint or answer was filed; [and] to include new parties where

subsequent events have made it necessary to do so." *BEG Invs., LLC v. Alberti*, 85 F. Supp. 3d 13, 24 (D.D.C. 2015) (citations omitted). As the Supreme Court has long held, "the basic aim of the rules [is] to make pleadings a means to achieve an orderly and fair administration of justice." *Griffin v. Cty. Sch. Bd. of Prince Edward Cty.*, 377 U.S. 218, 227 (1964).

Supplementation promotes judicial economy by allowing related issues to be resolved in a single lawsuit, thereby avoiding redundancy. *See The Fund For Animals v. Hall*, 246 F.R.D. 53, 55 (D.D.C. 2007) (granting leave to supplement complaint where the motion "raises similar legal issues to those already before the court, thereby averting a separate, redundant lawsuit," and serving "[t]he interest of judicial economy and convenience"). Accordingly, courts "should freely grant a party's request to file a supplemental pleading 'when the supplemental facts connect it to the original pleading,'" *Health Ins. Ass'n of Am. v. Goddard Claussen Porter Novelli*, 213 F.R.D. 63, 66 (D.D.C. 2003), and "when doing so will promote the economic and speedy disposition of the entire controversy between the parties, will not cause undue delay or trial inconvenience, and will not prejudice the rights of any of the other parties to the action." *BEG Invs*., 85 F. Supp. 3d at 24 (citing *Hall*, 437 F.3d at 101); *see also The Fund For Animals*, 246 F.R.D. at 53 (leave should be granted where "judicial interest in addressing all the legally similar claims together outweighs any prejudice the defendants may suffer").

II. THIS COURT SHOULD GRANT PLAINTIFFS LEAVE TO SUPPLEMENT THEIR COMPLAINT.

Applying this long established precedent to the facts of this case leaves no question that this Court should grant Plaintiffs' Motion, for several reasons. First, the Motion involves new facts that developed after Plaintiffs filed this lawsuit; these facts directly relate to the issues Plaintiffs challenge here. Thus, allowing Plaintiffs to supplement their Complaint to add their challenge to these new occurrences will promote judicial economy and avoid duplicative

litigation. Second, the party seeking to join this action suffers harms from these new occurrences similar to those suffered by Plaintiffs in this lawsuit, and it intends to challenge the new developments. Therefore, allowing Plaintiffs to supplement their Complaint to add these new parties likewise avoids duplicative litigation. Third, allowing supplementation will not delay resolution of this challenge, and will not in any way prejudice EPA. And fourth, any potential delay is greatly outweighed by the judicial interests served by resolving all related claims and allowing this Court to grant complete relief in a single lawsuit.

A. EPA's Final Rule Exempting CAFOs from Reporting Under EPCRA Directly Relates to the Challenged Action Here.

As described above, courts should freely grant motions to supplement complaints where, as here, the motion "raises similar legal issues to those already before the court, thereby averting a separate, redundant lawsuit." *The Fund For Animals*, 246 F.R.D. at 55 (citing *Hall*, 437 F.3d at 101); *see also Health Ins. Ass'n of Am. v. Goddard Claussen Porter Novelli*, 213 F.R.D. 63, 66 (D.D.C.2003) (quoting *Aftergood v. C.I.A*., 225 F. Supp. 2d 27, 30 (D.D.C. 2002)) ("[T]he court should freely grant a party's request to file a supplemental pleading 'when the supplemental facts connect it to the pleading'"). After all, judicial economy is "[p]erhaps '[t]he strongest argument in favor of granting [a] motion'" to supplement a complaint. *Health Ins. Ass'n of Am. v. Goddard Claussen Porter Novelli*, 213 F.R.D. 63, 66 (D.D.C. 2003) (quoting *Medtronic Inc. v. Siemens–Pacesetter, Inc*., No. Civ.A. 88–121, 1992 WL 88452, at *2 (N.D. III. Apr.27, 1992)).

Here, the legal theory on which EPA bases its Final Rule is identical to one of the legal theories on which EPA based the EPCRA Exemption: namely, that the FARM Act amended EPCRA through unavoidable operation of law, *see* 84 Fed. Reg. at 27,533, despite no mention of EPCRA in the FARM Act itself and Congress's express intent that the FARM Act *not* affect EPCRA. *See, e.g.*, Consolidated Appropriations Act of 2018, Pub. L. No. 115–141, § 1102, 132

Stat. 348, 1148 (2018) (no mention of EPCRA); *see also* 115 Cong. Rec. S1925 (daily ed. Mar. 22, 2018) (statement from Senator Carper that CAFOs must still report under EPCRA despite the FARM Act's exemption of CAFOs from reporting under CERCLA). Thus, the claims concerning EPA's Final Rule raise issues that are not merely "similar," but are *identical* to some of the legal issues that are already central to this matter, and thus supplementation of the Complaint to add these claims is entirely appropriate. *See The Fund For Animals*, 246 F.R.D. at 55.

In addition to raising claims that are identical to those brought in Plaintiffs' challenge to the EPCRA Exemption, the proposed Supplemental Complaint also raises the discrete but intertwined issue of EPA's failure to conduct an environmental impact review when promulgating the Final Rule as required under the National Environmental Policy Act ("NEPA"), 42 U.S.C. § 4332(2)(C). *See* Proposed Supplemented Complaint ¶¶ 88-91, 166-171, Att. 1; *see also* 40 C.F.R. 1508.18(b)(1) (noting "rules, regulations, and interpretations adopted pursuant to the Administrative Procedure Act" must comply with NEPA). Though it constitutes a new claim, this NEPA challenge logically relates to Plaintiffs' existing claim that the EPCRA Exemption is arbitrary and capricious because it fails to address an important aspect of the problem, namely the environmental and health impacts of the toxic emissions whose reporting EPA has exempted. *See, e.g.*, Complaint, Third Claim for Relief, Dkt.1; Pls.' Reply in support of Mot. to Complete the Record, Dkt. 27 at 7 n.4, 10. Thus, "even with the new addition [of the NEPA claim], the case remains an action to [challenge EPA's reporting exemption, so] dealing with the controversy as one is far preferable to requiring [Plaintiffs] to open yet another case." *See Powell v. Internal Revenue Serv.,* 263 F. Supp. 3d 5, 7 (D.D.C. 2017).

Notably, EPA's Final Rule is the Agency's latest action in its "continued, persistent efforts to circumvent" the requirements of EPCRA. *See Griffin v. Cty. Sch. Bd. of Prince Edward Cty*., 377 U.S. 218, 226 (1964). The Supplemental Complaint proposed here is "not a new cause of action but merely part of the same old cause of action." *See id*. In order to avoid piecemeal, duplicative litigation on this single issue, the Court should grant Plaintiffs leave to supplement the Complaint and "promote the economic and speedy disposition of the entire controversy between the parties." *Hall*, 437 F.3d at 101 (quoting 6A Fed. Prac. & Proc. § 1504).

B. Allowing A New Party that Suffers Harms Similar to Plaintiffs and That Will Challenge the Final Rule to Join This Lawsuit Promotes Judicial Economy and Avoids Duplicative Litigation.

The interests of judicial economy to avoid duplicative litigation are served not only by supplementing the Complaint with new factual developments and corresponding legal claims, but also by allowing Plaintiffs to incorporate into this same matter an additional party that has suffered harms similar to Plaintiffs that can be redressed by the relief sought in this cause of action. The Supreme Court has explained that Rule 15(d) allows for the addition of new Plaintiffs to a complaint:

> Rule 15(d) of the Federal Rules of Civil Procedure plainly permits supplemental amendments to cover events happening after suit, and it follows, of course, that persons participating in these new events may be added if necessary. Such amendments are well within the basic aim of the rules to make pleadings a means to achieve an orderly and fair administration of justice.

Griffin v. Cty. Sch. Bd. of Prince Edward Cty., 377 U.S. 218, 227 (1964).

The party Plaintiffs seek to add to this action suffers harm resulting from EPA's exemption of CAFOs from EPCRA's reporting requirements. For example, the EPCRA Exemption and the Final Rule injure Center for Biological Diversity by denying the organization crucial information about toxic releases from CAFOs necessary for the organization to carry out

its mission, and it harms the organization and its members by depriving them of protections they otherwise would have if local response authorities received reports from CAFOs and were better informed about the sources of toxic emissions in their jurisdictions. In addition, if Center for Biological Diversity were not able to join this action, the organization would file an entirely new challenge to the Final Rule in this District, raising similar claims that are already before this Court. *See, e,g.*, Exhibit 9 to Proposed Supplemental Complaint (comments filed by Center for Biological Diversity opposing the Proposed Rule).

For these reasons, this Court should grant Plaintiffs' motion to supplement the Complaint to add this party.

C. Allowing Plaintiffs to Add Their Challenge to the Final Rule to This Action Will Not Cause Undue Delay or Prejudice to Any Party.

Allowing Plaintiffs to supplement their Complaint to add new claims and parties that directly relate to this cause of action will promote the interest of judicial economy, will not lead to undue delay, will not prejudice any party, and no other countervailing considerations exist that would weigh against granting this Motion. This Court should therefore permit Plaintiffs to supplement the Complaint in the manner proposed.

As this Circuit has long held, leave to file a supplemental complaint should be "freely granted when doing so will promote the economic and speedy disposition of the entire controversy between the parties, will not cause undue delay or trial inconvenience, and will not prejudice the rights of any of the other parties to the action." *Hall,* 437 F.3d at 101 (citing 6A Charles Alan Wright et al., Fed. Prac. & Proc. Civ. § 1504, at 186–87 (2d ed. 1990). "[D]elay without the requisite prejudice is ordinarily insufficient to justify denial of leave to amend." *The Fund For Animals*, 246 F.R.D. at 55 (quoting *Dove v. Wash. Metro. Area Transit Auth.*, 221 F.R.D. 246, 249 (D.D.C. 2004)). Thus, a court "should not deny supplementing a complaint

based solely on the time elapsed between the filing of the complaint and the request for leave to supplement," and must instead consider the dispositive factor of whether the defendant would be unduly prejudiced. *Id.* (citing *Atchinson v. District of Columbia*, 73 F.3d 418, 426 (D.C. Cir. 1996)).

Here, neither delay nor prejudice exists. As an initial matter, only nine months have passed since Plaintiffs filed their original Complaint, and mere weeks have passed since the promulgation of the Final Rule. *Cf. The Fund For Animals*, 246 F.R.D. at 55 (granting motion for leave to supplement complaint filed four years after original complaint). And as explained above, EPA has "not yet filed the [complete] administrative record" for this cause of action, so "the current stage of the proceedings does not weigh against granting the plaintiffs' motion" to supplement the complaint. *See The Fund For Animals*, 246 F.R.D. at 55.

More importantly, EPA will suffer no prejudice by the proposed supplementation of the Complaint. Plaintiffs' new claims are "closely related to the claim[] already before the [C]ourt" and thus supplementation presents "no prejudice to Defendants." *Powell v. Internal Revenue Serv.*, 263 F. Supp. 3d 5, 7 (D.D.C. 2017) (quoting *The Fund For Animals*, 246 F.R.D. at 55); *see also Aftergood v. C.I.A.,* 225 F. Supp. 2d 27, 31 (D.D.C. 2002) (granting leave to supplement with "substantially identical" claims that "will not surprise or prejudice the defendant."). Nor will EPA be denied the opportunity to present facts or evidence as a result of supplementation. *Cf. Dove*, 221 F.R.D. at 248 (quoting *Foremost-McKesson, Inc. v. Islamic Republic of Iran*, No. CIV. A. 82-0220, 1988 WL 122568, at *4 (D.D.C. Nov. 8, 1988)) ("Undue prejudice is not mere harm to the non-movant but a denial 'of the opportunity to present facts or evidence which [ ] would have [been] offered had the amendment[ ] been timely.'"). And given that EPA's complete exemption of CAFOs from EPCRA's reporting requirements has been and continues to

remain in place during the pendency of this litigation, any claim of prejudice to EPA or to CAFOs belies logic. Indeed, it is Plaintiffs, their millions of members, and the communities across the country who continue to be denied information to which they have a statutory right that will suffer prejudice were the court to deny supplementation, thereby unnecessarily delaying the requested vacatur of EPA's illegal Final Rule.

Thus, for all of these reasons, allowing supplementation of the Complaint will neither unduly delay nor unfairly prejudice EPA. No factor weighs against supplementation, and this Court should therefore grant this Motion.

CONCLUSION

For the reasons set forth above, this Court should grant Plaintiffs' Motion and allow Plaintiffs to supplement their Complaint as set forth in Attachment 1.

Respectfully submitted on July 1, 2019.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Completion and Supplementation of the Administrative Record will be served via the Court's electronic filing system and will therefore be served on Defendants and their counsel.

Dated this 1st day of July 2019.

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