

**BEFORE THE UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

Farm-to-Consumer Legal Defense Fund, et al.	:	Case No. 1:08-cv-01546-RMC
	:	
	:	
Plaintiffs	:	Judge Rosemary M. Collyer
	:	
v.	:	
	:	
U.S. Department of Agriculture, et al.	:	
	:	
Defendants	:	

**PLAINTIFFS' NOTICE OF INTENT TO FILE SUPPLEMENT TO
ADMINISTRATIVE RECORD**

Plaintiffs intend to file a supplement to the administrative record that was filed in this matter by Defendant United States Department of Agriculture on December 12, 2008.

LCvR 7(n)(1) provides, in part, that “In cases involving the judicial review of administrative agency actions, counsel shall provide the Court with an appendix containing copies of those portions of the administrative record that are cited or otherwise relied upon in any memorandum in support of or in opposition to any dispositive motion.” In addition, LCvR 7(n)(2) provides, in part, that the appendix “shall be prepared jointly by the parties and filed within 10 days following the final memorandum on the subject motion.” Finally, LCvR 7(n)(3) provides, in part, that “the parties may request the option to submit separate appendices to be filed with any memorandum in support of, or in opposition to, the dispositive motion.”

In this case, USDA has unilaterally filed an administrative record without first consulting with Plaintiffs. Also, USDA has filed the record before the close of all the papers to be filed in this matter that relate to Defendants' respective

motions to dismiss.

Consequently, Plaintiffs wish to inform the Court that they will be consulting with Defendants in an effort to agree on the contents of the appendix that will constitute the administrative record in this case. In the event the parties cannot agree on an appendix, Plaintiffs will be submitting their own appendix.

Respectfully submitted,

Dated: December 18, 2008

/s/ David G. Cox
David G. Cox (D.C. Bar No. OH 0020)
4240 Kendale Road
Columbus, OH 43220
dcoxlaw@columbus.rr.com
Phone: 614-457-5167
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2008, I electronically filed the
PLAINTIFFS' NOTICE OF INTENT TO FILE SUPPLEMENT TO
ADMINISTRATIVE RECORD with the Clerk of the Court using the CM/ECF
system, which will send notification of such filing to the following:

Peter T. Wechsler
peter.wechsler@usdoj.gov
Trial Attorney
United States Department of Justice
Civil Division
Federal Programs Branch
20 Massachusetts Avenue, N.W.
Washington, D.C. 20530
Counsel for USDA

and

James E. Riley
rileyje@michigan.gov
First Assistant
Danielle Allison-Yokom
allisonyokomd@michigan.gov
Assistant Attorney General
Michigan Department of Agriculture
Environment, Natural Resources
and Agriculture Division
525 West Ottawa Street
6th Floor Williams Building
Lansing, MI 48913
Counsel for MDA

/s/ David G. Cox
David G. Cox