

**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 DEFICIENCIES AND OMISSIONS IN
SUPPLEMENTAL RECORD**

By Minute Order dated May 18, 2009, the Court granted Plaintiffs' motion for leave to file a supplemental record. Defendant USDA unilaterally filed a supplemental record on July 15, 2009 without affording Plaintiffs an opportunity to review it first. After reviewing the supplemental record, Plaintiffs have discovered it contains several deficiencies and omissions.

For example, USDA did not file several of the documents identified by Plaintiffs in Exhibit A to their motion for leave to file a supplemental record. In addition, other documents filed by USDA are not complete, for example, several two-page press releases have only the first page filed. Other examples also exist.

Plaintiffs have sent counsel for USDA a letter identifying all of the deficiencies and omissions and has requested that USDA correct those deficiencies and omissions. Plaintiffs anticipate resolving this issue without resorting to the Court. However, Plaintiffs reserve their right to raise this issue with the Court in the event the parties cannot resolve this issue.

Respectfully submitted,

Dated: June 26, 2009

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CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2009, I electronically filed the forgoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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