

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

GREEN CLIMATE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Case No. 1:25-cv-1760-CJN
BROOKE ROLLINS, in her official	)	
capacity as Secretary of Agriculture,	)	
	)	
Defendant.	)	
	)	

**OPPOSITION TO MOTION FOR RELIEF FROM LOCAL RULE 7(n)**

On August 8, 2025, Defendant Brooke L. Rollins, Secretary of Agriculture in her official capacity, filed a Motion to Dismiss the cause of action and a Motion for Relief from Local Rule 7(n). Plaintiff opposes both motions. With regard to the Motion for Relief, Defendant argues that while this is an appeal of an agency action, she is very likely to win the Motion to Dismiss and therefore, the Court need not require that a certified list of the contents of the administrative record be filed simultaneously with the filing of the motion to dismiss (no answer has been filed). Motion for Relief, 1. Defendant further reasons that the comment to Local Rule 7(n) better applies to consideration of summary judgment motions than initial motions. *Id. at 2*. Also, since Defendant's Motion to Dismiss does not rely on an administrative record, Plaintiff should not need one to respond to the Motion to Dismiss or otherwise. *Id.*

**LOCAL RULE 7(n)**

Local Rule 7(n) is not ambiguous. "In cases involving the judicial review of administrative agency actions, unless otherwise ordered by the Court, the agency must file a certified list of the contents of the administrative record with the court within 30 days following service of the answer

to the complaint or simultaneously with the filing of a dispositive motion, whichever occurs first.” Defendant filed a dispositive motion on August 8, 2025, without complying with the rule. Instead, Defendant tasks the Court with reviewing the Motions to Dismiss and then determining whether a certified list of the contents of the administrative record should be filed. Plaintiff recognizes that Defendant is confident of the success of the Motion to Dismiss, but we are also confident of our success in convincing the Court’s to dismiss the motion. The better practice would be for Defendant to first seek relief from the local rule, before filing a dispositive motion. Defendant could file an answer and then a Motion to Dismiss. That course would delay the production of the administrative record for 30 days following service of the answer and allow the Court to review any dispositive motion(s) while the deadline to file the administrative record had not passed.

Defendant’s argument that the note to the local rule should be read to apply to motions for summary judgements is difficult to understand given that the case is far from that stage and that without the administrative record and other relevant evidence, a motion for summary judgement would be virtually impossible to draft. Of course, the real question is why would the Court adopt a local rule that is applicable to initial filings by agency defendants when it meant for the rule to apply to summary judgment motions?

It does appear that there may be little administrative record. Without the production of details of the record not disclosed to the public, Plaintiff has no ability to counter Defendants arguments that there is no record. As a result the Court has no basis to determine whether the record is necessary for Plaintiff to respond to the Motion to Dismiss. If there is a relatively small administrative record, the task of providing an index thereof should not be burdensome.

At this point the Plaintiff must argue from only three documents:

- White House Executive Order (EO) 14225 (March 1, 2025), *Immediate Expansion of American Timber Production*;
- Secretary of Agriculture, Brooke L. Rollins Memorandum (Memo) 1078-006 (April 3, 2025, published April 4, 2025), *Increasing Timber Production And Designating An Emergency Situation On National Forest System Lands*; and
- Christopher B. French, Acting Associate Chief, United States Forest Service Letter (Letter) (1300) (April 3, 2025), *Implementation of Secretarial Memo 1078-006*.  
(Attached)

With only this record, it is clear that the EO ordered the immediate expansion of timber harvesting and sales. To that end, Defendant was ordered to act within 30 days. Defendant took action well beyond her legal authority under the EO and in contravention of USDA statutes and regulations by declaring an emergency to justify the immediate harvesting and sale of additional timber under the Infrastructure Investment and Jobs Act (IIJA). The Memo directed the Under Secretary, the Chief of the U.S. Forest Service to implement the emergency actions. And, the Letter does so by directing the National Forest Service to act within 90 days to adopt a strategy and program of work to increase timber volume on National Forest Service land by 25% over the next five years.

The actions ordered by the Letter or any other details with regard to the letter do not appear to be in the public domain. All are outside of the normal administrative process followed by the NFS or any IIJA process. A specific example of the agency avoiding public disclosure is that the Letter includes a reference to “Attachment 1: Regional Specific Actions.” That Attachment is not included with the letter and cannot be found by searching the USDA website.

Granting the Motion for Relief will allow Defendant and her agency to continue to operate in the dark. Plaintiff can only challenge the orders in the Memo at this stage in the process and cannot rely on Defendant's assurance that final orders made by her in April of 2025 may be legally challenged at some later point in this process. Only through full and open discovery, can the Court evaluate the legality of Defendant's actions and the merits of the present cause of action.

Finally, Defendant steps through numerous cases arguing that the Court has the discretion to grant the Motion for Relief. Motion for Relief, 2-4. Plaintiff does not question the Court's authority to grant Defendant's motion. Plaintiff asks the Court to recognize that without more information regarding the administrative record, our ability to respond to the Motion to Dismiss is significantly diminished and deny the Motion for Relief. Following this denial, Plaintiff asks that the Court set a deadline no longer than 10 days for Defendant to comply with the rule and delay Plaintiff's deadline to reply to the Motion to Dismiss an equivalent number of days.

Respectfully submitted this 13th day of August, 2025.

/s/ John M Holloway III

John M. Holloway III (VA 39122)  
Climate Law & Strategy, PLLC  
1507 Grove Ave.  
Richmond, VA 23220  
804.307.3817  
[Jholloway@climatelawstrategy.com](mailto:Jholloway@climatelawstrategy.com)

Attorney for Green Climate