

**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.)	

NOTICE OF SUPPLEMENTAL AUTHORITY

On September 5, 2025, the United States Court of Appeals for the District of Columbia issued a decision in *SSM Litigation Group v. Environmental Protection Agency* (No. 23-1267). (Attachment 1) Of relevance to the present matter is the D.C. Circuit’s holding that SSM proved associational standing through declarations attached to its reply brief, not in its opening brief. The key fact in this decision is that review of the administrative record provided the clarity necessary to prove plausible harm to at least one of SSM’s members. Relevant language to this point is as follows.

To be sure, SSM neglected in its opening brief to attach declarations from any member association, instead providing those declarations only in its reply brief period but that delay in providing evidence of standing is excusable because (1) the administrative record “went a long way towards showing standing”; (2) the reply brief declarations did not raise a new theory of standing and made standing “patently obvious”; and (3) EPA suffered no prejudice from the delay. *Nat’l Council for Adoption v. Blinken*, 4 F.4th 106, 112 (D.C. Cir. 2021).

Id. at 6.

In the present matter, Defendant argues that Green Climate's complaint should be struck because it failed to attach affidavits or other evidence establishing standing under an unidentified legal standard. While Green Climate is confident that legal standing to bring this appeal is well proven, we are operating without an administrative record or even an index thereto. Defendant's justification for not providing an index to Green Climate is that it is inconvenient given its confidence that the Motion to Dismiss is so strong, the Court has no option but to grant it.

This case contains facts similar to those before the D.C. Circuit in the SSM case. If, for example, the index indicates that the actual forests that will be harvested are those that our members use and study, there would be an unquestionable cause and effect relationship. These forests are all highlighted in Map 1 as part of the additional timber harvest per the Emergency Situation Determination at issue (Attachment 2).

The *SSM* decision holds even greater weight in this Court since SSM had an entire opening brief before a Circuit Court of Appeals, not just an initial complaint before a District Court.

We ask that the Court withhold judgement on the Motion to Dismiss, deny Defendant's Motion for Relief from Rule 7(n) and once the index of the Administrative Record is provided, allow Green Climate the opportunity to file an additional pleading.

Respectfully submitted,

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