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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

**KELSEY CASCADIA ROSE JULIANA;**  
**XIUHTEZCATL TONATIUH M.**, through  
his Guardian Tamara Roske-Martinez; et al.,

Plaintiffs,

v.

**The UNITED STATES OF AMERICA;**  
**DONALD TRUMP**, in his official capacity  
as President of the United States; et al.,

Defendants.

Case No.: 6:15-cv-01517-TC

**SECOND SUPPLEMENTAL  
DECLARATION OF ANDREA K. RODGERS**  
in Support of Plaintiffs' Reply in Support of  
Motion *in Limine* Seeking Judicial Notice of  
Federal Government Documents

**SECOND SUPPLEMENTAL DECLARATION OF ANDREA K. RODGERS IN  
SUPPORT OF PLAINTIFFS' REPLY IN SUPPORT OF MOTION *IN LIMINE***

I, Andrea K. Rodgers, hereby declare and if called upon would testify as follows:

1. I am an attorney of record in the above-entitled action. I make this Second Supplemental Declaration in support of Plaintiffs' Reply in Support of Motion *in Limine* Seeking Judicial Notice of Federal Government Documents (ECF No. 331). I have personal knowledge of the facts stated herein, except as to those stated upon information and belief, and if called to testify, I would and could testify competently thereto.
2. I submit this Second Supplemental Declaration in light of correspondence that we received from the Defendants on September 13, 2018,<sup>1</sup> weeks after Plaintiffs filed their Reply Brief on August 3, 2018 (ECF No. 331) and their first Supplemental Declaration of Andrea K. Rodgers in Support of Plaintiffs' Reply Brief on August 15, 2018 (ECF No. 334) ("First Rodgers Supp."). A true and correct copy of the correspondence is attached as **Exhibit 1** to this Declaration.
3. Based upon additional foundational information Plaintiffs provided to Defendants in the First Rodgers Supp., Defendants have changed their position on 11 exhibits. *See* Ex. 1. Defendants now do not object to the Court taking judicial notice of 297 documents; take no position on 63 documents; and object to 4 documents on the basis of inadequate foundation.
4. There are now only 4 exhibits to which Defendants continue to object. *See* Exs. 1, 2. A table of these exhibits is attached as **Exhibit 2** to my Declaration. Plaintiffs have

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<sup>1</sup> Plaintiffs originally received a letter from Defendants with updated positions on September 7, 2018. In response to this letter indicating that Defendants continuing objections to two exhibits were based on issues accessing the documents through the provided URLs. Plaintiffs provided Defendants with updated information and URLs for these exhibits, and on September 13, 2018, Defendants sent a second letter updating their position on these two exhibits. For simplicity's sake, Plaintiffs are only attaching the more up-to-date letter.

provided the legal basis for the Court taking judicial notice of these documents in their Motion and Reply Brief, ECF No. 331, and Exhibit 2.

5. Attached as **Exhibit 3** to this Declaration is a revised table listing the 297 documents to which Defendants have raised no objections. Plaintiffs request that this Court take judicial notice of these documents and Defendants do not object. ECF No. 327 at 2 (“Defendants respectfully request that the Court take judicial notice of the existence and authenticity of documents for which Defendants have ‘no objection’ . . . .”). In Exhibit 3, Plaintiffs have highlighted in yellow the documents that Defendants had previously objected to prior to their September 13, 2018 letter. *See* Ex. 1.
6. There are 63 remaining documents to which Defendants take “no position.” Attached as **Exhibit 4** to my Declaration is a table of these exhibits. Plaintiffs have highlighted in yellow the documents that Defendants had previously objected to prior to their September 13, 2018 letter. *See* Ex. 1. Plaintiffs have provided the legal basis for the Court taking judicial notice of these documents in their Motion and Reply Brief.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED this 14th day of September, 2018.

Respectfully submitted,

*s/ Andrea K. Rodgers*  
Andrea K. Rodgers