

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

GROCERY MANUFACTURERS)
ASSOCIATION, SNACK FOOD)
ASSOCIATION, INTERNATIONAL)
DAIRY FOODS ASSOCIATION, and)
NATIONAL ASSOCIATION OF)
MANUFACTURERS,)

Plaintiffs,)

v.)

WILLIAM H. SORRELL, in his official)
capacity as the Attorney General of)
Vermont; PETER E. SHUMLIN, in his)
official capacity as Governor of Vermont;)
TRACY DOLAN, in her official capacity)
as Commissioner of the Vermont)
Department of Health; and JAMES B.)
REARDON, in his official capacity as)
Commissioner of the Vermont Department)
of Finance and Management,)

Defendants.)

Case No. 5:14-cv-117-cr

PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE OF CERTAIN MATERIALS
CITED IN SUPPORT OF THEIR MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Evidence 201, Plaintiffs Grocery Manufacturers Association, Snack Food Association, International Dairy Foods Association, and National Association of Manufacturers ("Plaintiffs"), by and through their counsel, respectfully request that the Court take judicial notice of certain materials cited in their Memorandum of Points and Authorities in Support of their Motion for a Preliminary Injunction, and state as follows:

1. On September 11, 2014, Plaintiffs filed a Motion for a Preliminary Injunction and associated documents, including a Memorandum of Points and Authorities in Support of the Motion. *See* ECF No. 33.

2. Plaintiffs noted in their Memorandum (at 12) that they intended to file certain transcripts with the court the following day. Plaintiffs have attached and seek judicial notice of the following transcripts:

Exhibit 1: Hearing Before the House Committee on Judiciary, Apr. 18, 2013, CD No. 13-124 (misabeled as “14-124”) (excerpts)

Exhibit 2: Hearing Before the House Committee on Judiciary, Apr. 18, 2013, CD No.13-125 (excerpts)

Exhibit 3: Hearing Before the Senate Committee on Agriculture, Feb. 7, 2014 (excerpts)

Exhibit 4: Hearing Before the Senate Committee on Judiciary, Mar. 19, 2014 (excerpts)

Exhibit 5: Hearing (Mark Up) Before the Senate Committee on Judiciary, Apr. 3, 2014 (excerpts)

3. Plaintiffs request judicial notice of the following documents, by category:

Exhibit 6: Other State Government Materials

1. Letter from William H. Sorrell, Attorney General, to Honorable Richard Sears, Chair, Senate Committee on Judiciary, April 1, 2014.
2. Office of the Atty. Gen., *GE Food Labeling Rule Questionnaire*, June 5, 2014.
3. Office of the Atty. Gen., *GE Food Labeling Rule Questionnaire Summary of Results*, Jul. 16, 2014
4. Office of the Atty. Gen., *GE Food Labeling Rule Frequently Asked Questions*, Aug. 29, 2014
5. Agency of Agriculture, Food, & Markets, *Reported Genetically Engineered Seed Sales in Vermont, 2002 to 2012*, Oct. 11, 2013.
6. O’Grady, *H.112 Side by Side of House Passed Bill and Senate Proposal of Amendment*, Apr. 16, 2014.

Exhibit 7: Selected News Materials

1. Myers, *Advocates: GMO Label Law Not Enforced*, Times Argus, Feb. 2, 2006.
2. Rathke, *Genetically Engineered Seed Liability Bill Vetoed*, Times Argus, May 16, 2006.
3. Moats, *GMO Labeling Bill Faces New Challenge*, Times Argus, March 30, 2012.
4. Hallenbeck, *The Great GMO Debate*, Burlington Free Press, April 23, 2012.
5. D'Ambrosio, *With Vermont In Front, GMO Fight Heats Up*, Burlington Free Press, June 9, 2013.
6. Gordon Dritschilo, *Shumlin: GMO Labeling Good, Bill Bad*, Rutland Herald, March 4, 2013.
7. Tavis Smiley, *Interview with Vermont's Governor Peter Shumlin*, PBS.org, May 7, 2014 (transcript reformatted from web version; original and broadcast available at <http://www.pbs.org/wnet/tavissmiley/interviews/peter-shumlin>)

Exhibit 8: FDA and Professional Society Materials

1. White House Office of Science and Technology Policy, Coordinated Framework for Regulation of Biotechnology, 51 Fed. Reg. 23302 (June 26, 1986) (includes FDA Policy Statement of same date)
2. FDA, Statement of Policy: Foods Derived from New Plant Varieties, 57 Fed. Reg. 22984 (May 29, 1992)
3. FDA, Draft Guidance for Industry, Voluntary Labeling Indicating Whether Foods Have or Have Not Been Developed Using Bioengineering, Jan. 17, 2001 (as published on FDA.gov)
4. CQ Congressional Transcripts, House Appropriations Subcommittee Hearing, Mar. 27, 2014 (excerpt from testimony of Dr. Margaret Hamburg)
5. American Medical Association, Policy H-480.958, Bioengineered (Genetically Engineered) Crops and Foods (June 2012)

6. American Association for the Advancement of Science,
Statement by the AAAS Board of Directors on Labeling of
Genetically Modified Foods, Oct. 20, 2012

DATE: September 12, 2014

Respectfully submitted,

/s/ Catherine E. Stetson
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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, Catherine E. Stetson, counsel for Plaintiffs, hereby certify that on September 12, 2014, I electronically followed the foregoing Request by the CM/ECF system, which will send notification of such filing to all registered participants.

Dated: September 12, 2014

/s/ Catherine E. Stetson
Catherine E. Stetson