

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FRONT RANGE EQUINE RESCUE, THE
HUMANE SOCIETY OF THE UNITED
STATES, MARIN HUMANE SOCIETY,
HORSES FOR LIFE FOUNDATION, RETURN
TO FREEDOM, FOUNDATION TO PROTECT
NEW MEXICO WILDLIFE, RAMONA
CORDOVA, KRYSTLE SMITH, CASSIE
GROSS, DEBORAH TRAHAN, BARBARA
SINK, SANDY SCHAEFER, TANYA
LITTLEWOLF, CHIEF DAVID BALD EAGLE,
CHIEF ARVOL LOOKING HORSE and
ROXANNE TALLTREE-DOUGLAS,

Plaintiffs,

v.

TOM VILSACK, Secretary U.S. Department of
Agriculture; ELIZABETH A. HAGEN, Under
Secretary for Food Safety, U.S. Department of
Agriculture; and ALFRED A. ALMANZA,
Administrator, Food Safety and Inspection
Service, U.S. Department of Agriculture,

Defendants.

Civil No. 1:13-CV-00639-MCA-RHS

PLAINTIFFS' NOTICE REGARDING OPENING BRIEF ON THE MERITS

Plaintiffs file this Notice to explain the revisions made to their Opening Brief on the Merits to conform to the Federal Rules of Appellate Procedure ("FRAP") per the Court's September 19, 2013 Order, ECF No. 159. In particular, Plaintiffs made two types of nonsubstantive changes in response to the issues raised in the Defendant-Intervenors' Joint Motion to Comply with the Court's Scheduling Order dated August 29, 2013 and FRAP 28 and 32.

First, Plaintiffs increased the typeface from 12-point to 14-point font, per FRAP 32(a)(5) and provided a certification of compliance with the type-volume limitation per FRAP 32(a)(7)(B).

Second, Plaintiffs modified the Opening Brief's sections, section headings, and section sequence to comply with FRAP 28(a). These specific changes are detailed in the chart below.

Original Merits Brief	September 23, 2013 Merits Brief
Table of Contents	<i>Disclosure Statement (new section)</i>
Table of Authorities	Table of Contents
Preliminary Statement	Table of Authorities
Factual Background	<i>Jurisdictional Statement (new section)</i>
Statutory Background	<i>Statement of Issues (new section)</i>
Procedural History	Preliminary Statement
Argument	Statement of the Case (formerly Procedural History)
Conclusion	Statement of Facts (formerly Factual Background)
Proposed Order	Statutory and Regulatory Background
	Summary of Argument (formerly Conclusion)
	Argument
	Conclusion (formerly Proposed Order)
	<i>Certificate of Compliance (new section)</i>

Respectfully submitted this 23rd day of September 2013.

/s/ Bruce A. Wagman

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CERTIFICATE OF SERVICE

I certify that on September 23, 2013, I filed through the United States District Court ECF System the foregoing document to be served by CM/ECF electronic filing on all counsel of record.

/s/ Bruce A. Wagman

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