

# **EXHIBIT A**

IN THE CIRCUIT COURT  
COLE COUNTY, MISSOURI

STATE OF MISSOURI ex rel )  
BARBARA SINK, )  
FRIENDS OF KC ANIMALS, )  
CTM SERENITY HORSE RESCUE )

RELATORS )

v )

SARA PARKER PAULEY )  
DIRECTOR, MISSOURI DEPARTMENT OF )  
NATURAL RESOURCES, IN HER )  
OFFICIAL CAPACITY )

Case No. 13AC-CC-00464

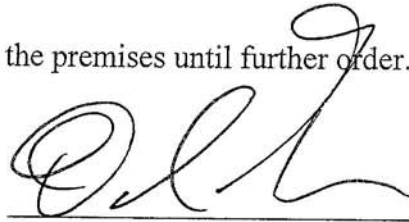
RESPONDENT

PRELIMINARY ORDER  
IN PROHIBITION

The State of Missouri to Respondent SARA PARKER PAULEY.

You are hereby directed to file your pleadings to the petition in prohibition on or before the 5<sup>th</sup> day of September 2013, and to serve a copy of your pleading upon Stephen G. Jeffrey, attorney for relator, whose address is 20 South Central Avenue, Suite 306, St Louis MO 63105. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition.

You are ordered to refrain from all action in the premises until further order.



JUDGE

Dated: 8/5/13

STATE OF MISSOURI )  
COUNTY OF COLE ) ss

Clerk of the Circuit Court of Cole County, Missouri, hereby certify that the above and foregoing is a full true and correct copy of

*Ade*  
as fully as the same remains of record in my said office.  
IN WITNESS WHEREOF, I have hereunto set my hand and affixed  
the seal of my said office this 5 day of Aug 13

*Myer*  
Clerk  
Circuit Court of Cole County, Missouri

# **EXHIBIT B**



**Feeler, Steve**

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**From:** Feeler, Steve  
**Sent:** Friday, September 20, 2013 4:43 PM  
**To:** City of Gallatin  
**Subject:** RE: Rains Natural Meats

Mr. Johnson,

To clarify our previous conversation, and the email below, please be advised that the City of Gallatin is not authorized to accept wastewater from an equine processing facility until the Department of Natural Resources determines that accepting said wastewater will be in compliance with Gallatin's permit.

If you would like to discuss this further, please contact me at (573) 619-7090.

Thank you,

Steven Feeler  
Deputy Director  
Division of Environmental Quality  
Missouri Department of Natural Resources

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**From:** Feeler, Steve  
**Sent:** Friday, September 20, 2013 2:51 PM  
**To:** City of Gallatin  
**Cc:** 'bballew@gallatinmo.com'  
**Subject:** Rains Natural Meats

Dear Mr. Johnson,

It has come to the attention of the Department of Natural Resources that the City of Gallatin Wastewater Treatment Facility (WWTF) has a contract with Rains Natural Meats, an animal slaughtering operation, to accept a new waste stream consisting of process wastewater to be pumped and hauled from the Rains' facility. As you may know, a variety of concerns have been raised regarding the handling of this wastewater. In light of this information the Department respectfully requests the City of Gallatin provide a copy of said contract and any information or data the City has compiled through the characterization of the waste water from this facility. In addition, the Department seeks any information the City of Gallatin WWTF has addressing the treatment facility's ability to treat the wastewater, particularly any possible pollutants of concern, the treatment facility's ability to meet permitted effluent limits upon acceptance of any waste from said slaughtering facility, as well as any estimate on the amount of flow the City plans to accept.

Thank you for your cooperation in this matter.

**Steven Feeler**  
**Deputy Director**  
**Division of Environmental Quality**  
**Missouri Department of Natural Resources**  
**(573) 751-0763**

**Feeler, Steve**

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**From:** Feeler, Steve  
**Sent:** Friday, September 20, 2013 2:51 PM  
**To:** City of Gallatin  
**Cc:** 'bballew@gallatinmo.com'  
**Subject:** Rains Natural Meats

Dear Mr. Johnson,

It has come to the attention of the Department of Natural Resources that the City of Gallatin Wastewater Treatment Facility (WWTF) has a contract with Rains Natural Meats, an animal slaughtering operation, to accept a new waste stream consisting of process wastewater to be pumped and hauled from the Rains' facility. As you may know, a variety of concerns have been raised regarding the handling of this wastewater. In light of this information the Department respectfully requests the City of Gallatin provide a copy of said contract and any information or data the City has compiled through the characterization of the waste water from this facility. In addition, the Department seeks any information the City of Gallatin WWTF has addressing the treatment facility's ability to treat the wastewater, particularly any possible pollutants of concern, the treatment facility's ability to meet permitted effluent limits upon acceptance of any waste from said slaughtering facility, as well as any estimate on the amount of flow the City plans to accept.

Thank you for your cooperation in this matter.

**Steven Feeler**  
**Deputy Director**  
**Division of Environmental Quality**  
**Missouri Department of Natural Resources**  
**(573) 751-0763**

# **EXHIBIT C**

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

**DECLARATION OF CASSIE GROSS**

I, Cassie Gross, declare as follows:

1. I am over eighteen years of age and make this statement of my own free will. The statements here of my own personal knowledge or based on information and belief. The facts set forth are true to the best of my knowledge and recollection. If called, I could and would testify to these facts in a court of law.

2. I have lived in Roswell for over thirty years, and have worked for the Roswell Humane Society for twenty years.




3. I make less than \$12,000 per year in my job.

4. I am a plaintiff in the above-captioned action and have obtained a temporary restraining order (TRO) against defendants, pursuant to the order entered by this Court on August 2, 2013.

5. Because of my meager income, and the fact that I have no financial assets, I am unable to pay any bond amount to secure the injunction/TRO entered by this Court.

I declare under penalty of perjury that the foregoing is true and correct, based on my own personal knowledge and experience.

Executed this 12<sup>th</sup> day of September 2013, in Roswell, New Mexico.

  
\_\_\_\_\_  
Cassie Gross

# **EXHIBIT D**

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

**DECLARATION OF KRYSTLE SMITH**

I, Krystle Smith, declare as follows:

1. I am over eighteen years of age and make this statement of my own free will. The statements here of my own personal knowledge or based on information and belief. The facts set forth are true to the best of my knowledge and recollection. If called, I could and would testify to these facts in a court of law.
2. I have lived in Roswell my entire life. My grandmother and mother have also lived in Roswell and southern New Mexico for their entire lives. I have been employed at the Roswell Humane Society for the past seven years.

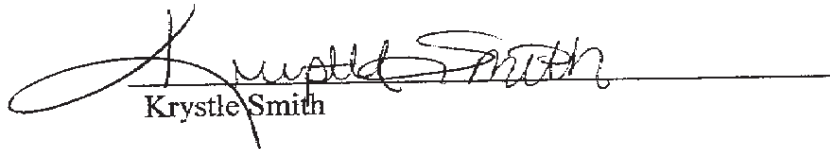
3. I make less than \$20,000 per year in my job.

4. I am a plaintiff in the above-captioned action and have obtained a temporary restraining order (TRO) against defendants, pursuant to the order entered by this Court on August 2, 2013.

5. Because of my meager income, and the fact that I have no financial assets, I am unable to pay any bond amount to secure the injunction/TRO entered by this Court.

I declare under penalty of perjury that the foregoing is true and correct, based on my own personal knowledge and experience.

Executed this 12<sup>th</sup> day of September 2013, in Roswell, New Mexico.

  
Krystle Smith

# **EXHIBIT E**

**Thompson, Eric - FSIS**

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**From:** Thompson, Eric - FSIS  
**Sent:** Friday, August 30, 2013 2:54 PM  
**To:** Hammar, Melissa - FSIS  
**Cc:** Engeljohn, Daniel - FSIS; Gilmore, Keith - FSIS; Bane, Robert - FSIS; Cornett, Julie - FSIS; Kiecker, Paul - FSIS  
**Subject:** RE: Equine -- MO

Good Afternoon Melissa,

We are assuming Mr. Rains lawyer figured out that he can self attest. If we get the self attestation for the clean water act, then we will be ready to issue the grant. All Mr. Rains will say is that he will submit documents Tuesday. I have sent you a list of all the documents we have and what we need. The CatEx will come from Dr. Engeljohn. All we need from Rains is the 401 certificate or a self attestation, and he has yet to receive a 401 certificate from the MO DNR. The rest of what is needed we have (grant, cover letter, voluntary withdrawal, and Hours of operations request) in the office and just need to complete and sign. If we get some form of attestation from Rains on Tuesday, I will send it to your office for review. Thanks.

Eric Thompson  
Deputy District Manager  
United States Department of Agriculture  
Springdale District Office  
4700 South Thompson  
Bldg B, Suite 201, Springdale, AR 72764  
[eric.thompson@fsis.usda.gov](mailto:eric.thompson@fsis.usda.gov)  
Phone-479-751-8412

OFO - Verifying Food Safety and Animal Welfare Everyday

-----Original Message-----

**From:** Hammar, Melissa - FSIS  
**Sent:** Friday, August 30, 2013 2:13 PM  
**To:** Thompson, Eric - FSIS  
**Subject:** RE: Equine -- MO

You mentioned that Rains will send you more documents on Tuesday. After you receive the documents will you be ready to issue the grant? I'm just trying to figure out when I need to send Dan the updated catex document.

-----Original Message-----

**From:** Thompson, Eric - FSIS  
**Sent:** Friday, August 30, 2013 2:31 PM  
**To:** Engeljohn, Daniel - FSIS  
**Cc:** Kiecker, Paul - FSIS; Gilmore, Keith - FSIS; Hammar, Melissa - FSIS  
**Subject:** RE: Equine -- MO

We can assign inspection immediately after issuing the grant of inspection. One question, I do not know what a CatEx document is.

Eric Thompson  
Deputy District Manager  
United States Department of Agriculture  
Springdale District Office  
4700 South Thompson  
Bldg B, Suite 201, Springdale, AR 72764  
[eric.thompson@fsis.usda.gov](mailto:eric.thompson@fsis.usda.gov)  
Phone-479-751-8412

AR0004803

OFO - Verifying Food Safety and Animal Welfare Everyday

-----Original Message-----

From: Engeljohn, Daniel - FSIS  
Sent: Friday, August 30, 2013 1:01 PM  
To: Thompson, Eric - FSIS  
Cc: Kiecker, Paul - FSIS; Gilmore, Keith - FSIS; Hammar, Melissa - FSIS  
Subject: Fw: Equine -- MO

[REDACTED]

When would you assign inspection and begin inspecting once the grant is issued?

Daniel L. Engeljohn, PhD, Assistant Administrator, OFO, FSIS, USDA \*\*\*\*\* Voicemail: (202) 720 0089  
\*\*\*\*\* "OFO -- Verifying Food Safety and Animal Welfare Every Day"

----- Original Message -----

From: NOVAK, SHEILA - OGC  
Sent: Friday, August 30, 2013 01:55 PM  
To: Engeljohn, Daniel - FSIS; 'sheila.novak@usda.gov' <[sheila.novak@usda.gov](mailto:sheila.novak@usda.gov)>; Bolick, Thomas - OGC  
Subject: RE: Equine -- MO

Hi Dan,

[REDACTED]

[REDACTED]

[REDACTED]

How soon after you issue the grant do you think the plant will start operating?

-----Original Message-----

From: Engeljohn, Daniel - FSIS [<mailto:Daniel.Engeljohn@fsis.usda.gov>]  
Sent: Friday, August 30, 2013 12:43 PM  
To: 'sheila.novak@usda.gov'; Bolick, Thomas - OGC  
Subject: Equine -- MO

FSIS needs to know if [REDACTED]  
[REDACTED] I believe that FSIS will have to respond to the grant request as a final determination as early as mid-week. Thanks.

AR0004804

Daniel L. Engel, John, PhD, Assistant Administrator, OFO, FIS, USDA \*\*\* Vol 1: (20) 720 0089  
\*\*\*\*\* "OFO -- Verifying Food Safety and Animal Welfare Every Day"



# **EXHIBIT F**

**RAINS NATURAL MEATS**

23795 260th Street  
Gallatin, Missouri 64640  
Office: (660) 663-3674  
Cell: (660) 663-7101

August 5, 2013

**SENT VIA ELECTRONIC MAIL ONLY**

Missouri Department of Natural Resources  
ATTN: John Madras  
Water Protection Program  
P.O. Box 176  
Jefferson City, MO 65102  
john.madras@dnr.mo.gov

**RE: Addendum to Form E - Application for General Permit**

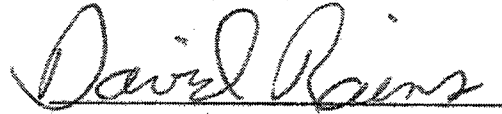
Dear Mr. Madras:

I am resubmitting Form E and I am clarifying issues the Department of Natural Resources (DNR) recently raised regarding the responses I made to your letter addressed to me on July 24, 2013. Due to the space on the form, I am attaching an addendum.

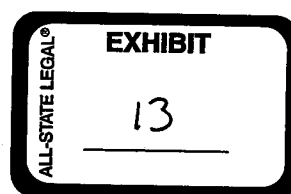
I hope this new application and the responses contained in this addendum is sufficient for DNR to immediately issue a permit to Rains Natural meats to commence meat processing.

Thank you,

Sincerely yours,  
RAINS NATURAL MEATS

  
DAVID RAINS, President

DR:ms  
cc: Marty Miller  
marty.miller@dnr.mo.gov



## **RAINS NATURAL MEATS**

**23795 260th Street  
Gallatin, Missouri 64640  
Office: (660) 663-3674  
Cell: (660) 663-7101**

### **ADDENDUM TO FORM E**

- **Section 7.0:**

*The Rains plant is a closed lagoon system and there is no outfall. We have permission to haul waste water to the City of Gallatin's sewer system if it ever becomes necessary to prevent any lagoon water from overflowing. In the 15 years of operation as a meat processing facility this has never become necessary even during extremely rare times of excess natural water.*

- **Section 7.10:**

*Not applicable. There is no outfall.*

- **Please explain any differences between information contained in the original application for a construction permit submitted several years ago, and the facility as built. For example, please indicate whether you intend to have a feedlot or compost facility.**

*The facility has been operated for 15 years as a multiple species meat processing facility - excluding equine. The facility will not have a feedlot or a compost facility.*

- **Please explain how any offal and/or process wastewater would be handled at the facility.**

*Unmarketable offal will be picked up by a licensed rendering company and hauled off site on a daily basis. Processing wastewater is handled through the existing lagoon system.*

- **Please state whether you intend to process horses at the facility, or whether you intend to solely process beef.**

*The facility at this time will be a multi-species processing facility - exclusive of equine. If any equine are to be processed at the facility a new permit will be applied for and obtained from the Department of Natural Resources before processing equine.*



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
 WATER PROTECTION PROGRAM  
**FORM E - APPLICATION FOR GENERAL PERMIT  
 UNDER MISSOURI CLEAN WATER LAW**

FOR AGENCY USE ONLY	
CHECK NUMBER	
DATE RECEIVED	FEE SUBMITTED

1.00 BRIEFLY DESCRIBE THE NATURE OF YOUR BUSINESS  
 Multiple species slaughter plant, excluding equine

- 1.10
- a. This facility is now in operation under Missouri Operating Permit Number, or NPDES, MO - G822153 and there is not a proposed increase in design stormwater or wastewater flow.
  - b. This facility is now in operation under Missouri Operating Permit Number MO - \_\_\_\_\_ and there is a proposed increase in design stormwater or wastewater flow.
  - c. This is a new permit (for a new facility).
  - d. Construction Permit if required by the General Permit.
- If you checked either item b or c above then you may need to submit an antidegradation review. See instructions.

2.00 NAME OF FACILITY  
 Rains Natural Meats

2.10 ADDRESS (PHYSICAL)	CITY	STATE	ZIP CODE
23795 260th Street	Gallatin	MO	64640

3.00 OWNER

NAME	E-MAIL ADDRESS	PHONE NUMBER WITH AREA CODE	FAX NUMBER WITH AREA CODE
Rains Natural Meats	kdix@ yahoo.com	(660) 663-3674	
STREET	CITY	STATE	ZIP CODE
23795 260th Street	Gallatin	MO	64640

4.00 CONTINUING AUTHORITY

NAME	E-MAIL ADDRESS	PHONE NUMBER WITH AREA CODE	FAX NUMBER WITH AREA CODE
Same			
STREET	CITY	STATE	ZIP CODE

5.00 OPERATOR (if applicable)

NAME	PHONE NUMBER WITH AREA CODE
Same	

6.00 FACILITY CONTACT

NAME	PHONE NUMBER WITH AREA CODE	FAX NUMBER WITH AREA CODE
Same		
TITLE		

7.00 FOR EACH OUTFALL GIVE THE LEGAL DESCRIPTION (ATTACH ADDITIONAL SHEETS AS NECESSARY)

Outfall Number SE ¼ SE ¼ 10 Sec. 59 T 27 R \_\_\_\_\_ Daviess County  
 Outfall Number ¼ ¼ Sec. T R \_\_\_\_\_ County

7.10 FOR EACH OUTFALL LIST THE NAME OF THE RECEIVING WATER

Outfall Number \_\_\_\_\_ Receiving Water unnamed tributary of Grand River  
 Outfall Number \_\_\_\_\_ Receiving Water \_\_\_\_\_

- 7.20 Does the discharge(s) for which you are seeking a permit discharge to a combined sewer system? Yes  No
- 7.40 Primary SIC Code \_\_\_\_\_
- 7.50 If this application is for a storm water permit, please provide an attached list of any materials that are stored outside and exposed to storm water.
- 7.60 Attach a USGS 1" = 2,000' scale map showing the location of the facility in relation to the local road system. Indicate on the map the facility, the receiving stream, the points of discharge and the map section, township and range.
- 7.70 If this is an existing discharge, submit a summary of pollutants analyzed in the past two years.
- 7.80 If applying for a permit for an industrial site (i.e. stormwater), what is the method of domestic wastewater disposal? \_\_\_\_\_
- 7.90 I certify that I am familiar with the information contained in the application and to the best of my knowledge and belief such information is true, complete and accurate, and if granted this permit, I agree to abide by the Missouri Clean Water Law and all rules, regulations, orders and decisions, subject to any legitimate appeal available to applicant under the Missouri Clean Water Law of Missouri Clean Water Commission.

A. NAME AND OFFICIAL TITLE (TYPE OR PRINT)	B. TELEPHONE NUMBER WITH AREA CODE
David Rains, Manager	(660) 663-3674
C. SIGNATURE	D. DATE SIGNED
<i>David Rains</i>	08/05/2013