

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

THE SUSTAINABILITY INSTITUTE,  
AGRARIAN TRUST, ALLIANCE FOR  
AGRICULTURE, ALLIANCE FOR THE  
SHENANDOAH VALLEY, BRONX RIVER  
ALLIANCE, CLEANAIRE NC,  
CONSERVATION  
INNOVATION FUND, EARTH ISLAND  
INSTITUTE, LEADERSHIP COUNSEL FOR  
JUSTICE AND ACCOUNTABILITY,  
MARBLESEED, ORGANIC ASSOCIATION OF  
KENTUCKY, PENNSYLVANIA ASSOCIATION  
FOR SUSTAINABLE AGRICULTURE AND  
RURAL ADVANCEMENT FOUNDATION  
INTERNATIONAL-USA,  
and  
MAYOR AND CITY COUNCIL OF  
BALTIMORE,  
CITY OF COLUMBUS, CITY OF MADISON,  
METROPOLITAN GOVERNMENT OF  
NASHVILLE AND DAVIDSON COUNTY, CITY  
OF NEW HAVEN, CITY OF SAN DIEGO

Plaintiffs,

v.

DONALD TRUMP, IN HIS OFFICIAL CAPACITY  
AS PRESIDENT OF THE UNITED STATES,  
KEVIN HASSETT, in his official capacity as  
Assistant to the President for Economic Policy and  
Director of the National Economic Council;  
UNITED STATES OFFICE OF MANAGEMENT  
AND BUDGET; RUSSELL VOUGHT, in his  
official capacity as Director of the United States  
Office of Management and Budget; UNITED  
STATES ENVIRONMENTAL PROTECTION  
AGENCY; LEE ZELDIN, in his official capacity  
as Administrator of the United States Environmental  
Protection Agency; UNITED STATES  
DEPARTMENT OF AGRICULTURE; BROOKE

Case No. 2:25-cv-02152-RMG

**MOTION FOR LEAVE TO FILE  
BRIEF OF AMICI CURIAE  
NONPROFIT RECIPIENTS OF  
FEDERAL FUNDING  
IN SUPPORT OF PLAINTIFFS'  
MOTION FOR A PRELIMINARY  
INJUNCTION**

ROLLINS, in her official capacity as Secretary of Agriculture; UNITED STATES DEPARTMENT OF TRANSPORTATION; SEAN DUFFY, in his official capacity as the Secretary of the United States Department of Transportation; UNITED STATES DEPARTMENT OF ENERGY; CHRIS WRIGHT, in his official capacity as the Secretary of the United States Department of Energy; UNITED STATES DEPARTMENT OF GOVERNMENTAL EFFICIENCY SERVICE; AMY GLEASON, in her official capacity as Acting Administrator of the United States DOGE Service; ELON MUSK, in his official capacity as Senior Advisor of the United States DOGE Service.  
Defendants.

Nonprofit recipients of federal funding ActiveSGV, Environmental Protection Network (EPN), Heru Urban Farming and Garden, Kalamazoo Climate Crisis Coalition, Landforce, and the MetroHealth System (collectively the “Nonprofit Grantees”) move for leave of this Court to file a brief as *amici curiae*. A copy of the proposed brief is attached to this motion.

Prior to filing, counsel for the Nonprofit Grantees sought consent from counsel for all parties. Plaintiffs consent to this motion. Defendants take no position on this motion.

*Amici* seek leave to file this brief within a reasonable time frame. Plaintiffs

#### **STATEMENT OF INTEREST OF AMICI CURIAE**

The Nonprofit Grantees are six nonprofit organizations that have been awarded federal grant funds, either as direct recipients or as sub-grantees, to carry out specific programs enacted by Congress under the Inflation Reduction Act (“IRA”) and Infrastructure Investment and Jobs Act (“IIJA”), along with other federal statutes. One *amicus*, Environmental Protection Network, is a technical service provider to over 500 federal grantees that have been impacted by the Executive Branch’s recent swath of grant freezes, terminations, certifications and amendments. *Amici* rely on these binding federal grant agreements to operate their programs, often filling critical gaps where federal, state and local institutions fall short. The Nonprofit Grantees seek to

assist the Court in its consideration of the harms that Executive Orders No. 14154, 14151, 14222 and resultant agency action have had on their organizations and program beneficiaries, as well as the American people, as a whole. Given their deep—and presently frustrated—commitments to American communities and dedication to delivering those communities benefits in partnership with our government, they have an interest in the instant matter.

### **Reasons Why a Brief of Amici Curiae Is Desirable**

The classic role of the amicus curiae is to assist in a case of general public interest, supplement the efforts of counsel, and draw the court's attention to law that may otherwise escape consideration. *Miller-Wohl Co., Inc. v. Commissioner of Labor and Indus.*, 694 F.2d 203, 204 (9th Cir. 1982).

An *amici curiae* brief from the Nonprofit Grantees is desirable because they represent a broad swath of nonprofits who partner with government and bring their experiences of having their Constitutionally-protected speech chilled, being accused of engaging in “illegal” speech and activities, without defining what constitutes harm or what laws they break, and their reliance interest harmed as their funds are frozen without explanation.

For the reasons set forth above, the Nonprofit Grantees respectfully ask that they be granted leave to file their brief of *amici curiae*.

Respectfully submitted,

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April 3, 2025  
Columbia, South Carolina

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Agriculture; UNITED STATES DEPARTMENT OF  
TRANSPORTATION; SEAN DUFFY, in his  
official capacity as the Secretary of the United States

Case No. 2:25-cv-02152-RMG

Leave to file granted on \_\_\_\_\_

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Defendants.

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### **INTERESTS OF *AMICI CURIAE***

ActiveSGV, Environmental Protection Network (EPN), Heru Urban Farming and Garden, Kalamazoo Climate Crisis Coalition, Landforce, and the MetroHealth System submit this brief as *amici curiae*.<sup>1</sup> *Amici* are six nonprofit organizations that have been awarded federal grant funds, either as direct recipients or as sub-grantees, to carry out specific programs enacted by Congress under the Inflation Reduction Act (“IRA”) and Infrastructure Investment and Jobs Act (“IIJA”), along with other federal statutes. These organizations have leveraged their deep community ties to provide essential services in areas spanning environmental protection, air quality improvement, public health, access to local food, support for farmers and local agriculture, economic and workforce development in underserved communities, and disaster planning. *Amici* rely on these binding federal grant agreements to operate their programs, often filling critical gaps where federal, state and local institutions fall short. In addition, some *amici* support nonprofits who are, themselves, navigating the complexity of federal grant programs, and hold a unique perspective on the impact of disrupted programs on the sector, as a whole. Information about each of the *amici* is detailed in the declarations attached alongside this brief.

From day one, the incoming Executive Administration has taken unconstitutional and harmful aim at *amici* and other federal grantees that it accused of engaging in “illegal” speech and activities, without defining what constitutes harm or what laws they break. They have used this censorious tactic to frighten good people who are engaged in the hard, noble work of improving our country, while freezing the funds they need to perform that work or demanding that they change their work plans to fit vague directives that would actually place them out of compliance with the

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<sup>1</sup> No party or counsel for a party authored this brief in whole or in part. No party, counsel for a party, or person other than *amici curiae* or their counsel made any monetary contribution intended to fund the preparation or submission of this brief.

terms and conditions of their Congressionally-approved federal funding. Notably, to date, no *amici* have received notice that their grants are out of compliance with their terms and conditions.

*Amici* have been awarded federal grants to provide critical services in their respective communities, including projects that provide workforce development, reduce asthma, minimize energy burdens, engage urban communities in agriculture, and mitigate pollution that directly impacts the health and well-being of local residents. In turn, these grantees have been targeted by the Executive Branch with unlawful funding freezes, fear-mongering, certification requests, and terminations that significantly impact their organizations' capacity to function and, for some of our *amici*, have halted life-saving services. Organizations have had to struggle with whether to continue their work under threat of retaliation while dealing with intermittently available or frozen funding, leading to uncertainty regarding the ability to pay staff and contractors responsible for key provisions of the federally-funded programs. This leaves *amici* forced to take action to address the situation, including laying off workers, halting critical projects, and altering the words they use in project documents for fear of retribution.

*Amici* are facing terminations, demands to certify and requests to amend their environmental justice awards on what this Administration inaccurately defines as diversity, equity, and inclusion ("DEI"). DEI-focused termination, as this brief will show, constitutes viewpoint discrimination that is in violation of the First Amendment. Non-DEI terminations, in turn, have focused on baseless—and therefore arbitrary and capricious—claims of fraud, waste and abuse, and stated that the grant was being terminated due to it no longer effectuating agency priorities, despite that being an impermissible rationale in many cases. The administration's attempt to terminate *amici*'s congressionally-approved funding for programs advocating for environmental justice represents an overreach of presidential power and constitutes a violation of both the separation of powers and the First Amendment. The President does not possess the authority to selectively

terminate or withhold funding approved by Congress, especially when that funding supports programs aimed at addressing critical issues of public concern.

### **INTRODUCTION AND SUMMARY OF ARGUMENT**

The United States has a long and noble tradition of nonprofit entities working in partnership with the government to serve communities, drive innovation and redress past harms. Nonprofit groups have close ties to the constituencies they serve, and for decades this government-nonprofit partnership has been an effective and efficient way to improve the lives of Americans.

Approximately one third of nonprofits receive some type of federal grant funding.<sup>2</sup> Some of these groups are large national organizations, but the vast majority are small scale, community-based entities. *Amici* reflect this majority, ranging in size from medium-scale organizations like Environmental Protection Network (“EPN”) with roughly twenty staff to tiny community based organizations composed primarily of volunteers. Some organizations rely on federal funding to do much of their work, while for others this was their first grant. All are driven by one thing: a desire to serve and improve lives. They are the life blood of our nation, and yet, through the Administration’s recent executive orders and funding freezes, our Executive Branch is treating plaintiffs, *amici* and thousands of similar organizations like criminals for seeking to fulfill their promises to Congress.

When the Executive Branch shifted its stance from supporting this government-nonprofit partnership to vilifying it, the impact on plaintiffs, *amici* and thousands of similarly situated grantees was immediate, with consequences cascading across the country. Having dedicated

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<sup>2</sup> Hannah Martin *et al.*, *Nonprofit Trends and Impacts 2021–2023*, URBAN INSTITUTE at 4 (2024) (“*Nonprofit Trends and Impacts 2021-2023*”), [https://www.urban.org/sites/default/files/2024-10/Nonprofit\\_Trends\\_and\\_Impacts\\_2021-2023\\_National\\_Findings\\_on\\_Government\\_Grants\\_and\\_Contracts.pdf#:~:text=NONPROFIT%20TRENDS%20AND%20IMPACTS%202022%E2%80%932023%20Government%20funding,of%20nonprofits'%20revenue%20came%20from%20government%20agencies](https://www.urban.org/sites/default/files/2024-10/Nonprofit_Trends_and_Impacts_2021-2023_National_Findings_on_Government_Grants_and_Contracts.pdf#:~:text=NONPROFIT%20TRENDS%20AND%20IMPACTS%202022%E2%80%932023%20Government%20funding,of%20nonprofits'%20revenue%20came%20from%20government%20agencies).

countless hours of time to plans, application processes, recruitment and hiring, thousands of organizations were already performing on their contracts when funding was threatened or pulled. After the Executive Orders, many said they were afraid to perform the work for fear of retaliation. They were further harmed by actions that violated the First Amendment by using direct and indirect means to chill speech and activities that advance equity, climate, and environmental justice.

Most federal grants operate as reimbursable expenses meaning that organizations are faced with an unwinnable dilemma: should they continue to do the important work they have committed to as part of their grant terms and risk that they will never be reimbursed, or should they cease the work they had promised to deliver, thus letting down both the constituencies they serve and risking that they miss agreed-to project milestones? Some of these organizations are even contemplating shuttering their doors because they cannot access tens of millions of dollars that they were promised from the government. Organizations that have been trusted pillars of their communities have begun to feel their reputations start to crumble as they struggle to provide requested services. Many *amici* have been forced to lay off employees because they cannot make payroll. Meanwhile, outreach to federal grant managers about how to navigate these challenges has been met with silence and vagueness. Many amici have suffered the chilling effect of the Administration's free speech infringement, censoring their organizational mission and work to avoid retaliation in the form of frozen or terminated funding. These harms are real, immediate, irreparable, and are currently hurting Americans across the country.

## **ARGUMENT**

### **I. The Executive Orders and Agency Program Freezing Actions Irreparably Harm Nonprofit Grantees By Violating the First Amendment.**

The termination of funding for federal grantees engaged in environmental justice and diversity initiatives constitutes a clear form of viewpoint discrimination. As outlined in

*Rosenberger v. Rector and Visitors of the University of Virginia*, 515 U.S. 819 (1995), the government cannot discriminate against speech based on its content or viewpoint. The organizations in this case are advocating for policies that aim to rectify long-standing environmental inequalities affecting marginalized communities, including low-income and communities of color. The termination of their funding based on the ideological content of their advocacy—environmental justice and diversity—violates the First Amendment’s protection against viewpoint-based discrimination. At least a dozen grantees have already received termination letters because their “project activities” support diversity, equity, and inclusion programs. (Decl. of Roos ¶ 13(a).) The First Amendment safeguards the right to express ideas, even those that are unpopular or politically contentious at the moment.

Further, in *Alliance for Open Society International v. U.S. Agency for International Development*, 651 F.3d 218 (2d. Cir. 2011), the Supreme Court ruled that the government cannot require grantees to adopt certain viewpoints as a condition of receiving funding. Similarly, in *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010) the Court reaffirmed that the government cannot restrict political speech based on the content or viewpoint of that speech, especially when it involves public policy debates.

Executive Order Number 14151, *Ending Radical and Wasteful Government DEI Programs and Preferencing*, makes a clear and unequivocal statement: its purpose is to dismantle all programs aimed at advancing diversity, equity, or inclusion, regardless of their form, beneficiaries, or funding sources. Exec. Order No. 14151, 90 Fed. Reg. 8339, 8339 (Jan. 20, 2025) (“Equity EO”). The Equity EO Viewpoint discrimination is a powerful and insidious threat to the fundamental rights of free expression and equal treatment grounded in the Constitution. When the Government targets individuals or organizations based on the ideas, opinions, or perspectives they

express, rather than on neutral or legitimate ground, it runs afoul of the nation’s constitutional requirements.

In the present case, the federal grantees—organizations dedicated to environmental justice—have been disproportionately harmed by government actions that are driven not by the merit of their work, but by the administration’s hostility toward the viewpoints they represent. At least a dozen grantees working with EPN have been terminated for explicitly “DEI activities” without explanation of what that actually entails. (Decl. of Roos ¶ 13). These grantees focus on addressing systemic environmental harms that disproportionately affect marginalized communities, particularly low-income and communities of color. They have been stripped of critical funding, not because their projects fail to meet federal requirements or standards, but because their advocacy for environmental justice runs counter to the administration’s broader ideological stance. These terminations have left the remaining hundreds of grantees wondering whether they need to revise their grants to avoid previously benign terms like “equity” or “diversity” or “inclusion” to avoid receiving their own illegal termination letter. (Decl. of Roos ¶ 13(a).) One grantee was even asked to amend their Statutory Partnership Agreement to remove references to DEI activities. (Decl. of Roos ¶ 12.) Even more grantees tell EPN on a weekly basis that they are unsure what to say to their project officers for fear of termination or retribution by EPA. (Decl. of Roos ¶ 11(a).)

This kind of targeted defunding constitutes a textbook example of viewpoint discrimination. The government is penalizing these grantees solely for their advocacy of a specific, legally protected viewpoint: the imperative of environmental justice. The administration’s actions silence crucial voices pushing for reform, undermines efforts to address the disproportionate environmental burdens borne by vulnerable communities, and imposes a chilling effect on organizations across the country working to ensure that all Americans have a right to a healthy and safe environment. In fact, grantees have explicitly stated not “feel[ing] safe expressing our values or speaking openly



about the urgent environmental needs in our community . . . seeing the focus on sabotaging DEI initiatives, we fear naming that some residents are people of color.” (Decl. of Doezenia ¶ 27).

## **II. Freezing of Federal Funding Violates the Administrative Procedure Act**

The Administrative Procedure Act (“APA”) permits judicial review of a final agency action when there is “no other adequate remedy in a court.” 5 U.S.C. § 704. Congress enacted the APA “as a check upon administrators whose zeal might otherwise have carried them to excesses not contemplated in legislation creating their offices.” *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 391 (2024) (quoting *U.S. v. Morton Salt*, 338 U.S. 632, 644 (1950)). In *Loper Bright*, the Supreme Court clarified that “respect” did not equate to deference—rather, “Section 706 makes clear that agency interpretations of statutes—like agency interpretations of the Constitution—are *not* entitled to deference.” *Id.* at 392 (emphasis in original). Rather, it “remains the responsibility of the court to decide whether the law means what the agency says.” *Id.* (quoting *Perez v. Mortgage Bankers Ass’n*, 575 U.S. 92, 109 (2015) (Scalia, J., concurring in judgment)).

Here, the federal government’s freezing of federal funding for federal grant awardees violates the APA because it is a final agency action with legal consequences, it is arbitrary and capricious, and it is otherwise not in accordance with the law.

### **a. The Freezing of Federal Funds is a Final Agency Action**

To be a final agency action for the purposes of the APA, an agency action must be (1) the “consummation of the agency’s decision-making process” and not “merely tentative” or of “interlocutory nature;” and (2) one by which “rights or obligations have been determined” and “legal consequences must flow.” *Bennet v. Spear*, 520 U.S. 154, 177-78 (1997); *see also Nat’l Veterans Legal Servs. Program v. U.S. Dep’t of Def.*, 990 F.3d 834, 839 (4th Cir. 2021).

Here, the various executive orders and notices constitute final actions under the APA. Plaintiffs and other grantees are unable to access funds due to the consummation of agency

decisions to comply with top-down directives, not interim agency decisions. *See New York v. Trump*, No. 25-cv-39, 2025 WL 715621, at \*8-\*9 (D.R.I. Mar. 6, 2025) (implementing funding pauses due to OMB guidance and executive orders “marked the consummation of each agency's decision to comply” with executive orders and directives, “not to exercise [agency] discretion.”).

Additionally, there can be no question that legal consequences have followed from the government’s decision to pause funding. Federal grant awardees, like the amici, have made commitments to partners, staff, and beneficiaries that will go unfulfilled without the promised federal funds, and those unfulfilled promises will have consequences on the awardees, their employees, their partners, and their communities. *See* Decl. of Roos ¶¶ 11-13, 31 (specifying the layoffs, programmatic misses, and reputational damages caused by federal funds being frozen). Each of the *amici* represented in this brief who are direct recipients of federal grants have experienced frozen funding, had their accounts disappeared, and in some cases, outright terminated without cause. *See* Decl. of Roos ¶ 5.) The freeze, and the current uncertainty, means that many are having to adjust, or even consider cancelling, the important work they had committed to do.

For example, the funding freeze has caused widespread panic through Pennsylvania communities served by Landforce, halting job training for farmers, critical food resources, and damaging long-standing community relationships in the agricultural community. (Decl. of Manspeizer ¶ 6 ). Rather than engaging in essential work for their community, nonprofits like Landforce are forced to expend valuable time and resources navigating conflicting information, strategizing about operations sustainability, creating and implementing contingency plans, and consulting with legal and financial experts.

#### **b. The Freezing of Federal Funds is Arbitrary and Capricious**

The freezing of federal funds is arbitrary and capricious for several reasons. First, the federal funding freeze is neither “reasonable nor reasonably explained,” as required by the APA.

*Fed. Commc'ns Comm'n v. Prometheus Radio Project*, 592 U.S. 414, 423 (2021). Second, the executive department improperly relied upon "factors which Congress has not intended [the executive department] to consider." *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983). Third, and most relevant to the arguments of the amici here, the federal funding freeze failed to consider the "serious reliance interests" on prior agency interpretations. *F.C.C. v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009) (citing *Smiley v. Citibank (S. Dakota), N.A.*, 517 U.S. 735, 742 (1996)).

When an agency's prior policy "has engendered serious reliance interests" by entities, the agency must consider those reliance interests or the agency's new action is arbitrary and capricious and a violation of the APA. *Fed. Commc'ns Comm'n*, 592 U.S. at 423; *see also Smiley*, 517 U.S. at 742; *Dep't of Homeland Sec. v. Regents of the Univ. of California*, 591 U.S. 1, 30 (2020) ("When an agency changes course, . . . it must be cognizant that longstanding policies may have engendered serious reliance interests that must be taken into account.") (internal quotation marks omitted). The executive branch's disregard of the serious reliance of grantees like plaintiffs and the *amici* was egregious.

Like many of the plaintiffs, the *amici* here have invested massively in applying for these grants, negotiating the terms, complying with requirements, and working to obtain community support. They have relied upon the promise from congressional appropriations as well as the agency application and approval process to make financial and organizational commitments to hire employees to assist in carrying out these projects. (Decl. of Lewis ¶ 8). Besides the loss of programmatic achievements that would result from the federal funding freeze, which are too numerous and extensive to detail here, federal funding grantees have invested time, money, and manpower, based upon the promise of the federal grant, that will no longer be reimbursed.

MetroHealth System (“MetroHealth”), an awardee for a Community Change Grant, is no longer able to hire on the planned workers it needs to implement its \$18 million project. (Decl. of Sehgal ¶ 14, 19). In anticipation of that grant, which was fully approved, obligated, and funded, MetroHealth hired or planned to hire twenty new staff members and contractors, who are now at risk of losing their jobs, who now must be laid off. Additionally, the collapse of the funding strains MetroHealth’s relationship with local partners that were working with MetroHealth or benefitting from the grant program, causing damage to MetroHealth’s reputation. (Decl. of Sehgal ¶ 17).

The executive branch disregarded all such reliance by organizations when making the decision to freeze federal funds. It disregarded the “serious reliance” grantees placed on the financial commitment from the federal government. *See Fed. Commc’ns Comm’n*, 592 U.S. at 423. It ignored the “legitimate reliance” federal grantees placed in the government living up to its financial commitments. *See Regents of the Univ. of California*, 591 U.S. at 30. And several other courts in the United States have held that federal awardees’ reliance on promised disbursement of federal funds has met this reliance standard. *See Nat’l Council of Nonprofits v. Off. of Mgmt. & Budget*, No. 25-cv-239, 2025 WL 368852, at \*11 (D.D.C. Feb. 3, 2025); *Massachusetts v. Nat’l Institutes of Health*, No. 25-CV-10338, 2025 WL 702163, at \*19 (D. Mass. Mar. 5, 2025). The same principles apply in this case: federal grant awardees reasonably, seriously, and legitimately relied upon appropriated and obligated grant money.

The executive branch failed to show any consideration of the serious reliance grantees like plaintiffs and amici placed upon the fulfillment of funding federal grants, demonstrating that the decision to freeze federal funding was arbitrary and capricious, and violated the APA.

### **III. The Executive Orders and Agency Program Freezing Actions Irreparably Harm all Government and Nonprofit Grantees By Violating the Separation of Powers.**

#### **A. The Executive Orders and Agency Program Freezing Actions Usurp Congress' Power of the Purse.**

Congress holds exclusive, absolute, Constitutionally-mandated power over the Nation's purse. U.S. Const. art. I, § 9, cl. 7 (Appropriations Clause); art. I, § 8, cl. 1 (Spending Clause); art. I, § 1 (legislative power). The President's duty to implement the laws that Congress passes is at its apex on matters of federal funding. *Rochester Pure Waters Dist. v. EPA*, 960 F.2d 180, 185 (D.C. Cir. 1992) (internal quotation omitted). Once Congress appropriates funds for a specified purpose, it imposes a duty on the President to spend those funds according to the terms set by Congress. *See* U.S. Const. art. II, § 3 (Take Care Clause); U.S. Gov't Accountability Office, Office of the General Counsel, Principles of Federal Appropriations Law, at 2-3-2-4, GAO-16-464SP (4th ed. 2016) (the "Red Book"). These are "settled, bedrock principles of constitutional law." *In re Aiken Cnty.*, 725 F.3d 255, 259 (D.C. Cir. 2013) (Kavanaugh, J.). This outcome preserves an enduring system of checks and balances that the Founders considered to be "essential to the preservation of liberty." *Mistretta v. United States*, 488 U.S. 361, 380 (1989). When a President attempts to overstep their authority in this way, their actions are considered *ultra vires* and "therefore may be made the object of specific relief." *Larson v. Domestic & Foreign Com. Corp.*, 337 U.S. 682, 689 (1949). Such *ultra vires* abuses of Constitutional authority are not shielded by sovereign immunity from nonstatutory review claims. *Strickland v. United States*, 32 F.4th 311, 365-66 (4th Cir. 2022).

Justice Kavanaugh, as Circuit Judge in 2013, declared, "where previously appropriated money is available for an agency to perform a statutorily mandated activity, we see no basis for a court to excuse the agency from that statutory mandate." *In re Aiken Cnty.*, 725 F.3d at 255, 259. Kavanaugh further states, "the President may not decline to follow a statutory mandate...simply

because of policy objections” *Id.* at 259. In *In re Aiken County*, the court found that “Congress speaks through the laws it enacts.” *Id.* at 260.

At present, Congress has continued to speak through the laws they enact. They’ve allocated billions of dollars in funding to go towards IJJA and IRA. The Administration’s unilateral freezing of legally-obligated funds with no Congressional authority is a fundamental *ultra vires* overstep of his Constitutional authority. Indeed, this Administration has released statements that it plans to cut 400 grants under IJJA and IRA Congressionally-approved programs. (Decl. of Roos ¶ 9.) This ‘hit list’ is causing fear, panic, and anxiety throughout the nonprofit industry. (Decl. of Roos ¶ 9.)

*Amici* have been awarded grants that Congress already appropriated and committed toward funding their programmatic efforts, with specific terms and conditions the parties agreed to and signed off on prior to the President taking office. The President and Executive Branch Agencies cannot now decide to withhold those funds without disrupting the country’s separation of powers. This upset would not only harm plaintiffs and amici, but every single entity - nonprofits, states, municipal governments, defense contractors, public health providers, etc., that rely on government funding and that rely on the federal government to be a trustworthy business partner. Government grants and contracts provide the second largest source of funding for nonprofits in the United States, and over a third of nonprofits are recipients of some type of federal grant.<sup>3</sup> By distributing funding to nonprofit entities embedded in specific communities, the federal government effectively improves lives on the ground without creating an entire new federal infrastructure to do so. At the same time, nonprofit organizations benefit from the financial stability federal grants provide. The grantees represented by this brief alone have lost over \$2 billion in federal funding since this Administration took office. *See generally* Decl. of Roos; Decl. of Lewis (discussing the allocation

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<sup>3</sup> *Nonprofit Trends and Impacts 2021–2023*, at 1, 4.

of federal funding for various environmental projects). Rather than relying exclusively on the whims of individual donors and funding priorities of foundations, government funding has historically provided, until now, a reliable way to help ensure communities consistently get the services they need. Federal grants range in size and type from smaller \$50,000 Environmental Protection Agency (“EPA”) Environmental Justice Collaborative Problem Solving air monitoring grants to the more \$50 million awarded last year to Pasa by the United States Department of Agriculture (“USDA”) Partnerships for Climate-Smart Commodities to support farmers across 15 states in implementing scientifically- validated conservation practices.

Further, the Executive Orders attempt to unilaterally repeal the IRA and IJA by censoring and defunding its programs are yet another overreach of the President’s power. “[A]s the Supreme Court has observed, “[t]here is no provision in the Constitution that authorizes the President to enact, to amend, or to repeal statutes.” *City of S.F. v. Trump*, 897 F.3d 1225, 1232 (9th Cir. 2018) (quoting *Clinton v. City of New York*, 524 U.S. 417, 438 (1998)).

**B. The Executive Branch does not have unilateral authority to refuse to spend Congressionally-appropriated funds.**

The Supreme Court has consistently reaffirmed that Congress—not the President—holds the power to appropriate and regulate federal funds. In *Bowsher v. Synar*, 478 U.S. 714 (1986), the Court held that the President cannot exercise powers vested in Congress, particularly the power over appropriations and the discretion to spend or withhold federal funds. The Court made clear that Congress cannot delegate its power to the Executive to manage funds in a way that would violate the constitutional separation of powers and accordingly, the President cannot selectively withhold congressionally-approved funding based on ideological or political views, as has occurred in the present instance.

The Executive Orders and Agency Program Freezing Actions directly infringe upon

Congress’ intended policy goals for these funds. Congress passed the IRA, among other purposes, to invest in “low- and zero-emission products, technologies, and services” and “other greenhouse gas emission reduction activities.” 136 Stat. at 2066; *see also* H.R. Rep. No. 117-130(I), at 5 (2021). This includes Congress instructing that EPA “shall” use \$2.8 billion in appropriated funds “to award grants...to eligible entities to carry out [specified environmental projects] that benefit disadvantaged communities.” IRA § 60201, 136 Stat. at 2078–79 (codified at 42 U.S.C. § 7438). Congress passed the IIJA “to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.” 135 Stat. at 429.

To advance Congress’ policy priorities, agencies awarded these funds through a competitive process following public funding opportunity announcements by means of binding, legal agreements, to recipients – such as states, municipalities, nonprofits, and other organizations – which must comply with strict federal requirements, including reporting, auditing and other programmatic criteria. Because these procedures can be burdensome, less well-resourced organizations have often failed to reap the benefits of federal grants. Attempting to rectify this disparity, Congress explicitly crafted the IRA and IIJA to ensure funding reached historically excluded organizations and communities. *E.g.*, IRA, 136 Stat. at 1921– 22, 2066–69, 2073 (creating numerous programs to benefit or prioritize funding for “low-income communities,” “disadvantaged communities,” and organizations that serve them); IIJA, 135 Stat. at 576, 613, 796, 977, 1081–82, 1102, 1140 (same). In fact, nonprofit organizations directly secured over \$26 billion in funding from these programs.<sup>4</sup> *See, e.g.*, Decl. of Roos ¶ 3; Decl. of Sehgal ¶ 12.

Despite these efforts, the application process for these federal grants remains onerous and complex. For nonprofits without professional grant writers on staff, putting together a single federal

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<sup>4</sup> *Outcomes Dashboard*, CLIMATEPROGRAMPORTAL.ORG, <https://climateprogramportal.org/outcomes-dashboard/#methodology>.



grant application can take up to 120 hours of staff time, per staff member. (Decl. of Sehgal ¶ 12).

Outreach to potential collaborating entities adds more time. Each of these federal grants and awards can be the culmination of years of collaboration with stakeholders and community partners. This is all time that nonprofit entities could have spent on other important work. They invested their energy in the grant process only because they believed they could trust the federal government to keep its promises.

#### **IV. The Balance of Equities and Public Interest Factors Favor an Injunction.**

The federal funding committed to the nonprofit organizations represented on this brief serves a diverse array of needs for communities across the country. Many of these grants fund and support specialized work built upon years of community trust that is not easily transferable between nonprofits.

EPA data shows millions of Americans live in places with unhealthy air, causing thousands of premature deaths each year and exacerbating diseases like asthma and heart disease. The most harmful impacts from air pollution occur in overburdened communities of color and/or low-income communities. A number of federal grants issued in recent years attempt to address this problem. For example, MetroHealth received an EPA grant of \$18 million for a project that aims to convert gas stoves to electric stoves in the homes of 1,200 people with asthma in order to improve indoor air quality and asthma control. MetroHealth decided to focus on asthma because Cleveland has a very high prevalence of asthma. About 21% of people in Cleveland have a history of asthma. Cleveland is among the country's four most challenging cities for people with asthma to live in according to rankings based on asthma prevalence, death rate, and emergency department visits. Additionally, we decided to focus on air quality because Cleveland outdoor air quality ranks poorly, with grades ranging from "C" to "F" from the American Lung Association for specific pollutants. (Decl. of Sehgal ¶ 4, 7).

The Community Change Grant Program provides critical funding to frontline organizations and local government agencies to implement impactful projects that will reduce air pollution and asthma rates, remove lead from drinking water, provide resilience hubs in the event of a hurricane power outage, and provide essential food services to low income communities. (Decl. of Roos ¶ 11.a.) In Pennsylvania, Landforce was awarded a Community Change Grant to engage in workforce development programs. Landforce recruits and trains adults residing in Pittsburgh who have faced structural barriers to stable, family-sustaining, employment based upon race or personal histories. The grant will allow Landforce to expand and create infrastructure for upcycling and commercializing value-added materials derived from local wood waste and organic materials streams, giving new life to fallen city trees and other materials, while providing pathways for career development. (Decl. of Manspeizer ¶ 6a-h).

One organization was awarded a grant with its partners in Puerto Rico to work to install solar and battery storage systems on community health facilities to provide them energy resilience in the event of yet another catastrophic storm caused by climate change. Over 300,000 people stand to benefit annually if these systems are installed. The organization has also committed to working with the United States Department of Energy to provide education and training on sustainable energy sources to Puerto Rican consumers, lowering bills and stabilizing the energy supply. But at this point, they cannot access their \$20 million grant funding because the federal government has frozen their funding. (Decl. of Roos ¶ 11.a.)

The impacted nonprofits are also facing significant staffing disruptions. For example, EPN reports that several grantees have employees whose jobs are now at risk. (Decl. of Roos ¶ 15-16). Other amici report the same, for example Landforce has also been forced to lay off workers, close programs, and reduce services to community members. (Decl. of Manspeizer ¶ 6). Nonprofits who had hired staff specifically to implement the work they had committed to under grant agreements

face significant uncertainty. (Decl. of Lewis ¶ 6). The emotional toll on both leadership and staff is significant, as organizations expend energy to maintain team morale, reassure their teams in the face of potential job-loss, retain staff, uphold their missions, and continue providing essential services, despite financial instability and ongoing attacks against specific areas of work and communities. (Decl. of Lewis ¶ 6-8). Many of these grantees are contemplating laying off more workers, if their funding is not released immediately. (Decl. of Lewis ¶ 8.)

Nonprofits have been left to navigate the chaos described above without any meaningful guidance or support from the relevant federal agencies. In fact, these agencies have further compounded the confusion by offering inconsistent information or, in several cases, ceasing communication with grantees entirely. For example, although Landforce has been able to communicate with program officers, they have not provided clear guidance on when, or if, funds in the amount of \$15,300,000 would be released, leaving the organization in a state of deep uncertainty. (Decl. of Manspeizer ¶ 6). Other grantees have faced erratic access to their funding. Funding sites have been turned on and off with little or no explanation to awardees, leaving them to speculate as to the future of their grant. Dozens of grantees briefly regained access to suspended funding accounts after January 28, 2025, only to have that access removed again; many grantees have been without access to funding since March 7, 2025. *See, e.g.*, Decl. of Roos ¶ 6; Decl. of Reutimann ¶ 5. They have been unable to obtain information explaining these changes or guidance on how to navigate them, threatening the grantees' operation and putting vital work at risk.

Because nonprofits are deeply embedded in the communities they serve, the federal funding freeze is having far-reaching consequences beyond the financial and programmatic strain described above. The freeze is directly undermining relationships with community stakeholders, local leaders, academic institutions and partner organizations – relationships painstakingly built over years and decades of earned trust and consistent engagement. If those projects do not move

forward, trust between impacted communities and the organizations will be irreparably eroded.

The abrupt, unexplained and illegal steps the federal government has taken in breaking its promises to these organizations will seriously damage the nonprofit community's longstanding belief that the government can be trusted to uphold its commitments. Congress has long relied on the nongovernmental sector to help implement its goals, and the nonprofit sector has historically been a reliable partner to realize legislative priorities, despite the significant application, recordkeeping and reporting obligations that often accompany federal grants. *Amici* and nonprofit organizations throughout the country invested significant time and resources designing, refining and submitting detailed plans to assist Congress in meeting its stated goals. The nonprofit groups crafted their workplans and adjusted their commitments to be in line with Congressional priorities, because they believed they had a trusted partner in the federal government and strong safeguards in the Constitution, the APA, and principles of separation of powers. That trust has been violated.

If a preliminary injunction is not issued to stop the Executive Branch from its illegal behavior and federal funding remains frozen, literally hundreds of nonprofit organizations around the country, beyond the hardworking employees that staff our *amici* groups employ, and beyond the diverse and vibrant communities these groups serve will be harmed. Critical life-saving projects like lead-removal from drinking water and air quality benefits to children with asthma will be halted and hundreds of organizations will go under. The erosion of trust will be most chilling for the participation of the smallest nonprofits in government programs. The executive's blanket attack on legally binding agreements will undermine Congress' future ability to leverage the nonprofit sector to implement its priorities. This harm is real, imminent, and almost certainly irreparable.

### CONCLUSION

For the reasons outlined above, we respectfully request that the Court grant the Plaintiffs' request for a preliminary injunction.

Respectfully submitted,

s/Kathleen McDaniel

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April 3, 2025  
Columbia, South Carolina

**CERTIFICATE OF SERVICE**

I hereby certify that on April 3, 2025, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the District of South Carolina by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served automatically by the CM/ECF system.

Date: April 3, 2025

*s/Kathleen McDaniel*

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

THE SUSTAINABILITY INSTITUTE,  
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AGRICULTURE, ALLIANCE FOR THE  
SHENANDOAH VALLEY, BRONX RIVER  
ALLIANCE, CLEANAIRE NC,  
CONSERVATION  
INNOVATION FUND, EARTH ISLAND  
INSTITUTE, LEADERSHIP COUNSEL FOR  
JUSTICE AND ACCOUNTABILITY,  
MARBLESEED, ORGANIC ASSOCIATION OF  
KENTUCKY, PENNSYLVANIA ASSOCIATION  
FOR SUSTAINABLE AGRICULTURE AND  
RURAL ADVANCEMENT FOUNDATION  
INTERNATIONAL-USA,  
and  
MAYOR AND CITY COUNCIL OF  
BALTIMORE,  
CITY OF COLUMBUS, CITY OF MADISON,  
METROPOLITAN GOVERNMENT OF  
NASHVILLE AND DAVIDSON COUNTY, CITY  
OF NEW HAVEN, CITY OF SAN DIEGO

Plaintiffs,

v.

DONALD TRUMP, IN HIS OFFICIAL CAPACITY  
AS PRESIDENT OF THE UNITED STATES,  
KEVIN HASSETT, in his official capacity as  
Assistant to the President for Economic Policy and  
Director of the National Economic Council;  
UNITED STATES OFFICE OF MANAGEMENT  
AND BUDGET; RUSSELL VOUGHT, in his  
official capacity as Director of the United States  
Office of Management and Budget; UNITED  
STATES ENVIRONMENTAL PROTECTION  
AGENCY; LEE ZELDIN, in his official capacity  
as Administrator of the United States Environmental  
Protection Agency; UNITED STATES  
DEPARTMENT OF AGRICULTURE; BROOKE

Case No. 2:25-cv-02152-RMG

Leave to file granted on \_\_\_\_\_

**EXHIBIT 1-A  
DECLARATION OF MICHELLE  
ROOS, ENVIRONMENTAL  
PROTECTION NETWORK**

ROLLINS, in her official capacity as Secretary of Agriculture; UNITED STATES DEPARTMENT OF TRANSPORTATION; SEAN DUFFY, in his official capacity as the Secretary of the United States Department of Transportation; UNITED STATES DEPARTMENT OF ENERGY; CHRIS WRIGHT, in his official capacity as the Secretary of the United States Department of Energy; UNITED STATES DEPARTMENT OF GOVERNMENTAL EFFICIENCY SERVICE; AMY GLEASON, in her official capacity as Acting Administrator of the United States DOGE Service; ELON MUSK, in his official capacity as Senior Advisor of the United States DOGE Service.

Defendants.

**DECLARATION OF MICHELLE ROOS, ENVIRONMENTAL PROTECTION  
NETWORK**

I, Michelle Faye Roos, declare as follows:

1. My name is Michelle Faye Roos. I live in the Bronx, New York. This declaration is based on my personal knowledge, professional education, and experience. I am over the age of eighteen and suffer from no legal incapacity. I am the Executive Director of the Environmental Protection Network (“EPN”), a nonprofit organization that has both been directly affected by the federal funding pause and is currently assisting over 500 Environmental Protection Agency grantees who are suffering in various states of federal funding freezes.
2. EPN is a nonpartisan organization composed of over 650 former U.S. Environmental Protection Agency (“EPA”) career staff and political appointees. Established in January 2017, EPN serves as a trusted resource, offering objective analysis and scientific expertise to protect the integrity of the EPA and its mission to safeguard human health and the environment. EPN's core initiatives include advocating for policies and



institutional changes that address environmental injustices, public health, and climate challenges, providing pro bono technical assistance and training to frontline communities and under-resourced government agencies, and mentoring and recruiting underrepresented populations to work at the EPA. Additionally, EPN educates Congress and serves as a critical resource for journalists and strategic partners, ensuring that environmental policies are informed by rigorous scientific understanding and a commitment to public health.

3. EPN has been providing pro bono capacity building technical assistance since the spring of 2021 and has assisted nonprofits and local, state, and Tribal government agencies apply for federal funding in the climate, air, and environmental justice space since early 2022. Over the past four years, EPN and its volunteer network have provided direct and indirect technical assistance to over 1,000 EPA grant applicants. Specifically, EPN directly assisted approximately 400 Community Change Grant (“CCG”) Program potential applicants, and dozens of Environmental Justice Collaborative-Problem Solving (“EJCPS”) and Government-to-Government (“EJG2G”) potential applicants during their respective application processes. EPN also assisted dozens of EPA selectees in working with EPA to obtain their obligated awards. EPN also indirectly assisted over 1,000 federal grantees with its regular public updates on grants management and compliance; hundreds of grantees with its webinars, trainings, and office hours; and over 100 grantees with direct technical, compliance, and grants management support. Finally, EPN itself is a subawardee of five different EPA grantees, all under the EPA Environmental Justice Thriving Communities Technical Assistance Centers Program. Grant applications require

extensive documentation and a selective process that results in a detailed grant award with comprehensive terms and conditions to ensure compliance.

4. When I worked at EPA during the George W. Bush administration, I co-launched and co-managed a bipartisan supported regional grant program to reduce emissions from diesel engines along the west coast and learned a tremendous amount about how federal grants programs operate. Years later, I co-launched EPN's pro bono capacity-building technical assistance program where we have directly assisted hundreds of federal grant applicants, dozens of grant selectees, and hundreds of awardees. During the last 3 years EPN has become an important hub for pro bono technical assistance for under-resourced organizations and government agencies interested in applying for and managing EPA grants. I personally circulate resources, facilitate webinars and office hours, answer dozens of specific questions each week, and have seen and experienced first hand the devastating impact of EPA's federal funding freezes.
5. Since inauguration, EPN has been in touch with several hundred EPA grantees as outlined further below. All of the grantees that EPN has been in touch with, with very few exceptions, have experienced some type of issue accessing their funding. The issues have ranged from an unexplained 'freezing' of their government Automated Standard Application for Payments ("ASAP"—the system that federal agencies use to securely transfer money to recipient organizations) account associated with the grant funding; to seeing a 'suspended' notice on their ASAP account; to being told by a project officer not to draw down; to not being able to login to their ASAP account at all (collectively, the "funding freezes"). These federal agency actions have caused chaos, fear, and severe hardships to grantees across the country who work with EPN, as outlined in detail below.

6. In addition to impacts from the funding freezes, several grantees have started to receive termination letters as well. Starting on or around February 21, 2025, and then again in bits and spurts from early March through March 13 or thereabouts, several EPA grantees that EPN works with received termination letters based on a memorandum from the EPA citing inconsistency with existing policies because the grants support “diversity, equity, and inclusion” (“DEI”). One example of the termination letter from February 21, 2025, stated that the award was being terminated because it “provides funding for programs that promote or take part in DEI initiatives or environmental justice initiatives or other initiatives that conflict with the Agency’s policy of prioritizing merit, fairness, and excellence in performing our statutory functions; that are not free from fraud, abuse, waste, or duplication; or that otherwise fail to serve the best interests of the United States. The grant is therefore inconsistent with, and no longer effectuates, Agency priorities.”
7. Some of the grantees even received termination letters one day and then had them revoked the next, leaving them dumbfounded as to whether they can and should continue with their federally funded program.
8. As a result of all of these changes, mixed-messages, freezes, and terminations, these grantees have faced significant financial, emotional and psychological hardships.
9. Moreover, approximately 400 EPA grants have now been identified in a list obtained and published by the Senate Environmental Public Works referred to as the ‘hit list’ of grants that EPA is trying to terminate. (See <https://www.epw.senate.gov/public/index.cfm/2025/3/whitehouse-blunt-rochester-lead-epw-democrats-in-demanding-epa-reverse-unlawful-termination-of-grants-for-clean-air-and-water>). EPN can confirm that a majority of these grantees have had their funds frozen

and now many of them wait to learn whether their grants will be terminated for unknown reasons.

10. Some grantees have had their names dragged through the mud in the press with accusations of impropriety, fraud, and saying that their grants were terminated when they have not received any notification of such termination.
11. I have chosen to file this Declaration and to work with Lawyers for Good Government to file this Amicus to help shed light on the hundreds of EPA grantees across the country who are facing hardships as a result of federal freezes, but who do not want to be named out of concern that the Administration will take retaliatory action. To protect those grantees who fear retribution and wish to remain silent, EPN has worked to provide an anonymized picture of the actual harm being caused on the ground as a result of the Federal government's actions, including unsubstantiated freezes, and direct terminations. Below is an overview of the EPA grant programs and grantees that EPN services along with a summary of the irreparable economic and emotional harms and burdens felt by the grantees within EPN's network. These harms include not only the grantees' inability to provide necessary public health services in their communities; grantees' inability to pay and retain staff and contractors; grantees' fear of saying the wrong words in their training programs, that they fear may trigger retribution; and the general impacts on their freedom of expression. (For the purposes of this Declaration, we are using the term "grantees" to include both awardees who have received grants and those with cooperative agreements, both of which are legally-binding contracts with the government to disburse funds.)

- a. **Community Change Grantees ("CCG"):** Nearly \$1.6 billion in IRA funding have been awarded through the Community Change Grants Program to

organizations to provide critical services to their community. These CCG awardees include frontline organizations and local government agencies who have been awarded funding to implement impactful projects that will reduce air pollution and asthma rates, remove lead from drinking water, provide resilience hubs in the event of a hurricane power outage, and provide critical food services to low income communities. EPN works with CCG grantees who have obligated funds for innovative projects all over the country from Louisiana, to California, to Puerto Rico, that will create thousands of job opportunities in cities, rural America, tribal communities, and more. The majority of selected CCG projects have been awarded \$10-20 million for big infrastructure projects that aim to transform communities impacted by air and water pollution, climate disasters, and economic disinvestment, into vibrant, resilient, and prosperous communities. EPN currently runs cohort calls open to all CCG grantees and their partners on a bi-weekly basis, and typically anywhere from 50 to 100 individuals attend those calls. EPN also sends out regular email updates to over 200 CCG grantees and partners; and has directly assisted over 40 CCG grantees with technical, compliance, and grants management support. During EPN cohort calls and while providing direct assistance, EPN has confirmed that not one of the CCG grantees that EPN is currently working with has been able to access their federal funding since early March. All of the CCG grantees working with EPN have either been frozen out of their accounts, had their accounts “suspended,” or they cannot access their accounts at all in ASAP. In addition, at least five CCG grantees received termination notices since March 25th—four were eventually

rescinded—causing panic, confusion, and fear. The various collective CCG freezes impact nearly \$1.6 billion dollars in legally-obligated funds issued under Congressionally-mandated programs, that are currently being withheld from grantees.

**b. Environmental Justice Collaborative Problem Solving (“EJCPS”) &**

**Environmental Justice Government to Government Awardees (“EJG2G”):**

The EJCPS Program was created to “address local environmental or public health issues in their communities. The program assists recipients in building collaborative partnerships with other stakeholders (e.g., local businesses and industry, local government, medical service providers, academia, etc.) to develop solutions to environmental or public health issue(s) at the community level.”

(EPA website,

<https://www.epa.gov/inflation-reduction-act/collaborative-problem-solving-cooperative-agreement-program>.) The EJG2G Program “provides funding at the state,

local, territorial, and tribal level to support government activities that lead to measurable environmental or public health impacts in communities.” (EPA website,

<https://www.epa.gov/inflation-reduction-act/government-government-program>.)

These two programs provide significant benefits to communities across the country by providing tools and critical resources to local organizations and governments to directly tackle public health issues like air quality.

- i. EPN has run one cohort call specifically open to all EJCPS and EJG2G grantees and is planning a second. EPN also sends out regular email

updates to over 150 grantees; and has directly assisted approximately 25 EJCPs and EJG2G grantees with technical, compliance, and grants management support. All of the EJCPs and EJG2G grantees that EPN has assisted have confirmed that they are currently frozen out of ASAP and cannot draw down funds—many since early March. In addition, we have personal knowledge that at least 25 EJCPs and 2 EJG2G grantees have received termination letters over the past month. The various collective EJCPs and EJG2G freezes impact over \$100 million dollars in legally obligated funds under these Congressionally-mandated programs.

- c. In addition, EPN is working with dozens of other EPA grantees who are frozen out of ASAP, have received termination letters, and/or have had little or no communications from EPA since January 20, 2025.

12. The uncertainty felt by these grantees is tangible.

- a. One EPA grantee in the Midwest received a closeout letter saying that the agency had received all required final reports and necessary forms to close out the award. This was a clear mistake because the organization had not submitted any documents. The closeout letter was rescinded a few hours after it was sent.
- b. Another organization in the Southeast is experiencing funding freezes and an illegal termination that has put their good work and staff in jeopardy.

13. Many grantees fear potential retaliation if they reference certain things like diversity, equity or inclusion, and in some cases, grantees are directly asked to remove references to DEI from their grants and project documents.

- a. One EPA grantee in New England was asked by EPA to change their grant documents to be more “DEI friendly” and to “align with new pillars of policy by the Trump Administration.” The grantee was not entirely sure what was meant by that, but felt compelled to make changes to align their agreements, even though such changes were never explained and such requirements were not in their grant terms and conditions. They are now concerned about referencing anything related to diversity, equity, and inclusion.
  - b. Approximately a dozen grantees received terminations based on DEI reasons that have caused several additional grantees to reconsider the words they use in both speaking to project officers and in their project descriptions, and to remove words like “equity” or “diversity.”
14. Certain grantees have even been targeted because they have allies in the Democratic Party.
  - a. EPN provided assistance and resources to four organizations whose selections for the Community Change Program were put into question by The Washington Free Beacon—an online newspaper dedicated to “uncovering the stories that the powers that be hope will never see the light of day”. The articles alleged that the awards were pet projects of elected Democrats and cancelled by the EPA amid irregularities in the selection process, causing harm in the reputation of these organizations. To date, these organizations have not received a termination letter but are unable to draw down funds. (See <https://freebeacon.com/energy/trump-epa-cancels-funding-for-nancy-pelosis-and-ihlan-omars-pet-climate-projects/>.)



15. The economic harms felt by these grants have been severe.

- a. One organization on the West Coast has paused all activities because they cannot access their funds in ASAP. Although the organization has used its reserves and funding allocated for other programs to keep going, they report that they cannot sustain this initiative any longer without access to their funding and a real assurance that the funding would get reinstated. This delay is preventing them from hiring necessary staff and contractors, potentially causing irreparable harm by setting them far behind schedule. The organization is considering terminating their award themselves, fearing that they will be out of compliance by the time the funding freeze is resolved. The organization is also worried that because of the population they serve, they would be specially targeted by the administration if they speak to the media or join litigation efforts. They have not been able to communicate with their EPA Project Officer in at least two months, despite sending many emails.
- b. One organization in the Midwest may soon be out of compliance on deliverables due to a lack of access to their funding. Their project is on hold until they can resume drawdowns from ASAP. They have four subawardees and cannot absorb all of the risk moving forward without access to funding.
- c. Another organization's account has been suspended for weeks, which has prevented subcontractors from signing agreements.
- d. One grantee located in the Southeast will address air quality issues to create good paying jobs, and help the community solve a long-standing problem related to blight and hazardous vacant land.

- i. To date, the organization has spent approximately 60% of their grant and does not know when they will be able to access the remainder of their funds.
- ii. As a result, the organization has significantly reduced their planned programming; rolled back plans to disseminate findings to the community; suspended acquisition of property needed to complete the project; terminated a full-time employee due to the inability to make payroll; and lost the funding to provide stipends to community partners, a centerpiece of the project's collaborative decision-making model.

16. The effects on public health caused by the ongoing freezes is severe.

- a. One EPA grantee has hired 20 staff and over a dozen contractors and suppliers to implement a project that would reduce indoor air pollution. The organization has been unable to access grant funds for nearly a month, and their ASAP account appears suspended. A termination or even a prolonged suspension will prevent them from helping people with asthma.
- b. Another community organization reports that they lost funding to address severe air quality and public health issues. Children in this particular community suffer increased rates of asthma compared to other metro areas. Removing this funding imperils the health of those minors.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States, the foregoing is true and correct.

Executed this 2nd day of April 2025.

A handwritten signature in cursive script that reads "Michelle Roos". The ink is dark and the signature is fluid, with a large initial "M" and a decorative flourish at the end of the name.

Michelle Roos

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

THE SUSTAINABILITY INSTITUTE,  
AGRARIAN TRUST, ALLIANCE FOR  
AGRICULTURE, ALLIANCE FOR THE  
SHENANDOAH VALLEY, BRONX RIVER  
ALLIANCE, CLEANAIRE NC,  
CONSERVATION  
INNOVATION FUND, EARTH ISLAND  
INSTITUTE, LEADERSHIP COUNSEL FOR  
JUSTICE AND ACCOUNTABILITY,  
MARBLESEED, ORGANIC ASSOCIATION OF  
KENTUCKY, PENNSYLVANIA ASSOCIATION  
FOR SUSTAINABLE AGRICULTURE AND  
RURAL ADVANCEMENT FOUNDATION  
INTERNATIONAL-USA,  
and  
MAYOR AND CITY COUNCIL OF  
BALTIMORE,  
CITY OF COLUMBUS, CITY OF MADISON,  
METROPOLITAN GOVERNMENT OF  
NASHVILLE AND DAVIDSON COUNTY, CITY  
OF NEW HAVEN, CITY OF SAN DIEGO

Plaintiffs,

v.

DONALD TRUMP, IN HIS OFFICIAL CAPACITY  
AS PRESIDENT OF THE UNITED STATES,  
KEVIN HASSETT, in his official capacity as  
Assistant to the President for Economic Policy and  
Director of the National Economic Council;  
UNITED STATES OFFICE OF MANAGEMENT  
AND BUDGET; RUSSELL VOUGHT, in his  
official capacity as Director of the United States  
Office of Management and Budget; UNITED  
STATES ENVIRONMENTAL PROTECTION  
AGENCY; LEE ZELDIN, in his official capacity  
as Administrator of the United States Environmental  
Protection Agency; UNITED STATES  
DEPARTMENT OF AGRICULTURE; BROOKE

Case No. 2:25-cv-02152-RMG

Leave to file granted on \_\_\_\_\_

**EXHIBIT 1-B  
DECLARATION OF ASHWINI  
SEHGAL, THE METROHEALTH  
SYSTEM**

ROLLINS, in her official capacity as Secretary of Agriculture; UNITED STATES DEPARTMENT OF TRANSPORTATION; SEAN DUFFY, in his official capacity as the Secretary of the United States Department of Transportation; UNITED STATES DEPARTMENT OF ENERGY; CHRIS WRIGHT, in his official capacity as the Secretary of the United States Department of Energy; UNITED STATES DEPARTMENT OF GOVERNMENTAL EFFICIENCY SERVICE; AMY GLEASON, in her official capacity as Acting Administrator of the United States DOGE Service; ELON MUSK, in his official capacity as Senior Advisor of the United States DOGE Service.  
Defendants.

**DECLARATION OF DR. ASHWINI SEHGAL, THE METROHEALTH SYSTEM**

I, Doctor Ashwini Sehgal, declare as follows:

1. My name is Ashwini Sehgal. I live in Westlake, Ohio. This declaration is based on my personal knowledge, professional education, and experience. I am over the age of eighteen and suffer from no legal incapacity. I submit this declaration on behalf of The MetroHealth System (“MetroHealth”), a health system affected by the federal funding pause.
2. I am the Duncan Neuhauser Professor of Community Health Improvement and a nephrologist at MetroHealth. I serve as the Director of Research and Evaluation at the Institute for H.O.P.E., where I focus on advancing health equity through community-based research and initiatives that address the social and environmental determinants of health. My work explores the intersections of climate change, health disparities, quality of care, and kidney failure. I have federal grant management experience, including work with multiple National Institutes of Health grants. According to the federal government we have successfully completed our past grants.

3. MetroHealth, established in 1837, serves as Cuyahoga County's safety-net health system, providing comprehensive care to all individuals, regardless of their ability to pay. Operating four hospitals, four emergency departments, and over 20 health centers across the county, MetroHealth serves more than 300,000 patients annually, with approximately two-thirds being uninsured or covered by Medicare or Medicaid. Beyond medical treatment, MetroHealth addresses social determinants of health through initiatives like the Institute for H.O.P.E., which offers services such as affordable housing, access to fresh food, job training, and legal assistance to underserved communities. This holistic approach underscores MetroHealth's commitment to fostering health equity and improving the overall well-being of low-income individuals and families in the region.
4. The United States Environmental Protection Agency ("EPA") announced the selection of MetroHealth for a Community Change Grant ("grant"). The grant is an award of \$18,000,000 for a project that aims to convert gas stoves to electric stoves in the homes of 1,200 people with asthma in order to improve indoor air quality and asthma control.
5. Currently, I am the director of MetroHealth's grant. This grant engages two community partners that work throughout our region and focus on housing issues, Community Housing Solutions and Rebuilding Together Northeast Ohio. The grant additionally engages five community development corporations ("CDC") that focus on a variety of community issues in specific Cleveland neighborhoods. These partners are Metro West CDC, Tremont West CDC, Old Brooklyn CDC, Slavic Village CDC, and Harvard Lee CDC.
6. I decided to apply for the grant because climate change is one of the most urgent issues of our time—so much so that five years ago, I made the decision to dedicate the remainder

of my career to addressing it. Since then, I have taught courses and conducted research on climate and health, looking for ways to create tangible, local impact. When this grant opportunity became available, our team came together to design a project that addressed both environmental and public health concerns by focusing on the link between asthma and gas stove emissions. As a county hospital operating on a shoestring budget, we rarely have the resources to implement innovative, preventive interventions like this. This grant offered a rare and powerful opportunity to directly improve the lives of vulnerable patients while contributing to climate action at the community level.

7. For this grant, we decided to focus on asthma because Cleveland has a very high prevalence of asthma. About 21% of people in Cleveland have a history of asthma. Cleveland is among the country's four most challenging cities for people with asthma to live in according to rankings based on asthma prevalence, death rate, and emergency department visits. Additionally, we decided to focus on air quality because Cleveland outdoor air quality ranks poorly, with grades ranging from "C" to "F" from the American Lung Association for specific pollutants.
8. Additionally, we intentionally focused on disadvantaged communities for inclusion in the grant, ensuring the project would serve those most affected by environmental and health disparities. Using the EPA's Environmental Justice Screening Tool—a tool since removed—we identified communities across Ohio where over 95% of the proposed addresses qualified as disadvantaged. Our aim was to direct resources and support to areas with the greatest need, maximizing the impact of our work on health outcomes and environmental justice.

9. This project is important because it directly addresses a major environmental health risk in the homes of people who are especially vulnerable—individuals with asthma who cannot afford to replace their stoves without this program’s support. This grant directly supports a project that: (1) improves indoor air quality; (2) eliminates an asthma trigger; (3) protects low-income individuals, including children and the elderly; (4) lowers healthcare costs; and (5) supports decarbonization.
10. This project (1) improves indoor air quality because gas stoves emit nitrogen dioxide and fine particulate matter, both of which can worsen respiratory conditions. These pollutants often reach levels indoors that exceed outdoor air quality standards, especially in small or poorly ventilated homes. This project (2) reduces asthma triggers because exposure to indoor pollutants from gas stoves can trigger asthma attacks, increase emergency room visits, and contribute to poor asthma control. By switching to electric stoves, this project can reduce those triggers and promote better day-to-day respiratory health for people living with asthma. This project (3) protects vulnerable populations including children, the elderly, and low-income households who are often disproportionately affected by indoor air pollution, many of whom may not have the resources to make this change on their own. This project targets those who need it most, creating more equitable health outcomes. This project (4) lowers healthcare costs by preventing asthma flare-ups and reducing emergency room visits or hospitalizations; this project could lead to long-term savings for the healthcare system—especially important for publicly funded programs. Finally, this project (5) supports decarbonization by electrifying stoves, which helps communities transition away from fossil fuels while delivering immediate health benefits, making it a win-win for climate action and public health.



11. This conversion project was underway prior to the federal funding freeze, but funding for the project is currently suspended by EPA without cause. We were never formally notified by the EPA that the grant had been suspended. We only learned about the suspensions through a news post shared by Senator Blumenthal. It wasn't until we logged into the ASAP system that we realized our grant is suspended. We had hoped and expected our work plan to proceed as outlined when the grant was first awarded in December. Initially, we had regular weekly meetings with our project officer, and once the grant was reactivated following a pause for administrative review under the new administration, those meetings resumed. Our project officer was incredibly helpful and responsive during that time. However, more recently, communication has become limited, appears to be boilerplate language, and is restricted to email. All scheduled meetings have been canceled, including one where she was supposed to meet with our seven partner organizations. When our research manager asked our project officer whether expenses incurred during the suspension would be reimbursed, we did not receive a clear response. This lack of communication and shifting guidance has made it extremely difficult to move forward with any certainty.
12. The grant application required many hours of work from MetroHealth staff and partners and input from community members gathered over the course of six months. Ultimately I helped to compile this information into a 111-page application. The grant application process required us to demonstrate prior experience, financial stability, and compliance with various regulations. The application process further entailed a competitive review process, including an interview, providing funding amounts, duration projections, and reporting requirements. I personally spent four hours a day on this grant application

Monday through Friday for six months, for a total of approximately 480 hours. Only four percent of grant applicants were funded. This was the most rigorous and competitive grant I have applied for in my thirty year career.

13. As part of our rigorous program evaluation, we planned to install indoor air quality monitoring stations in each home one week before and one week after the stove installation to assess the impact on indoor air quality. We also designed a household survey to gather feedback from residents and included utility cost analysis to measure any changes in energy usage. To support this work, we have already purchased the indoor air quality monitors—an upfront investment that now represents a sunk cost if we are unable to move forward with implementation due to the grant suspension. We are waiting to do air quality measurements for numerous stoves that have been installed due to stalled EPA approval.
14. The suspension of funding has had an immediate and destabilizing impact on our team, our ability to finance this program, and our means to deliver on this critical work. This grant supports twenty employees across our hospital and partner organizations—individuals who are deeply embedded in their communities and essential to the success of the program. Even when the grant was active, we were operating on a month-to-month basis, carefully drawing down funds through the ASAP account to cover salaries and contractor payments. With the suspension, we have lost that financial lifeline. The hospital can no longer support the newly hired staff, and we are unable to pay contractors who have already completed significant portions of the work.
15. If the suspension continues, it becomes functionally permanent. We are at risk of losing the very people who make this program possible. Staff and contractors—who were hired

for their specialized expertise—will understandably have to move on, and re-engaging them later would be an incredibly time-consuming and difficult process. The relationships, momentum, and trust that we have built will be fractured. Even if the funds are reinstated, restarting the work under these conditions would set us back months, if not permanently. This pause is not just a delay—it is a dismantling of the infrastructure we have fought hard to build.

16. We currently have 125 households waiting on us to convert their gas stoves to electric stoves and install functioning ventilation hoods in order to improve indoor air quality and asthma control. We have converted 25 stoves so far. The goal of the project is to help 1,200 households and we have currently completed the work for about 25 households. This work has just begun.
17. Additionally, this funding freeze harms MetroHealth's reputation as we have to pause and perhaps end work with the households and partners we were set to serve. Again, around 125 partnered households are currently waiting for this conversion to occur. We painstakingly established relationships and built trust with each of these households, discussing sensitive health information and the home environment. Now, because of this grant freeze, we cannot support asthmatic populations we assured would receive a new stove. In turn, we cannot create the jobs we promised and we cannot address the pressing issues outlined above. Being unable to deliver on our promises due to this grant freeze is an irreparable harm to MetroHealth's reputation and the reputation of our seven community partners.
18. We are continuing to push the project forward, which means we are accumulating expenses without clarity on whether we will be reimbursed—something that carries

serious financial implications for the hospital. One major obstacle has been the prolonged approval process for our Air Quality Measurement Plan, which is a required component under the grant's terms and conditions. We have gone through at least four rounds of revisions with the EPA, receiving feedback that consists of minor, often inconsequential edits. Despite our continued efforts to comply, this back-and-forth has prevented us from launching the air quality measurement portion of the project. Without EPA approval, we are effectively prohibited from using the air monitoring tools and, as a result, are being pushed into noncompliance through no fault of our own. The delays and lack of clarity are not only frustrating—they are jeopardizing the integrity and impact of the project.

19. Overall, MetroHealth stands to lose over \$18,000,000 for completed and future work under the Community Change grant. These jobs, the project, and the improved health outcomes for vulnerable populations will be in jeopardy if the grant is suspended or terminated.
20. The injury to MetroHealth and its interests would be redressed by an order from the Court granting the Plaintiffs the relief they have requested.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States, the foregoing is true and correct.

Executed this 2nd day of April 2025.

A handwritten signature in black ink, appearing to read "Sehgal".

Ashwini Sehgal, MD

Physician, The MetroHealth System

Professor, Case Western Reserve University

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

THE SUSTAINABILITY INSTITUTE,  
AGRARIAN TRUST, ALLIANCE FOR  
AGRICULTURE, ALLIANCE FOR THE  
SHENANDOAH VALLEY, BRONX RIVER  
ALLIANCE, CLEANAIRE NC,  
CONSERVATION  
INNOVATION FUND, EARTH ISLAND  
INSTITUTE, LEADERSHIP COUNSEL FOR  
JUSTICE AND ACCOUNTABILITY,  
MARBLESEED, ORGANIC ASSOCIATION OF  
KENTUCKY, PENNSYLVANIA ASSOCIATION  
FOR SUSTAINABLE AGRICULTURE AND  
RURAL ADVANCEMENT FOUNDATION  
INTERNATIONAL-USA,  
and  
MAYOR AND CITY COUNCIL OF  
BALTIMORE,  
CITY OF COLUMBUS, CITY OF MADISON,  
METROPOLITAN GOVERNMENT OF  
NASHVILLE AND DAVIDSON COUNTY, CITY  
OF NEW HAVEN, CITY OF SAN DIEGO

Plaintiffs,

v.

DONALD TRUMP, IN HIS OFFICIAL CAPACITY  
AS PRESIDENT OF THE UNITED STATES,  
KEVIN HASSETT, in his official capacity as  
Assistant to the President for Economic Policy and  
Director of the National Economic Council;  
UNITED STATES OFFICE OF MANAGEMENT  
AND BUDGET; RUSSELL VOUGHT, in his  
official capacity as Director of the United States  
Office of Management and Budget; UNITED  
STATES ENVIRONMENTAL PROTECTION  
AGENCY; LEE ZELDIN, in his official capacity  
as Administrator of the United States Environmental  
Protection Agency; UNITED STATES  
DEPARTMENT OF AGRICULTURE; BROOKE

Case No. 2:25-cv-02152-RMG

Leave to file granted on \_\_\_\_\_

**EXHIBIT 1-C  
DECLARATION OF JENNY  
DOEZEMA, KALAMAZOO CLIMATE  
CRISIS COALITION**

ROLLINS, in her official capacity as Secretary of Agriculture; UNITED STATES DEPARTMENT OF TRANSPORTATION; SEAN DUFFY, in his official capacity as the Secretary of the United States Department of Transportation; UNITED STATES DEPARTMENT OF ENERGY; CHRIS WRIGHT, in his official capacity as the Secretary of the United States Department of Energy; UNITED STATES DEPARTMENT OF GOVERNMENTAL EFFICIENCY SERVICE; AMY GLEASON, in her official capacity as Acting Administrator of the United States DOGE Service; ELON MUSK, in his official capacity as Senior Advisor of the United States DOGE Service.  
Defendants.

**DECLARATION OF JENNY DOEZEMA, KALAMAZOO CLIMATE CRISIS  
COALITION**

I, Jenny Doezema, declare as follows:

1. My name is Jenny Doezema. I live in Kalamazoo, Michigan. This declaration is based on my personal knowledge, professional education, and experience. I am over the age of eighteen and suffer from no legal incapacity. I submit this declaration on behalf of Kalamazoo Climate Crisis Coalition (“KCCC”), a non-profit affected by the federal funding pause.
2. KCCC, established in 2019, is a non-profit organization dedicated to mobilizing collective action for immediate and substantial reductions in greenhouse gas (“GHG”) emissions and the swift adoption of renewable energy. Grounded in principles of social, racial, economic, and environmental justice, we unite individuals, businesses, governmental entities, and various community groups to collaboratively address the interconnected crises affecting society. The coalition’s initiatives include educational outreach, advocacy for policy changes, and community-driven projects aimed at fostering

a just and sustainable transition to a decarbonized economy. By serving as a resource for science-based climate action and learning, we strive to influence institutions and communities to undertake urgent, measurable steps toward environmental resilience.

3. The Environmental Protection Agency (“EPA”) announced the selection of KCCC for a Community Change Grant (“grant”). The grant is an award of \$18,900,000.
4. Kalamazoo County (“the County”) is the lead applicant and KCCC is the statutory partner. The grant includes seven additional partners. These partners include four neighborhood organizations, two housing resource organizations that do critical repairs to homes in our area, and two organizations that run workforce training programs.
5. In relation to the grant, my role as Executive Director of KCCC has been to co-lead on project design with the County, build partner relationships, oversight of project management activities, and the hire and supervision of project staff. KCCC serves as the overarching project manager for the grant while the County is focused on administration, financial management, and compliance.
6. The grant aims to deliver critical home repairs and energy-efficiency upgrades to 300 owner-occupied homes, expand an existing green workforce training program to serve 150 local residents, and remodel four neighborhood centers into Climate Resiliency Hubs with energy independence to serve as emergency shelters and educational anchors.
7. Our project will reduce local greenhouse gas emissions by an estimated average of nearly 700 tons per year through the energy efficiency upgrades made to housing stock suffering decades of disrepair in our county and energy efficiency measures in neighborhood community center facilities. It will protect residents from air pollution and support increased air monitoring in the project area.



8. Notably, the project area includes communities with some of the highest percentile rankings in the state (92nd) of complex health disparities, including chronically high rates of asthma and respiratory conditions. Environmentally, the project area includes census tracts which have currently and historically high percentile rankings of pollution (71st) when compared to census tracts across the state. Air pollution remains a significant factor in community health, with a local packaging company undergoing litigation for violating air pollution regulations as recent as 2023.
9. By integrating housing improvements, workforce development, air quality remediation, and greenhouse gas reduction, the project takes a holistic, place-based approach to build climate and environmental justice in our community. Led by trusted community-based organizations, this initiative strengthens local resilience to climate hazards like extreme heat, cold, and flooding, while improving health outcomes, intergenerational wealth, and long-term community sustainability.
10. The grant's funding is currently suspended by EPA without cause. The County first checked and noticed the disappearance of the grant from the ASAP account on March 10th. We have not been able to access our funds since. I note that most of EPA's communications go to the County and then from the County staff to us. We are in full compliance with our grant's terms and conditions and we are in good standing with the grant.
11. Despite requests for clarification sent to our Program Operator, we have not received communication about why our funds have disappeared or what the future holds. Pausing funding for this grant is placing critical community-driven outcomes at serious risk.

12. I am witnessing grant funding terminations impact our neighboring organizations in Kalamazoo and across the country. Some are waiting for EPA communication on why we lost access to our funding and why we have not received a termination letter. Personally, I was terrified to see our name on the leaked list of 400 grant terminations EPA has planned. Every partner meeting and email contains updates trying to provide hope or security to the once guaranteed funds that caused a generational tone of hope for grassroots community focused organizations.
13. Further, the freeze in grant funding is creating significant and compounding harm to our organization, the communities we serve, and our partners.
14. Job losses have begun to emerge as workforce development opportunities are stalled, depriving local workers of stable employment and training in high-demand green industries. We do not want to move on hiring, potentially removing people from secure paid positions to these very necessary grant funded roles without knowing we will be able to sustain their salaries. In every interview we conducted, we received applicant questions about the security of the position they applied for. We are transparent about the status funding with candidates to give them the opportunity to determine their own livelihood choices. This threatens our potential ability to hire the most qualified candidates.
15. In the meantime, the grant director and I are managing a program start-up with just 25% of the organizational staff intended to do that work. This means numerous extra working hours for each of us as we work to ensure that we remain in compliance with the grant.
16. Simultaneously, homes slated for critical repairs remain in declining and unsafe conditions, exposing residents to increased health and safety risks.

17. The delay in implementing indoor air quality improvements and electrification measures worsens air pollution, particularly for vulnerable individuals with asthma and other respiratory conditions. In addition, the lack of progress on GHG emissions reductions undermines broader climate action goals.
18. Local small contractors, who were depending on this project for work, are now facing economic strain and potential business loss. Neighborhood centers that were intended to serve as Climate Resiliency Hubs remain unprepared for emergency shelter use during extreme heat, cold, and flooding events. On March 30th, Michigan experienced its first major storm of the spring season. Impacts seem greater in magnitude and can be seen in the news across Michigan. As of this declaration filing, power is still out across the county up to three days later. The need is now.
19. Moreover, the lack of clear communication with our EPA Program Officer and interruption in funding flows is eroding trust with our hard earned partners, placing our organization's reputation and good will in our community at serious risk. They are depending on us.
20. The entirety of our project period has been infused with uncertainty. Partnership agreements between KCCC, the County, and subrecipients of awards took weeks longer than the norm, all participating grant collaborators are asking for additional and unprecedented safety measures to be built into contracts.
21. I'm concerned that if the grant funds are clawed back, our organization could be left responsible for costs we've already incurred. KCCC, the County, and our grant partners are continuing to spend money to stay compliant with our grant, despite uncertainty around the congressionally obligated funds. Smaller organizations like ours simply don't

have the budget to absorb these expenses, and the reimbursement for this sizable project is now at serious risk.

22. We are scrambling to find additional local support to help us stay in compliance with our contract as the lack of access to funding currently threatens our ability to stay in compliance without interim funding support. Everyone involved has fears of being on the public radar or anxiety about the dependability of funding and potential scrutiny and the increased liability involved.
23. The federal government's shift in priority puts us in a position where we are afraid to speak freely about our work. If we say the wrong thing, our federally awarded funds may be revoked. We worked for the better part of a year on planning, building, researching, and submitting our project priorities based off of EPA's then priorities. Now, the interpretation of project priority alignment is being twisted and overly scrutinized in a way that appears intentionally aimed at terminating our grant—and others designed to invest in improving the lives of Americans.
24. We struggle very much with how to interpret the misalignment of current priorities under which our grant proposal was reviewed, scored, and awarded. The initial EPA priorities of climate justice, adaptation, mitigation, and pollution reduction are critical to our nation. More critical to this brief is the fact that these priorities were just 100 days ago, declared EPA priorities that determined the investment in our community one of the best uses of federal dollars designed to carry our country into a more stable, healthy, and economically viable future.
25. However our project holds up against other EPA priorities as well. It supports job creation; increases the skilled workforce; supports local and regional contractors; builds

emergency preparedness capacity in local neighborhood centers; and increases value, stability, and safety of local housing stock. However, the overarching goal is environmental and we know that environmental goals are inseparable from the goals and plans of all other sectors of society.

26. Tracking what this administration is doing and tracking what is happening with our funding is dramatically impacting my work. Several additional hours each week are committed to navigating media messaging, legal questions, checking the status of funding, additional record keeping, consultation, planning meetings aimed at sorting out how to move forward and designing several additional back up plans. We brought in additional support solely focused on a communication plan to protect these important community funds, how to keep ourselves safe, and how to talk about the grant publicly in ways that are “acceptable” for the new administration. This is yet another organizational expense.

27. We don’t feel safe expressing our values or speaking openly about the urgent environmental needs in our community—or advocating for science-based, community-driven solutions that are supported at the state and national levels. There’s a growing fear around simply naming who lives in the communities we serve, seeing the focus on sabotaging DEI initiatives, we fear naming that some residents are people of color. Yet race is not a qualifier for this program—eligibility is based solely on income and owner-occupied homes in designated high-need areas. These neighborhoods are home to a diverse group of Americans, all of whom deserve the same investment in safety, sustainability, and opportunity.

28. I'm afraid to have my name associated with any litigation for fear of retaliation.

However, I'm choosing to speak out because it's essential to share our story and shed light on the real impact of the grant suspension—and the broader changes this administration is making that threaten critical, community-centered work.

29. As we are diligent and compliant with our end of our contract with the EPA, Immediate grant funds are needed to resume this project and restore momentum toward environmental justice, resilience, and long-term sustainability.

30. The injury to KCCC and its interests would be redressed by an order from the Court granting the Plaintiffs the relief they have requested.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States, the foregoing is true and correct.

Executed this 2nd day of April 2025.

A handwritten signature in black ink, appearing to read "Jenny Doezema". The signature is fluid and cursive, with the first name "Jenny" and last name "Doezema" clearly distinguishable.

Jenny Doezema

Executive Director

Kalamazoo Climate Crisis Coalition

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

THE SUSTAINABILITY INSTITUTE,  
AGRARIAN TRUST, ALLIANCE FOR  
AGRICULTURE, ALLIANCE FOR THE  
SHENANDOAH VALLEY, BRONX RIVER  
ALLIANCE, CLEANAIRE NC,  
CONSERVATION  
INNOVATION FUND, EARTH ISLAND  
INSTITUTE, LEADERSHIP COUNSEL FOR  
JUSTICE AND ACCOUNTABILITY,  
MARBLESEED, ORGANIC ASSOCIATION OF  
KENTUCKY, PENNSYLVANIA ASSOCIATION  
FOR SUSTAINABLE AGRICULTURE AND  
RURAL ADVANCEMENT FOUNDATION  
INTERNATIONAL-USA,  
and  
MAYOR AND CITY COUNCIL OF  
BALTIMORE,  
CITY OF COLUMBUS, CITY OF MADISON,  
METROPOLITAN GOVERNMENT OF  
NASHVILLE AND DAVIDSON COUNTY, CITY  
OF NEW HAVEN, CITY OF SAN DIEGO

Plaintiffs,

v.

DONALD TRUMP, IN HIS OFFICIAL CAPACITY  
AS PRESIDENT OF THE UNITED STATES,  
KEVIN HASSETT, in his official capacity as  
Assistant to the President for Economic Policy and  
Director of the National Economic Council;  
UNITED STATES OFFICE OF MANAGEMENT  
AND BUDGET; RUSSELL VOUGHT, in his  
official capacity as Director of the United States  
Office of Management and Budget; UNITED  
STATES ENVIRONMENTAL PROTECTION  
AGENCY; LEE ZELDIN, in his official capacity  
as Administrator of the United States Environmental  
Protection Agency; UNITED STATES  
DEPARTMENT OF AGRICULTURE; BROOKE

Case No. 2:25-cv-02152-RMG

Leave to file granted on \_\_\_\_\_

**EXHIBIT 1-D  
DECLARATION OF ILYSSA  
MANSPEIZER, LANDFORCE**

ROLLINS, in her official capacity as Secretary of Agriculture; UNITED STATES DEPARTMENT OF TRANSPORTATION; SEAN DUFFY, in his official capacity as the Secretary of the United States Department of Transportation; UNITED STATES DEPARTMENT OF ENERGY; CHRIS WRIGHT, in his official capacity as the Secretary of the United States Department of Energy; UNITED STATES DEPARTMENT OF GOVERNMENTAL EFFICIENCY SERVICE; AMY GLEASON, in her official capacity as Acting Administrator of the United States DOGE Service; ELON MUSK, in his official capacity as Senior Advisor of the United States DOGE Service.  
Defendants.

### **DECLARATION OF ILYSSA MANSPEIZER**

I, Ilyssa Manspeizer, declare as follows:

1. My name is Ilyssa Manspeizer. I live in Pittsburgh, Pennsylvania. This declaration is based on my personal knowledge, professional education, and experience. I am over the age of eighteen and suffer from no legal incapacity. I submit this declaration on behalf of Landforce, a nonprofit organization affected by the federal funding pause.
2. Landforce is a 501(c)(3) organization that collaborates with public and private agencies to build a network of greenspace and workforce development experts. Landforce recruits, trains, educates, employs, and supports adults who faced structural barriers to stable employment due to race or personal history. Employees work on a variety of land stewardship services such as trail building, erosion control, reforestation, and garden bed installation to make Pittsburgh communities more sustainable and healthy places to live.
3. Landforce received a Community Change Grant from the United States Environmental Protection Agency in the amount of \$15,300,000 to facilitate urban wood and lumber reuse, as well as biochar production.



4. Landforce operates in Pittsburgh, with subawardees operating in Philadelphia, focusing on communities identified as disadvantaged per the Climate and Environmental Justice Screening Tool.
5. Landforce has been dealing with the ramifications of a weeks-long funding freeze and we have been unable to meaningfully get in touch with our project officer despite multiple attempts to communicate. Communications with our project officer, in the rare instances that we receive a reply, have been limited to one word answers or canned responses.
6. As a result of the inability to access funding and communicate with project officers, Landforce and their subawardees have already seen tangible environmental and economic harm to their organization and the surrounding communities such as:
  - a. 46 jobs are threatened, including 6 potentially imminent layoffs and 8 vacant positions
  - b. 2 job training programs have had to collectively reduce their cohort by 75 people, dramatically reducing the number of people who will be tax-paying individuals who contribute to the economy through their stable, family-sustaining employment.
  - c. \$3.2 million dollars in US-made equipment orders have had to be cancelled or set aside.
  - d. \$111,000 in contracts have had to go unsigned.
  - e. Manufacturing jobs, known to have a high multiplier effect because of linkages and indirect jobs including suppliers and those providing goods and services to workers; for every manufacturing job created, seven indirect jobs are created.Accordingly, without this funding, there will very likely be a loss of

manufacturing jobs that leads to a loss of that multiplier, negatively impacting regional economic activity.

- f. Landforce's work to increase the use of biochar to better establish an energy independent Pennsylvania is in jeopardy.
  - g. Farmers will not be able to detoxify contaminated soil and return more scarce land to agricultural production. In addition to reducing local food production and reducing supply for food pantries and food access organizations, this will serve to disenfranchise a new generation of farmers who need access to arable, affordable land.
  - h. Landfill waste will increase as material waste is not able to be diverted for other uses.
7. As a result of the Executive Orders that have been the subject of this lawsuit, Landforce has significant and legitimate fears about retaliation for their organization and community in carrying forward environmental justice work. In order to best protect ourselves and our subawardees, we have had to be exceedingly careful about how we conduct advocacy, avoiding the use of now-inflammatory phrases like "environmental justice" and focusing on economic impact rather than environmental impact.
8. Landforce has also changed the emphasis of its advocacy when talking to elected officials. Both environmental and economic impacts that result from a grant and project are important, but we have to adapt our messaging to focus much more on economic impacts. This is a misrepresentation of the breadth of our work and undermines the critical importance of ensuring the realization of environmental benefits. .

9. It is clear that our right to advocate for people and the planet without restriction and fear of retaliation has been severely undermined; in other words, Landforce's ability to speak freely in line with First Amendment rights has been impacted.
10. Immediate grant funds are needed to resume this project and restore momentum toward environmental justice, resilience, and long-term sustainability.
11. The injury to Landforce and its interests would be redressed by an order from the Court granting the Plaintiffs the relief they have requested.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States, the foregoing is true and correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

Ilyssa Manspeizer

Chief Executive Officer

Landforce

9. It is clear that our right to advocate for people and the planet without restriction and fear of retaliation has been severely undermined; in other words, Landforce's ability to speak freely in line with First Amendment rights has been impacted.
10. Immediate grant funds are needed to resume this project and restore momentum toward environmental justice, resilience, and long-term sustainability.
11. The injury to Landforce and its interests would be redressed by an order from the Court granting the Plaintiffs the relief they have requested.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States, the foregoing is true and correct.

Executed this 2nd day of April 2025.



Ilyssa Manspeizer

Chief Executive Officer

Landforce

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

THE SUSTAINABILITY INSTITUTE,  
AGRARIAN TRUST, ALLIANCE FOR  
AGRICULTURE, ALLIANCE FOR THE  
SHENANDOAH VALLEY, BRONX RIVER  
ALLIANCE, CLEANAIRE NC,  
CONSERVATION  
INNOVATION FUND, EARTH ISLAND  
INSTITUTE, LEADERSHIP COUNSEL FOR  
JUSTICE AND ACCOUNTABILITY,  
MARBLESEED, ORGANIC ASSOCIATION OF  
KENTUCKY, PENNSYLVANIA ASSOCIATION  
FOR SUSTAINABLE AGRICULTURE AND  
RURAL ADVANCEMENT FOUNDATION  
INTERNATIONAL-USA,  
and  
MAYOR AND CITY COUNCIL OF  
BALTIMORE,  
CITY OF COLUMBUS, CITY OF MADISON,  
METROPOLITAN GOVERNMENT OF  
NASHVILLE AND DAVIDSON COUNTY, CITY  
OF NEW HAVEN, CITY OF SAN DIEGO

Plaintiffs,

v.

DONALD TRUMP, IN HIS OFFICIAL CAPACITY  
AS PRESIDENT OF THE UNITED STATES,  
KEVIN HASSETT, in his official capacity as  
Assistant to the President for Economic Policy and  
Director of the National Economic Council;  
UNITED STATES OFFICE OF MANAGEMENT  
AND BUDGET; RUSSELL VOUGHT, in his  
official capacity as Director of the United States  
Office of Management and Budget; UNITED  
STATES ENVIRONMENTAL PROTECTION  
AGENCY; LEE ZELDIN, in his official capacity  
as Administrator of the United States Environmental  
Protection Agency; UNITED STATES  
DEPARTMENT OF AGRICULTURE; BROOKE

Case No. 2:25-cv-02152-RMG

Leave to file granted on \_\_\_\_\_

Exhibit 1-E

**DECLARATION OF WESLEY  
REUTIMANN**

ROLLINS, in her official capacity as Secretary of Agriculture; UNITED STATES DEPARTMENT OF TRANSPORTATION; SEAN DUFFY, in his official capacity as the Secretary of the United States Department of Transportation; UNITED STATES DEPARTMENT OF ENERGY; CHRIS WRIGHT, in his official capacity as the Secretary of the United States Department of Energy; UNITED STATES DEPARTMENT OF GOVERNMENTAL EFFICIENCY SERVICE; AMY GLEASON, in her official capacity as Acting Administrator of the United States DOGE Service; ELON MUSK, in his official capacity as Senior Advisor of the United States DOGE Service.  
Defendants.

### **DECLARATION OF WESLEY REUTIMANN**

I, Wesley Reutimann, declare as follows:

1. My name is Wesley Reutimann. I live in El Monte, California. This declaration is based on my personal knowledge, professional education, and experience. I am over the age of eighteen and suffer from no legal incapacity. I submit this declaration on behalf of ActiveSGV, a nonprofit corporation affected by the federal funding pause.
2. ActiveSGV is a 501(c)(3) non-profit organization that seeks to support a more sustainable, equitable, and livable San Gabriel Valley. ActiveSGV works on projects related to mobility, climate, health and wellness, and water, parks and greening. ActiveSGV represents residents of East Los Angeles County, an area that is among the top 10% of most pollution burdened areas in California per the CalEnviroScreen tool from the United States Environmental Protection Agency (EPA).
3. ActiveSGV is the statutory partner for a Community Change Grant from the EPA in the amount of approximately \$20 million.

4. ActiveSGV has designed a program funded by the Community Change Grant that will help to mitigate the effects of extreme weather (wildfires and heat) that the San Gabriel Valley is currently experiencing. Our project includes the installation of residential rain gardens to capture and clean stormwater, mitigate flooding risk, reduce urban heat island impacts, improve biodiversity, reduce dependency on imported water, and save households on rising utility costs. ActiveSGV is also helping to fill a gap currently left by the state of California by offering incentives to cut down on the price of electric-assist family and cargo bikes.
5. ActiveSGV has been under a funding freeze that began on January 28, 2025. While funding was briefly restored, they have been fully without access to funds since March 7, 2025.
6. ActiveSGV and its lead applicant have not been able to make contact with a Project Officer since January 20, 2025, despite continuing to send written updates in order to maintain compliance. It is not clear whether there is still a project officer assigned to this grant.
7. The funding freeze, aside from causing uncertainty, is causing ActiveSGV to have to shift key program staff off the project and halt key elements. In addition, many of ActiveSGV's partner organizations have not been able to start their project work, due to uncertainty concerning availability of funding. More specifically:
  - a. Three full time staff that we hired were given the choice of being put on unemployment or shifted to part time work with no benefits. Though they chose to stay on in a part time capacity, that is clearly a financial hardship for those employees.

- b. During the brief thaw, we were able to cover expenses associated with project staff and supplies to begin implementation of residential rain gardens and e-mobility incentives. This work is now in jeopardy again after having been unable to access funding for multiple weeks.
  - c. ActiveSGV has had to put canvassing of the community on hold to solicit applications for both the rain garden and e-mobility incentive programs. Though the San Gabriel Valley Council of Governments plans to launch a similar e-mobility incentive in our region in the years ahead, it is expected to be more limited in nature. We estimate that only about 35% of the 300 applicants approved for the CCG-funded program may be eligible for this alternative, and residents will have to re-apply for that separate program. Aside from eliminating an opportunity to improve resident access to affordable mobility options, this bait-and-switch caused by the federal government has wasted the time of over 350 community members who have already navigated multiple steps to apply for funding, including a lengthy application process with proofs of residency, completion of an intake evaluation survey, and attendance at an in-person demonstration event/class. This undermines trust between ActiveSGV and the community it is trying to serve.
8. The Executive Orders and the funding freezes infringe on how freely we feel we can speak. Staff has consistently felt that they have to look at the original proposal and evaluate whether to modify language in order to be able to continue to do the work. Of paramount importance is being able to continue to serve high need populations in the San Gabriel Valley. Because the actions of the Trump Administration and its attack on



environmental justice have put that in jeopardy, we fear we may have to make hard choices if this is not resolved.

9. Immediate EPA grant funds are needed to resume this project and restore momentum toward environmental justice, resilience, and long-term sustainability.

10. The injury to ActiveSGV and its interests would be redressed by an order from the Court granting the Plaintiffs the relief they have requested.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States, the foregoing is true and correct.

Executed this 2nd day of April 2025.

A handwritten signature in black ink, appearing to read 'Wesley Reutimann', with a horizontal line extending to the right.

Wesley Reutimann

Deputy Director, ActiveSGV

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

THE SUSTAINABILITY INSTITUTE,  
AGRARIAN TRUST, ALLIANCE FOR  
AGRICULTURE, ALLIANCE FOR THE  
SHENANDOAH VALLEY, BRONX RIVER  
ALLIANCE, CLEANAIRE NC,  
CONSERVATION  
INNOVATION FUND, EARTH ISLAND  
INSTITUTE, LEADERSHIP COUNSEL FOR  
JUSTICE AND ACCOUNTABILITY,  
MARBLESEED, ORGANIC ASSOCIATION OF  
KENTUCKY, PENNSYLVANIA ASSOCIATION  
FOR SUSTAINABLE AGRICULTURE AND  
RURAL ADVANCEMENT FOUNDATION  
INTERNATIONAL-USA,  
and  
MAYOR AND CITY COUNCIL OF  
BALTIMORE,  
CITY OF COLUMBUS, CITY OF MADISON,  
METROPOLITAN GOVERNMENT OF  
NASHVILLE AND DAVIDSON COUNTY, CITY  
OF NEW HAVEN, CITY OF SAN DIEGO

Plaintiffs,

v.

DONALD TRUMP, IN HIS OFFICIAL CAPACITY  
AS PRESIDENT OF THE UNITED STATES,  
KEVIN HASSETT, in his official capacity as  
Assistant to the President for Economic Policy and  
Director of the National Economic Council;  
UNITED STATES OFFICE OF MANAGEMENT  
AND BUDGET; RUSSELL VOUGHT, in his  
official capacity as Director of the United States  
Office of Management and Budget; UNITED  
STATES ENVIRONMENTAL PROTECTION  
AGENCY; LEE ZELDIN, in his official capacity  
as Administrator of the United States Environmental  
Protection Agency; UNITED STATES  
DEPARTMENT OF AGRICULTURE; BROOKE

Case No. 2:25-cv-02152-RMG

Leave to file granted on \_\_\_\_\_

**EXHIBIT 1-F  
DECLARATION OF TYREAN LEWIS,  
HERU URBAN FARMING AND  
GARDEN**

ROLLINS, in her official capacity as Secretary of Agriculture; UNITED STATES DEPARTMENT OF TRANSPORTATION; SEAN DUFFY, in his official capacity as the Secretary of the United States Department of Transportation; UNITED STATES DEPARTMENT OF ENERGY; CHRIS WRIGHT, in his official capacity as the Secretary of the United States Department of Energy; UNITED STATES DEPARTMENT OF GOVERNMENTAL EFFICIENCY SERVICE; AMY GLEASON, in her official capacity as Acting Administrator of the United States DOGE Service; ELON MUSK, in his official capacity as Senior Advisor of the United States DOGE Service.

Defendants.

**DECLARATION OF TYREAN LEWIS, HERU URBAN FARMING AND GARDEN**

I, Tyrean Lewis, declare as follows:

1. My name is Tyrean Lewis. I live in St. Louis, Missouri. This declaration is based on my personal knowledge, professional education, and experience. I am over the age of eighteen and suffer from no legal incapacity. I submit this declaration on behalf of Heru Urban Farming and Garden, a nonprofit organization affected by the federal funding pause.
2. I am the Founder of Heru Urban Farming and Garden (“HUFG”) and a 5th generation farmer. Started in 2017, Heru has grown from three lots totaling 10,612 square feet to impacting over 300,000 people across the metro St. Louis region today. Heru Urban Farming provides fresh, healthy food to many communities, including low-income communities that reside in food deserts with limited access to grocery stores or farmers markets. Heru Urban Farming also provides educational resources, including an agricultural curriculum for primary and secondary students in the St. Louis area, employs

individuals from underserved communities, and helps provide training to minority farmers.

3. HUFG received a grant through the Increasing Land, Capital and Market Access Program from the United States Department of Agriculture (“USDA”) in the amount of \$2,500,000.
4. HUFG will use its USDA grant to fund the St. Louis Urban Farmers Collective (the “Collective”), which focuses on enabling increased access to land and resources for novice food producers to sustain a profitable farming operation. The goal of the Collective is to meet individual and community consumer needs in households within persistently underserved, food insecure, and food desert sectors in the St. Louis Metro area. The Collective will bring together unemployed urban farmers with limited to no experience; small business and entrepreneurial farmers and growers seeking to be equitably immersed into the regional food system through land and food storage capacity building; disadvantaged and/or newer producers exploring opportunities for self-sufficiency to avoid food insecurity; and veteran/experienced producers and urban agriculturalists with limited capacity or experiencing operational challenges.
5. HUFG has not been able to access their legally obligated funds under the Increasing Land, Capital, and Market Access program in 2025.
6. Due to the federal funding freeze, HUFG has suffered irreparable harm already, insofar as they have had to suspend all grant-related activities given that they have no clear timeline for when funds will be restored.

- a. HUFG cannot fund their project to acquire property to train young minority farmers on how to grow produce in a no-till system and bring the produce to market.
- b. HUFG was slated to close on an 87 acre property on March 20, for which we complied with everything the federal government required, including a National Environmental Protection Act and an appraisal. Despite negotiating a longer closing time of 90 days with the seller and doing everything required of us, we are at risk of losing the property at this point.
- c. We have had to pause approximately 80% of our programs. This includes an agricultural educational curriculum at five (5) schools in the St. Louis area that teaches students the history of different foods, provides key information on nutrition, and showcases young chefs of color to inspire the next generation, help young people expand their palettes, connect their own experience with the new experiences they have in the classroom, and then transfer what they learned back home to their families. That program also brings nutritionists and herbalists into the classroom to provide information on food's medicinal qualities and create herbal oils from plants like calendula, comfrey, and echinacea.
- d. We have also had to put a pause on our urban farmers training program, a first of its kind program that educates the next generation of farmers not just on agricultural practices but how to run a successful, profitable business - including establishing a limited liability corporation or non-profit and how to advertise and distribute products. I have to now call the 15 successful applicants and tell them

that this critical pilot program was paused before it was even able to get off the ground.

- e. This funding pause might affect other grants that HUFG is expecting from the state to build a canning kitchen and purchase a refrigerated van and a greenhouse. Given that our federal grant is essential to the advancement of programs crucial for maintaining compliance with our state grant requirements, any instability or unreliability in accessing federal funding could potentially jeopardize our ability to secure or sustain other critical sources of funding.
  - f. I had accounts set up for crop planting and livestock delivery to the property I was supposed to close on that now have to be canceled as a result of the forced downsizing from the 87 acre farm plan.
7. Even without this grant, I have worked consistently in the community to support people's health and well-being, through community gardening, mentorship, and education. I started off as a teacher, teaching physical education and health and substitute teaching for over ten years in St. Louis public schools and many other school districts in the St. Louis Metro Area, so it was important for me that we not just have farming but teach children to be engaged, as well. This funding freeze has directly impacted my relationship with the community. Because of my inability to access funding, I am forced to continue to use part of 240 acre Confluence Farm, despite informing them of my legitimate and reasonable belief that I would be able to start an independent farm. Since the owner of Confluence Farm no longer has access to his full acreage, I am cutting into his profits.
8. Additionally, people in the community have come to rely on me and the Collective project. Due to the funding pause, workers that I hired have had to take other jobs in

order to feed their families, and the robust pipeline of potential employees that I had from student programs will have to be drastically reduced in size. I hired my youth staff through the educational program I described above, in partnership with the St. Louis Agency for Training Employment. These young people were relying on this grant to be paid, and now I have to tell them that we have to put a hold on things.

9. My word is everything, and I had so many people depending on me - all of my workers, the trainers, and my program trainees. The whole community was so excited about the new property and the whole vision. Even people I do not know personally, tell me that this is something that the region desperately needs after meeting some of the program instructors I employ. And, while I can't claim credit, it is notable that since opening a community garden in the area, crime has decreased significantly.
10. From a personal standpoint, because our grant is in limbo, I have had to turn to relying on dipping into my savings and driving to Uber to survive in order to keep this project going as long as I can.
11. Getting this grant was initially a dream come true - when I got the email, I was in the car with my son and was elated because it was going to enable me to fulfill something that I had manifested for many years. I have made sacrifices to step into leadership in this space and fulfill my duty to all the people who are relying on me. At this point, even if my funding is reliably restored, I feel like I can't trust the federal government and I am letting my community down.
12. Immediate USDA grant funds are needed to resume this project and restore momentum toward environmental justice, resilience, and long-term sustainability.

13. The injury to HUFG and its interests would be redressed by an order from the Court granting the Plaintiffs the relief they have requested.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States, the foregoing is true and correct.

Executed this 2nd day of April 2025.

A handwritten signature in black ink, appearing to read 'Tyrean' followed by a stylized 'L'.

Tyrean "Heru" Lewis

Founder, Heru Urban Farming and Garden



UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
(CHARLESTON DIVISION)

The Sustainability Institute et al,	)	
	)	
Plaintiff,	)	Case No. 2:25-cv-02152-RMG
	)	
v.	)	
	)	
Trump et al,	)	<b>Motion in Support of</b>
	)	<b><i>Pro Hac Vice</i> Application for</b>
Defendant.	)	<b>Jillian Blanchard</b>
	)	

---

The undersigned local counsel hereby moves, together with the attached Application and Affidavit, that Jillian Blanchard be admitted *pro hac vice* in the above-captioned case as associate counsel. As local counsel, I understand that:

1. I will personally sign and include my District of South Carolina federal bar attorney identification number on each pleading, motion, discovery procedure, or other document that I serve or file in this court; and
2. All pleadings and other documents that I file in this case will contain my name, firm name, address, and phone number and those of my associate counsel admitted *pro hac vice*; and
3. Service of all pleadings and notices as required shall be sufficient if served upon me, and it is my responsibility to serve my associate counsel admitted *pro hac vice*; and
4. Unless excused by the court, I will be present at all pretrial conferences, hearings, and trials and may attend discovery proceedings. I will be prepared to actively participate if necessary.
5. Certification of Consultation (Local Civil Rule 7.02).
 

☒ Prior to filing this Motion, I conferred with opposing counsel who has indicated the following position as to this Motion: ☐ will likely oppose; ☒ does not intend to oppose  
☐ Prior to filing this Motion, I attempted to confer with opposing counsel but was unable to do so for the following reason(s):  
☐ No duty of consultation is required because the opposing party is proceeding *pro se*.

*Signature on following page*

s/Kathleen McDaniel

Kathleen McDaniel (Fed. Bar No. 10139)  
BURNETTE SHUTT & MCDANIEL, PA  
912 Lady Street, Second Floor  
Columbia, SC 29201  
Telephone: (803) 904-7913  
[kmcdaniel@burnetteshutt.law](mailto:kmcdaniel@burnetteshutt.law)

*Counsel for Amicus Curiae Environmental  
Protection Network, The MetroHealth System,  
Kalamazoo Climate Crisis Coalition,  
Landforce, ActiveSGV, and Heru Urban  
Farming and Garden*

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
(CHARLESTON DIVISION)**

THE SUSTAINABILITY INSTITUTE,  
AGRARIAN TRUST, ALLIANCE FOR  
AGRICULTURE, ALLIANCE FOR THE  
SHENANDOAH VALLEY, BRONX RIVER  
ALLIANCE, CLEANAIRE NC, CONSERVATION  
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INSTITUTE, LEADERSHIP COUNSEL FOR  
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MARBLESEED, ORGANIC ASSOCIATION OF  
KENTUCKY, PENNSYLVANIA ASSOCIATION  
FOR SUSTAINABLE AGRICULTURE AND  
RURAL ADVANCEMENT FOUNDATION  
INTERNATIONAL-USA,

and

MAYOR AND CITY COUNCIL OF BALTIMORE,  
CITY OF COLUMBUS, CITY OF MADISON,  
METROPOLITAN GOVERNMENT OF  
NASHVILLE AND DAVIDSON COUNTY,  
CITY OF NEW HAVEN, CITY OF SAN DIEGO, )  
Plaintiff/Petitioner/USA, )

v. )

Case No. 2:25-cv-02152-RMG

DONALD TRUMP, IN HIS OFFICIAL CAPACITY  
AS PRESIDENT OF THE UNITED STATES,  
KEVIN HASSETT, in his official capacity as  
Assistant to the President for Economic Policy and  
Director of the National Economic Council;  
UNITED STATES OFFICE OF MANAGEMENT  
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official capacity as Director of the United States  
Office of Management and Budget; UNITED  
STATES ENVIRONMENTAL PROTECTION  
AGENCY; LEE ZELDIN, in his official capacity  
as Administrator of the United States Environmental  
Protection Agency; UNITED STATES  
DEPARTMENT OF AGRICULTURE;  
BROOKE ROLLINS, in her official capacity  
as Secretary of Agriculture;  
UNITED STATES DEPARTMENT OF  
TRANSPORTATION; SEAN DUFFY, in his  
official capacity as the Secretary of the United  
States Department of Transportation;  
UNITED STATES DEPARTMENT OF ENERGY;  
CHRIS WRIGHT, in his official capacity as  
the Secretary of the United States Department

**Application/Affidavit for  
*Pro Hac Vice* Admission**

Court	Date Admitted	Good Standing		
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No

- (7) Pending Disciplinary Matters. Are you presently the subject of any formal suspension or disbarment proceedings, and have you been notified by any disciplinary agency of the initiation of formal procedures? . . . . . ☐ Yes ☒ No  
(If "yes," give particulars, such as jurisdiction, court, date, grounds. Information to comply with this paragraph may be provided *in camera* but that fact shall be revealed below.)

\_\_\_\_\_

\_\_\_\_\_

- (8) Curtailment of Prior *Pro Hac Vice* Admissions. Have you ever had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked?  
☐ Yes ☒ No  
(If "yes," give particulars, such as date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation.)

\_\_\_\_\_

\_\_\_\_\_

- (9) Sanctions. Have you ever had any certificate or privilege to appear and practice before any judicial or administrative body suspended or revoked, or received a public reprimand or greater sanction?  
☐ Yes ☒ No  
(If "yes," give particulars, e.g., judicial or administrative body, date of suspension, and reinstatement.)

\_\_\_\_\_

\_\_\_\_\_

- (10) Criminal Sanctions. Have you ever been convicted of a felony under the laws of the District of Columbia or of any State or under the laws of the United States? ☐ Yes ☒ No  
(If "yes," give particulars, such as date, court, judge, circumstances, and ultimate disposition.)

\_\_\_\_\_

\_\_\_\_\_

- (11) Present and Previous *Pro Hac Vice* in this Court. Have you, within the last ten (10) years, filed an application to appear *pro hac vice* in the United States District Court for the District of South Carolina or another court in the state of South Carolina? ☐ Yes ☒ No  
(If "yes," give court, case name, docket number, and status of litigation, year of application, local counsel of record in each case, and state whether application is pending or was granted.) Attach additional pages if necessary.

\_\_\_\_\_

\_\_\_\_\_

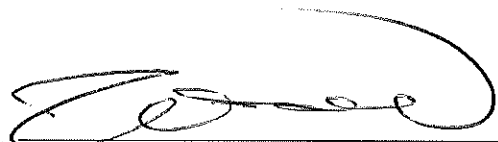
- (12) Designated Local Counsel. Local counsel of record associated with Applicant in this case is:

Attorney Name: Kathleen M. McDaniel  
 Firm Name: BURNETTE SHUTT & McDANIEL, P.A.  
 Street Address or Post Office Box: Post Office Box 1929  
 City, State, and Zip Code: Columbia, SC 29202  
 Telephone Number: 803.904.7913  
 E-Mail Address: KMcDaniel@BurnetteShutt.law

I understand that local counsel of record is required to: (1) personally sign each pleading, motion, discovery procedure, or other document served or filed in this Court; (2) accept service of all pleadings and notices as required on behalf of all counsel for the party represented; (3) be present at all pretrial conferences, hearings and trials, unless excused by the Court; (4) be prepared to participate actively as may be necessary; and (5) assure compliance with applicable rules of procedure. Local counsel of record may attend discovery proceedings.

- (13) Associated Counsel. In addition to local counsel designated above, the following counsel are also associated with the undersigned in this case.  
Larissa Mika Koehler, Khadijah Silver
- (14) Application Fee. I affirm that the application fee of three hundred and fifty dollars (\$350) has been paid in accordance with the Local Rules of the United States District Court for the District of South Carolina or paid herewith.
- (15) Electronic Notification. By submitting this application, I consent to electronic notification.
- (16) Represented Party/Parties. I seek to represent the following party/parties:  
 Environmental Protection Network, MetroHealth System, Kalamazoo Climate Crisis Coalition, Landforce, ActiveSGV, and Heru Urban Farming and Garden
- (17) I certify that I have read Local Civil Rule 30.04 regarding the conduct of depositions.

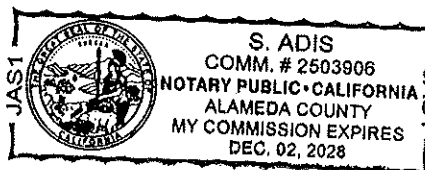
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

  
 Signature of Applicant

Sworn to and subscribed before me  
 this 30 day of April, 2025.

S. Adis  
 A Notary Public  
 of the State of CA

My Commission expires: 12-02-2028





Jillian Blanchard &lt;blanchard.jillian@gmail.com&gt;

**Your payment has been processed.**

2 messages

cos@calbar.ca.gov &lt;cos@calbar.ca.gov&gt;

Tue, Apr 1, 2025 at 1:24 PM

Reply-To: cos@calbar.ca.gov

To: blanchard.jillian@gmail.com

Jillian Blanchard has requested Certificate of Good Standing. We will provide that document to supplement this information when it is received.

Dear **Jillian Blanchard**,**CERTIFICATE OF STANDING - PAYMENT SUCCESSFUL**

Your payment has been successfully processed and confirmed.

**INVOICE NO:** C5CFD420359320250**PAYMENT AMOUNT:** \$41.00**PAYMENT METHOD:** Master Card - 4226**CONFIRMATION NO:** 7435389926796730603283

Certificates are usually sent within 10 to 12 business days of receipt of your request.

If you need any additional assistance, please do not hesitate to contact us by phone at 888-800-3400 or via the Licensee Records and Compliance Inquiry Form.

Thank you.

Division of Regulation



180 Howard Street, San Francisco, CA 94105

**Jillian Blanchard** <blanchard.jillian@gmail.com>  
To: kelly@l4gg.org

Wed, Apr 2, 2025 at 10:37 AM

[Quoted text hidden]



UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

**PHV ATTORNEY NAME AND ADDRESS UPDATE FORM**

Case number(s) in which admitted as PHV counsel: 2:25-cv-02152-RMG

Please complete this form when *any* of the listed information should be updated in the Court's records.

ATTORNEY NAME: Jillian Beth Blanchard

FIRM: Lawyers for Good Government

ADDRESS: 6218 Georgia Ave NW, Unit 5001

Washington, DC 20011


PHONE NUMBER: 617.997.3394

FAX NUMBER: \_\_\_\_\_

E-MAIL FOR ELECTRONIC SERVICE: Jillian@lawyersforgoodgovernment.org

SECONDARY E-MAIL FOR ELECTRONIC SERVICE: FPC@L4GG.org

By submitting this form, I consent to electronic service via NEF of all documents filed in the ECF system in cases in which I appear in the District of South Carolina.

Signature: 

Date: 4/2/25

Fax completed form to: (803) 765-5108  
Attn: CM/ECF Administrator

OR mail completed form to: CM/ECF Administrator  
U.S. District Court  
901 Richland Street  
Columbia, SC 29201

OR email completed form to: ecf\_registration@scd.uscourts.gov



UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
(CHARLESTON DIVISION)

The Sustainability Institute et al,	)	
	)	
Plaintiff,	)	Case No. 2:25-cv-02152-RMG
	)	
v.	)	
	)	
Trump et al,	)	<b>Motion in Support of</b>
	)	<b><i>Pro Hac Vice</i> Application for</b>
Defendant.	)	<b>Khadijah Silver</b>
	)	

---

The undersigned local counsel hereby moves, together with the attached Application and Affidavit, that **Khadijah Silver** be admitted *pro hac vice* in the above-captioned case as associate counsel. As local counsel, I understand that:

1. I will personally sign and include my District of South Carolina federal bar attorney identification number on each pleading, motion, discovery procedure, or other document that I serve or file in this court; and
2. All pleadings and other documents that I file in this case will contain my name, firm name, address, and phone number and those of my associate counsel admitted *pro hac vice*; and
3. Service of all pleadings and notices as required shall be sufficient if served upon me, and it is my responsibility to serve my associate counsel admitted *pro hac vice*; and
4. Unless excused by the court, I will be present at all pretrial conferences, hearings, and trials and may attend discovery proceedings. I will be prepared to actively participate if necessary.
5. Certification of Consultation (Local Civil Rule 7.02).
 

☒ Prior to filing this Motion, I conferred with opposing counsel who has indicated the following position as to this Motion: ☐ will likely oppose; ☒ does not intend to oppose  
☐ Prior to filing this Motion, I attempted to confer with opposing counsel but was unable to do so for the following reason(s):  
☐ No duty of consultation is required because the opposing party is proceeding *pro se*.

*Signature on following page*

s/Kathleen McDaniel

Kathleen McDaniel (Fed. Bar No. 10139)  
BURNETTE SHUTT & MCDANIEL, PA  
912 Lady Street, Second Floor  
Columbia, SC 29201  
Telephone: (803) 904-7913  
[kmcdaniel@burnetteshutt.law](mailto:kmcdaniel@burnetteshutt.law)

*Counsel for Amicus Curiae Environmental  
Protection Network, The MetroHealth System,  
Kalamazoo Climate Crisis Coalition,  
Landforce, ActiveSGV, and Heru Urban  
Farming and Garden*

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
(CHARLESTON DIVISION)**

THE SUSTAINABILITY INSTITUTE,  
AGRARIAN TRUST, ALLIANCE FOR  
AGRICULTURE, ALLIANCE FOR THE  
SHENANDOAH VALLEY, BRONX RIVER  
ALLIANCE, CLEANAIRE NC, CONSERVATION  
INNOVATION FUND, EARTH ISLAND  
INSTITUTE, LEADERSHIP COUNSEL FOR  
JUSTICE AND ACCOUNTABILITY,  
MARBLESEED, ORGANIC ASSOCIATION OF  
KENTUCKY, PENNSYLVANIA ASSOCIATION  
FOR SUSTAINABLE AGRICULTURE AND  
RURAL ADVANCEMENT FOUNDATION  
INTERNATIONAL-USA,

and

MAYOR AND CITY COUNCIL OF BALTIMORE,  
CITY OF COLUMBUS, CITY OF MADISON,  
METROPOLITAN GOVERNMENT OF  
NASHVILLE AND DAVIDSON COUNTY,  
CITY OF NEW HAVEN, CITY OF SAN DIEGO, )  
Plaintiff/Petitioner/USA, )

v. )

Case No. 2:25-cv-02152-RMG

DONALD TRUMP, IN HIS OFFICIAL CAPACITY  
AS PRESIDENT OF THE UNITED STATES,  
KEVIN HASSETT, in his official capacity as  
Assistant to the President for Economic Policy and  
Director of the National Economic Council;  
UNITED STATES OFFICE OF MANAGEMENT  
AND BUDGET; RUSSELL VOUGHT, in his  
official capacity as Director of the United States  
Office of Management and Budget; UNITED  
STATES ENVIRONMENTAL PROTECTION  
AGENCY; LEE ZELDIN, in his official capacity  
as Administrator of the United States Environmental  
Protection Agency; UNITED STATES  
DEPARTMENT OF AGRICULTURE;  
BROOKE ROLLINS, in her official capacity  
as Secretary of Agriculture;  
UNITED STATES DEPARTMENT OF  
TRANSPORTATION; SEAN DUFFY, in his  
official capacity as the Secretary of the United  
States Department of Transportation;  
UNITED STATES DEPARTMENT OF ENERGY;  
CHRIS WRIGHT, in his official capacity as  
the Secretary of the United States Department

**Application/Affidavit for  
*Pro Hac Vice* Admission**

of Energy;

UNITED STATES DEPARTMENT OF

GOVERNMENTAL EFFICIENCY SERVICE;

AMY GLEASON, in her official capacity as Acting

Administrator of the United States DOGE Service;

ELON MUSK, in his official capacity as Senior

Advisor of the United States DOGE Service., , )

Defendant/Respondent. )

\_\_\_\_\_ )

(1) Name. Khadijah Silver  
First Middle Last

(2) Residence. I reside in the following state: New York  
If a South Carolina resident, indicate months/years of residence: \_\_\_\_\_

(3) Business Address. I am an attorney and practice law under the name of or as a member of the following firm:

Firm name: Lawyers for Good Government

Mailing address: 6218 Georgia Ave NW, Unit 5001 City/State/Zip Washington, DC 20011

Telephone number: 617.997.3394

Facsimile number: \_\_\_\_\_

E-mail address: khadijah@lawyersforgoodgovernment.org

(Application will not be considered without an e-mail address to receive electronic notification.)

(4) Jurisdiction of this Court. I, by execution of this Application and Affidavit, consent and agree to comply with the applicable statutes, laws, and rules of the State of South Carolina, with all applicable federal statutes, laws, and rules, including Local Rules of the United States District Court for the District of South Carolina. I consent to the jurisdiction of the United States District Court for the District of South Carolina in all matters of attorney conduct.<sup>1</sup>

(5) Regular Practice of Law. I am a member in good standing of the bar of the highest court of the District of Columbia or the State of New York where I regularly practice law. **Attached is my certificate of good standing.**

(6) Additional Bar Membership. I have been admitted to practice before the following courts: (List all of the courts Applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.) By signing this Affidavit, I certify that I am a member in good standing of each of the listed bars unless otherwise noted.

<sup>1</sup>This District maintains a web site (www.scd.uscourts.gov) from which the federal and local rules of procedure and related materials may be obtained.

Court	Date Admitted	Good Standing
_____	_____	_____
_____	_____	_____
_____	_____	_____

☐ Yes ☐ No☐ Yes ☐ No☐ Yes ☐ No

- (7) Pending Disciplinary Matters. Are you presently the subject of any formal suspension or disbarment proceedings, and have you been notified by any disciplinary agency of the initiation of formal procedures? ..... ☐ Yes ☒ No  
(If “yes,” give particulars, such as jurisdiction, court, date, grounds. Information to comply with this paragraph may be provided *in camera* but that fact shall be revealed below.)
- \_\_\_\_\_
- \_\_\_\_\_

- (8) Curtailment of Prior *Pro Hac Vice* Admissions. Have you ever had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked?  
☐ Yes ☒ No  
(If “yes,” give particulars, such as date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation.)
- \_\_\_\_\_
- \_\_\_\_\_

- (9) Sanctions. Have you ever had any certificate or privilege to appear and practice before any judicial or administrative body suspended or revoked, or received a public reprimand or greater sanction?  
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(If “yes,” give particulars, e.g., judicial or administrative body, date of suspension, and reinstatement.)
- \_\_\_\_\_
- \_\_\_\_\_

- (10) Criminal Sanctions. Have you ever been convicted of a felony under the laws of the District of Columbia or of any State or under the laws of the United States? ☐ Yes ☒ No  
(If “yes,” give particulars, such as date, court, judge, circumstances, and ultimate disposition.)
- \_\_\_\_\_
- \_\_\_\_\_

- (11) Present and Previous *Pro Hac Vice* in this Court. Have you, within the last ten (10) years, filed an application to appear *pro hac vice* in the United States District Court for the District of South Carolina or another court in the state of South Carolina? ☐ Yes ☒ No  
(If “yes,” give court, case name, docket number, and status of litigation, year of application, local counsel of record in each case, and state whether application is pending or was granted.) Attach additional pages if necessary.
- \_\_\_\_\_
- \_\_\_\_\_

- (12) Designated Local Counsel. Local counsel of record associated with Applicant in this case is:

Attorney Name:

Kathleen M. McDaniel

Firm Name:

BURNETTE SHUTT & McDANIEL, P.A.

Street Address or Post Office Box:

Post Office Box 1929

City, State, and Zip Code:

Columbia, SC 29202

Telephone Number:

803.904.7913

E-Mail Address:

KMcDaniel@BurnetteShutt.law

I understand that local counsel of record is required to: (1) personally sign each pleading, motion, discovery procedure, or other document served or filed in this Court; (2) accept service of all pleadings and notices as required on behalf of all counsel for the party represented; (3) be present at all pretrial conferences, hearings and trials, unless excused by the Court; (4) be prepared to participate actively as may be necessary; and (5) assure compliance with applicable rules of procedure. Local counsel of record may attend discovery proceedings.

- (13) Associated Counsel. In addition to local counsel designated above, the following counsel are also associated with the undersigned in this case.

Larissa Mika Koehler, Jillian Beth Blanchard


- (14) Application Fee. I affirm that the application fee of three hundred and fifty dollars (\$350) has been paid in accordance with the Local Rules of the United States District Court for the District of South Carolina or paid herewith.

- (15) Electronic Notification. By submitting this application, I consent to electronic notification.

- (16) Represented Party/Parties. I seek to represent the following party/parties:

Environmental Protection Network, MetroHealth System, Kalamazoo Climate Crisis Coalition, Landforce, ActiveSGV, and Heru Urban Farming and Garden

- (17) I certify that I have read Local Civil Rule 30.04 regarding the conduct of depositions.

  
Signature of Applicant

**Sworn to and subscribed before me**

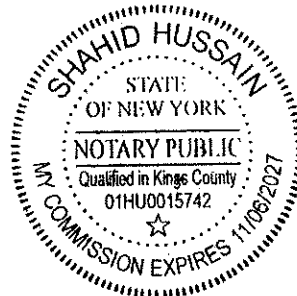
this 03 day of April, 2025.

SHAHID HUSSAIN

A Notary Public

of the State of New York

My Commission expires: 11-06-2027



Respectfully submitted,

---

Kathleen McDaniel (SC Bar No. 74826)  
Grant Burnette LeFever (SC Bar No. 103807)  
Lydia Robins Hendrix (SC Bar No. 106334)  
BURNETTE SHUTT & McDANIEL, P.A.  
Post Office Box 1929  
Columbia, SC 29202  
T: 803.904.7913  
F: 803-904-7910  
KMcdaniel@BurnetteShutt.law  
GLEfever@BurnetteShutt.law  
LHendrix@BurnetteShutt.law  
*Local Counsel*



Khadijah Silver (NY Bar No. 5473558)  
LAWYERS FOR GOOD GOVERNMENT  
6218 Georgia Ave NW, Unit 5001  
Washington, DC 20011  
T: 617.997.3394  
khadijah@lawyersforgoodgovernment.org  
*Counsel for Amici Curiae (application pending)*



Jillian Beth Blanchard (CA Bar No. 203593)  
LAWYERS FOR GOOD GOVERNMENT  
6218 Georgia Ave NW, Unit 5001  
Washington, DC 20011  
T: 617.997.3394  
Jillian@lawyersforgoodgovernment.org  
*Counsel for Amici Curiae (application pending)*

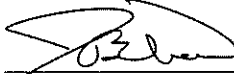
*Larissa Mika Koehler*

Larissa Mika Koehler (CA Bar No. 289581)  
LAWYERS FOR GOOD GOVERNMENT  
6218 Georgia Ave NW, Unit 5001  
Washington, DC 20011  
T: 617.997.3394  
Larissa@lawyersforgoodgovernment.org  
*Counsel for Amici Curiae (application pending)*

Respectfully submitted,



Khadijah Silver (NY Bar No. 5473558)  
LAWYERS FOR GOOD GOVERNMENT  
6218 Georgia Ave NW, Unit 5001  
Washington, DC 20011  
T: 617.997.3394  
khadijah@lawyersforgoodgovernment.org  
*Counsel for Amici Curiae (application pending)*



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LAWYERS FOR GOOD GOVERNMENT  
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T: 617.997.3394  
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Washington, DC 20011  
T: 617.997.3394  
Larissa@lawyersforgoodgovernment.org  
*Counsel for Amici Curiae (application pending)*

---

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Grant Burnette LeFever (SC Bar No. 103807)  
Lydia Robins Hendrix (SC Bar No. 106334)  
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F: 803-904-7910  
KMcdaniel@BurnetteShutt.law  
GLEfever@BurnetteShutt.law  
LHendrix@BurnetteShutt.law

*Local Counsel*

April 3, 2025  
Columbia, South Carolina





UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

**PHV ATTORNEY NAME AND ADDRESS UPDATE FORM**

Case number(s) in which admitted as PHV counsel: 2:25-cv-02152-RMG

Please complete this form when *any* of the listed information should be updated in the Court's records.

ATTORNEY NAME: Khadijah Silver

FIRM: Lawyers for Good Government

ADDRESS: 6218 Georgia Ave NW, Unit 5001  
Washington, DC 20011

PHONE NUMBER: 617.997.3394

FAX NUMBER: \_\_\_\_\_

E-MAIL FOR ELECTRONIC SERVICE: khadijah@lawyersforgoodgovernment.org

SECONDARY E-MAIL FOR ELECTRONIC SERVICE: FPC@L4GG.org

By submitting this form, I consent to electronic service via NEF of all documents filed in the ECF system in cases in which I appear in the District of South Carolina.

Signature: \_\_\_\_\_

Date: April 3, 2025

Fax completed form to: (803) 765-5108  
Attn: CM/ECF Administrator

OR mail completed form to: CM/ECF Administrator  
U.S. District Court  
901 Richland Street  
Columbia, SC 29201

OR email completed form to: ecf\_registration@scd.uscourts.gov



*Appellate Division of the Supreme Court  
of the State of New York  
Second Judicial Department*

---

*I, Darrell M. Joseph, Clerk of the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, do hereby certify that*

*Khadijah Silver*

*was duly licensed and admitted to practice as an Attorney and Counselor at Law in all the courts of this State on December 7, 2016, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counselors at Law on file in this office, is duly registered with the Office of Court Administration, and according to the records of this Court is currently in good standing as an Attorney and Counselor-at-Law.*



*In Witness Whereof, I have hereunto set my hand in the City of Brooklyn on October 25, 2024.*

*Clerk of the Court*



Appellate Division  
Supreme Court of the State of New York  
Second Judicial Department  
45 Monroe Place  
Brooklyn, N.Y. 11201  
(718) 875-1300

HECTOR D. LASALLE  
PRESIDING JUSTICE

DARRELL M. JOSEPH  
CLERK OF THE COURT

KENNETH BAND  
MELISSA KRAKOWSKI  
DEPUTY CLERKS

WENDY STYNES  
LAUREN G. DOME  
BRIAN E. KENNEDY  
ASSOCIATE DEPUTY CLERKS

To Whom It May Concern

An attorney admitted to practice by this Court may request a certificate of good standing, which is the only official document this Court issues certifying to an attorney's admission and good standing.

An attorney's registration status, date of admission and disciplinary history may be viewed through the attorney search feature on [the website of the Unified Court System](#).

New York State does not register attorneys as active or inactive.

An attorney may request a disciplinary history letter from the [Attorney Grievance Committee of the Second Judicial Department](#).

Bar examination history is available from the [New York State Board of Law Examiners](#).

Instructions, forms and links are available on [this Court's website](#).

Darrell M. Joseph  
Clerk of the Court



UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

**PHV ATTORNEY NAME AND ADDRESS UPDATE FORM**

Case number(s) in which admitted as PHV counsel: 2:25-cv-02152-RMG

Please complete this form when *any* of the listed information should be updated in the Court's records.

ATTORNEY NAME: Khadijah Silver

FIRM: Lawyers for Good Government

ADDRESS: 6218 Georgia Ave NW, Unit 5001  
Washington, DC 20011

PHONE NUMBER: 617.997.3394

FAX NUMBER: \_\_\_\_\_

E-MAIL FOR ELECTRONIC SERVICE: khadijah@lawyersforgoodgovernment.org

SECONDARY E-MAIL FOR ELECTRONIC SERVICE: FPC@L4GG.org

By submitting this form, I consent to electronic service via NEF of all documents filed in the ECF system in cases in which I appear in the District of South Carolina.

Signature: [Handwritten Signature] Date: April 3, 2025

Fax completed form to: (803) 765-5108  
Attn: CM/ECF Administrator

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U.S. District Court  
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OR email completed form to: ecf\_registration@scd.uscourts.gov

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
(CHARLESTON DIVISION)

The Sustainability Institute et al,	)	
	)	
Plaintiff,	)	Case No. 2:25-cv-02152-RMG
	)	
v.	)	
	)	
Trump et al,	)	<b>Motion in Support of</b>
	)	<b><i>Pro Hac Vice</i> Application for</b>
Defendant.	)	<b>Larissa Koehler</b>
	)	

---

The undersigned local counsel hereby moves, together with the attached Application and Affidavit, that **Larissa Koehler** be admitted *pro hac vice* in the above-captioned case as associate counsel. As local counsel, I understand that:

1. I will personally sign and include my District of South Carolina federal bar attorney identification number on each pleading, motion, discovery procedure, or other document that I serve or file in this court; and
2. All pleadings and other documents that I file in this case will contain my name, firm name, address, and phone number and those of my associate counsel admitted *pro hac vice*; and
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4. Unless excused by the court, I will be present at all pretrial conferences, hearings, and trials and may attend discovery proceedings. I will be prepared to actively participate if necessary.
5. Certification of Consultation (Local Civil Rule 7.02).
 

☒ Prior to filing this Motion, I conferred with opposing counsel who has indicated the following position as to this Motion: ☐ will likely oppose; ☒ does not intend to oppose  
☐ Prior to filing this Motion, I attempted to confer with opposing counsel but was unable to do so for the following reason(s):  
☐ No duty of consultation is required because the opposing party is proceeding *pro se*.

*Signature block on following page*

s/Kathleen McDaniel

Kathleen McDaniel (Fed. Bar No. 10139)  
BURNETTE SHUTT & MCDANIEL, PA  
912 Lady Street, Second Floor  
Columbia, SC 29201  
Telephone: (803) 904-7913  
[kmcdaniel@burnetteshutt.law](mailto:kmcdaniel@burnetteshutt.law)

*Counsel for Amicus Curiae Environmental  
Protection Network, The MetroHealth System,  
Kalamazoo Climate Crisis Coalition,  
Landforce, ActiveSGV, and Heru Urban  
Farming and Garden*

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
(CHARLESTON DIVISION)**

THE SUSTAINABILITY INSTITUTE,  
AGRARIAN TRUST, ALLIANCE FOR  
AGRICULTURE, ALLIANCE FOR THE  
SHENANDOAH VALLEY, BRONX RIVER  
ALLIANCE, CLEANAIRE NC, CONSERVATION  
INNOVATION FUND, EARTH ISLAND  
INSTITUTE, LEADERSHIP COUNSEL FOR  
JUSTICE AND ACCOUNTABILITY,  
MARBLESEED, ORGANIC ASSOCIATION OF  
KENTUCKY, PENNSYLVANIA ASSOCIATION  
FOR SUSTAINABLE AGRICULTURE AND  
RURAL ADVANCEMENT FOUNDATION  
INTERNATIONAL-USA,

and

MAYOR AND CITY COUNCIL OF BALTIMORE,  
CITY OF COLUMBUS, CITY OF MADISON,  
METROPOLITAN GOVERNMENT OF  
NASHVILLE AND DAVIDSON COUNTY,  
CITY OF NEW HAVEN, CITY OF SAN DIEGO, )  
Plaintiff/Petitioner/USA, )

v. )

Case No. 2:25-cv-02152-RMG

DONALD TRUMP, IN HIS OFFICIAL CAPACITY  
AS PRESIDENT OF THE UNITED STATES,  
KEVIN HASSETT, in his official capacity as  
Assistant to the President for Economic Policy and  
Director of the National Economic Council;  
UNITED STATES OFFICE OF MANAGEMENT  
AND BUDGET; RUSSELL VOUGHT, in his  
official capacity as Director of the United States  
Office of Management and Budget; UNITED  
STATES ENVIRONMENTAL PROTECTION  
AGENCY; LEE ZELDIN, in his official capacity  
as Administrator of the United States Environmental  
Protection Agency; UNITED STATES  
DEPARTMENT OF AGRICULTURE;  
BROOKE ROLLINS, in her official capacity  
as Secretary of Agriculture;  
UNITED STATES DEPARTMENT OF  
TRANSPORTATION; SEAN DUFFY, in his  
official capacity as the Secretary of the United  
States Department of Transportation;  
UNITED STATES DEPARTMENT OF ENERGY;  
CHRIS WRIGHT, in his official capacity as  
the Secretary of the United States Department

**Application/Affidavit for  
*Pro Hac Vice* Admission**

of Energy;

UNITED STATES DEPARTMENT OF

GOVERNMENTAL EFFICIENCY SERVICE;

AMY GLEASON, in her official capacity as Acting

Administrator of the United States DOGE Service;

ELON MUSK, in his official capacity as Senior

Advisor of the United States DOGE Service., , )

Defendant/Respondent. )

(1) Name. Larissa Mika Koehler  
First Middle Last

(2) Residence. I reside in the following state: Illinois  
If a South Carolina resident, indicate months/years of residence: \_\_\_\_\_

(3) Business Address. I am an attorney and practice law under the name of or as a member of the following firm:

Firm name: Lawyers for Good Government

Mailing address: 6218 Georgia Ave NW, Unit 5001 City/State/Zip Washington, DC 20011

Telephone number: 617.997.3394

Facsimile number: \_\_\_\_\_

E-mail address: Larissa@lawyersforgoodgovernment.org

(Application will not be considered without an e-mail address to receive electronic notification.)

(4) Jurisdiction of this Court. I, by execution of this Application and Affidavit, consent and agree to comply with the applicable statutes, laws, and rules of the State of South Carolina, with all applicable federal statutes, laws, and rules, including Local Rules of the United States District Court for the District of South Carolina. I consent to the jurisdiction of the United States District Court for the District of South Carolina in all matters of attorney conduct.<sup>1</sup>

(5) Regular Practice of Law. I am a member in good standing of the bar of the highest court of the District of Columbia or the State of California where I regularly practice law. **Attached is my certificate of good standing.**

(6) Additional Bar Membership. I have been admitted to practice before the following courts: (List all of the courts Applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.) By signing this Affidavit, I certify that I am a member in good standing of each of the listed bars unless otherwise noted.

<sup>1</sup>This District maintains a web site (www.scd.uscourts.gov) from which the federal and local rules of procedure and related materials may be obtained.



Court	Date Admitted	Good Standing	
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

- (7) Pending Disciplinary Matters. Are you presently the subject of any formal suspension or disbarment proceedings, and have you been notified by any disciplinary agency of the initiation of formal procedures? ..... ☐ Yes ☒ No  
(If “yes,” give particulars, such as jurisdiction, court, date, grounds. Information to comply with this paragraph may be provided *in camera* but that fact shall be revealed below.)
- \_\_\_\_\_
- \_\_\_\_\_

- (8) Curtailment of Prior *Pro Hac Vice* Admissions. Have you ever had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked? ☐ Yes ☒ No  
(If “yes,” give particulars, such as date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation.)
- \_\_\_\_\_
- \_\_\_\_\_

- (9) Sanctions. Have you ever had any certificate or privilege to appear and practice before any judicial or administrative body suspended or revoked, or received a public reprimand or greater sanction? ☐ Yes ☒ No  
(If “yes,” give particulars, e.g., judicial or administrative body, date of suspension, and reinstatement.)
- \_\_\_\_\_
- \_\_\_\_\_

- (10) Criminal Sanctions. Have you ever been convicted of a felony under the laws of the District of Columbia or of any State or under the laws of the United States? ☐ Yes ☒ No  
(If “yes,” give particulars, such as date, court, judge, circumstances, and ultimate disposition.)
- \_\_\_\_\_
- \_\_\_\_\_

- (11) Present and Previous *Pro Hac Vice* in this Court. Have you, within the last ten (10) years, filed an application to appear *pro hac vice* in the United States District Court for the District of South Carolina or another court in the state of South Carolina? ☐ Yes ☒ No  
(If “yes,” give court, case name, docket number, and status of litigation, year of application, local counsel of record in each case, and state whether application is pending or was granted.) Attach additional pages if necessary.
- \_\_\_\_\_
- \_\_\_\_\_

- (12) Designated Local Counsel. Local counsel of record associated with Applicant in this case is:

Attorney Name:	<u>Kathleen M. McDaniel</u>
Firm Name:	<u>BURNETTE SHUTT &amp; McDANIEL, P.A.</u>
Street Address or Post Office Box:	<u>Post Office Box 1929</u>
City, State, and Zip Code:	<u>Columbia, SC 29202</u>
Telephone Number:	<u>803.904.7913</u>
E-Mail Address:	<u>KMcDaniel@BurnetteShutt.law</u>

I understand that local counsel of record is required to: (1) personally sign each pleading, motion, discovery procedure, or other document served or filed in this Court; (2) accept service of all pleadings and notices as required on behalf of all counsel for the party represented; (3) be present at all pretrial conferences, hearings and trials, unless excused by the Court; (4) be prepared to participate actively as may be necessary; and (5) assure compliance with applicable rules of procedure. Local counsel of record may attend discovery proceedings.

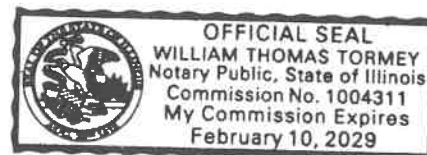
- (13) Associated Counsel. In addition to local counsel designated above, the following counsel are also associated with the undersigned in this case.  
Jillian Beth Blanchard, Khadijah Silver
- (14) Application Fee. I affirm that the application fee of three hundred and fifty dollars (\$350) has been paid in accordance with the Local Rules of the United States District Court for the District of South Carolina or paid herewith.
- (15) Electronic Notification. By submitting this application, I consent to electronic notification.
- (16) Represented Party/Parties. I seek to represent the following party/parties:  
Environmental Protection Network, MetroHealth System, Kalamazoo Climate Crisis Coalition, Landforce, ActiveSGV, and Heru Urban Farming and Garden
- (17) I certify that I have read Local Civil Rule 30.04 regarding the conduct of depositions.

Leissa Mika Koehner  
Signature of Applicant

Sworn to and subscribed before me  
this 3<sup>rd</sup> day of April, 2025.

William Thomas Tormey  
A Notary Public  
of the State of Illinois

My Commission expires: 2/10/29





Kelly McRae <kelly@lawyersforgoodgovernment.org>

## Fwd: Your payment has been processed.

1 message

Larissa Koehler <larissa.koehler@gmail.com>

Wed, Apr 2, 2025 at 3:22 PM

To: Kelly McRae <kelly@lawyersforgoodgovernment.org>

----- Forwarded message -----

From: <cos@calbar.ca.gov>

Date: Tue, Apr 1, 2025, 4:06 PM

Subject: Your payment has been processed.

To: <larissa.koehler@gmail.com>

Larissa Koehler has requested Certificate of Good Standing. We will provide that document to supplement this information when it is received.

Dear **Larissa Koehler**,

### **CERTIFICATE OF STANDING - PAYMENT SUCCESSFUL**

Your payment has been successfully processed and confirmed.

**INVOICE NO:** C777AE28958120250

**PAYMENT AMOUNT:** \$41.00

**PAYMENT METHOD:** Visa - 2163

**CONFIRMATION NO:** 7435415619086561103279

Certificates are usually sent within 10 to 12 business days of receipt of your request.

If you need any additional assistance, please do not hesitate to contact us by phone at 888-800-3400 or via the Licensee Records and Compliance Inquiry Form.

Thank you.

Division of Regulation



180 Howard Street, San Francisco, CA 94105



UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

**PHV ATTORNEY NAME AND ADDRESS UPDATE FORM**

Case number(s) in which admitted as PHV counsel: 2:25-cv-02152-RMG

Please complete this form when *any* of the listed information should be updated in the Court's records.

ATTORNEY NAME: Larissa Mika Koehler

FIRM: Lawyers for Good Government

ADDRESS: 6218 Georgia Ave NW, Unit 5001

Washington, DC 20011

PHONE NUMBER: 617.997.3394

FAX NUMBER: \_\_\_\_\_

E-MAIL FOR ELECTRONIC SERVICE: Larissa@lawyersforgoodgovernment.org

SECONDARY E-MAIL FOR ELECTRONIC SERVICE: FPC@L4GG.org

By submitting this form, I consent to electronic service via NEF of all documents filed in the ECF system in cases in which I appear in the District of South Carolina.

Signature: Larissa Mika Koehler

Date: April 3, 2025

Fax completed form to: (803) 765-5108  
Attn: CM/ECF Administrator

OR mail completed form to: CM/ECF Administrator  
U.S. District Court  
901 Richland Street  
Columbia, SC 29201

OR email completed form to: ecf\_registration@scd.uscourts.gov