

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CALIFORNIA FARM BUREAU
FEDERATION, a California non-profit
corporation; TED SHEELY, an individual
farmer,

Plaintiffs,

vs.

ANNE BADGLEY, in her official capacity as
Regional Director of the United States Fish and
Wildlife Service, Region 1; *et al.*,

Defendants,

and,

NATURAL RESOURCES DEFENSE
COUNCIL, *et al.*,

Intervenor-Defendants.

Case No. 1:02CV02328 RCL ECF

**DECLARATION OF JOE FINDARO IN SUPPORT OF
PLAINTIFFS' MOTION FOR LEAVE TO FILE
FIRST SUPPLEMENTAL COMPLAINT**

I, Joe Findaro, declare as follows:

1. I am an attorney with the law firm Akerman Senterfitt in Washington, D.C. I am the California Farm Bureau Federation's ("Farm Bureau") Washington, D.C. representative on administrative and legislative matters. The following facts are within my personal knowledge, and if called and sworn as a witness, I could and would testify competently thereto. I declare the following:

2. On the evening of April 1, 2004, I received a voicemail message from Ms. Brenda Jahns Southwick, Farm Bureau's in-house counsel primarily responsible for the representation of the Plaintiff, Farm Bureau, requesting that I return her phone call.

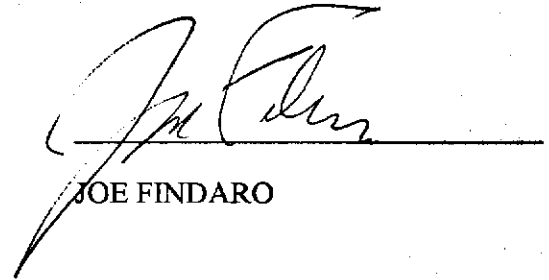
3. On April 2, 2004, at approximately 12:00 p.m. EST, I returned Ms. Southwick's phone call. She requested that I go to Julie A. MacDonald's office, Deputy Assistant Secretary of Fish, Wildlife and Parks, U.S. Department of the Interior, and pick up the e-mail that Ms. MacDonald had sent to Steve Thompson, Manager, California/Nevada Operations Office, United States Fish and Wildlife Service. This e-mail discussed the differences between representations made to her and the final delta smelt five year status review issued by Mr. Thompson. I agreed to send the e-mail to Ms. Southwick via facsimile upon receipt.

4. Shortly after ending my telephone call with Ms. Southwick, I went to Ms. MacDonald's office and retrieved a printed copy of the e-mail Ms. MacDonald had sent to Mr. Thompson. After retrieving the e-mail, I returned to my office.

5. On April 2, 2004, at approximately 1:30 a.m. EST, I sent the e-mail via facsimile to Ms. Southwick. A true and correct copy of the e-mail, dated April 1, 2004, is attached to Ms.

Southwick's declaration as Exhibit "A". I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 13, 2004



Handwritten signature of Joe Findaro, consisting of stylized initials and a surname, written in black ink above a horizontal line.

JOE FINDARO

