

EXHIBIT A

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

ORGANIZATION FOR COMPETITIVE
MARKETS,

Plaintif,

vs.

OFFICE OF INSPECTOR GENERAL,
UNITED STATES DEPARTMENT OF
AGRICULTURE,

Defendants

and

NATIONAL CATTLEMEN'S BEEF
ASSOCIATION,
9110 East Nichols Avenue, Suite 300
Centennial, Colorado 80112

Proposed Defendant-
Intervenor

Civil Action No. 1:14-cv-1902-EGS

DECLARATION OF DOUGLAS L. EVANS

1. My name is Douglas L. Evans. I am the Chief Financial Officer of the National Cattlemen's Beef Association (NCBA). I am over the age of 21 years old and am fully competent to make this declaration from my own knowledge.
2. The NCBA is a membership organization with more than 26,000 members comprised of participants in all segments of the cattle and beef business. As a membership organization, NCBA advocates on behalf of its members on a wide range of topics that affect the industry at the national level. With offices in Denver, Colorado, and Washington, D.C., NCBA is one of the primary contractors to the Beef Checkoff Program, managing and implementing programs which are focused on research, as well as the marketing and promotion of beef and beef

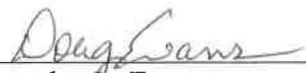
products. The U.S. Department of Agriculture (USDA) and the CBB maintain oversight of all checkoff-funded work conducted by NCBA.

3. Several years ago, I had heard rumors of an Organization for Competitive Markets (OCM) Freedom of Information Act (FOIA) request. I never was informed of its actual existence and did not know that any such OCM FOIA request was still active.
4. On August 3, 2016, I received a communication from the FOIA Specialist at the Agricultural Marketing Service (AMS) requesting that we review a single paged document that had been originated by NCBA for possible release in response to an FOIA request by the (OCM). I did not see at that time the actual FOIA request. I marked information in that document that I believe are exempt from production under FOIA and returned it, within a few days, to the FOIA Specialist. On August 30, 2016, I received a communication from the same AMS FOIA Specialist that NCBA's suggested redactions to that single paged document had been accepted by AMS.
5. On August 31, 2016, I received from the same AMS FOIA Specialist an additional approximately 500 pages of documents to review and was asked to respond by September 15, 2016. We are in the process of undertaking that review but do not believe we can accomplish a proper and thorough review of all of those documents by September 15th.
6. We were not aware of this litigation until September 6, 2016, when we learned that these FOIA requests may be related to litigation, and our attorneys searched for it and found the identity of the case and the docket sheet. We have never been informed by either of the parties that the litigation exists even though a number of the documents at issue in the FOIA request that is the subject of this litigation are originally NCBA documents and the confidential business and proprietary information contained in those documents is NCBA's property.

7. In reviewing the docket sheet of the case and various filings available on PACER, we discovered that the parties, a week earlier, had submitted proposed orders for scheduling the completion of production of documents under the FOIA request. We also learned for the first time that the response to the FOIA request may involve as many as 23,000 pages of documents, some large portion of which, I assume, are NCBA documents. Any production of the NCBA documents will first entail review for possible exempted information by NCBA.
8. NCBA has a small administrative staff and does not have any staff members who are experienced in reviewing documents and determining which information is exempt under FOIA. In addition, NCBA does not employ an in-house legal counsel or FOIA officer. Reviewing large volumes of documents for possible FOIA exemptions is beyond NCBA's usual workload, expertise and expectations. To do that review properly and without significant disruption requires a tremendous learning curve, shifting of workloads and other adjustments.
9. NCBA is concerned that the Court, hearing only from the two named parties to this case, will issue a scheduling order for production of documents in response to the FOIA request which does not take into account the requirements any such order will impose on NCBA to ensure that its business confidential and proprietary information is properly excluded from production. NCBA seeks to intervene so that the Court will have before it NCBA's views as to a timetable that would allow it to review all of these documents so as to protect from disclosure its business confidential and proprietary information.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 13, 2016


Douglas L. Evans