

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA**

Pegasus Equine Guardian Association

*Plaintiff,*

v.

U.S. Army and Brigadier General Gary M.  
Brito, in his official capacity as  
Commanding General, JRTC and Fort Polk,  
Louisiana

*Defendants.*

Division: Lake Charles

Case No. 2:17-CV-00980

Judge: Unassigned

Magistrate Judge: Kathleen Kay

*Ref. 137-002.2*

**Plaintiff's Motion to Submit Extra-Record Evidence**

Plaintiff, Pegasus Equine Guardian Association (Pegasus), moves the Court to allow their submission of extra-record evidence. Pegasus seeks to submit extra-record evidence that includes: (1) the Declaration of Dr. Bruce Nock; (2) exhibits attached to the Plaintiff's Motion for Preliminary Injunction (except for Exhibits A, B, M and N); and (3) the testimony and evidence entered into the record at the January 30, 2018 hearing on the Plaintiff's Motion for Preliminary Injunction, to the extent they are relevant to the merits of this case. These documents and testimony are relevant to this action and necessary for effective judicial review, because they document significant facts, issues, and scientific or technical analyses that the Government failed to consider before proceeding with its horse-elimination plan and are not included within the administrative record.

This Motion to Submit Extra Record Evidence is justified by WDLA local rules 7.1, 7.4 and 11, FRCP 7 and 11, and Federal Rules of Evidence 701, 702, 901 and 1001. Pegasus's submission of extra record evidence will allow this matter to proceed expediently. Therefore, Pegasus respectfully requests that the Court grant this Motion.

Respectfully submitted on January 17, 2018

s/ Allison Skopec

Allison Skopec, Student Attorney

s/ Ashlyn Smith-Sawka

Ashlyn Smith-Sawka, Student Attorney

s/ Mabelle Lee Hall

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Counsel for Pegasus Equine Guardian Association

### **Certificate of Service**

I hereby certify that on January 17, 2018, this pleading was filed and transmitted to all counsel of record via the Court's CM/ECF electronic filing system.

s/ Mabelle Lee Hall

Mabelle R. L. Hall