| Holland & Knight LLP<br>400 South Hope Street, 8 <sup>th</sup> Floor<br>Los Angeles, CA 90071<br>Tel: 213.896.2400 Fax: 213.896.2450 | 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9 | Case 2:18-cv-00688-JAM-EFB Document 2<br>HOLLAND & KNIGHT LLP<br>Vince Farhat (SBN 183794)<br>Stacey H. Wang (SBN 245195)<br>Janet Chung (SBN 272328)<br>400 South Hope Street, 8th Floor<br>Los Angeles, CA 90071<br>Telephone: (213) 896-2400<br>Facsimile: (213) 896-2450<br>Email: vince.farhat@hklaw.com<br>stacey.wang@hklaw.com<br>janet.chung@hklaw.com<br>Attorneys for Plaintiff<br>SUNRISE FOODS INTERNATIONAL INC. | 2-1 Filed 04/16/18 Page 1 of 3<br>S DISTRICT COURT                       |
|--|---|--|--|
|  | 10  | EASTERN DISTRICT OF CALIFORNIA   |  |
|  | 11  | SACRAMENTO DIVISION  |  |
|  | 12  | SUNRISE FOODS INTERNATIONAL INC.,  | ) Case No.: 2:18-cv-00688-JAM-EFB  |
|  | 13  | a Canadian corporation,  | )<br>) Assigned to Judge John A. Mendez                                  |
|  | 14  | Plaintiff,   | )<br>)<br>A CLIDDI EMENITAL DECLADATION OF                               |
|  | 15  | VS.  | ) SUPPLEMENTAL DECLARATION OF<br>) MICHAEL CORBETT IN SUPPORT OF         |
|  | 16<br>17                                  | SONNY PERDUE, Secretary of the U.S.<br>Department of Agriculture; U.S. Department  | )<br>) PLAINTIFF'S REPLY BRIEF IN<br>) SUPPORT OF <u>EX PARTE</u> MOTION |
|  | 17<br>18                                  | of Agriculture; KEVIN SHEA, Administrator<br>of the U.S. Department of Agriculture's   |  |
|  | 10  | Animal and Plant Health Inspection Service;<br>U.S. Department of Agriculture Animal and   | ) ORDER;<br>) (2) ORDER TO SHOW CAUSE RE:                                |
|  | 20  | Plant Health Inspection Service; KEVIN K.<br>MCALEENAN, Commissioner of U.S.   | ) PRELIMINARY INJUNCTION; AND<br>) (3) EXPEDITED DISCOVERY               |
|  | 21  | Customs and Border Protection; U.S.<br>Customs and Border Protection,  | )  |
|  | 22  | Defendants.  | )  |
|  | 23  |  |  |
|  | 24  |  | )  |
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|  | SUPPLEMENTAL DECLARATION OF MIC           |  | ATION OF MICHAEL CORBETT   |

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## SUPPLEMENTAL DECLARATION OF MICHAEL CORBETT

I, Michael Corbett, declare and state as follows:

I am the Vice President of Supply Chain and Infrastructure of Sunrise Foods 1. International (U.S.A.) Inc., the U.S. subsidiary of the Canadian corporation Sunrise Foods International Inc. ("Sunrise") located at 306 Queen Street Suite 200, Saskatoon, SK S7K 0M2, Canada. I am over the age of eighteen and competent to make this Supplemental Declaration in support of Sunrise's *Ex Parte* Motion for a Temporary Restraining Order, Order to Show Cause re: Preliminary Injunction, and Expedited Discovery, filed in this action. I have personal knowledge of the matters set forth herein and if called upon and sworn to do so, I could and would testify truthfully about its contents.

2. Although CBP, APHIS and USDA contend in its Opposition brief and in the 11 Declaration of Omar Sultan, that CBP conditionally cleared the Mountpark Shipments on March 7, 2018 pending a response from CBP's Agriculture Program and Trade Liaison on information provided to it regarding the shipments, I was not notified that there were any restrictions imposed on these Mountpark clearances. To my knowledge, Sunrise was also not notified about any restrictions imposed on these clearances. In fact, as evident in the clearance paperwork, which was attached as Exhibits B and C to my first declaration, there was nothing that indicated that these clearances were "conditional" or otherwise different from the clearances of any of the prior 18 19 shipments.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 16th day of April 2018 in Westlake Village, California.

Michael Corbett

Tel: 213.896.2400 Fax: 213.896.2450 400 South Hope Street, 8th Floor Holland & Knight LLP Los Angeles, CA 90071 12 13 14 15 16 17

1 SUPPLEMENTAL DECLARATION OF MICHAEL CORBETT

|  |   | Case 2:18-cv-00688-JAM-EFB Document 22-1 Filed 04/16/18 Page 3 of 3  |  |  |
|--|---|--|--|--|
|  | 1   | PROOF OF SERVICE   |  |  |
| Holland & Knight LLP<br>400 South Hope Street, 8 <sup>th</sup> Floor<br>Los Angeles, CA 90071<br>Tel: 213.896.2400 Fax: 213.896.2450 | 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24<br>25<br>26<br>27<br>28 | State of California     )     ss.       County of Los Angeles     )     ss.       Tam employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 400 South Hope Street, 8th Floor, Los Angeles, California 90071.       On April 16, 2018, I served the document described as SUPPLEMENTAL DECLARATION OF MICHAEL CORBETT IN SUPPORT OF PLAINTIFF'S REPLY BRIEF IN SUPPORT OF EXAMPLE (CORBETT IN SUPPORT OF PLAINTIFF'S REPLY BRIEF IN SUPPORT OF SHOW CAUSE RE: PRELIMINARY INJUNCTION; AND (3) EXPEDITED DISCOVERY on the interested parties in this action:       DANIEL HALAINEN     Trial Attorney (MA Bar No.694582)       U.S. Department of Justice     Civil Division, Federal Programs Branch 20 Massachusetts Avenue, NW       Washington, DC 20530     Tel:: (202) 616-8101       Fax: (202) 616-8470     Email: daniel.j.halainen@usdoj.gov       Maagement and Electronic TRANSFER TO THE CM/ECF SYSTEM       In accordance with Federal Rules of Civil Procedure 5, Local Rule 135, I uploaded via electronic transfer a true and correct copy scanned into an electronic file in Adobe pdf' format of the above-listed documents to the CM/ECF system. they will be served on all parties of necord according to the preferences chosen by those parties within the CM/ECF system. The transmission was reported as complete and without error.       I declare under penalty of perjury under the laws of the United States of America that the above is true and correct. Executed on April 16, 2018, at Los Angeles, California. |  |  |
|  |   | PROOF OF SERVICE   |  |  |