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11 IN THE UNITED STATES DISTRICT COURT  
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 **STATE OF CALIFORNIA; STATE OF**  
 15 **NEW YORK; STATE OF ARIZONA;**  
 16 **STATE OF COLORADO; STATE OF**  
 17 **CONNECTICUT; STATE OF**  
 18 **DELAWARE; DISTRICT OF**  
 19 **COLUMBIA; STATE OF HAWAI‘I;**  
 20 **STATE OF ILLINOIS; OFFICE OF THE**  
 21 **GOVERNOR ex rel. Andy Beshear, in his**  
 22 **official capacity as Governor of the**  
 23 **Commonwealth of Kentucky; STATE OF**  
 24 **MAINE; STATE OF MARYLAND;**  
 25 **COMMONWEALTH OF**  
 26 **MASSACHUSETTS; STATE OF**  
 27 **MICHIGAN; STATE OF MINNESOTA;**  
 28 **STATE OF NEVADA; STATE OF NEW**  
**JERSEY; STATE OF NEW MEXICO;**  
**STATE OF OREGON; STATE OF RHODE**  
**ISLAND; STATE OF WASHINGTON;**  
**STATE OF WISCONSIN,**

Plaintiffs,

v.

**UNITED STATES DEPARTMENT OF**  
**AGRICULTURE; BROOKE ROLLINS, in**  
 her official capacity as U.S. Secretary of

3:25-cv-06310

**DECLARATION OF SEBASTIAN  
 BRADY IN SUPPORT OF STIPULATED  
 REQUEST TO SHORTEN TIME ON  
 PLAINTIFF STATES’ MOTION FOR  
 STAY OR PRELIMINARY INJUNCTION**

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**Agriculture; U.S. DEPARTMENT OF  
AGRICULTURE'S OFFICE OF  
INSPECTOR GENERAL,**  
  
Defendants.

1                   **DECLARATION OF SEBASTIAN BRADY IN SUPPORT OF STIPULATED**  
2                   **REQUEST TO SHORTEN TIME ON PLAINTIFF STATES’ MOTION FOR STAY OR**  
3                   **PRELIMINARY INJUNCTION**

4 I, Sebastian Brady, declare under penalty of perjury that the following is true and correct:

5           1. I am an attorney licensed to practice law in California. I am a Deputy in the  
6 California Attorney General’s Office, and counsel to Plaintiff the State of California. I make this  
7 declaration, as required by Local Rule 6-2, in support of Plaintiffs’ and Defendants’ Stipulated  
8 Request to Shorten Time on Plaintiff States’ Motion for Stay or Preliminary Injunction.

9           2. I am over the age of 18 and have personal knowledge of all the facts stated herein,  
10 except to those matters stated upon information and belief, and as to those matters, I believe them  
11 to be true. If called as a witness, I could and would testify competently to the matters set forth  
12 below.

13           3. Plaintiff States have moved for entry of an order staying, under § 705 of the  
14 Administrative Procedure Act, or preliminarily enjoining, both: (1) USDA’s demand for SNAP  
15 applicant and recipient data from Plaintiff States; and (2) the institution of noncompliance  
16 procedures against Plaintiffs, which USDA has threatened could lead to significant funding cuts  
17 for States that refuse to comply with the data demand (“PI Motion”). *See* ECF No. 59.

18           4. As explained in the PI Motion, Plaintiff States assert that USDA’s demand violates  
19 the Administrative Procedure Act, is ultra vires, and will cause Plaintiff States irreparable harm  
20 absent interim relief. *Id.*

21           5. The PI Motion is currently set for hearing on October 3, 2025, which was the first  
22 hearing date for which this Court is available that is also in compliance with Local Rule 7-2(a).

23           6. On August 20, 2025, Defendant USDA issued to many Plaintiff States’ governors a  
24 series of what purport to be “formal warnings” of noncompliance under 7 C.F.R. § 276.4(d)(2). I  
25 am informed by counsel for the relevant Plaintiff States, and believe, that the letters attached as  
26 Exhibits A–P are true and correct copies of letters sent by Defendant USDA to those Plaintiff  
27 States’ governors on August 20.  
28

1           7. Under 7 C.F.R. § 276.4(d)(2), formal warnings trigger a 30-day period at the end of  
2 which USDA can make a final decision(s) to disallow federal SNAP administrative funding that  
3 Plaintiff States rely on to administer the SNAP program in their states.

4           8. Final disallowance decisions are subject to administrative appeal, during which time  
5 disallowances are stayed. *See* 7 C.F.R. §§ 276.4(f), 276.7(e).

6           9. However, USDA has taken the position that “the effective date [of any disallowance]  
7 would be the date of the final determination under 7 CFR 276.4(e)—i.e., no sooner than 30 days  
8 after receipt of a final warning.” This means the effective date of disallowance could be as early  
9 as September 19, 2025. A true and correct copy of the email correspondence in which USDA  
10 took this position is attached as Exhibit Q.

11           10. This appears to indicate that, should USDA prevail in any administrative appeal, it  
12 may attempt to disallow or otherwise recoup funds going back to September 19.

13           11. Plaintiff States therefore face an impossible choice ahead of the September 19  
14 deadline: comply with a demand they contend is unlawful and that threatens the privacy and data  
15 security of millions of their residents, or risk potentially all (or at least a significant portion) of the  
16 SNAP administrative funding they depend on.

17           12. Plaintiff States contend (and USDA disputes) they are therefore threatened with  
18 substantial—in fact irreparable—injury before the currently scheduled October 3 hearing date,  
19 justifying advancing the hearing date to September 12.

20           13. There have been no previous time modifications in this case.

21           14. The requested time modification will not affect the schedule for the remainder of the  
22 case.

23 I declare under penalty of perjury under the laws of the United States that the foregoing is true  
24 and correct.

25  
26 Executed on August 25, 2025 at San Francisco, CA.

27 

28 \_\_\_\_\_  
Sebastian Brady

# EXHIBIT A



U.S. DEPARTMENT OF AGRICULTURE

August 20, 2025

Governor Gretchen Whitmer  
P.O. Box 30013  
Lansing, Michigan 48909

Dear Governor Whitmer,

This formal warning is sent as a follow-up to our August 12, 2025 advance notification to Michigan's Department of Human and Health Services for non-compliance with the U.S. Department of Agriculture's (USDA) requirement to submit Supplemental Nutrition Assistance Program (SNAP) enrollment data by July 30, 2025.

The advanced notification followed USDA's several earlier requests<sup>1</sup> for SNAP enrollment data and required Department of Human and Health Services to come into compliance with Federal requirements at 7 U.S.C. 2020(e)(8)(A) by transmitting SNAP enrollment data no later than close of business Friday, August 15, 2025. In response to State requests, on August 14, 2025, USDA extended the deadline for compliance to August 19, 2025. Although many states have fully complied with the law and submitted SNAP enrollment data to USDA, as of the date of this letter, the Food and Nutrition Service (FNS) has not received complete enrollment data from Department of Human and Health Services.

This letter serves as a formal warning under 7 C.F.R. § 276.4(d)(2) to Michigan's Department of Human and Health Services for failure to comply with requirements for providing SNAP enrollment data. Unless Department of Human and Health Services can demonstrate compliance by transmitting the SNAP enrollment data for Michigan, FNS will initiate a disallowance of Federal funding.

FNS will determine whether Department of Human and Health Services has demonstrated such compliance based on successful completion of either of the two actions outlined in this letter.

- Department of Human and Health Services must submit, within 30 days from receipt of this letter, evidence that it has complied.
- If Department of Human and Health Services is unable to provide such evidence of compliance, it must submit, within 30 days from receipt of this letter, a corrective action proposal that FNS finds acceptable. The corrective action proposal must demonstrate how and by what date it will comply with the data sharing requirements outlined in USDA

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<sup>1</sup> In letters dated May 6, 2025, July 9, 2025, and July 25, 2025, USDA informed Department of Human and Health Services of this data collection.

Secretary Brooke Rollins' letter to State agencies on July 9, 2025. Department of Human and Health Services must also submit progress reports to FNS as set forth in the approved corrective action proposal.

If Department of Human and Health Services fails to demonstrate compliance with the data sharing requirements to the satisfaction of FNS, FNS will disallow up to \$72,942,850.05 for Department of Human and Health Services' SNAP administrative expenses for each quarter in which Department of Human and Health Services is out of compliance with the requirements of this letter, in accordance with 7 CFR 276.4. Because the data is needed to enhance the Government's ability to detect overpayments and fraud in SNAP, FNS has calculated this amount using Michigan's Federal Fiscal Year (FFY) 2024 SNAP Quality Control payment error rate of 9.53%. As Department of Human and Health Services is aware, the SNAP Quality Control system measures how accurately State agencies determine eligibility and benefit amounts and, therefore, is the best measure available to FNS to estimate the cost of Department of Human and Health Services' noncompliance with USDA's data request. The amount of \$72,942,850.05 represents 9.53% of Michigan's FFY 2024 total allotments, divided by four.

The complete transmission of the required SNAP enrollment data is imperative to ensure FNS and the State agency have full insight into SNAP program integrity. In the absence of data, FNS lacks key information necessary to ensure effective stewardship of taxpayer dollars. FNS has already discovered from states that are complying with this statutory data sharing requirement that fraud or duplication in state distribution of federal funds has gone unreported and needs remediation. FNS stands ready to assist Department of Human and Health Services with resolving the deficiencies through continued technical assistance to ensure its data is transmitted in compliance with Federal requirements.

If Department of Human and Health Services wishes to discuss these matters further, please contact the FNS Tech Team at [SNAPdatabase@usda.gov](mailto:SNAPdatabase@usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick A. Penn', with a stylized flourish at the end.

Patrick A. Penn  
Deputy Under Secretary  
Food, Nutrition, and Consumer Services

# EXHIBIT B



U.S. DEPARTMENT OF AGRICULTURE

August 20, 2025

Governor Katie Hobbs  
Office of the Governor  
1700 W. Washington St.  
Phoenix, Arizona 85007

Dear Governor Hobbs

This formal warning is sent as a follow-up to our August 12, 2025 advance notification to Arizona's Department of Economic Security for non-compliance with the U.S. Department of Agriculture's (USDA) requirement to submit Supplemental Nutrition Assistance Program (SNAP) enrollment data by July 30, 2025.

The advance notification followed USDA's several earlier requests<sup>1</sup> for SNAP enrollment data and required Department of Economic Security to come into compliance with Federal requirements at 7 U.S.C. 2020(e)(8)(A) by transmitting SNAP enrollment data no later than close of business Friday, August 15, 2025. In response to State requests, on August 14, 2025, USDA extended the deadline for compliance to August 19, 2025. Although many states have fully complied with the law and submitted SNAP enrollment data to USDA, as of the date of this letter, the Food Nutrition Service (FNS) has not received complete enrollment data from Department of Economic Security.

This letter serves as a formal warning under 7 C.F.R. § 276.4(d)(2) to Arizona's Department of Economic Security for failure to comply with requirements for providing SNAP enrollment data. Unless Department of Economic Security can demonstrate compliance by transmitting the SNAP enrollment data for Arizona, FNS will initiate a disallowance of Federal funding.

FNS will determine whether Department of Economic Security has demonstrated such compliance based on successful completion of either of the two actions outlined in this letter.

- Department of Economic Security must submit, within 30 days from receipt of this letter, evidence that it has complied.
- If Department of Economic Security is unable to provide such evidence of compliance, it must submit, within 30 days from receipt of this letter, a corrective action proposal that FNS finds acceptable. The corrective action proposal must demonstrate how and by what date it will comply with the data sharing requirements outlined in USDA Secretary Brooke Rollins' letter to State agencies on July 9, 2025. Department of Economic Security must also submit progress reports to FNS as set forth in the approved corrective action proposal.

<sup>1</sup>In letters dated May 6, 2025, July 9, 2025, and July 25, 2025, USDA informed Department of Economic Security of this data collection.

If Department of Economic Security fails to demonstrate compliance with the data sharing requirements to the satisfaction of FNS, FNS will disallow up to \$44,535,628.97 for Department of Economic Security's SNAP administrative expenses for each quarter in which Department of Economic Security is out of compliance with the requirements of this letter, in accordance with 7 CFR 276.4. Because the data is needed to enhance the Government's ability to detect overpayments and fraud in SNAP, FNS has calculated this amount using Arizona's Federal Fiscal Year (FFY) 2024 SNAP Quality Control payment error rate of 8.84%. As Department of Economic Security is aware, the SNAP Quality Control system measures how accurately State agencies determine eligibility and benefit amounts and, therefore, is the best measure available to FNS to estimate the cost of Department of Economic Security's noncompliance with USDA's data request. The amount of \$44,535,628.97 represents 8.84% of Arizona's FFY 2024 total allotments, divided by four.

The complete transmission of the required SNAP enrollment data is imperative to ensure FNS and the State agency have full insight into SNAP program integrity. In the absence of data, FNS lacks key information necessary to ensure effective stewardship of taxpayer dollars. FNS has already discovered from states that are complying with this statutory data sharing requirement that fraud or duplication in state distribution of federal funds has gone unreported and needs remediation. FNS stands ready to assist Department of Economic Security with resolving the deficiencies through continued technical assistance to ensure its data is transmitted in compliance with Federal requirements.

If Department of Economic Security wishes to discuss these matters further, please contact the FNS Tech Team at [SNAPdatabase@usda.gov](mailto:SNAPdatabase@usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick A. Penn', with a large, stylized initial 'P'.

Patrick A. Penn  
Deputy Under Secretary  
Food, Nutrition, and Consumer Services

# EXHIBIT C



U.S. DEPARTMENT OF AGRICULTURE

August 20, 2025

Governor Gavin Newsom  
1021 O Street, Suite 9000  
Sacramento, California 95814

Dear Governor Newsom,

This formal warning is sent as a follow-up to our August 12, 2025 advance notification to California's Department of Social Services for non-compliance with the U.S. Department of Agriculture's (USDA) requirement to submit Supplemental Nutrition Assistance Program (SNAP) enrollment data by July 30, 2025.

The advance notification followed USDA's several earlier requests<sup>1</sup> for SNAP enrollment data and required Department of Social Services to come into compliance with Federal requirements at 7 U.S.C. 2020(e)(8)(A) by transmitting SNAP enrollment data no later than close of business Friday, August 15, 2025. In response to State requests, on August 14, 2025, USDA extended the deadline for compliance to August 19, 2025. Although many states have fully complied with the law and submitted SNAP enrollment data to USDA, as of the date of this letter, the Food Nutrition Service (FNS) has not received complete enrollment data from Department of Social Services.

This letter serves as a formal warning under 7 C.F.R. § 276.4(d)(2) to California's Department of Social Services for failure to comply with requirements for providing SNAP enrollment data. Unless Department of Social Services can demonstrate compliance by transmitting the SNAP enrollment data for California, FNS will initiate a disallowance of Federal funding.

FNS will determine whether Department of Social Services has demonstrated such compliance based on successful completion of either of the two actions outlined in this letter.

- Department of Social Services must submit, within 30 days from receipt of this letter, evidence that it has complied.
- If Department of Social Services is unable to provide such evidence of compliance, it must submit, within 30 days from receipt of this letter, a corrective action proposal that FNS finds acceptable. The corrective action proposal must demonstrate how and by what date it will comply with the data sharing requirements outlined in USDA Secretary Brooke Rollins' letter to State agencies on July 9, 2025. Department of Social Services must also submit progress reports to FNS as set forth in the approved corrective action proposal.

<sup>1</sup>In letters dated May 6, 2025, July 9, 2025, and July 25, 2025, USDA informed Department of Social Service this data collection.

If Department of Social Services fails to demonstrate compliance with the data sharing requirements to the satisfaction of FNS, FNS will disallow up to \$338,326,748.10 for

Department of Social Services' SNAP administrative expenses for each quarter in which Department of Social Service is out of compliance with the requirements of this letter, in accordance with 7 CFR 276.4. Because the data is needed to enhance the Government's ability to detect overpayments and fraud in SNAP, FNS has calculated this amount using California's Federal Fiscal Year (FFY) 2024 SNAP Quality Control payment error rate of 10.98%. As Department of Social Services is aware, the SNAP Quality Control system measures how accurately State agencies determine eligibility and benefit amounts and, therefore, is the best measure available to FNS to estimate the cost of Department of Social Services' noncompliance with USDA's data request. The amount of \$338,326,748.10 represents 10.98% of California's FFY 2024 total allotments, divided by four.

The complete transmission of the required SNAP enrollment data is imperative to ensure FNS and the State agency have full insight into SNAP program integrity. In the absence of data, FNS lacks key information necessary to ensure effective stewardship of taxpayer dollars. FNS has already discovered from states that are complying with this statutory data sharing requirement that fraud or duplication in state distribution of federal funds has gone unreported and needs remediation. FNS stands ready to assist Department of Social Services with resolving the deficiencies through continued technical assistance to ensure its data is transmitted in compliance with Federal requirements.

If Department of Social Services wishes to discuss these matters further, please contact the FNS Tech Team at [SNAPdatabase@usda.gov](mailto:SNAPdatabase@usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick A Penn', with a large, stylized initial 'P'.

Patrick A Penn  
Deputy Under Secretary  
Food, Nutrition, and Consumer Services

# EXHIBIT D



U.S. DEPARTMENT OF AGRICULTURE

August 20, 2025

Governor Ned Lamont  
Office of the Governor State Capitol  
210 Capitol Avenue Hartford  
Hartford, Connecticut 06106

Dear Governor Lamont,

This formal warning is sent as a follow-up to our August 12, 2025 advance notification to Connecticut's Department of Social Services for non-compliance with the U.S. Department of Agriculture's (USDA) requirement to submit Supplemental Nutrition Assistance Program (SNAP) enrollment data by July 30, 2025.

The advance notification followed USDA's several earlier requests<sup>1</sup> for SNAP enrollment data and required Department of Social Services to come into compliance with Federal requirements at 7 U.S.C. 2020(e)(8)(A) by transmitting SNAP enrollment data no later than close of business Friday, August 15, 2025. In response to State requests, on August 14, 2025, USDA extended the deadline for compliance to August 19, 2025. Although many states have fully complied with the law and submitted SNAP enrollment data to USDA, as of the date of this letter, the Food Nutrition Service (FNS) has not received complete enrollment data from Department of Social Services.

This letter serves as a formal warning under 7 C.F.R. § 276.4(d)(2) to Connecticut's Department of Social Services for failure to comply with requirements for providing SNAP enrollment data. Unless Department of Social Services can demonstrate compliance by transmitting the SNAP enrollment data for Connecticut, FNS will initiate a disallowance of Federal funding.

FNS will determine whether Department of Social Services has demonstrated such compliance based on successful completion of either of the two actions outlined in this letter.

- Department of Social Services must submit, within 30 days from receipt of this letter, evidence that it has complied.
- If Department of Social Services is unable to provide such evidence of compliance, it must submit, within 30 days from receipt of this letter, a corrective action proposal that FNS finds acceptable. The corrective action proposal must demonstrate how and by what date it will comply with the data sharing requirements outlined in USDA Secretary Brooke Rollins' letter to State agencies on July 9, 2025. Department of Social Services must also submit progress reports to FNS as set forth in the approved corrective action proposal.

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<sup>1</sup>In letters dated May 6, 2025, July 9, 2025, and July 25, 2025, USDA informed Department of Social Services this data collection.

If Department of Social Services fails to demonstrate compliance with the data sharing requirements to the satisfaction of FNS, FNS will disallow up to \$23,439,133.69 for Department of Social Services' SNAP administrative expenses for each quarter in which Department of Social Services is out of compliance with the requirements of this letter, in accordance with 7 CFR 276.4. Because the data is needed to enhance the Government's ability to detect overpayments and fraud in SNAP, FNS has calculated this amount using Connecticut's Federal Fiscal Year (FFY) 2024 SNAP Quality Control payment error rate of 10.25%. As Department of Social Services is aware, the SNAP Quality Control system measures how accurately State agencies determine eligibility and benefit amounts and, therefore, is the best measure available to FNS to estimate the cost of Department of Social Services' noncompliance with USDA's data request. The amount of \$23,439,133.69 represents 10.25% of Connecticut's FFY 2024 total allotments, divided by four.

The complete transmission of the required SNAP enrollment data is imperative to ensure FNS and the State agency have full insight into SNAP program integrity. In the absence of data, FNS lacks key information necessary to ensure effective stewardship of taxpayer dollars. FNS has already discovered from states that are complying with this statutory data sharing requirement that fraud or duplication in state distribution of federal funds has gone unreported and needs remediation. FNS stands ready to assist Department of Social Services with resolving the deficiencies through continued technical assistance to ensure its data is transmitted in compliance with Federal requirements.

If Department of Social Services wishes to discuss these matters further, please contact the FNS Tech Team at [SNAPdatabase@usda.gov](mailto:SNAPdatabase@usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick A. Penn', with a large, stylized initial 'P'.

Patrick A. Penn  
Deputy Under Secretary  
Food, Nutrition, and Consumer Services

# EXHIBIT E



U.S. DEPARTMENT OF AGRICULTURE

August 20, 2025

Governor JB Pritzker  
Office of the Governor  
401 S. Spring St.  
Springfield, Illinois 62704

Dear Governor Pritzker,

This formal warning is sent as a follow-up to our August 12, 2025 advance notification to Illinois's Department of Human Services for non-compliance with the U.S. Department of Agriculture's (USDA) requirement to submit Supplemental Nutrition Assistance Program (SNAP) enrollment data by July 30, 2025.

The advance notification followed USDA's several earlier requests<sup>1</sup> for SNAP enrollment data and required Department of Human Services to come into compliance with Federal requirements at 7 U.S.C. 2020(e)(8)(A) by transmitting SNAP enrollment data no later than close of business Friday, August 15, 2025. In response to State requests, on August 14, 2025, USDA extended the deadline for compliance to August 19, 2025. Although many states have fully complied with the law and submitted SNAP enrollment data to USDA, as of the date of this letter, the Food Nutrition Service (FNS) has not received complete enrollment data from Department of Human Services.

This letter serves as a formal warning under 7 C.F.R. § 276.4(d)(2) to Illinois's Department of Human Services for failure to comply with requirements for providing SNAP enrollment data. Unless Department of Human Services can demonstrate compliance by transmitting the SNAP enrollment data for Illinois, FNS will initiate a disallowance of Federal funding.

FNS will determine whether Department of Human Services has demonstrated such compliance based on successful completion of either of the two actions outlined in this letter.

- Department of Human Services must submit, within 30 days from receipt of this letter, evidence that it has complied.
- If Department of Human Services is unable to provide such evidence of compliance, it must submit, within 30 days from receipt of this letter, a corrective action proposal that FNS finds acceptable. The corrective action proposal must demonstrate how and by what date it will comply with the data sharing requirements outlined in USDA Secretary Brooke Rollins' letter to State agencies on July 9, 2025. Department of Human Services must also submit progress reports to FNS as set forth in the approved corrective action proposal.

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<sup>1</sup>In letters dated May 6, 2025, July 9, 2025, and July 25, 2025, USDA informed Department of Human Services of this data collection.

If Department of Human Services fails to demonstrate compliance with the data sharing requirements to the satisfaction of FNS, FNS will disallow up to \$133,800,507.01 for Department of Human Services' SNAP administrative expenses for each quarter in which Department of Human Services is out of compliance with the requirements of this letter, in accordance with 7 CFR 276.4. Because the data is needed to enhance the Government's ability to detect overpayments and fraud in SNAP, FNS has calculated this amount using Illinois's Federal Fiscal Year (FFY) 2024 SNAP Quality Control payment error rate of 11.56%. As Department of Human Services is aware, the SNAP Quality Control system measures how accurately State agencies determine eligibility and benefit amounts and, therefore, is the best measure available to FNS to estimate the cost of Department of Human Services' noncompliance with USDA's data request. The amount of \$133,800,507.01 represents 11.56% of Illinois's FFY 2024 total allotments, divided by four.

The complete transmission of the required SNAP enrollment data is imperative to ensure FNS and the State agency have full insight into SNAP program integrity. In the absence of data, FNS lacks key information necessary to ensure effective stewardship of taxpayer dollars. FNS has already discovered from states that are complying with this statutory data sharing requirement that fraud or duplication in state distribution of federal funds has gone unreported and needs remediation. FNS stands ready to assist Department of Human Services with resolving the deficiencies through continued technical assistance to ensure its data is transmitted in compliance with Federal requirements.

If Department of Human Services wishes to discuss these matters further, please contact the FNS Tech Team at [SNAPdatabase@usda.gov](mailto:SNAPdatabase@usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick A. Penn', with a large, stylized initial 'P'.

Patrick A. Penn  
Deputy Under Secretary  
Food, Nutrition, and Consumer Services

# **EXHIBIT F**



## U.S. DEPARTMENT OF AGRICULTURE

August 20, 2025

Governor Maura Healey  
Massachusetts State House  
24 Beacon St.  
Office of the Governor, Room 280  
Boston, Massachusetts 02133

Dear Governor Healey,

This formal warning is sent as a follow-up to our August 12, 2025 advance notification to Massachusetts's Department of Health and Social Services for non-compliance with the U.S. Department of Agriculture's (USDA) requirement to submit Supplemental Nutrition Assistance Program (SNAP) enrollment data by July 30, 2025.

The advanced warning followed USDA's several earlier requests<sup>1</sup> for SNAP enrollment data and required Department of Health and Social Services to come into compliance with Federal requirements at 7 U.S.C. 2020(e)(8)(A) by transmitting SNAP enrollment data no later than close of business Friday, August 15, 2025. In response to State requests, on August 14, 2025, USDA extended the deadline for compliance to August 19, 2025. Although many states have fully complied with the law and submitted SNAP enrollment data to USDA, as of the date of this letter, the Food and Nutrition Service (FNS) has not received complete enrollment data from Department of Health and Social Services.

This letter serves as a formal warning under 7 C.F.R. § 276.4(d)(2) to Massachusetts's Department of Health and Social Services for failure to comply with requirements for providing SNAP enrollment data. Unless Department of Health and Social Services can demonstrate compliance by transmitting the SNAP enrollment data for Massachusetts, FNS will initiate a disallowance of Federal funding.

FNS will determine whether Department of Health and Social Services has demonstrated such compliance based on successful completion of either of the two actions outlined in this letter.

- Department of Health and Social Services must submit, within 30 days from receipt of this letter, evidence that it has complied.
- If Department of Health and Social Services is unable to provide such evidence of compliance, it must submit, within 30 days from receipt of this letter, a corrective action proposal that FNS finds acceptable. The corrective action proposal must demonstrate how and by what date it will comply with the data sharing requirements outlined in USDA Secretary Brooke Rollins' letter to State agencies on July 9, 2025. Department of Health

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<sup>1</sup> In letters dated May 6, 2025, July 9, 2025, and July 25, 2025, USDA informed Department of Health and Social Services of this data collection.

and Social Services must also submit progress reports to FNS as set forth in the approved corrective action proposal.

If Department of Health and Social Services fails to demonstrate compliance with the data sharing requirements to the satisfaction of FNS, FNS will disallow up to \$92,314,320.90 for Department of Health and Social Service's SNAP administrative expenses for each quarter in which Department of Health and Social Services is out of compliance with the requirements of this letter, in accordance with 7 CFR 276.4. Because the data is needed to enhance the Government's ability to detect overpayments and fraud in SNAP, FNS has calculated this amount using Massachusetts's Federal Fiscal year (FFY) 2024 SNAP Quality Control payment error rate of 14.10%. As Department of Health and Social Services is aware, the SNAP Quality Control system measures how accurately State agencies determine eligibility and benefit amounts and, therefore, is the best measure available to FNS to estimate the cost of Department of Health and Social Service's noncompliance with USDA's data request. The amount of \$92,314,320.90 represents 14.10% of Massachusetts's FFY 2024 total allotments, divided by four.

The complete transmission of the required SNAP enrollment data is imperative to ensure FNS and the State agency have full insight into SNAP program integrity. In the absence of data, FNS lacks key information necessary to ensure effective stewardship of taxpayer dollars. FNS has already discovered from states that are complying with this statutory data sharing requirement that fraud or duplication in state distribution of federal funds has gone unreported and needs remediation. FNS stands ready to assist Department of Health and Social Services with resolving the deficiencies through continued technical assistance to ensure its data is transmitted in compliance with Federal requirements.

If Department of Health and Social Services wishes to discuss these matters further, please contact the FNS Tech Team at [SNAPdatabase@usda.gov](mailto:SNAPdatabase@usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick A. Penn', with a stylized flourish at the end.

Patrick A. Penn  
Deputy Under Secretary  
Food, Nutrition, and Consumer Services

# EXHIBIT G



## U.S. DEPARTMENT OF AGRICULTURE

August 20, 2025

Governor Wes Moore  
100 State Circle  
Annapolis, Maryland 21401

Dear Governor Moore,

This formal warning is sent as a follow-up to our August 12, 2025 advance notification to Maryland's Department of Human Services for non-compliance with the U.S. Department of Agriculture's (USDA) requirement to submit Supplemental Nutrition Assistance Program (SNAP) enrollment data by July 30, 2025.

The advanced warning followed USDA's several earlier requests<sup>1</sup> for SNAP enrollment data and required Department of Human Services to come into compliance with Federal requirements at 7 U.S.C. 2020(e)(8)(A) by transmitting SNAP enrollment data no later than close of business Friday, August 15, 2025. In response to State requests, on August 14, 2025, USDA extended the deadline for compliance to August 19, 2025. Although many states have fully complied with the law and submitted SNAP enrollment data to USDA, as of the date of this letter, the Food and Nutrition Service (FNS) has not received complete enrollment data from Department of Human Services.

This letter serves as a formal warning under 7 C.F.R. § 276.4(d)(2) to Maryland's Department of Human Services for failure to comply with requirements for providing SNAP enrollment data. Unless Department of Human Services can demonstrate compliance by transmitting the SNAP enrollment data for Maryland, FNS will initiate a disallowance of Federal funding.

FNS will determine whether Department of Human Services has demonstrated such compliance based on successful completion of either of the two actions outlined in this letter.

- Department of Human Services must submit, within 30 days from receipt of this letter, evidence that it has complied.
- If Department of Human Services is unable to provide such evidence of compliance, it must submit, within 30 days from receipt of this letter, a corrective action proposal that FNS finds acceptable. The corrective action proposal must demonstrate how and by what date it will comply with the data sharing requirements outlined in USDA Secretary Brooke Rollins' letter to State agencies on July 9, 2025. Department of Human Services

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<sup>1</sup> In letters dated May 6, 2025, July 9, 2025, and July 25, 2025, USDA informed Department of Human Services of this data collection.

must also submit progress reports to FNS as set forth in the approved corrective action proposal.

If Department of Human Services fails to demonstrate compliance with the data sharing requirements to the satisfaction of FNS, FNS will disallow up to \$51,433,380.45 for Department of Human Services' SNAP administrative expenses for each quarter in which Department of Human Services is out of compliance with the requirements of this letter, in accordance with 7 CFR 276.4. Because the data is needed to enhance the Government's ability to detect overpayments and fraud in SNAP, FNS has calculated this amount using Maryland's Federal Fiscal Year (FFY) 2024 SNAP Quality Control payment error rate of 13.64%. As Department of Human Services is aware, the SNAP Quality Control system measures how accurately State agencies determine eligibility and benefit amounts and, therefore, is the best measure available to FNS to estimate the cost of Department of Human Services' noncompliance with USDA's data request. The amount of \$51,433,380.45 represents 13.64 % of Maryland's FFY 2024 total allotments, divided by four.

The complete transmission of the required SNAP enrollment data is imperative to ensure FNS and the State agency have full insight into SNAP program integrity. In the absence of data, FNS lacks key information necessary to ensure effective stewardship of taxpayer dollars. FNS has already discovered from states that are complying with this statutory data sharing requirement that fraud or duplication in state distribution of federal funds has gone unreported and needs remediation. FNS stands ready to assist Department of Human Services with resolving the deficiencies through continued technical assistance to ensure its data is transmitted in compliance with Federal requirements.

If Department of Human Services wishes to discuss these matters further, please contact the FNS Tech Team at [SNAPdatabase@usda.gov](mailto:SNAPdatabase@usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick A. Penn', with a large, stylized initial 'P'.

Patrick A. Penn  
Deputy Under Secretary  
Food, Nutrition, and Consumer Services

# EXHIBIT H



U.S. DEPARTMENT OF AGRICULTURE

August 20, 2025

Governor Janet Mills  
1 State House Station  
Augusta, Maine 04333

Dear Governor Mills,

This formal warning is sent as a follow-up to our August 12, 2025 advance notification to Maine's Department of Health and Human Services for non-compliance with the U.S. Department of Agriculture's (USDA) requirement to submit Supplemental Nutrition Assistance Program (SNAP) enrollment data by July 30, 2025.

The advance notification followed USDA's several earlier requests<sup>1</sup> for SNAP enrollment data and required Department of Health and Human Services to come into compliance with Federal requirements at 7 U.S.C. 2020(e)(8)(A) by transmitting SNAP enrollment data no later than close of business Friday, August 15, 2025. In response to State requests, on August 14, 2025, USDA extended the deadline for compliance to August 19, 2025. Although many states have fully complied with the law and submitted SNAP enrollment data to USDA, as of the date of this letter, the Food Nutrition Service (FNS) has not received complete enrollment data from Department of Health and Human Services.

This letter serves as a formal warning under 7 C.F.R. § 276.4(d)(2) to Maine's Department of Health and Human Services for failure to comply with requirements for providing SNAP enrollment data. Unless Department of Health and Human Services can demonstrate compliance by transmitting the SNAP enrollment data for Maine, FNS will initiate a disallowance of Federal funding.

FNS will determine whether Department of Health and Human Services has demonstrated such compliance based on successful completion of either of the two actions outlined in this letter.

- Department of Health and Human Services must submit, within 30 days from receipt of this letter, evidence that it has complied.
- If Department of Health and Human Services is unable to provide such evidence of compliance, it must submit, within 30 days from receipt of this letter, a corrective action proposal that FNS finds acceptable. The corrective action proposal must demonstrate how and by what date it will comply with the data sharing requirements outlined in USDA Secretary Brooke Rollins' letter to State agencies on July 9, 2025. Department of Health and Human Services must also submit progress reports to FNS as set forth in the approved corrective action proposal.

<sup>1</sup>In letters dated May 6, 2025, July 9, 2025, and July 25, 2025, USDA informed Department of Health and Human Services this data collection.

If Department of Health and Human Services fails to demonstrate compliance with the data sharing requirements to the satisfaction of FNS, FNS will disallow up to \$9,684,229.24 for Department of Health and Human Services' SNAP administrative expenses for each quarter in which Department of Health and Human Services is out of compliance with the requirements of this letter, in accordance with 7 CFR 276.4. Because the data is needed to enhance the Government's ability to detect overpayments and fraud in SNAP, FNS has calculated this amount using Maine's Federal Fiscal Year (FFY) 2024 SNAP Quality Control payment error rate of 10.26%. As Department of Health and Human Services is aware, the SNAP Quality Control system measures how accurately State agencies determine eligibility and benefit amounts and, therefore, is the best measure available to FNS to estimate the cost of Department of Health and Human Services' noncompliance with USDA's data request. The amount of \$9,684,229.24 represents 10.26% of Maine's FFY 2024 total allotments, divided by four.

The complete transmission of the required SNAP enrollment data is imperative to ensure FNS and the State agency have full insight into SNAP program integrity. In the absence of data, FNS lacks key information necessary to ensure effective stewardship of taxpayer dollars. FNS has already discovered from states that are complying with this statutory data sharing requirement that fraud or duplication in state distribution of federal funds has gone unreported and needs remediation. FNS stands ready to assist Department of Health and Human Services with resolving the deficiencies through continued technical assistance to ensure its data is transmitted in compliance with Federal requirements.

If Department of Health and Human Services wishes to discuss these matters further, please contact the FNS Tech Team at [SNAPdatabase@usda.gov](mailto:SNAPdatabase@usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick A. Penn', with a large, stylized initial 'P'.

Patrick A. Penn  
Deputy Under Secretary  
Food, Nutrition, and Consumer Services

# EXHIBIT I



U.S. DEPARTMENT OF AGRICULTURE

August 20, 2025

Governor Tim Walz  
130 State Capitol 75  
Rev Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155

Dear Governor Walz,

This formal warning is sent as a follow-up to our August 12, 2025 advance notification to Minnesota's Department of Children, Youth and Families for non-compliance with the U.S. Department of Agriculture's (USDA) requirement to submit Supplemental Nutrition Assistance Program (SNAP) enrollment data by July 30, 2025.

The advance notification followed USDA's several earlier requests<sup>1</sup> for SNAP enrollment data and required Department of Children, Youth and Families to come into compliance with Federal requirements at 7 U.S.C. 2020(e)(8)(A) by transmitting SNAP enrollment data no later than close of business Friday, August 15, 2025. In response to State requests, on August 14, 2025, USDA extended the deadline for compliance to August 19, 2025. Although many states have fully complied with the law and submitted SNAP enrollment data to USDA, as of the date of this letter, the Food and Nutrition Service (FNS) has not received complete enrollment data from Department of Children, Youth and Families.

This letter serves as a formal warning under 7 C.F.R. § 276.4(d)(2) to Minnesota's Department of Children, Youth and Families for failure to comply with requirements for providing SNAP enrollment data. Unless Department of Children, Youth and Families can demonstrate compliance by transmitting the SNAP enrollment data for Minnesota, FNS will initiate a disallowance of Federal funding.

FNS will determine whether Department of Children, Youth and Families has demonstrated such compliance based on successful completion of either of the two actions outlined in this letter.

- Department of Children, Youth and Families must submit, within 30 days from receipt of this letter, evidence that it has complied.
- If Department of Children, Youth and Families is unable to provide such evidence of compliance, it must submit, within 30 days from receipt of this letter, a corrective action proposal that FNS finds acceptable. The corrective action proposal must demonstrate how

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<sup>1</sup> In letters dated May 6, 2025, July 9, 2025, and July 25, 2025, USDA informed Department of Children, Youth and Families of this data collection.

and by what date it will comply with the data sharing requirements outlined in USDA Secretary Brooke Rollins' letter to State agencies on July 9, 2025. Department of Children, Youth and Families must also submit progress reports to FNS as set forth in the approved corrective action proposal.

If Department of Children, Youth and Families fails to demonstrate compliance with the data sharing requirements to the satisfaction of FNS, FNS will disallow up to \$18,019,004.82 for Department of Children, Youth, and Families' SNAP administrative expenses for each quarter in which Department of Children, Youth and Families is out of compliance with the requirements of this letter, in accordance with 7 CFR 276.4. Because the data is needed to enhance the Government's ability to detect overpayments and fraud in SNAP, FNS has calculated this amount using Minnesota's Federal Fiscal Year (FFY) 2024 SNAP Quality Control payment error rate of 8.98%. As Department of Children, Youth and Families is aware, the SNAP Quality Control system measures how accurately State agencies determine eligibility and benefit amounts and, therefore, is the best measure available to FNS to estimate the cost of Department of Children, Youth and Families' noncompliance with USDA's data request. The amount of 18,019,004.82 represents 8.98% of Minnesota's FFY 2024 total allotments, divided by four.

The complete transmission of the required SNAP enrollment data is imperative to ensure FNS and the State agency have full insight into SNAP program integrity. In the absence of data, FNS lacks key information necessary to ensure effective stewardship of taxpayer dollars. FNS has already discovered from states that are complying with this statutory data sharing requirement that fraud or duplication in state distribution of federal funds has gone unreported and needs remediation. FNS stands ready to assist Department of Children, Youth and Families with resolving the deficiencies through continued technical assistance to ensure its data is transmitted in compliance with Federal requirements.

If Department of Children, Youth and Families wishes to discuss these matters further, please contact the FNS Tech Team at [SNAPdatabase@usda.gov](mailto:SNAPdatabase@usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick A. Penn', with a stylized, circular flourish at the beginning.

Patrick A. Penn  
Deputy Under Secretary  
Food, Nutrition, and Consumer Services

# EXHIBIT J



U.S. DEPARTMENT OF AGRICULTURE

August 20, 2025

Governor Phil Murphy  
The State House  
P.O. Box 001  
Trenton, New Jersey 08625

Dear Governor Murphy,

This formal warning is sent as a follow-up to our August 12, 2025 advance notification to New Jersey's Department of Human Services for non-compliance with the U.S. Department of Agriculture's (USDA) requirement to submit Supplemental Nutrition Assistance Program (SNAP) enrollment data by July 30, 2025.

The advanced notification followed USDA's several earlier requests<sup>1</sup> for SNAP enrollment data and required Department of Human Services to come into compliance with Federal requirements at 7 U.S.C. 2020(e)(8)(A) by transmitting SNAP enrollment data no later than close of business Friday, August 15, 2025. In response to State requests, on August 14, 2025, USDA extended the deadline for compliance to August 19, 2025. Although many states have fully complied with the law and submitted SNAP enrollment data to USDA, as of the date of this letter, the Food and Nutrition Service (FNS) has not received complete enrollment data from Department of Human Services.

This letter serves as a formal warning under 7 C.F.R. § 276.4(d)(2) to New Jersey's Department of Human Services for failure to comply with requirements for providing SNAP enrollment data. Unless Department of Human Services can demonstrate compliance by transmitting the SNAP enrollment data for New Jersey, FNS will initiate a disallowance of Federal funding.

FNS will determine whether Department of Human Services has demonstrated such compliance based on successful completion of either of the two actions outlined in this letter.

- Department of Human Services must submit, within 30 days from receipt of this letter, evidence that it has complied.
- If Department of Human Services is unable to provide such evidence of compliance, it must submit, within 30 days from receipt of this letter, a corrective action proposal that FNS finds acceptable. The corrective action proposal must demonstrate how and by what date it will comply with the data sharing requirements outlined in USDA Secretary Brooke Rollins' letter to State agencies on July 9, 2025. Department of Human Services

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<sup>1</sup> In letters dated May 6, 2025, July 9, 2025, and July 25, 2025, USDA informed [ORG] of this data collection.

must also submit progress reports to FNS as set forth in the approved corrective action proposal.

If Department of Human Services fails to demonstrate compliance with the data sharing requirements to the satisfaction of FNS, FNS will disallow up to \$69,198,887.07 for Department of Human Services' SNAP administrative expenses for each quarter in which Department of Human Services is out of compliance with the requirements of this letter, in accordance with 7 CFR 276.4. Because the data is needed to enhance the Government's ability to detect overpayments and fraud in SNAP, FNS has calculated this amount using New Jersey's Federal Fiscal Year (FFY) 2024 SNAP Quality Control payment error rate of 14.33%. As Department of Human Services is aware, the SNAP Quality Control system measures how accurately State agencies determine eligibility and benefit amounts and, therefore, is the best measure available to FNS to estimate the cost of Department of Human Services' noncompliance with USDA's data request. The amount of \$69,198,887.07 represents 14.33% of New Jersey's FFY 2024 total allotments, divided by four.

The complete transmission of the required SNAP enrollment data is imperative to ensure FNS and the State agency have full insight into SNAP program integrity. In the absence of data, FNS lacks key information necessary to ensure effective stewardship of taxpayer dollars. FNS has already discovered from states that are complying with this statutory data sharing requirement that fraud or duplication in state distribution of federal funds has gone unreported and needs remediation. FNS stands ready to assist Department of Human Services with resolving the deficiencies through continued technical assistance to ensure its data is transmitted in compliance with Federal requirements.

If Department of Human Services wishes to discuss these matters further, please contact the FNS Tech Team at [SNAPdatabase@usda.gov](mailto:SNAPdatabase@usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick A. Penn', with a stylized, circular flourish at the beginning.

Patrick A. Penn  
Deputy Under Secretary  
Food, Nutrition, and Consumer Services

# EXHIBIT K

**From:** [Kerster, Courtney, GOV](#)  
**To:** [Armijo, Kari, HCA](#); [Agajanian, Holly, GOV](#); [Bryan, Rose, HCA](#)  
**Subject:** FW: [EXTERNAL] USDA SNAP Data Sharing  
**Date:** Thursday, August 21, 2025 8:49:28 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[NM USDA SNAP Enrollment Data.pdf](#)

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**From:** SM.OSEC.FNCS.USEC <FNCS.USEC@usda.gov>  
**Sent:** Wednesday, August 20, 2025 9:22 PM  
**To:** Schlegel, Daniel, GOV <Daniel.Schlegel@exec.nm.gov>; Kerster, Courtney, GOV <Courtney.Kerster@exec.nm.gov>  
**Cc:** Penn, Patrick - OSEC, DC <Patrick.Penn@usda.gov>; SM.FN.SNAPDatabase <SNAPDatabase@usda.gov>  
**Subject:** [EXTERNAL] USDA SNAP Data Sharing

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**Food, Nutrition, and Consumer Services**

August 20, 2025

Governor Michelle Lujan Grisham  
490 Old Santa Fe Trail  
Room 400  
Santa Fe, New Mexico 87501

Dear Governor Grisham,

This formal warning is sent as a follow-up to our August 12, 2025 advance notification to New Mexico's Department of Human Services for non-compliance with the U.S. Department of Agriculture's (USDA) requirement to submit Supplemental Nutrition Assistance Program (SNAP) enrollment data by July 30, 2025.

The advanced notification followed USDA's several earlier requests<sup>1</sup> for SNAP enrollment

data and required Department of Human Services to come into compliance with Federal requirements at 7 U.S.C. 2020(e)(8)(A) by transmitting SNAP enrollment data no later than close of business Friday, August 15, 2025. In response to State requests, on August 14, 2025, USDA extended the deadline for compliance to August 19, 2025. Although many states have fully complied with the law and submitted SNAP enrollment data to USDA, as of the date of this letter, the Food and Nutrition Service (FNS) has not received complete enrollment data from Department of Human Services.

This letter serves as a formal warning under 7 C.F.R. § 276.4(d)(2) to New Mexico's Department of Human Services for failure to comply with requirements for providing SNAP enrollment data. Unless Department of Human Services can demonstrate compliance by transmitting the SNAP enrollment data for New Mexico FNS will initiate a disallowance of Federal funding.

FNS will determine whether Department of Human Services has demonstrated such compliance based on successful completion of either of the two actions outlined in this letter.

- Department of Human Services must submit, within 30 days from receipt of this letter, evidence that it has complied.
- If Department of Human Services is unable to provide such evidence of compliance, it must submit, within 30 days from receipt of this letter, a corrective action proposal that FNS finds acceptable. The corrective action proposal must demonstrate how and by what date it will comply with the data sharing requirements outlined in USDA Secretary Brooke Rollins' letter to State agencies on July 9, 2025. Department of Human Services must also submit progress reports to FNS as set forth in the approved corrective action proposal.

If Department of Human Services fails to demonstrate compliance with the data sharing requirements to the satisfaction of FNS, FNS will disallow up to \$37,541,435.31 for Department of Human Services' SNAP administrative expenses for each quarter in which Department of Human Services is out of compliance with the requirements of this letter, in accordance with 7 CFR 276.4. Because the data is needed to enhance the Government's ability to detect overpayments and fraud in SNAP, FNS has calculated this amount using New Mexico's Federal Fiscal year (FFY) 2024 SNAP Quality Control payment error rate of 14.61%. As Department of Human Services is aware, the SNAP Quality Control system measures how accurately State agencies determine eligibility and benefit amounts and, therefore, is the best measure available to FNS to estimate the cost of Department of Human Services' noncompliance with USDA's data request. The amount of \$37,541,435.31 represents 14.61% of New Mexico's FFY 2024 total allotments, divided by four.

The complete transmission of the required SNAP enrollment data is imperative to ensure FNS and the State agency have full insight into SNAP program integrity. In the absence of data, FNS lacks key information necessary to ensure effective stewardship of taxpayer dollars. FNS has already discovered from states that are complying with this statutory data sharing requirement that fraud or duplication in state distribution of federal funds has gone unreported and needs remediation. FNS stands ready to assist Department of Human Services with resolving the deficiencies through continued technical assistance to ensure its data is

transmitted in compliance with Federal requirements.

If Department of Human Services wishes to discuss these matters further, please contact the FNS Tech Team at [SNAPdatabase@usda.gov](mailto:SNAPdatabase@usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to be 'Patrick A. Penn', with a large, stylized initial 'P'.

Patrick A. Penn  
Deputy Under Secretary  
Food, Nutrition, and Consumer Services

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

**From:** [Bryan, Rose, HCA](#)  
**To:** [FNCS.USEC@usda.gov](#); [Patrick.Penn@usda.gov](#); [SNAPDatabase@usda.gov](#)  
**Cc:** [Agajanian, Holly, GOV](#); [Armijo, Kari, HCA](#); [Kerster, Courtney, GOV](#); [Schlegel, Daniel, GOV](#)  
**Subject:** RE: [EXTERNAL] USDA SNAP Data Sharing  
**Date:** Wednesday, August 20, 2025 8:09:00 AM  
**Attachments:** [image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[2025-08-20 NM HCA Response to 08.12.2025 USDA FNS Advance Notice.pdf](#)  
[image002.png](#)

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Good Morning Deputy Under Secretary Penn,

The NM Health Care Authority has received the letter you sent to Governor Michelle Lujan Grisham below. We were also informed by the NM Department of Justice last week that the USDA agreed to an extension of the demands you made below as part of the litigation in *State of California, et. al v. USDA, et. al*, 25-cv-06310 (N.D. Cal). See the attached response from Secretary Armijo. We respectfully request that the USDA withdraw or stay its demands while the litigation is pending.

Please note that warning process described in 7 C.F.R. § 276.4(d) requires that prior to taking action to suspend or disallow funds, USDA “shall provide State agencies with written advance notice,” rather than the State’s Governor’s Office.

Thank you,  
Rose

**Rose Bryan**  
Chief General Counsel  
[New Mexico Health Care Authority](#)  
505-490-7506 (cell)



HEALTH CARE  
A U T H O R I T Y

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**From:** SM.OSEC.FNCS.USEC <[FNCS.USEC@usda.gov](mailto:FNCS.USEC@usda.gov)>  
**Sent:** Tuesday, August 12, 2025 2:45 PM  
**To:** Schlegel, Daniel, GOV <[Daniel.Schlegel@exec.nm.gov](mailto:Daniel.Schlegel@exec.nm.gov)>; Kerster, Courtney, GOV <[Courtney.Kerster@exec.nm.gov](mailto:Courtney.Kerster@exec.nm.gov)>  
**Cc:** Penn, Patrick - OSEC, DC <[Patrick.Penn@usda.gov](mailto:Patrick.Penn@usda.gov)>; SM.FN.SNAPDatabase

<SNAPDatabase@usda.gov>

**Subject:** [EXTERNAL] USDA SNAP Data Sharing

You don't often get email from [fncs.uscc@usda.gov](mailto:fncs.uscc@usda.gov). [Learn why this is important](#)

**CAUTION:** This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

The following message is being transmitted to you from the FNCS Under Secretary's Office.



**Food, Nutrition, and Consumer Services**

August 12, 2025

Governor Michelle Lujan Grisham

490 Old Santa Fe Trail

Room 400

Santa Fe, New Mexico 87501

Dear Governor Michelle Grisham,

On May 6, 2025, you were notified that the U.S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS) would be collecting Supplemental Nutrition Assistance Program (SNAP) participant data from January 1, 2020, to present date and that failure to take the steps necessary to provide SNAP data to FNS may trigger noncompliance procedures codified at 7 USC 2020(g). On July 9, 2025, in a letter from Secretary Brooke Rollins, you were reminded of this collection, pursued in accordance with section 11(e)(8) (A) of the Food and Nutrition Act of 2008 (the Act), and informed that you were required to submit this data no later than the close of business July 30, 2025. Again, on July 25, 2025, in a letter from me, you were reminded of this data collection, of the July 30, 2025 deadline, and that failure to take the steps necessary to provide the relevant data to FNS may trigger noncompliance procedures codified in 7 U.S.C. 2020(g). As of the date of this letter, FNS has not received this participant data and, as a result, the State of New Mexico is out of compliance with SNAP requirements.

As provided by 7 CFR 276.4, this letter serves as an advance notice that New Mexico could be subject to suspension or disallowance of Federal funding for State SNAP administrative expenses if it does not submit to FNS the requested SNAP participant data. Section 11(e)(8)(A) of the Act requires that New Mexico permits disclosure of this data “to persons directly connected with the administration or enforcement of the provisions of [the Act], [and] regulations issued pursuant to” the Act. The July 9<sup>th</sup> letter directed that the requested data to be submitted using a system owned, administered, and secured by FNS.

In order for FNS to determine that New Mexico has made adequate progress towards meeting the data collection requirements, by August 13, 2025, FNS must receive a description of the actions New Mexico will undertake in order to ensure that it will submit the requested data to FNS no later than close of business Friday, August 15, 2025.

If New Mexico fails to comply with the requirements outlined in this advance notification, the USDA may proceed with issuing a formal warning to pursue the suspension or disallowance of Federal funding for State SNAP Administrative expenses and may take any other available legal action.

As always, the USDA stands ready to provide technical assistance to you so that New Mexico may come into compliance with this requirement. You may request this assistance by contacting:

FNS Tech Team at [SNAPdatabase@usda.gov](mailto:SNAPdatabase@usda.gov).

Sincerely,

Patrick A. Penn

Deputy Under Secretary

Food, Nutrition, and Consumer Services

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

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HEALTH CARE  
A U T H O R I T Y

**Michelle Lujan Grisham, Governor**  
Kari Armijo, Secretary  
Alex Castillo Smith, Deputy Secretary  
Kathy Slater Huff, Deputy Secretary  
Niki Kozlowski, Acting Deputy Secretary  
Dana Flannery, Medicaid Director

August 20, 2025

Patrick A. Penn  
Deputy Under Secretary  
Food, Nutrition, and Consumer Services  
U.S. Department of Agriculture

Re: August 12, 2025 Demand and Threat to State SNAP (Supplemental Nutrition Assistance Program) by U.S. Department of Agriculture (USDA) Food Nutrition Service (FNS)

Dear Deputy Under Secretary Penn:

The New Mexico Health Care Authority (HCA) has been informed that on August 12, 2025, you transmitted a communication to the Office of the Governor for the State of New Mexico, threatening suspension or disallowance for State SNAP administrative expenses. Your communication of August 12, 2025, asserts that this threat is due to New Mexico not having met a prior USDA FNS deadline of July 30, 2025, to produce an unprecedented quantity of data, spanning 5.5 years, and including the personally identifying information (PII) of tens of millions of applicants and recipients of SNAP benefits as well as household members of such individuals.

As the USDA and FNS are aware, the USDA FNS demand for data is the subject of a lawsuit brought by several states, including New Mexico. On July 29, 2025, multiple states requested that the USDA withdraw or, alternatively, stay its demand for data, pending resolution of the litigation. Your August 12, 2025 letter neither acknowledges other states' letters of July 29, 2025, nor responds to the points made therein. We consequently reiterate the request made by others that the USDA and FNS withdraw its demand for the reasons outlined in the complaint pending before the U.S. District Court for the Northern District of California. We also ask that, at a minimum, the demand be stayed while the plaintiff states' legal claims are adjudicated. We acknowledge your agreement to extend the deadline to August 19, 2025 instead of the August 15, 2025 deadline you originally presented in the most recent letter but request additional time.

Apart from the matter of the pending litigation, we note that your letter of August 12, 2025, does not acknowledge or address concerns the HCA has related to the demands set forth in the USDA's July 9 and July 25, 2025 letters to the State. Compliance on the timeline the USDA has sought to impose is simply not possible due to a confluence of factors, including, but not limited to, the enormous breadth of the request, the time period involved, the data governance agreements that would need to be reached, and the technical difficulty involved. We would need at least three months to complete the processing of a request of the magnitude involved here and potentially as long as six months or more. The USDA's decision to ignore these facts and impose a new untenable

deadline of less than four full days indicates that the USDA is not proceeding in good faith. To the contrary, the USDA appears to be intent on seeking to impose penalties that would effectively deprive millions of low-income SNAP beneficiaries of basic sustenance.

While threatening suspension or disallowance in conjunction with demanding a timeline you are aware cannot possibly be met, you also imposed an additional deadline of one day for FNS to “receive a description of the actions New Mexico will undertake in order to ensure that it will submit the requested data to FNS no later than close of business Friday, August 15, 2025.” There were no steps that would allow this impossible deadline to be met, even were it not the case that the USDA’s demands are unlawful and threaten serious irreparable harm. We are nonetheless undertaking steps that will prepare New Mexico to produce responsive data, as and to the extent required and authorized by law and on a timeline that is feasible including making the appropriate change orders to our vendor.

Further, New Mexico has already taken steps to address the concerns regarding immigration status that you raise in your letter. HCA conducts its own checks for all alien statuses, using the Systematic Alien Verification for Entitlement (“SAVE”) program. And HCA is preparing to participate in the National Accuracy Clearinghouse (“NAC”), a federal clearinghouse designed to ensure that individuals do not improperly receive SNAP benefits from multiple states at the same time. HCA is prepared to go live sometime in mid-September 2025.

For all the reasons stated, we again ask that the USDA change course and withdraw or at least stay its unprecedented, unreasonable demand for State SNAP data. Thank you for your attention to this request.

Respectfully,

A handwritten signature in black ink, appearing to read 'KArmijo', with a small dot above the 'i'.

Kari Armijo, Secretary  
NM Health Care Authority

# EXHIBIT L



## U.S. DEPARTMENT OF AGRICULTURE

August 20, 2025

Governor Dan McKee  
82 Smith Street  
Providence, Rhode Island 02903

Dear Governor McKee,

This formal warning is sent as a follow-up to our August 12, 2025 advance notification to Rhode Island's Department of Human Services for non-compliance with the U.S. Department of Agriculture's (USDA) requirement to submit Supplemental Nutrition Assistance Program (SNAP) enrollment data by July 30, 2025.

The advance notification followed USDA's several earlier requests<sup>1</sup> for SNAP enrollment data and required Department of Human Services to come into compliance with Federal requirements at 7 U.S.C. 2020(e)(8)(A) by transmitting SNAP enrollment data no later than close of business Friday, August 15, 2025. In response to State requests, on August 14, 2025, USDA extended the deadline for compliance to August 19, 2025. Although many states have fully complied with the law and submitted SNAP enrollment data to USDA, as of the date of this letter, the Food Nutrition Service (FNS) has not received complete enrollment data from Department of Human Services.

This letter serves as a formal warning under 7 C.F.R. § 276.4(d)(2) to Rhode Island's Department of Human Services for failure to comply with requirements for providing SNAP enrollment data. Unless Department of Human Services can demonstrate compliance by transmitting the SNAP enrollment data for Rhode Island, FNS will initiate a disallowance of Federal funding.

FNS will determine whether Department of Human Services has demonstrated such compliance based on successful completion of either of the two actions outlined in this letter.

- Department of Human Services must submit, within 30 days from receipt of this letter, evidence that it has complied.
- If Department of Human Services is unable to provide such evidence of compliance, it must submit, within 30 days from receipt of this letter, a corrective action proposal that FNS finds acceptable. The corrective action proposal must demonstrate how and by what date it will comply with the data sharing requirements outlined in USDA Secretary Brooke Rollins' letter to State agencies on July 9, 2025. Department of Human Services must also submit progress reports to FNS as set forth in the approved corrective action proposal.

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<sup>1</sup> In letters dated May 6, 2025, July 9, 2025, and July 25, 2025, USDA informed Department of Human Services of this data collection.

If Department of Human Services fails to demonstrate compliance with the data sharing requirements to the satisfaction of FNS, FNS will disallow up to \$10,676,487.75 for Department of Human Services' SNAP administrative expenses for each quarter in which Department of Human Services is out of compliance with the requirements of this letter, in accordance with 7 CFR 276.4. Because the data is needed to enhance the Government's ability to detect overpayments and fraud in SNAP, FNS has calculated this amount using Rhode Island's Federal Fiscal Year (FFY) 2024 SNAP Quality Control payment error rate of 12.29%. As Department of Human Services is aware, the SNAP Quality Control system measures how accurately State agencies determine eligibility and benefit amounts and, therefore, is the best measure available to FNS to estimate the cost of Department of Human Services' noncompliance with USDA's data request. The amount of \$10,676,487.75 represents 12.29% of Rhode Island's FFY 2024 total allotments, divided by four.

The complete transmission of the required SNAP enrollment data is imperative to ensure FNS and the State agency have full insight into SNAP program integrity. In the absence of data, FNS lacks key information necessary to ensure effective stewardship of taxpayer dollars. FNS has already discovered from states that are complying with this statutory data sharing requirement that fraud or duplication in state distribution of federal funds has gone unreported and needs remediation. FNS stands ready to assist Department of Human Services with resolving the deficiencies through continued technical assistance to ensure its data is transmitted in compliance with Federal requirements.

If Department of Human Services wishes to discuss these matters further, please contact the FNS Tech Team at [SNAPdatabase@usda.gov](mailto:SNAPdatabase@usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick A. Penn', with a large, stylized initial 'P'.

Patrick A. Penn  
Deputy Under Secretary  
Food, Nutrition, and Consumer Services

# **EXHIBIT M**



## U.S. DEPARTMENT OF AGRICULTURE

August 20, 2025

Governor Bob Ferguson  
PO Box 40002  
Olympia, Washington 98504

Dear Governor Ferguson,

This formal warning is sent as a follow-up to our August 12, 2025 advance notification to Washington's Department of Social and Health Services for non-compliance with the U.S. Department of Agriculture's (USDA) requirement to submit Supplemental Nutrition Assistance Program (SNAP) enrollment data by July 30, 2025.

The advance notification followed USDA's several earlier requests<sup>1</sup> for SNAP enrollment data and required Department of Social and Health Services to come into compliance with Federal requirements at 7 U.S.C. 2020(e)(8)(A) by transmitting SNAP enrollment data no later than close of business Friday, August 15, 2025. In response to State requests, on August 14, 2025, USDA extended the deadline for compliance to August 19, 2025. Although many states have fully complied with the law and submitted SNAP enrollment data to USDA, as of the date of this letter, the Food Nutrition Service (FNS) has not received complete enrollment data from Department of Social and Health Services.

This letter serves as a formal warning under 7 C.F.R. § 276.4(d)(2) to Washington's Department of Social and Health Services for failure to comply with requirements for providing SNAP enrollment data. Unless Department of Social and Health Services can demonstrate compliance by transmitting the SNAP enrollment data for Washington FNS will initiate a disallowance of Federal funding.

FNS will determine whether Department of Social and Health Services has demonstrated such compliance based on successful completion of either of the two actions outlined in this letter.

- Department of Social and Health Services must submit, within 30 days from receipt of this letter, evidence that it has complied.
- If Department of Social and Health Services is unable to provide such evidence of compliance, it must submit, within 30 days from receipt of this letter, a corrective action proposal that FNS finds acceptable. The corrective action proposal must demonstrate how and by what date it will comply with the data sharing requirements outlined in USDA Secretary Brooke Rollins' letter to State agencies on July 9, 2025. Department of Social and Health Services must also submit progress reports to FNS as set forth in the approved corrective action proposal.

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<sup>1</sup> In letters dated May 6, 2025, July 9, 2025, and July 25, 2025, USDA informed Washington's Department of Social and Health Services of this data collection.

Department of Social and Health Services fails to demonstrate compliance with the data sharing requirements to the satisfaction of FNS, FNS will disallow up to \$29,096,743.78 for Department of Social and Health Services' SNAP administrative expenses for each quarter in which Department of Social and Health Services is out of compliance with the requirements of this letter, in accordance with 7 CFR 276.4. Because the data is needed to enhance the Government's ability to detect overpayments and fraud in SNAP, FNS has calculated this amount using Washington's Federal Fiscal Year (FFY) 2024 SNAP Quality Control payment error rate of 6.06%. As Department of Social and Health Services is aware, the SNAP Quality Control system measures how accurately State agencies determine eligibility and benefit amounts and, therefore, is the best measure available to FNS to estimate the cost of Department of Social and Health Services noncompliance with USDA's data request. The amount of \$29,096,743.78 represents 6.06% of Washington's FFY 2024 total allotments, divided by four.

The complete transmission of the required SNAP enrollment data is imperative to ensure FNS and the State agency have full insight into SNAP program integrity. In the absence of data, FNS lacks key information necessary to ensure effective stewardship of taxpayer dollars. FNS has already discovered from states that are complying with this statutory data sharing requirement that fraud or duplication in state distribution of federal funds has gone unreported and needs remediation. FNS stands ready to assist Department of Social and Health Services with resolving the deficiencies through continued technical assistance to ensure its data is transmitted in compliance with Federal requirements.

If Department of Social and Health Services wishes to discuss these matters further, please contact the FNS Tech Team at [SNAPdatabase@usda.gov](mailto:SNAPdatabase@usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick A. Penn', with a stylized flourish at the end.

Patrick A. Penn  
Deputy Under Secretary  
Food, Nutrition, and Consumer Services

# EXHIBIT N



U.S. DEPARTMENT OF AGRICULTURE

August 20, 2025

Governor Tony Evers  
PO Box 7863  
Madison, Wisconsin 53707

Dear Governor Evers,

This formal warning is sent as a follow-up to our August 12, 2025 advance notification to Wisconsin's Department of Health Services for non-compliance with the U.S. Department of Agriculture's (USDA) requirement to submit Supplemental Nutrition Assistance Program (SNAP) enrollment data by July 30, 2025.

The advance notification followed USDA's several earlier requests<sup>1</sup> for SNAP enrollment data and required Department of Health Services to come into compliance with Federal requirements at 7 U.S.C. 2020(e)(8)(A) by transmitting SNAP enrollment data no later than close of business Friday, August 15, 2025. In response to State requests, on August 14, 2025, USDA extended the deadline for compliance to August 19, 2025. Although many states have fully complied with the law and submitted SNAP enrollment data to USDA, as of the date of this letter, the FNS has not received complete enrollment data from Department of Health Services.

This letter serves as a formal warning under 7 C.F.R. § 276.4(d)(2) to Wisconsin's Department of Health Services for failure to comply with requirements for providing SNAP enrollment data. Unless Department of Health Services can demonstrate compliance by transmitting the SNAP enrollment data for Wisconsin, FNS will initiate a disallowance of Federal funding.

FNS will determine whether Department of Health Services has demonstrated such compliance based on successful completion of either of the two actions outlined in this letter.

- Department of Health Services must submit, within 30 days from receipt of this letter, evidence that it has complied.
- If Department of Health Services is unable to provide such evidence of compliance, it must submit, within 30 days from receipt of this letter, a corrective action proposal that FNS finds acceptable. The corrective action proposal must demonstrate how and by what date it will comply with the data sharing requirements outlined in USDA Secretary Brooke Rollins' letter to State agencies on July 9, 2025. Department of Health Services must also submit progress reports to FNS as set forth in the approved corrective action proposal.

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<sup>1</sup> In letters dated May 6, 2025, July 9, 2025, and July 25, 2025, USDA informed Department of Health Services of this data collection.

If Department of Health Services fails to demonstrate compliance with the data sharing requirements to the satisfaction of FNS, FNS will disallow up to \$15,326,778.30 for Department of Health Services SNAP administrative expenses for each quarter in which Department of Health Services is out of compliance with the requirements of this letter, in accordance with 7 CFR 276.4. Because the data is needed to enhance the Government's ability to detect overpayments and fraud in SNAP, FNS has calculated this amount using Wisconsin's FFY24 SNAP Quality Control payment error rate of 4.47%. As Department of Health Services is aware, the SNAP Quality Control system measures how accurately State agencies determine eligibility and benefit amounts and, therefore, is the best measure available to FNS to estimate the cost of Department of Health Services noncompliance with USDA's data request. The amount of \$15,326,778.30 represents 4.47% of Wisconsin's FFY 2024 total allotments, divided by four.

The complete transmission of the required SNAP enrollment data is imperative to ensure FNS and the State agency have full insight into SNAP program integrity. In the absence of data, FNS lacks key information necessary to ensure effective stewardship of taxpayer dollars. FNS has already discovered from states that are complying with this statutory data sharing requirement that fraud or duplication in state distribution of federal funds has gone unreported and needs remediation. FNS stands ready to assist Department of Health Services with resolving the deficiencies through continued technical assistance to ensure its data is transmitted in compliance with Federal requirements.

If Department of Health Services wishes to discuss these matters further, please contact the FNS Tech Team at [SNAPdatabase@usda.gov](mailto:SNAPdatabase@usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick A. Penn', with a large, stylized initial 'P'.

Patrick A. Penn  
Deputy Under Secretary  
Food, Nutrition, and Consumer Services

# EXHIBIT O



U.S. DEPARTMENT OF AGRICULTURE

August 20, 2025

Governor Jared Polis  
State Capitol Building  
200 E. Colfax Ave. Rm. 136  
Denver, Colorado 80203

Dear Governor Polis,

This formal warning is sent as a follow-up to our August 12, 2025 advance notification to Colorado's Department of Human Services for non-compliance with the U.S. Department of Agriculture's (USDA) requirement to submit Supplemental Nutrition Assistance Program (SNAP) enrollment data by July 30, 2025.

The advance notification followed USDA's several earlier requests<sup>1</sup> for SNAP enrollment data and required Department of Human Services to come into compliance with Federal requirements at 7 U.S.C. 2020(e)(8)(A) by transmitting SNAP enrollment data no later than close of business Friday, August 15, 2025. In response to State requests, on August 14, 2025, USDA extended the deadline for compliance to August 19, 2025. Although many states have fully complied with the law and submitted SNAP enrollment data to USDA, as of the date of this letter, the Food Nutrition Service (FNS) has not received complete enrollment data from Department of Human Services.

This letter serves as a formal warning under 7 C.F.R. § 276.4(d)(2) to Colorado's Department of Human Services for failure to comply with requirements for providing SNAP enrollment data. Unless Department of Human Services can demonstrate compliance by transmitting the SNAP enrollment data for Colorado, FNS will initiate a disallowance of Federal funding.

FNS will determine whether Department of Human Services has demonstrated such compliance based on successful completion of either of the two actions outlined in this letter.

- Department of Human Services must submit, within 30 days from receipt of this letter, evidence that it has complied.
- If Department of Human Services is unable to provide such evidence of compliance, it must submit, within 30 days from receipt of this letter, a corrective action proposal that FNS finds acceptable. The corrective action proposal must demonstrate how and by what date it will comply with the data sharing requirements outlined in USDA Secretary Brooke Rollins' letter to State agencies on July 9, 2025. Department of Human Services must also submit progress reports to FNS as set forth in the approved corrective action proposal.

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<sup>1</sup>In letters dated May 6, 2025, July 9, 2025, and July 25, 2025, USDA informed Department of Human Services this data collection.

If Department of Human Services fails to demonstrate compliance with the data sharing requirements to the satisfaction of FNS, FNS will disallow up to \$32,546,613.53 for Department of Human Services' SNAP administrative expenses for each quarter in which Department of Human Services is out of compliance with the requirements of this letter, in accordance with 7 CFR 276.4. Because the data is needed to enhance the Government's ability to detect overpayments and fraud in SNAP, FNS has calculated this amount using Colorado's Federal Fiscal Year (FFY) 2024 SNAP Quality Control payment error rate of 9.97%. As Department of Human Services is aware, the SNAP Quality Control system measures how accurately State agencies determine eligibility and benefit amounts and, therefore, is the best measure available to FNS to estimate the cost of Department of Human Services' noncompliance with USDA's data request. The amount of \$32,546,613.53 represents 9.97% of Colorado's FFY 2024 total allotments, divided by four.

The complete transmission of the required SNAP enrollment data is imperative to ensure FNS and the State agency have full insight into SNAP program integrity. In the absence of data, FNS lacks key information necessary to ensure effective stewardship of taxpayer dollars. FNS has already discovered from states that are complying with this statutory data sharing requirement that fraud or duplication in state distribution of federal funds has gone unreported and needs remediation. FNS stands ready to assist Department of Human Services with resolving the deficiencies through continued technical assistance to ensure its data is transmitted in compliance with Federal requirements.

If Department of Human Services wishes to discuss these matters further, please contact the FNS Tech Team at [SNAPdatabase@usda.gov](mailto:SNAPdatabase@usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick A. Penn', with a large, stylized circular flourish at the beginning.

Patrick A. Penn  
Deputy Under Secretary  
Food, Nutrition, and Consumer Services

# EXHIBIT P



U.S. DEPARTMENT OF AGRICULTURE

August 20, 2025

Governor Tina Kotek  
900 Court Street Suite 254  
Salem, Oregon 97301

Dear Governor Kotek,

This formal warning is sent as a follow-up to our August 12, 2025 advance notification to Oregon's Department of Human Services for non-compliance with the U.S. Department of Agriculture's (USDA) requirement to submit Supplemental Nutrition Assistance Program (SNAP) enrollment data by July 30, 2025.

The advance notification followed USDA's several earlier requests<sup>1</sup> for SNAP enrollment data and required Department of Human Services to come into compliance with Federal requirements at 7 U.S.C. 2020(e)(8)(A) by transmitting SNAP enrollment data no later than close of business Friday, August 15, 2025. In response to State requests, on August 14, 2025, USDA extended the deadline for compliance to August 19, 2025. Although many states have fully complied with the law and submitted SNAP enrollment data to USDA, as of the date of this letter, the Food Nutrition Service (FNS) has not received complete enrollment data from Department of Human Services.

This letter serves as a formal warning under 7 C.F.R. § 276.4(d)(2) to Oregon's Department of Human Services for failure to comply with requirements for providing SNAP enrollment data. Unless Department of Human Services can demonstrate compliance by transmitting the SNAP enrollment data for Oregon, FNS will initiate a disallowance of Federal funding.

FNS will determine whether Department of Human Services has demonstrated such compliance based on successful completion of either of the two actions outlined in this letter.

- Department of Human Services must submit, within 30 days from receipt of this letter, evidence that it has complied.
- If Department of Human Services is unable to provide such evidence of compliance, it must submit, within 30 days from receipt of this letter, a corrective action proposal that FNS finds acceptable. The corrective action proposal must demonstrate how and by what date it will comply with the data sharing requirements outlined in USDA Secretary Brooke Rollins' letter to State agencies on July 9, 2025. Department of Human Services must also submit progress reports to FNS as set forth in the approved corrective action proposal.

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<sup>1</sup> In letters dated May 6, 2025, July 9, 2025, and July 25, 2025, USDA informed Department of Human Services of this data collection.

If Department of Human Services fails to demonstrate compliance with the data sharing requirements to the satisfaction of FNS, FNS will disallow up to \$56,153,641.16 for Department of Human Services' SNAP administrative expenses for each quarter in which Department of Human Services is out of compliance with the requirements of this letter, in accordance with 7 CFR 276.4. Because the data is needed to enhance the Government's ability to detect overpayments and fraud in SNAP, FNS has calculated this amount using Oregon's Federal Fiscal Year 2024 SNAP Quality Control payment error rate of 14.06%. As Department of Human Services is aware, the SNAP Quality Control system measures how accurately State agencies determine eligibility and benefit amounts and, therefore, is the best measure available to FNS to estimate the cost of Department of Human Services' noncompliance with USDA's data request. The amount of \$56,153,641.16 represents 14.06% of Oregon's FFY 2024 total allotments, divided by four.

The complete transmission of the required SNAP enrollment data is imperative to ensure FNS and the State agency have full insight into SNAP program integrity. In the absence of data, FNS lacks key information necessary to ensure effective stewardship of taxpayer dollars. FNS has already discovered from states that are complying with this statutory data sharing requirement that fraud or duplication in state distribution of federal funds has gone unreported and needs remediation. FNS stands ready to assist with resolving the deficiencies through continued technical assistance to ensure its data is transmitted in compliance with Federal requirements.

If Department of Social and Health Services wishes to discuss these matters further, please contact the FNS Tech Team at [SNAPdatabase@usda.gov](mailto:SNAPdatabase@usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick A. Penn', with a large, stylized initial 'P'.

Patrick A. Penn  
Deputy Under Secretary  
Food, Nutrition, and Consumer Services

# EXHIBIT Q

**From:** [Humphreys, Bradley \(CIV\)](#)  
**To:** [Maria Buxton](#)  
**Cc:** [Kurland, Benjamin S \(CIV\)](#); [Paul Stein](#); [mark.ladov@ag.ny.gov](mailto:mark.ladov@ag.ny.gov); [sherief.gaber@ilag.gov](mailto:sherief.gaber@ilag.gov); [Sebastian Brady](#)  
**Subject:** RE: New Lawsuit Against USDA  
**Date:** Thursday, August 21, 2025 5:13:47 PM

**EXTERNAL EMAIL:** This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Apologies for the typo in my email below: Meant to say “particularly given that plaintiffs filed this case on July 28 . . . .” Long travel day. Thanks.

---

**From:** Humphreys, Bradley (CIV)  
**Sent:** Thursday, August 21, 2025 8:01 PM  
**To:** [Maria.Buxton@doj.ca.gov](mailto:Maria.Buxton@doj.ca.gov)  
**Cc:** [Kurland, Benjamin S \(CIV\)](#) <[Ben.Kurland@usdoj.gov](mailto:Ben.Kurland@usdoj.gov)>; [Paul.Stein@doj.ca.gov](mailto:Paul.Stein@doj.ca.gov); [mark.ladov@ag.ny.gov](mailto:mark.ladov@ag.ny.gov); [sherief.gaber@ilag.gov](mailto:sherief.gaber@ilag.gov); [Sebastian.Brady@doj.ca.gov](mailto:Sebastian.Brady@doj.ca.gov)  
**Subject:** RE: New Lawsuit Against USDA

Maria, and all,

Here are answers to your questions below.

On question 1, yes, confirmed.

On question 2, the effective date would be the date of the final determination under 7 CFR 276.4(e)—i.e., no sooner than 30 days after receipt of a final warning. There would be no retroactive suspension or disallowance before that date. Per 7 CFR 276.7(e), any suspension or disallowance would be stayed during an administrative appeal.

On question 3, yes, USDA will continue to reimburse as usual during any administrative appeal.

On the final question, the disallowance amount is calculated by multiplying a State’s FY 24 error rate by its FY 24 total issuance, which does not include administrative funding.

Please indicate that we oppose shortening the time for defendants to respond, particularly given that plaintiffs filed this case on August 28 but did not move for a preliminary injunction until August 18, a full three weeks later.

Thanks,  
Brad

---

**From:** Maria Buxton <[Maria.Buxton@doj.ca.gov](mailto:Maria.Buxton@doj.ca.gov)>  
**Sent:** Thursday, August 21, 2025 2:49 PM  
**To:** Humphreys, Bradley (CIV) <[Bradley.Humphreys@usdoj.gov](mailto:Bradley.Humphreys@usdoj.gov)>; Kurland, Benjamin S (CIV) <[Ben.Kurland@usdoj.gov](mailto:Ben.Kurland@usdoj.gov)>  
**Cc:** Paul Stein <[Paul.Stein@doj.ca.gov](mailto:Paul.Stein@doj.ca.gov)>; Mark.Ladov@ag.ny.gov; Gaber, Sherief <[sherief.gaber@ilag.gov](mailto:sherief.gaber@ilag.gov)>; Sebastian Brady <[Sebastian.Brady@doj.ca.gov](mailto:Sebastian.Brady@doj.ca.gov)>  
**Subject:** [EXTERNAL] RE: New Lawsuit Against USDA

To clarify the first bullet below regarding a stay under 7 CFR 276.7, can you please confirm your agreement that the regulations provide that an administrative appeal will automatically stay the suspension/disallowance of funds until at least 30 days after the final determination of the administrative appeal.

Thanks,  
Maria

---

**From:** Maria Buxton  
**Sent:** Thursday, August 21, 2025 10:42 AM  
**To:** Humphreys, Bradley (CIV) <[Bradley.Humphreys@usdoj.gov](mailto:Bradley.Humphreys@usdoj.gov)>; Kurland, Benjamin S (CIV) <[Ben.Kurland@usdoj.gov](mailto:Ben.Kurland@usdoj.gov)>  
**Cc:** Paul Stein <[Paul.Stein@doj.ca.gov](mailto:Paul.Stein@doj.ca.gov)>; Mark.Ladov@ag.ny.gov; Gaber, Sherief <[sherief.gaber@ilag.gov](mailto:sherief.gaber@ilag.gov)>; Sebastian Brady <[Sebastian.Brady@doj.ca.gov](mailto:Sebastian.Brady@doj.ca.gov)>  
**Subject:** RE: New Lawsuit Against USDA

Brad and Ben,

Thanks for conferring with us yesterday. Several plaintiff states have received letters from USDA (exemplar attached). We have some need for clarification:

- Could you confirm that USDA will automatically stay the disallowance period pending an administrative appeal? In other words, are we in agreement that state administrative appeals (filed pursuant to 7 CFR 276.7) will automatically stay any disallowance of funds for 30 days?
- Can USDA confirm that the effective date of any disallowance will not occur until at least after the administrative appeals process is completed. In other words, that any final determination disallowing funds would not be retroactive.
  - If USDA does intend for disallowance to apply retroactively, the August 20<sup>th</sup> letter is ambiguous as to what the effective date for compliance would be. If applicable, please ask your client clarify this date.
- Could you confirm that USDA will reimburse states at the normal rate for administrative funds expended while the administrative appeal is pending?

- Lastly, can you please confirm that USDA is calculating disallowance amounts based on States' "total allotment" of SNAP funding, including non-administrative funding?

Please let us know your client's position on these questions by the end of the day today. We anticipate filing a motion to shorten time and/or TRO no later than tomorrow in order to avoid irreparable harm to the states, but we remain open to discussing assurances or an interim resolution that would eliminate the need for expedited briefing/emergency motion practice.

Thanks,  
Maria

**Maria F. Buxton**

Deputy Attorney General

California Attorney General's Office | Government Law Section

455 Golden Gate Avenue, Suite 11000 | San Francisco, CA 94102 | Tel: 415-510-3873

[maria.buxton@doj.ca.gov](mailto:maria.buxton@doj.ca.gov)

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**From:** Sebastian Brady <[Sebastian.Brady@doj.ca.gov](mailto:Sebastian.Brady@doj.ca.gov)>

**Sent:** Wednesday, August 20, 2025 10:41 AM

**To:** Humphreys, Bradley (CIV) <[Bradley.Humphreys@usdoj.gov](mailto:Bradley.Humphreys@usdoj.gov)>; Kurland, Benjamin S (CIV) <[Ben.Kurland@usdoj.gov](mailto:Ben.Kurland@usdoj.gov)>

**Cc:** Maria Buxton <[Maria.Buxton@doj.ca.gov](mailto:Maria.Buxton@doj.ca.gov)>; Paul Stein <[Paul.Stein@doj.ca.gov](mailto:Paul.Stein@doj.ca.gov)>; Mark.Ladov@ag.ny.gov; Gaber, Sherief <[sherief.gaber@ilag.gov](mailto:sherief.gaber@ilag.gov)>

**Subject:** RE: New Lawsuit Against USDA

Hi Brad,

How about 4pm Eastern? We can send a Teams link.

Best,  
Sebastian

---

**From:** Humphreys, Bradley (CIV) <[Bradley.Humphreys@usdoj.gov](mailto:Bradley.Humphreys@usdoj.gov)>

**Sent:** Wednesday, August 20, 2025 9:54 AM

**To:** Sebastian Brady <[Sebastian.Brady@doj.ca.gov](mailto:Sebastian.Brady@doj.ca.gov)>; Kurland, Benjamin S (CIV) <[Ben.Kurland@usdoj.gov](mailto:Ben.Kurland@usdoj.gov)>

**Cc:** Maria Buxton <[Maria.Buxton@doj.ca.gov](mailto:Maria.Buxton@doj.ca.gov)>; Paul Stein <[Paul.Stein@doj.ca.gov](mailto:Paul.Stein@doj.ca.gov)>; Mark.Ladov@ag.ny.gov; Gaber, Sherief <[sherief.gaber@ilag.gov](mailto:sherief.gaber@ilag.gov)>

**Subject:** RE: New Lawsuit Against USDA

<b>EXTERNAL EMAIL:</b> This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.
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Hi Sebastian,

Thanks for your email. USDA is not willing to extend the deadline further. But a meet and confer on scheduling would be helpful. Please let us know if you have time today to discuss. We're wide open until 4:30pm Eastern, if there's a time that works in that window.

Best,  
Brad

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**From:** Sebastian Brady <[Sebastian.Brady@doj.ca.gov](mailto:Sebastian.Brady@doj.ca.gov)>  
**Sent:** Tuesday, August 19, 2025 3:26 PM  
**To:** Humphreys, Bradley (CIV) <[Bradley.Humphreys@usdoj.gov](mailto:Bradley.Humphreys@usdoj.gov)>; Kurland, Benjamin S (CIV) <[Ben.Kurland@usdoj.gov](mailto:Ben.Kurland@usdoj.gov)>  
**Cc:** Maria Buxton <[Maria.Buxton@doj.ca.gov](mailto:Maria.Buxton@doj.ca.gov)>; Paul Stein <[Paul.Stein@doj.ca.gov](mailto:Paul.Stein@doj.ca.gov)>; Mark.Ladov@ag.ny.gov; Gaber, Sherief <[sherief.gaber@ilag.gov](mailto:sherief.gaber@ilag.gov)>  
**Subject:** [EXTERNAL] RE: New Lawsuit Against USDA

Hi Brad and Ben,

As you saw yesterday, we have filed a motion for a stay or preliminary injunction in this case. In light of this pending motion, would your client agree to stay its data demand, today's deadline for complying with the demand, and any compliance proceedings related thereto pending a ruling on this motion? Doing so will allow us to negotiate a reasonable briefing schedule and may obviate the need for us to move to expedite the briefing schedule and hearing date.

Please let us know by COB Eastern tomorrow (8/20), and please also let us know if it would be helpful to meet and confer on this.

Thanks,  
Sebastian

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**From:** Sebastian Brady  
**Sent:** Thursday, August 14, 2025 10:29 AM  
**To:** Humphreys, Bradley (CIV) <[Bradley.Humphreys@usdoj.gov](mailto:Bradley.Humphreys@usdoj.gov)>; Kurland, Benjamin S (CIV) <[Ben.Kurland@usdoj.gov](mailto:Ben.Kurland@usdoj.gov)>  
**Cc:** Maria Buxton <[Maria.Buxton@doj.ca.gov](mailto:Maria.Buxton@doj.ca.gov)>; Paul Stein <[Paul.Stein@doj.ca.gov](mailto:Paul.Stein@doj.ca.gov)>  
**Subject:** RE: New Lawsuit Against USDA

Brad,

Thank you for the confirmation and for the prompt response.

Best,

Sebastian

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**From:** Humphreys, Bradley (CIV) <[Bradley.Humphreys@usdoj.gov](mailto:Bradley.Humphreys@usdoj.gov)>  
**Sent:** Wednesday, August 13, 2025 6:01 PM  
**To:** Sebastian Brady <[Sebastian.Brady@doj.ca.gov](mailto:Sebastian.Brady@doj.ca.gov)>; Kurland, Benjamin S (CIV) <[Ben.Kurland@usdoj.gov](mailto:Ben.Kurland@usdoj.gov)>  
**Cc:** Maria Buxton <[Maria.Buxton@doj.ca.gov](mailto:Maria.Buxton@doj.ca.gov)>; Paul Stein <[Paul.Stein@doj.ca.gov](mailto:Paul.Stein@doj.ca.gov)>  
**Subject:** RE: New Lawsuit Against USDA

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Sebastian,

You are correct the extension is for both deadlines.

Yes, confirmed that there would be no notice of suspension, if any, until at least 30 days following a formal warning, as stated in 7 CFR 276.4.

Best,  
Brad

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**From:** Sebastian Brady <[Sebastian.Brady@doj.ca.gov](mailto:Sebastian.Brady@doj.ca.gov)>  
**Sent:** Wednesday, August 13, 2025 5:21 PM  
**To:** Humphreys, Bradley (CIV) <[Bradley.Humphreys@usdoj.gov](mailto:Bradley.Humphreys@usdoj.gov)>; Kurland, Benjamin S (CIV) <[Ben.Kurland@usdoj.gov](mailto:Ben.Kurland@usdoj.gov)>  
**Cc:** Maria Buxton <[Maria.Buxton@doj.ca.gov](mailto:Maria.Buxton@doj.ca.gov)>; Paul Stein <[Paul.Stein@doj.ca.gov](mailto:Paul.Stein@doj.ca.gov)>  
**Subject:** [EXTERNAL] RE: New Lawsuit Against USDA

Brad,

Thank you for the extension, which we understand to be an extension for Plaintiff States of both today's deadline and Friday's deadline noted in the letter (and in our email below), but please let us know if this is a misunderstanding by 6pm Eastern tonight.

On the second point, can you please confirm, more specifically, that USDA does not intend to suspend or disallow any Plaintiff States' SNAP funding before the expiration of 30 days after the issuance of any formal warning, as set out in 7 CFR 276.4. As noted, this will inform the need for emergency relief. We would appreciate confirmation on this point ASAP as well—by 12 noon Eastern tomorrow.

Thanks,  
Sebastian

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**From:** Humphreys, Bradley (CIV) <[Bradley.Humphreys@usdoj.gov](mailto:Bradley.Humphreys@usdoj.gov)>  
**Sent:** Wednesday, August 13, 2025 12:47 PM  
**To:** Sebastian Brady <[Sebastian.Brady@doj.ca.gov](mailto:Sebastian.Brady@doj.ca.gov)>; Kurland, Benjamin S (CIV) <[Ben.Kurland@usdoj.gov](mailto:Ben.Kurland@usdoj.gov)>  
**Cc:** Maria Buxton <[Maria.Buxton@doj.ca.gov](mailto:Maria.Buxton@doj.ca.gov)>; Paul Stein <[Paul.Stein@doj.ca.gov](mailto:Paul.Stein@doj.ca.gov)>  
**Subject:** Re: New Lawsuit Against USDA

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Hi Sebastian,

USDA is willing to extend the deadline stated in the advance notice to Tuesday, August 19, but not beyond that.

USDA will comply with all regulatory requirements regarding any potential suspension or disallowance.

Thanks,  
Brad

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**From:** Sebastian Brady <[Sebastian.Brady@doj.ca.gov](mailto:Sebastian.Brady@doj.ca.gov)>  
**Sent:** Wednesday, August 13, 2025 2:15 PM  
**To:** Humphreys, Bradley (CIV) <[Bradley.Humphreys@usdoj.gov](mailto:Bradley.Humphreys@usdoj.gov)>; Kurland, Benjamin S (CIV) <[Ben.Kurland@usdoj.gov](mailto:Ben.Kurland@usdoj.gov)>  
**Cc:** Maria Buxton <[Maria.Buxton@doj.ca.gov](mailto:Maria.Buxton@doj.ca.gov)>; Paul Stein <[Paul.Stein@doj.ca.gov](mailto:Paul.Stein@doj.ca.gov)>  
**Subject:** [EXTERNAL] RE: New Lawsuit Against USDA

Counsel:

In connection with the below request, can you please also confirm that your client will follow the mandatory procedures laid out in 7 CFR 276.4, which requires, at a minimum, a 30-day period after a final notice of noncompliance, before any funding-related action is taken? That will also bear on the need for interim relief.

Thank you,  
Sebastian

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**From:** Sebastian Brady  
**Sent:** Tuesday, August 12, 2025 8:10 PM

**To:** Humphreys, Bradley (CIV) <[Bradley.Humphreys@usdoj.gov](mailto:Bradley.Humphreys@usdoj.gov)>; Kurland, Benjamin S (CIV) <[Ben.Kurland@usdoj.gov](mailto:Ben.Kurland@usdoj.gov)>

**Cc:** Maria Buxton <[Maria.Buxton@doj.ca.gov](mailto:Maria.Buxton@doj.ca.gov)>; Paul Stein <[Paul.Stein@doj.ca.gov](mailto:Paul.Stein@doj.ca.gov)>

**Subject:** RE: New Lawsuit Against USDA

Counsel:

We've learned that earlier today, your client sent an advance notice under 7 CFR 276.4 to California, along with several other Plaintiff States, demanding that the States provide the data it previously requested in three days—on Friday, August 15—and provide an explanation of steps they are taking to comply with the demand by tomorrow. The notice also threatens further proceedings under 7 CFR 276.4 if the States do not comply. Given that the validity of this data request is the subject of this litigation, we respectfully request that your client stay both deadlines until a reasonable period after the conclusion of this litigation. Alternatively, we request that your client stay both deadlines until a reasonable period after the Court can address a motion for a stay or preliminary injunction. Absent that, we will be forced to seek interim relief shortly.

Because of the timeline set forth in your client's letter, we request a response by 4pm Eastern tomorrow, August 13.

Best,  
Sebastian

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**From:** Sebastian Brady

**Sent:** Tuesday, July 29, 2025 12:49 PM

**To:** Humphreys, Bradley (CIV) <[Bradley.Humphreys@usdoj.gov](mailto:Bradley.Humphreys@usdoj.gov)>; Kurland, Benjamin S (CIV) <[Ben.Kurland@usdoj.gov](mailto:Ben.Kurland@usdoj.gov)>

**Cc:** Maria Buxton <[Maria.Buxton@doj.ca.gov](mailto:Maria.Buxton@doj.ca.gov)>; Paul Stein <[Paul.Stein@doj.ca.gov](mailto:Paul.Stein@doj.ca.gov)>

**Subject:** RE: New Lawsuit Against USDA

Hi Brad,

Thanks for letting us know. The summonses have now been issued, so we'll work on effectuating service.

Best,  
Sebastian

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**From:** Humphreys, Bradley (CIV) <[Bradley.Humphreys@usdoj.gov](mailto:Bradley.Humphreys@usdoj.gov)>

**Sent:** Tuesday, July 29, 2025 12:32 PM

**To:** Sebastian Brady <[Sebastian.Brady@doj.ca.gov](mailto:Sebastian.Brady@doj.ca.gov)>; Kurland, Benjamin S (CIV) <[Ben.Kurland@usdoj.gov](mailto:Ben.Kurland@usdoj.gov)>

**Cc:** Maria Buxton <[Maria.Buxton@doj.ca.gov](mailto:Maria.Buxton@doj.ca.gov)>; Paul Stein <[Paul.Stein@doj.ca.gov](mailto:Paul.Stein@doj.ca.gov)>

**Subject:** RE: New Lawsuit Against USDA

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Hi Sebastian, and all,

Thanks for reaching out. Ben and I will be handling this case, so you've come to the right place. We're not able to waive service, unfortunately, but we can serve as points of contacts and discuss scheduling as needed.

Best,  
Brad

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**From:** Sebastian Brady <[Sebastian.Brady@doj.ca.gov](mailto:Sebastian.Brady@doj.ca.gov)>  
**Sent:** Tuesday, July 29, 2025 2:01 PM  
**To:** Humphreys, Bradley (CIV) <[Bradley.Humphreys@usdoj.gov](mailto:Bradley.Humphreys@usdoj.gov)>; Kurland, Benjamin S (CIV) <[Ben.Kurland@usdoj.gov](mailto:Ben.Kurland@usdoj.gov)>  
**Cc:** Maria Buxton <[Maria.Buxton@doj.ca.gov](mailto:Maria.Buxton@doj.ca.gov)>; Paul Stein <[Paul.Stein@doj.ca.gov](mailto:Paul.Stein@doj.ca.gov)>  
**Subject:** [EXTERNAL] New Lawsuit Against USDA

Hi Bradley and Ben,

I'm a Deputy Attorney General with the California Department of Justice and I'm writing about a lawsuit that California and a number of other states filed yesterday against USDA, Secretary Rollins, and USDA-OIG that has some overlap with the *Pallek v. Rollins* matter. We are still waiting for the court to issue the summonses, but will you accept service on behalf of these defendants? I'm attaching the filed complaint here.

Best,  
Sebastian

**Sebastian Brady**

Deputy Attorney General | Government Law Section  
California Department of Justice  
455 Golden Gate Avenue, Suite 11000 | San Francisco, CA 94102  
Phone: 415.510.3592 | Fax: 415.703.5480  
[Sebastian.Brady@doj.ca.gov](mailto:Sebastian.Brady@doj.ca.gov)

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