

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
St. JOSEPH DIVISION

STATE OF MISSOURI, ex rel.)
Attorney General Chris Koster,)
)
 Plaintiff,)
)
 v.) No. _____
)
TOM VILSACK, in his official)
Capacity as United States)
Secretary of Agriculture,)
)
 Defendant.)

**COMPLAINT FOR PRELIMINARY
AND PERMANENT INJUNCTIVE RELIEF**

Plaintiff State of Missouri, through its relator Attorney General Chris Koster, states the following for its Complaint for Preliminary and Permanent Injunctive Relief against Defendant, United States Secretary of Agriculture Tom Vilsack (Secretary):

1. This case presents a federal question regarding the Secretary’s authority to deprive Missouri farmers of federally subsidized crop insurance for failing to submit acreage reports within an arbitrary and capricious grace period.

2. Venue is proper in this court because Missouri farmers residing within this district are threatened with the loss of federally subsidized crop insurance by the Secretary’s actions.

3. The United States Department of Agriculture's Risk Management Agency (RMA) oversees federally subsidized crop insurance.

4. To qualify for federally subsidized crop insurance, Missouri farmers must submit acreage reports to RMA by one of four deadlines, depending on where their farms are located in Missouri.

5. For farmers in northwestern Missouri, the deadline to submit acreage reports to RMA was July 10, although USDA provides a five-day grace period within which farmers may still submit their reports.

6. Due to months of record rainfall this spring and early summer, many farmers in northwestern Missouri were unable to make planting decisions about their crops in time to submit their acreage reports to RMA before the grace period expired on July 15.

7. On July 14, Missouri Governor Jay Nixon sent a letter to the Secretary, formally requesting that the grace period be extended for farmers in Northwestern Missouri.

8. On July 15, the Secretary informed Governor Nixon that USDA would not extend the grace period even though acreage reports are not due from Missouri farmers in other parts of the state for another 15 days.

9. As a result of the Secretary's arbitrary and capricious refusal to extend the northwestern Missouri farmers' grace period to the same date all

other Missouri farmers' reports are due, many northwestern Missouri farmers may be unable to obtain crop insurance this year.

WHEREFORE, Plaintiff State of Missouri respectfully requests that this court enter an order requiring the Secretary to extend the grace period for all Missouri farmers to submit their acreage reports to RMA by 15 days, and to issue a preliminary and permanent injunction prohibiting the Secretary from denying crop insurance to Missouri farmers unable to submit their acreage reports before the July 15 deadline.

Respectfully submitted,

CHRIS KOSTER
Attorney General

/s/J. Andrew Hirth _____

J. Andrew Hirth
Deputy General Counsel
Mo. Bar No. 57807
207 W. High Street
P.O. Box 899
Jefferson City, MO 65102
(573) 751-0818
(573) 751-0774 Facsimile
Andy.Hirth@ago.mo.gov

Attorneys for the State of Missouri