UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS, GRAND TRAVERSE BAY WATERSHED INITIATIVE, INC., AND ELK-SKEGEMOG LAKES ASSOCIATION,

Plaintiffs,

v.

BURNETTE FOODS, INCORPORATED,

Defendant.

Case No. 1:23-cv-00589

Hon. Jane M. Beckering

**DEFENDANT'S REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS FOR LACK OF SUBJECT-MATTER JURISDICTION AND FAILURE TO STATE A CLAIM**

**(Oral Argument Requested)**

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## I. INTRODUCTION

Plaintiffs' case must be dismissed for two reasons. First, Plaintiffs' Pre-Suit Notice is deficient. The Notice failed to identify any Clean Water Act ("CWA") standard, limitation, or order that Burnette violated. According to binding Sixth Circuit precedent, this is fatal. Further, the Notice failed to identify any activity that could have violated any hypothetical standard, limitation, or order. Plaintiffs must strictly comply with statutorily mandated notice requirements. They did not and this case must be dismissed.

Second, this Court lacks subject matter jurisdiction to hear this case even assuming the notice requirements were met. Burnette's agricultural irrigation system is not a "point source." Without a point source, there is no possible federal question. Plaintiffs' attempt to argue around this deficiency by alleging a "functional equivalent" of a direct discharge under *Maui*, also fails. Plaintiffs' legal conclusion, without supporting facts, cannot avoid dismissal. Finally, there is not a "continuous surface connection" with any WOTUS to allow federal jurisdiction in this case.

For these reasons (and those in Defendant's Brief in Support of its Motion to Dismiss), Burnette respectfully requests that the Court dismiss Plaintiffs' Amended Complaint.

## II. LAW AND ARGUMENT

### A. THE COURT MUST DISMISS PLAINTIFFS' LAWSUIT BECAUSE THEIR PRE-SUIT NOTICE WAS DEFICIENT.

Plaintiffs' Response Brief goes to great lengths to explain away the various deficiencies within its Pre-Suit Notice (hereinafter "Notice") suggesting that its failure to comply to the express requirements of the 40 C.F.R. § 135.3(a) is excusable. The CWA's notice provision for citizen suits "is not a mere technical wrinkle of statutory drafting or formality to be waived by the federal courts." *Green v. Reilly*, 956 F.2d 593, 594 (6th Cir. 1992) (emphasis added). Rather, the notice is a "statutory condition [] precedent to suit," with which plaintiffs must "strictly comply." *South*

*Side Quarry, LLC v. Louisville & Jefferson Cnty. Metropolitan Sewer Dist.*, 28 F.4th 684, 690 (6th Cir. 2022). Plaintiffs' Notice was insufficient for the reasons discussed below, any one of which is sufficient to warrant dismissal.

**1. Plaintiffs' Notice Failed to Identify a Specific CWA Standard, Limitation, or Order.**

The Sixth Circuit in *South Side Quarry*, 28 F.4th 684, 697 (6th Cir. 2022) held that general references to 33 U.S.C. § 1311(a) (hereinafter "Section 1311(a)") are not a "specific standard, limitation, or order" for the purposes of 40 C.F.R. § 135.3(a). Plaintiffs only response is to assert that the defendant in *South Side Quarry* had an existing NPDES permit. Pl's Response Br. at 12-13 (ECF No. 24, PageID.3629-3630). But NPDES permit or not, the holding of *South Side Quarry* is that a pre-suit notice must reference a violation of *a specific standard* (rather than a general reference to Section 1311(a)), and this Plaintiffs failed to do. *South Side Quarry* at 697-98.

But regardless there is no question that a notice must allege an actual violation of the CWA. *See Southside Quarry* at 696 (affirmatively stating that "*[W]ithout a specific allegation* that MSD violated a permit's effluent standards or limitations, *South Side can't satisfy the notice requirement, much less make out a CWA claim.*") (emphasis added). There is no specific allegation of any violation of the CWA (Section 1311(a) or otherwise) set forth in the Plaintiffs' Notice. In fact, the Notice contains a *single* reference to Section 1311(a):

> The Clean Water Act prohibits the "discharge of any pollutant" into "navigable waters" from any "point source," except when authorized by a permit issued under the National Pollutant Discharge Elimination System (NPDES). 33 USC 1311(a), 1342, 1362(12).

(ECF No. 16-1, PageID.1658). This general reference to Section 1311(a) (as part of a string citation) does not allege that Defendant violated Section 1311(a). Plaintiffs' failure to even go so far as to assert a violation of Section 1311(a) is, in and of itself, fatal.

Having failed to actually allege any CWA violations, Plaintiffs allege violations of various *state statutes and regulations* (ECF No. 16-1, PageID.1658-1661). In fact, the Notice contains almost three pages of information devoted entirely to alleged violations of state law.[1] Thus, the Notice only served to apprize Defendants (along with EGLE and U.S. EPA) of potential violations of *state law*. Under remarkably similar circumstances, the Court of Appeals for the Third Circuit determined that a notice of intent citing unrelated state law theories failed to meet the CWA notice requirements:

> If the Cleanup Coalition's Notice 'contain[ed] individual sentences . . . that g[a]ve Defendants some appropriate information' that would have permitted them to identify the alleged violation, *those sentences were 'deeply buried' within a plethora of references to New Jersey statutes and regulations bearing no relevance to the Cleanup Coalition's case*.

*Shark River Cleanup Coalition v. Township of Wall*, 47 F. 4th 126, 136 (3rd Cir. 2022) (citing *Karr v. Hefne*r, 475 F.3d 1192, 1206 (10th Cir. 2007) (emphasis added); *see also Karr*, 475 F.3d at 1203 (The Tenth Circuit recognized the perils of brandishing inapplicable state statutes and regulations to distract from a lack of a specific CWA violation: "[t]he citations in Plaintiffs' letters . . . frequently are to regulations that do not apply to Defendants or are irrelevant to CWA citizen-suits, and generally are too broad to help Defendants 'identify the *specific* standard, limitation, or order alleged to have been violated.'") (emphasis in original)).

Like in *Shark River* and *Karr*, Plaintiffs' Notice asserted violations of state law; it failed to identify the conduct that violated a specific CWA provision. Clearly, Defendants are not required to sift through references to inapposite state statutes and regulations to identify potential CWA

[1] As discussed in the following section of this Brief, the alleged violations of state law set forth in the Notice are premised upon discharges to "surface waters of the state" which could only establish a claim under state law.

violations. *See* 475 F.3d at 1205 ("*There are other deficiencies in this notice letter, but we think it sufficient to hold that it failed to comply with 40 C.F.R. § 135.3(a) because it did not specify a point source or provide adequate guidance regarding what provision of a statute, regulation, or permit had been violated*."). Thus, the inclusion of various state law theories in the Notice did not and cannot provide sufficient notice of relevant CWA violations. On the contrary, notice of state law claims only served to mislead and confuse Defendants as to the potential claims at issue.

For these reasons, Plaintiffs' Notice is deficient as a matter of law and this case must be dismissed.

**2. Plaintiffs' Notice Did Not Identify Activity Associated with Water of the United States**

After identifying alleged violations of state law (rather than the CWA), the Notice confused matters further by failing to assert a discharge into "waters of the United States," (hereinafter "WOTUS") which is required to establish CWA jurisdiction. Instead, the Notice unequivocally and repeatedly indicated that the alleged violations were premised upon discharges to "waters of the state" and "surface waters of the state." (ECF No. 16-1, PageID.1658-1661).

Plaintiffs' claim this oversight should be ignored because the distinction between the terms "surface waters of the state," "waters of the state" and WOTUS is "murky." (ECF No. 24, PageID.3634). Plaintiffs' inability to understand the definition of WOTUS is irrelevant. To invoke CWA jurisdiction a plaintiff must assert a point source discharge into WOTUS. As a result, to apprize Defendants of an activity that is alleged to constitute a violation of the CWA, it is necessary to assert a discharge into WOTUS.

Having failed to reference the most basic component of any alleged CWA violation, Plaintiffs now seek to muddy the waters further by suggesting that the terms "surface waters of the state," "waters of the state" and WOTUS are interchangeable. (ECF No 24, PageID.3633-3634).

They are not. To understand the clear distinctions between these terms the Court need look no further than the definitions set forth in applicable federal and state regulations cited in Defendant's Brief in Support of its Motion to Dismiss. (ECF No. 21, PageID.3565-3567).

The definitions of "waters of the state" and "surface waters of the state" are substantially broader than WOTUS and include bodies of water that would never be regulated under the CWA. Both definitions include catch-all provisions that could include any body of water bigger than a mud puddle. For instance, the definition of "surface waters of the state" includes "other surface water bodies within the confines of the state." Mich. Code Admin. R. 323.2016. Most importantly, neither of the state law definitions require a continuous surface connection with WOTUS. Because the defining characteristic of a WOTUS is a connection to traditional navigable waters, and the state law terms require no such connection, Plaintiffs cannot reasonably suggest these terms are synonymous.

Apparently recognizing that their references to "surface waters of the state" and "waters of the state" are insufficient, Plaintiffs next assert that they provided adequate notice based on a reference to "waters of the state subject to the CWA." (ECF No. 24, PageID.3634). This argument fails for the same reason as its previous argument—"waters of the state" are not necessarily subject to CWA jurisdiction. To satisfy the explicit requirements of 40 C.F.R. § 135.3(a), the Notice must include sufficient information to permit the recipient to identify the specific standard, limitation, or order alleged to have been violated and the activity alleged to constitute a violation. Plaintiff cannot meet that standard without asserting a discharge into WOTUS. Because Plaintiffs failed to notify Burnette or relevant government agencies of an alleged point source discharge into WOTUS, it failed to adequately identify the activity that constituted a violation as required by 40 C.F.R. § 135.3(a).

Moreover, in addition to its failure to notify Burnette of a point source discharge into WOTUS, the Notice also failed to apprise Burnette of the new theory under which it now asserts CWA jurisdiction. Plaintiffs' Amended Complaint alleges that the migration of irrigated effluent from the Spray Fields into nearby wetlands is the "functional equivalent" of a point source discharge (citing *County of Maui v. Hawaii Wildlife Fund*, 140 S.Ct. 1462 (2020)). *See* Amended Complaint at Paragraphs 108-110 (ECF No. 16, PageID.1642). However, the Notice failed to allege that the *migration of groundwater* into "waters of the state" constituted a violation of the CWA. In fact, Section 7 of the Notice (entitled "Violations of the Clean Water Act") makes no mention whatsoever of migration of groundwater into WOTUS. (ECF No. 16-1 PageID.1658-1661). Because the Notice failed to identify the activity alleged to have constituted a violation of the CWA (i.e. the migration of effluent through groundwater), Plaintiffs failed to provide the notice required by 40 C.F.R. § 135.3(a).

### B. THIS COURT LACKS SUBJECT MATTER JURISDICTION BECAUSE THERE IS NO "POINT-SOURCE" DISCHARGE, A "FUNCTIONAL EQUIVALENT" IS NOT SUFFICIENTLY PLEAD, AND THERE IS NO "CONTINUOUS SURFACE CONNECTION" TO A WOTUS.

#### 1. There is No Point-Source Discharge to Surface Water

A CWA claim requires that the defendant discharge a pollutant from a "point source." *See, e.g., Parker v. Scrap Metal Processors, Inc.*, 386 F.3d 993, 1008 (11th Cir. 2004) (listing the elements of a CWA claim). However, a "point source" "does not include . . . " *return flows from irrigated agriculture*, 33 U.S.C. § 1362(14) (emphasis added). In an analogous case interpreting that exclusion—where a fruit processor discharged wastewater for irrigation—the Court emphasized Congress' intent to exclude such activity:

> *Congress specifically exempted agricultural fields from the definition of a 'point source*.' 'The term 'point source' means any discernible, confined and discrete conveyance .... This term does not include agricultural stormwater discharges and

> return flows from irrigated agriculture.' 33 U.S.C. 1362(14). The implementing regulations are more specific: "Any introduction of pollutants from non point-source agricultural and silvicultural activities, including storm water runoff from orchards, cultivated crops, pastures, range lands, and forest lands" does not require an NPDES permit. 40 C.F.R. § 122.3. *See also* 64 Fed.Reg. 68,722 at 68,724– 25 ("*Although water quality problems also can occur from agricultural storm water discharges and return flows from irrigated agriculture, this area of concern is statutorily exempted from regulation as a point source under the Clean Water Act*.").

*Hiebenthal v. Meduri Farms*, 242 F. Supp. 2d 885, 887-888 (D. Or. 2002) (emphasis added).

It is undisputed that Burnette engages in irrigation of wastewater on fields where crops are raised and harvested. (ECF No. 16-1, PageID.1651). Thus, any runoff or infiltration from the irrigation of the Spray Fields is "return flow from irrigated agriculture." No further analysis is required to establish that the agricultural irrigation exemption applies. Plaintiffs' attempt to argue that Burnette would somehow be disqualified from utilizing the agricultural irrigation exemption because: (1) Burnette's irrigation applies "industry wastewater"; and (2) Burnette allegedly over-applied "industrial wastewater." Pl's Response Br. at 20-22 (ECF No. 24, PageID.3637-38). These arguments are without merit—nothing in the unequivocal language of 33 U.S.C. § 1362(14) imposes any such pre-requisites to application of the exemption.

In support of its flawed theory that the agricultural irrigation exemption does not apply, Plaintiffs cite the inapplicable case, *Pac. Coast Fed'n of Fishermen's Ass'ns v. Glaser*, 945 F.3d 1076 (9th Cir. 2019). In *Glaser*, plaintiffs asserted that discharges from "a tile drainage system that consists of a network of perforated drain laterals" did not qualify for the agricultural irrigation exemption because a portion of the discharge allegedly originated from a solar project. *Id*. at 1080-1082. Thus, the Court found that there was a question of fact as to whether the discharge was composed "entirely" of "return flows irrigated agriculture" consistent with 33 U.S.C. § 1342(l)(1)

(hereinafter "Section 1342(l)(1)").[2] *Id.* at 1086. Unlike the discharges *from a solar project* at issue in *Glaser* (where no crop production was occurring), any discharges from the Burnette Spray Fields are *entirely* composed of return flows from irrigated agriculture that is related to crop production.[3]

Plaintiffs next reference two cases involving Concentrated Animal Feeding Operations ("CAFO"), to suggest that the agricultural irrigation exemption might not apply if Burnette overapplied or did not strictly comply with a Discharge Management Plan. Pl's Response Br. at 20-22 (ECF No. 24, PageID.3638) (citing *Waterkeeper Alliance, Inc v United States EPA*, 399 F.3d 486, 509 (2d Cir. 2005) and *Nat'l Pork Producers Council v United States EPA*, 635 F.3d 738, 744 (5th Cir. 2011)). Any reliance on these cases is misplaced because CAFOs are a special class of facilities that are designated as a "point source" at 33 U.S.C. § 1642(14). Moreover, CAFO regulations explicitly require that manure be land-applied at agronomic rates:

> For purposes of this paragraph, *where the manure, litter or process wastewater has been applied in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater, as specified in § 122.42(e)(1)(vi)-(ix), a precipitation-related discharge of manure, litter or process wastewater from land areas under the control of a CAFO is an agricultural stormwater discharge.*

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[2] Plaintiffs incorrectly state that the "CWA defines "agricultural return flows" as 'discharges composed *entirely* of return flows from irrigated agriculture.' 33 U.S.C. § 1342(l)(1) (emphasis added)." (ECF No. 24, PageID.3637). This statement is not accurate as there is no *definition* of "agricultural return flows" set forth within the cited provision. Rather, 33 U.S.C. § 1342(l)(1) contains a second and separate exemption from permitting requirements for "discharges composed entirely from irrigated agriculture" that does not modify the explicit definition of a "point source" at 33 U.S.C. § 1362(14). Thus, Plaintiffs cannot read the term "entirely" into the definition of a point source (where it is nowhere to be seen).

[3] Notably, on remand after *Glaser*, the district court found that the drainage under the solar project preexisted the solar project and still served adjacent irrigated lands. The court held that the plaintiff's alleged sources of pollution are all "nonpoint sources or stem from activities related to crop production. Therefore, they are all covered under the § 1342(l)(1) exception." *Pac. Coast Fed'n of Fishermen's Ass'ns v. Conant*, 2023 WL 2143517 (E.D. Cal. 2023).

40 C.F.R. § 123.22(e) (emphasis added). Thus, CAFO regulations specifically require land application of manure at agronomic rates. There is no such requirement set forth in the exemption for return flows from irrigated agriculture at 33 U.S.C. § 1362(14). In fact, return flows from irrigation are specifically excluded from the definition of a "point source" without regard to application rates.

Neither allegations of over-application nor claims relating to the "industrial nature" of wastewater are relevant to the applicability of the irrigated agriculture exemption. Both claims were previously discussed in *Hiebenthal v. Meduri Farms*, 242 F. Supp. 2d 885 (D. Or. 2002), which involved the irrigation of wastewater from a fruit processor. Plaintiffs argued that the agricultural irrigation exemption was inapplicable due to the alleged over-application of wastewater and the industrial nature of the wastewater. *Id*. at 888. The *Hiebenthal* court summarily rejected both arguments:

> Plaintiffs argue unpersuasively that the Clean Water Act's exemptions for irrigated agriculture are inapplicable to defendant's operations because defendant's possible overapplication of fruit processing wastewater to its crops is more akin to industrial, non-agricultural activities.
>
> ***
>
> The Clean Water Act leaves regulation of irrigation return flows and agricultural runoff *to the states, regardless of the quality of the water used to irrigate the fields.*
>
> ***
>
> Plaintiffs' evidence may show that defendant is applying wastewater to its fields in excess of the crops' actual absorption of that water . . . *it does not provide the court with federal subject matter jurisdiction under the Clean Water Act.*

*Id.* (emphasis added). The *Hiebenthal* Court ultimately granted the defendant fruit processor's motion to dismiss for lack of subject matter jurisdiction holding that "*Plaintiffs may be able to show that defendant is discharging pollution into the navigable waters without an NPDES permit, but they cannot show defendant is doing so from a point source.*" *Id*. at 887 (emphasis added).

Likewise, Plaintiffs cannot establish a discharge from a point source. As a result, this Court lacks subject matter jurisdiction.

**2. Plaintiffs' "Functional Equivalent" Argument Is Not Sufficiently Plead and Cannot Save Plaintiffs' CWA Claim for its Lack of a "Point Source."**

Plaintiffs rely on the Supreme Court's opinion in *County of Maui v. Hawaii Wildlife Fund*, 140 S. Ct. 1462, 1471 (2020) to argue that Burnette's application of wastewater effluent to its Spray Fields is the "functional equivalent" of a direct discharge from a point source into navigable waters. Am. Compl. ¶ 110 (ECF No. 16, PageID.1642). However, even if Plaintiffs' "functional equivalent" theory were valid (it is not), Plaintiffs' bald assertion that *Maui* applies is a mere legal conclusion that lacks supporting factual allegations in the Amended Complaint.

*Maui* sets forth seven factors that are relevant to whether something is the functional equivalent of a point-source discharge: "(1) transit time, (2) distance traveled, (3) the nature of the material through which the pollutant travels, (4) the extent to which the pollutant is diluted or chemically changed as it travels, (5) the amount of pollutant entering the navigable waters relative to the amount of the pollutant that leaves the point source, (6) the manner by or area in which the pollutant enters the navigable waters, (7) the degree to which the pollution (at that point) has maintained its specific identity." *Maui*, 140 S. Ct. at 1476-77. Yet, Plaintiffs make no effort to establish that *Maui* applies to the facts they have alleged. Am. Compl. ¶¶ 108-109, (ECF No. 16, PageID.1642).

Courts have dismissed CWA complaints at the pleading stage when the plaintiff has failed to establish a functional equivalent of a direct discharge. *Conservation L. Found., Inc. v. Town of Barnstable, Massachusetts*, 615 F. Supp. 3d 14, 28 (D. Mass. 2022). Dismissal of the Amended Complaint is particularly appropriate here, where the Amended Complaint fails to make specific

allegations regarding all the *Maui* factors. The Amended Complaint directly addresses only *one of the seven* relevant *Maui* factors (distance travelled). Am. Compl. ¶ 62 (ECF No. 16, PageID.1633).

Courts have found that time is one of the most important factors and "must be given substantial weight." *Id.* at 24. Yet, Plaintiffs only alleged that "surface runoff takes a short span of time" to enter the wetlands and Spencer Creek. Am. Compl. ¶ 107 (ECF. No. 16, PageID.1641). Plaintiffs notably failed to suggest exactly how long a "short span of time" might be.

Additionally, Plaintiffs failed to make any direct allegations concerning the remaining *Maui* factors, instead suggesting that the necessary information could be gleaned from facts or statements set forth in the Amended Complaint. Pl's Response Br. at 24-26 (ECF No. 24, PageID.3641-3643). These veiled references are a far cry from the well-plead facts required to "permit the court to infer more than the mere possibility of misconduct," and do not apprise Burnette of facts supporting any alleged functional equivalent of a direct discharge. *See Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009) (quoting Fed. R. Civ. P. 8(a)(2)).

Apparently recognizing that they failed to allege sufficient facts to support their new *Maui* theory, Plaintiffs attempt to supplement the Amended Complaint by inserting factual allegations that cover the *Maui* factors in their Response Brief:

> Applying the *Maui* factors, Burnette's wastewater discharges: 1) travel perhaps as little as a few yards or up to a mile to reach the various WOTUS, 2) over the course of hours and sometimes weeks or longer, 3) start as surface water flow, and 4) maintain their physical/chemical integrity. These allegations are consistent with what *Maui* described as a fact pattern where the CWA 'clearly applies.'

(ECF No. 24, PageID.3643). But Plaintiffs cannot "amend their complaint in an opposition brief or ask the court to consider new allegations (or evidence) not contained in the complaint." *Bates v. Green Farms Condo. Ass'n*, 958 F.3d 470, 483 (6th Cir. 2020).

At the end of the day, Plaintiffs failed to allege sufficient facts to support the *Maui* factors. This point is best illustrated by the fact that the Court cannot apply the *Maui* test based on the

information in the Amended Complaint. Ultimately, Plaintiffs' Amended Complaint falls far short of establishing the "functional equivalent" of a direct discharge into WOTUS and must be dismissed.

**3. <u>There is No Continuous Surface Connection with a WOTUS.</u>**

Defendant can quickly dispense with the various issues relating to whether Plaintiffs can establish CWA jurisdiction. In *Sackett v. EPA*, 143 S. Ct. 1322, 1341 (2023), the United States Supreme unambiguously held that "the party asserting jurisdiction over adjacent wetlands" must "establish 'first, that the adjacent [body of water constitutes] . . . 'water[s] of the United States,' (i.e., a relatively permanent body of water connected to traditional interstate navigable waters); and second, that the wetland has a continuous surface connection with that water, *making it difficult to determine where the 'water' ends and the 'wetland' begins*" (emphasis added). In the present case, it is not difficult to determine where the wetlands adjoining the Spray Fields end and the WOTUS begins—the wetlands at issue are separated from any WOTUS by both the Farm Road and Elk Lake Road. (ECF No. 21, PageID.3550-3551).

Plaintiffs' suggestion that the culverts underlying the Farm Road or Elk Lake Road could establish a continuous surface water connection is meritless. (ECF No. 24, PageID.3647). For there to be a continuous surface water connection through the culverts, there must be a relatively continuous flow of surface water through those culverts (which there is not).[4] Moreover, there also must be standing surface water extending through the wetlands for the majority of the year;

[4] Plaintiffs suggest in the Response Brief that a continuous surface connection does not necessarily require "a surface water connection at all times through the culverts." (ECF No. 24, Page.ID 3651-3652). While a surface connection may not need to be present at all times, it certainly must be present the majority of the time as *Sackett* specifically provides a limited temporal exception for "temporary interruptions in surface connection . . . because of phenomena like low tides or dry spells." 143 S.Ct. at 1341.

there is not. Because Plaintiffs cannot meet their burden to establish a continuous surface connection making it difficult to determine where the wetlands end and WOTUS begin, there is no subject matter jurisdiction under the CWA.

## III. CONCLUSION

Accordingly, Burnette respectfully requests that this Court dismiss Plaintiffs' Amended Complaint and enter judgment in its favor.

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Dated: November 17, 2023

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## CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with L.Civ.R. 7.2(b), includes 4,034 words, inclusive of headings, footnotes, citations and quotations, and was prepared using Microsoft Word 365 (2019).

Date: November 17, 2023

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