

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

STATE OF DELAWARE, )  
DEPARTMENT OF NATURAL )  
RESOURCES & ENVIRONMENTAL )  
CONTROL, )  
) )  
Plaintiff, )  
) )  
and )  
) )  
GARY and ANNA-MARIE CUPPELS, )  
) )  
Plaintiffs-Intervenors, )  
) )  
v. )  
) )  
MOUNTAIRE FARMS OF DELAWARE, )  
INC., a Delaware Corporation, )  
) )  
Defendant. )

Case No.: 18-838-MN-JLH

**MOTION FOR ENTRY OF FIRST AMENDED CONSENT DECREE**

Plaintiff, State of Delaware, Department of Natural Resources and Environmental Control (“DNREC”), through undersigned counsel, hereby moves this Honorable Court for an order entering the First Amended Consent Decree, which was lodged on May 29, 2020 [D.I. 92,94], as a consent decree on the grounds set forth in the accompanying Opening Brief in Support of Plaintiff’s Motion to Entry of the First Amended Consent Decree.

*\*Signature on following page*

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Devera B. Scott

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*Attorneys for Plaintiff, State of Delaware,  
Department of Natural Resources & Environmental  
Control*

Dated: August 21, 2020

**CERTIFICATE OF MAILING AND/OR DELIVERY**

The undersigned certifies that on August 21, 2020, she caused this *Motion for Entry of First Amended Consent Decree* to be electronically filed via CM/ECF, which will send notification to counsel of record.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Devera B. Scott

Devera B. Scott, I.D. No. 4756

*Attorney for Plaintiff, State of Delaware,  
Department of Natural Resources &  
Environmental Control*