UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

BURGESS PIGMENT COMPANY,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,

,

Defendant.

Civil Action No. 5:25-CV-00309

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff Burgess Pigment Company ("Burgess") submits the following Complaint for declaratory and injunctive relief against Defendant United States Environmental Protection Agency ("EPA") and alleges as follows:

INTRODUCTION

1. Under the Toxic Substances Control Act ("TSCA"), EPA collects a range of information.

2. Among the information EPA collects under TSCA is information on the manufacturing and processing of chemical substances.

3. EPA uses the information it collects on the manufacturing and processing of chemical substances to maintain the TSCA Chemical Substance Inventory ("TSCA Inventory" or "Inventory").

4. EPA maintains both a confidential and a nonconfidential portion of the TSCA Inventory.

5. Information on the confidential portion of the TSCA Inventory is accessible only to EPA.

6. Information on the non-confidential portion of the TSCA Inventory is made available to the public via EPA's website.

7. Under Section 14(a) of TSCA, submitters may claim certain information submitted to EPA under TSCA, including the identity of a chemical substance, as confidential business information ("CBI").

8. CBI is broadly defined as proprietary information, considered confidential to the submitter, the release of which would cause substantial injury to the owner.

9. Burgess is a small, Georgia-based company that produces specialized kaolins for servicing specialty coating, plastics, rubber, and cementitious markets.

10. Burgess uses certain chemicals in its operations that are reported to EPA pursuant to TSCA.

11. Burgess has kept confidential the chemicals used in its operations for the 77 years of the company's operations, and the confidentiality of this information ensures its ability to compete in the market.

12. Since Burgess first began reporting information to EPA under TSCA, and for the next twenty years, from 2000 to 2020, Burgess sought, and EPA granted, confidential protection for the identities of its chemical substances that were subject to reporting obligations under the TSCA.

13. In 2016, Congress passed the 2016 Frank R. Lautenberg Chemical Safety for the 21st Century Act amendments to TSCA, which required EPA to promulgate a rule requiring companies to notify the EPA Administrator of each chemical substance listed on the TSCA Inventory that they had manufactured or processed between 2006-2016 ("Active/Inactive Rule"). 15 U.S.C. § 2607(b)(4)(A)(i).

14. The amendments specified that EPA "shall designate" any chemical substance for which a notice was received as an "active" substance. 15 U.S.C. § 2607(b)(4)(A)(ii).

15. The amendments specified that EPA "shall designate" any chemical substance for which no notice was received as an "inactive" substance. 15 U.S.C. § 2607(b)(4)(A)(iii)

16. The amendments required EPA to maintain both a confidential portion and a nonconfidential portion of the TSCA Inventory. 15 U.S.C. § 2607(b)(4)(B)(i).

17. The amendments specified that the Active/Inactive Rule shall require any manufacturer or processor of a chemical substance on the confidential portion of the TSCA Inventory to submit a notice to maintain an existing CBI claim for a specific chemical identity and to substantiate that CBI claim. 15 U.S.C. § 2607(b)(4)(B)(ii)-(iii).

18. In promulgating the Active/Inactive Rule, EPA created an exemption from the notice requirement for any chemical substances reported to EPA under either the 2012 or the 2016 Chemical Data Reporting rules. 82 Fed. Reg. 37520, 37529-30 (Aug. 11, 2017).

19. Chemical substances on the confidential portion of the TSCA Inventory were not eligible for this exemption if the manufacturer or processor wished to maintain the identity of the chemical substance as confidential. *Id*. at 37524.

20. On information and belief, Burgess, like many other companies, mistakenly did not submit a timely notice in response to the Active/Inactive Rule.

21. After EPA's April 6, 2020 notification to Burgess of its failure to file under the Active/Inactive Rule, and the potential release of its confidential information, Burgess took several steps to mitigate its mistake, remained in constant contact with EPA, submitted documentation supporting its CBI, and continued to treat its chemical substances as CBI.

22. Now, eight years after Burgess's oversight, EPA seeks to publish Burgess's CBI, despite Burgess's corrective actions, EPA's continued treatment of the information as CBI, and EPA's lack of finding that the information should not be CBI, other than due to the failure to report under the Active/Inactive Rule.

23. Because public disclosure of Burgess's confidential information would cause significant competitive harm to Burgess, Burgess brings this action to restrain the release of that information and to enforce its rights under TSCA 14(g)(2)(D)(i). 15 U.S.C. § 2613(g)(2)(D)(i).

PARTIES

24. Burgess is a corporation organized in Georgia with its principal place of business at 525 Beck Boulevard, Sandersville, GA 31082.

25. EPA maintains an office at 1200 Pennsylvania Avenue N.W., Washington, D.C., 20460.

JURISDICTION AND VENUE

26. The Court has jurisdiction under the following statutes:

a. 28 U.S.C. § 1331 because this civil action arises under the laws of the United States;

b. 28 U.S.C. § 1346(a)(2) because Burgess asserts claims against the United States;

c. 22 U.S.C. § 2201-02 because this is an actual, justiciable controversy as to which Burgess requires a declaration of its rights by this Court and injunctive relief to prohibit Defendant from violating laws and regulations;

d. 15 U.S.C. § 2613(g)(2)(D)(i) because this is an action to restrain disclosure of confidential business information.

27. Venue is proper in this Court under 15 U.S.C. § 2613(g)(2)(D)(i)(I) as the United States District Court for the Middle District of Georgia is the district in which Burgess has its principal place of business.

FACTUAL BACKGROUND

I. Statutory and Regulatory Background

28. Under TSCA, EPA is authorized to regulate the manufacture, processing, and distribution of chemical substances and mixtures that may be harmful to health or the environment. One of the ways it does so is to maintain the TSCA Inventory, which is a comprehensive list of each chemical substance manufactured in or imported into the United States that does not qualify for an exemption or exclusion under TSCA. 15 U.S.C. § 2607(b).

29. To implement the Inventory in a manner that protects confidentiality while also assisting the public in ascertaining which chemical substances are already in commerce in the United States, EPA maintains two distinct sections of the TSCA Inventory. *EDF v. EPA*, 124 F.4th 1, 6 (D.C. Cir. 2024).

30. The public portion of the TSCA Inventory includes (1) non-confidential chemical substances identified in part by their specific chemical identities and (2) public identifiers, such as accession numbers, for chemical substances whose identities are claimed as confidential. *Id.*; 40 C.F.R. 720.25(a)(1). An accession number is a random six-digit non-confidential number by which the chemical substance can later be referenced. *Id.*

31. The confidential portion of the TSCA Inventory, which is not available to the public, includes the specific chemical identities of chemical substances claimed as confidential. *Id.*

32. Entities submitting information to EPA under TSCA may claim as CBI information that they report including the specific chemical identity of the chemical substance. Specific chemical identity refers to the particular molecular identity of a chemical substance, which can encompass information on chemical structure, composition, manufacturing process, and raw materials. *EDF v. EPA*, 124 F.4th at 7.

33. Confidentiality claims are governed by TSCA section 2613. 15 U.S.C. § 2613.

34. Section 2613 requires EPA to protect from disclosure information, such as specific chemical identities, for which a valid CBI claim has been asserted. 15 U.S.C. § 2613(a).

35. EPA is also required to approve, approve in part and deny in part, or deny confidentiality claims within 90 days of their assertion. 15 U.S.C. § 2613(g)(1)(A).

36. Congress amended TSCA in 2016 pursuant to a set of revisions collectively known as the Lautenberg Amendments. *See* Frank R. Lautenberg Chemical Safety for the 21st Century Act, Pub. L. No. 114-182, 130 Stat. 448 (2016) (codified at 15 U.S.C. § 2601, *et seq.*). Among other things, the amended law protects confidential business information that is submitted to EPA as part of the agency's TSCA administration and enforcement and requires substantiation and review of such claims. 15 U.S.C. § 2613.

37. In addition, the Lautenberg Amendments to TSCA required persons who manufactured or processed a chemical substance on the confidential portion of the Toxic Substances Inventory that was added prior to June 22, 2016 to submit a NOA Form A to EPA to

indicate that they seek to maintain an existing claim for protection against disclosure of the specific chemical identify of the substance as confidential. 82 FR 37520; 40 CFR § 710.37.

38. Companies seeking to prevent disclosure of confidential information submitted under TSCA may do so by filing a "claim for protection" supporting their assertion that the information is confidential. *Id.* § 2613(c)(1)(A). The claim must substantiate that the business has (1) "taken reasonable measures to protect the confidentiality of the information"; (2) "determined that the information is not required to be disclosed or made available under any other Federal law"; (3) "a reasonable basis to conclude that disclosure of the information is likely to cause substantial harm to the competitive position of the person"; and (4) "a reasonable basis to believe that the information is not readily discoverable through reverse engineering." *Id.* § 2613(c)(1)(B)(i)-(iv); *see* 40 CFR § 703.5(a).

39. EPA may require a claimant to "reassert and substantiate or resubstantiate the claim… as necessary to determine whether the information qualifies for an exemption from disclosure." 15 USC § 2613(f)(2).

40. EPA must keep the information confidential if six factors are met: (1) the business asserted a valid claim of confidentiality; (2) the business "has taken reasonable measures to protect the confidentiality of the information"; (3) the information is not reasonably obtainable by other legitimate means; (4) there is a "reasonable basis that disclosure of the information is likely to cause substantial harm" to the business's competitive position; (5) no other law denies confidential protection; and (6) the information falls within FOIA Exemption 4. 40 CFR § 703.7(f).

41. Information entitled to protection from disclosure shall be kept confidential for a period of 10 years from the date on which the person asserts the claim. 15 USC § 2613.

II. Burgess's Kaolin Process and Confidential Business Information

42. Founded in 1948, Burgess is a small company that primarily manufactures kaolin products.

43. Malcolm S. Burgess chartered Burgess Pigment Company in 1948, intent on finding a beneficial use for what was seen at the time as an "unusable" waste product, kaolin crudes. Mr. Burgess discovered a way to make kaolin crudes a useful, beneficial product, which no company has since discovered. Burgess has relied on that confidential discovery to distinguish itself and its products for the past 77 years.

44. This confidential business information is the information that EPA indicates it intends to make public. It is at the core of Burgess's business, such that EPA's threatened action to make the information public threatens the very existence of Burgess.

45. Since 1948, Burgess has carefully protected Mr. Burgess's discovery as confidential business information because it was, and still is, what differentiates Burgess's products from all others.

46. EPA first approved Burgess's request for confidential treatment for the chemical substance at issue in this dispute on October 5, 2000, and as part of that approval, assigned the substance a unique accession number and a provisional name.

47. For the next two decades, Burgess continued to carefully safeguard the information as CBI, renewed its requests to EPA that the information be treated as CBI in each of the company's chemical data reporting submissions, and repeatedly substantiated the reasons for why the information qualifies for protection under EPA's regulations.

III. Burgess's CBI Submission Timeline

48. On October 31, 2016, Burgess submitted its 2016 Chemical Data Report Rule submission (2016 CDR Report). In the 2016 CDR report, Burgess made the same CBI claim it had made since 2000 for its highly confidential chemical information.

49. Burgess inadvertently did not timely submit a request for its CBI claim to be maintained pursuant to 40 CFR § 710.37 following the Lautenberg Amendments because it was unaware of the requirement at the time.

50. On August 3, 2020, nearly four years after Burgess submitted its request that the specific chemical identities be treated as confidential with its 2016 CDR Report, Burgess received a letter from EPA (dated April 6, 2020) regarding that 2016 CDR Report ("2020 Letter"), attached hereto as **Exhibit A**.

51. The 2020 Letter informed Burgess that EPA intended to make the two specific chemical identities that Burgess claimed as confidential in its 2016 CDR Report available to the public.

52. EPA later reconsidered its determination as to one of the two chemical substances, agreeing to afford it confidential protection, and the confidential nature of that chemical substance is not disputed in this litigation.

53. As the sole basis for its intended action, EPA's 2020 Letter stated the following: "EPA is aware that another entity is no longer treating the specific chemical identity of these substances on the TSCA Inventory as confidential."

54. Notably, in the 2020 Letter, EPA did not explicitly rely on Burgess's failure to timely submit its CBI request under the 2017 Active/Inactive Rule.

55. Following receipt of the 2020 Letter, Burgess took several actions to maintain the confidentiality of its chemical substance.

56. First, it documented that EPA's provided rationale for its decision to make public Burgess's CBI was factually inaccurate. No other entity had submitted a 2016 CDR report to EPA for the chemical substance at issue. As such, no other entity was treating the specific chemical identity as non-confidential as alleged in the 2020 Letter.

57. Second, Burgess took corrective action to address the failure to submit a notice under the 2017 Active/Inactive Rule and filed the required forms on September 4, 2020, along with a CBI claim and associated substantiation.

58. Third, Burgess acted quickly and filed its 2020 Chemical Data Rule Report ("2020 CDR Report") as soon as the reporting period opened in September 2020 and included a complete CBI claim and associated substantiation for the chemical substance.

59. Finally, Burgess remained in communication with EPA regarding its inadvertent oversight of the reporting required by the Active/Inactive Rule, explaining the situation, the importance of maintaining the confidentiality of its chemical substance, and the adverse impact release of its CBI would have on the company. See August 13, 2020 Email, attached hereto as **Exhibit B**, February 12, 2021 Letter, attached hereto as **Exhibit C**, and January 26, 2022 Letter from EPA to Burgess, attached hereto as **Exhibit D**.

60. On September 15, 2023, EPA made a final determination that Burgess's CBI request for the chemical substance submitted as part of its 2020 CDR Report was not entitled to confidential treatment, this time explaining that "No person requested to maintain an existing claim of confidentiality for this substance under the TSCA Inventory Notification (Active-Inactive)

Requirements rule." EPA's September 15, 2023 determination is attached hereto as **Exhibit E**. Burgess did not receive this determination.

61. Despite the denial of its CBI claim, EPA continued to treat the chemical identity as confidential and has not doubted nor rejected Burgess's claim that its information is in fact CBI.

62. Indeed, when releasing updates to the TSCA Inventory after the 2016, 2020, and 2024 Chemical Data Rule reports, EPA continued to maintain the identity of the chemical substance on the confidential portion of the TSCA Inventory.

63. Burgess filed its 2024 Chemical Data Rule Report and included a CBI claim and associated substantiation for the chemical substance. On April 24, 2025, EPA issued a "Final Confidentiality Determination" whereby it determined that the identity of the chemical substance was not entitled to confidential treatment only because "EPA previously denied for [the 2020 CDR] filing." This letter is attached hereto as **Exhibit F**.

64. Burgess has been in communication with the EPA since its receipt of the April 24, 2025 Final Confidentiality Determination in an attempt to resolve this issue and avoid judicial review, while protecting its highly confidential information from release to the public. *See, e.g.*, Email String from K. Minoli to EPA attached hereto as **Exhibit G**.

COUNT I
(Administrative Procedure Act, 5 U.S.C. §§ 700, *et seq.*)

65. Burgess realleges, reasserts, and incorporates by reference herein each of the foregoing allegations as though fully set forth herein.

66. Under the APA, a court "shall hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2).

67. Under the law, EPA is required to review and either uphold or deny any claim submitted under the 2020 Chemical Data rule that involved a specific chemical identity claim within 90 days. EPA did not deny Burgess's claim for nearly 3 years. 15 USC § 2613(g)(1)(A).

68. In the interim, it continued to treat Burgess's chemical substance as confidential, and did not publicize the chemical substance along with others that had a basis for denial other than failure to submit under the Active/Inactive Rule, apparently accepting Burgess's argument that the substance was deserving of CBI treatment.

69. EPA may not disclose "trade secrets" or "privileged or confidential" business information submitted to the agency. 5 U.S.C. §552(b); 15 U.S.C. § 2613(a).

70. EPA may not release confidential information that has been substantiated in response to EPA's request. *See* 40 CFR § 703.7(f) (stating that claims of confidentiality "will be approved" if the confidentiality criteria are satisfied). Substantiation requires, as relevant here, "a reasonable basis" for concluding "that disclosure … is likely to cause substantial harm to the competitive position of the person."). 15 U.S.C. § 2613(c)(1)(B)(iii); 40 CFR § 703.7(f).

71. Nothing in section 2613 authorizes EPA to disclose a confidential chemical identity merely because of a mistake made by a reporting entity. Such an action cannot be squared with the commands of the statute, which require EPA to protect from disclosure chemical identities for which CBI claims have been properly asserted. *See generally EDF v. EPA*, 124 F.4th at 6.

72. Burgess properly submitted CBI claims for its chemical substances for more than 20 years.

73. Burgess adequately substantiated its confidentiality designations numerous times through submissions to EPA, none of which were denied for substantive reasons. For example,

Burgess's 2020 substantiation was apparently accepted by EPA even though the CBI request was denied due to Burgess's failure to timely submit its forms under the 2017 Active/Inactive Rule.

74. Because Burgess adequately claimed and substantiated its CBI, disclosure is not proper under the law.

75. EPA's denial of Burgess's 2020 and 2024 CBI Claims unreasonably elevate form over substance and are otherwise arbitrary, ignoring the clear evidence that Burgess's claims deserved confidential treatment and instead making its determination solely on the basis of an inadvertent mistake that it had been informed about and which Burgess had attempted to remedy in good faith.

76. As such, Burgess's CBI should be subject to protection for a 10-year period from its successful substantiation, as outlined in 15 U.S.C. § 2613(E)(1)(B)(i).

77. If EPA were to make Burgess's CBI publicly available it would instantly nullify 77 years of work by Mr. Burgess and Burgess to protect its highly confidential business information. In light of the information's competitively sensitive nature, Burgess has closely held and maintained the confidentiality of its chemical formulas and identify of its chemical substances. The information has not been publicly disclosed and is not otherwise available through public sources. *See Pub. Citizen Health Research Grp. v. FDA*, 704 F.2d 1280, 1288 (D.C. Cir. 1983) (defining a trade secret as "a secret, commercially valuable plan, formula, process or device that is used for the making, preparing, compounding, or processing of trade commodities and that can be said to be the end product of either renovation or substantial effort."); *see also Appleton v. FDA*, 451 F. Supp. 2d 129, 142 (D.D.C. 2006) (holding information on the manufacturing process and specifications for a drug were trade secrets).

78. Burgess has survived for 77 years as a small, family-owned business because this confidential information makes Burgess Pigment's products unique. By making Burgess CBI available to competitors, EPA would jeopardize the future of Burgess. *See, e.g.*, *United Techs. Corp. v. Department of Defense*, 601 F.3d 557, 564 (D.C. Cir. 2010) (holding disclosure of details regarding company's manufacturing and quality control processes would cause competitive harm because, once disclosed, competitors could "use the information to improve their own manufacturing and quality control systems").

79. Disclosure of this vitally important confidential information cannot be the intended outcome of the 2017 Active/Inactive Rule, as evidenced by EPA's actions and its own statements.

80. Indeed, in passing the final 2017 Active/Inactive Rule, EPA remarked on situations in which a company might not seek continued CBI coverage: "EPA recognizes in the final rule that there may be circumstances where a company, which had previously sought a CBI claim for a specific chemical identity, may no longer view the CBI status as necessary or currently defendable. In such circumstance, the company may take advantage of any retrospective reporting exemption for which it is eligible, and decline to submit a retrospective notice to EPA." 82 Fed. Reg. 37529-30, Final Rule, TSCA Inventory Notification (Active-Inactive) Requirements, Response to Comment 3. These contemplated circumstances are clearly not what occurred here.

81. Moreover, on January 5, 2021, EPA signed a rule that would allow companies that had not submitted a response to the 2017 Rule to do so. One reason for this was that "EPA ha[d] become aware of submitter confusion issues regarding CBI claims during the initial reporting period. Today's action enables companies to submit, amend, or withdraw filings under the Active-Inactive Rule in order to maintain existing CBI claims for specific chemical identity." *See* EPA Reopens Reporting Period for TSCA Active-Inactive Rule, accessible at

https://www.epa.gov/chemicals-under-tsca/epa-reopens-reporting-period-tsca-active-inactive-rule.

82. Specifically, on page 6 of the preamble to the released pre-publication version of the rule, EPA remarked again on entities that simply made mistakes, recognizing that "[p]ublicly revealing this information could result in the loss of [] intellectual property, which could substantially injure a company's competitive position." *See* Pre-Publication Notice, January 5, 2021, Final Rule, TSCA Inventory Notification (Active-Inactive' Reopening of the Reporting Period, at p. 6, accessible at https://www.epa.gov/sites/default/files/2021-01/documents/prepubcopy_frl-10018-84_fr-doc_esignature_epa_admin_2021-01-05.pdf.

83. In fact, EPA recognized Burgess's specific situation as part of its rationale for reopening the reporting period, explaining that:

> One company noted that not being able to remedy a deficient CBI claim would potentially cause a substantial competitive harm to the company and could likely lead to its closure. This company noted that it was a small family business, that because of its innovations it had been able to compete in a niche, specialty chemical market successfully against much larger competitors. The key to its success, the company asserted, for more than a half a century, was the development and marketing of a single specialty chemical. This chemical has consistently been treated as CBI, and competitors had not been able to reverse engineer the substance. If the chemical identity information were disclosed, the company asserted, competitors could duplicate it and employing, what the company termed "predatory pricing," to take the company's market share for the product and likely drive it out of business.

Id.

84. Although EPA was aware of numerous instances of companies that mistakenly failed to complete the requirements in its pre-publication issuance of the final rule, unfortunately, due to an administration change, EPA decided not to proceed with reopening the Active-Inactive Rule.

85. However, EPA's recognition of Burgess's specific situation and the harm that it would suffer should the reporting period not be reopened evidence EPA's understanding that publishing CBI as a result of a simple, and widespread, mistake was not the intent of the rule.

86. In line with the "common sense" approach to regulation, EPA should evaluate Burgess's CBI claim for its substance, in which case, it clearly is entitled to protection, as EPA has previously concluded. (*see, e.g.*, March 4, 2025, White House Press Release, *President Trump is Restoring Common Sense to the Government*, accessible at https://www.whitehouse.gov/articles/2025/03/president-trump-is-restoring-common-sense-to-government/; April 15, 2025, White House Fact Sheet, *Fact Sheet: President Donald J. Trump Restores Common Sense to Federal Procurement*, accessible at https://www.whitehouse.gov/fact-sheets/2025/04/fact-sheet-president-donald-j-trump-restores-common-sense-to-federal-procurement/; March 12, 2025, EPA Press Release, *Trump EPA Kicks off Formal Reconsideration of Endangerment Finding with Agency Partners* ("We will follow the science, the law, and common sense wherever it leads."), accessible at https://www.epa.gov/newsreleases/trump-epa-kicks-formal-reconsideration-endangerment-finding-agency-partners).

87. EPA's final confidentiality determination and decision to disclose information that has not been questioned as confidential business information for over 20 years is final agency action reviewable under 5 U.S.C. § 704 and 15 U.S.C. § 14(g)(2)(D). Burgess has responded to all EPA requests to substantiate confidentiality, including by providing meticulous written justifications to support its claims for protection from disclosure, and has exhausted all available administrative remedies.

88. EPA, through its actions, accepted the merits of Burgess's 2020 CBI Claim, wherein Burgess properly substantiated its CBI. As such, Burgess is entitled to ten years of protection from disclosure of its CBI.

89. EPA has never found any reason that Burgess's CBI is subject to disclosure other than its failure to submit notice and a CBI request pursuant to the 2017 Active/Inactive Rule, a failure EPA recognizes that numerous parties mistakenly made.

90. EPA further recognized that disclosure of CBI as a result of the mistaken failure to submit a request for CBI under the 2017 Active/Inactive Rule could irreparably harm companies, including Burgess.

91. EPA's unreasonable adherence to form over function caused it to fail to adhere to its regulations requiring nondisclosure of properly substantiated CBI and is otherwise arbitrary, capricious, and contrary to law.

92. Accordingly, EPA's decision to release Burgess's information violates the APA. 5 USC § 706.

PRAYER FOR RELIEF

For the foregoing reasons, Burgess prays for the following relief:

A. A declaration pursuant to 28 U.S.C. § 2201 that Burgess's confidential business information is entitled to confidential treatment under TSCA section 14.

B. A declaration that EPA's decision to release its confidential business information is unlawful, arbitrary, and capricious;

C. Injunctive relief preventing EPA from publicly releasing or disclosing the information in question;

D. An order awarding Burgess its costs, expenses, and attorneys' fees incurred in these proceedings pursuant to 28 U.S.C. § 2412; and

E. Such other and further relief as the Court deems proper.

Dated: July 18, 2025

Respectfully submitted,

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