

Exhibit 1

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION AT FRANKFORT

MID-AMERICA MILLING COMPANY,)
LLC, et al.,)

Plaintiffs,)

v.)

UNITED STATES DEPARTMENT OF)
TRANSPORTATION, et al.,)

Defendants.)

Case No. 3:23-cv-00072-GFVT-EBA

DECLARATION OF SARAH VON DER LIPPE

I, Sarah von der Lippe, state and declare as follows:

1. I am Pro-Bono Chief Legal Counsel at the Minority Business Enterprise Legal Defense and Education Fund, Inc., and am counsel to Intervenor DBEs in the above-captioned matter. I submit this Declaration in support of the Intervenor DBEs' Opposition to Joint Motion for Entry of Consent Order.

2. Plaintiffs and the Government Defendants ("Original Parties") filed a Joint Motion for Entry of Consent Order on May 28, 2025. *See* Joint Mot. for Entry of Consent Order, Dkt. 82. The Original Parties did not notify me of the forthcoming motion or ask for Intervenor DBEs' position prior to or since filing their motion.

3. Likewise, I confirmed with my co-counsel from Democracy Forward Foundation and Wyatt, Tarrant & Combs LLP that they have not been contacted by the Original Parties about their motion prior to or since the May 28, 2025 filing.

4. As of June 17, 2025, Plaintiffs' counsel Wisconsin Institute for Law & Liberty's website reflects that the "Proposed Outcome" with respect to the "Federal DBE Program" is

“100% completed.” The Original Parties have not notified me or my co-counsel, nor are we otherwise aware of, any private settlement to this matter.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Washington, D.C.
Executed: June 17, 2025


s/ Sarah von der Lippe