

**United States District Court  
Southern District of Texas  
Victoria Division**

STATE OF TEXAS, *et al.*,  
*Plaintiffs,*

v.

U.S. DEPARTMENT OF HOMELAND  
SECURITY, *et al.*,  
*Defendants.*

Case 6:23-cv-00007

**PLAINTIFFS' RESPONSE TO  
DEFENDANTS' MOTION FOR LIMITED DISCOVERY**

To the extent the requests are limited to those attached to the Defendants' motion, ECF No. 101, Plaintiffs do not oppose the Defendants' request for limited discovery. While they disagree with the Defendants' contention that several of the requests seek information relevant to standing, they also recognize that those requests seek information that would be relevant to the Court's balancing of the equities and determination of the public and private interests in relief.

The Plaintiffs do not waive their right to object to the Defendants' requests on other grounds, but the requests themselves satisfy the standards for extra-record discovery. *See, e.g., Esch v. Yetter*, 876 F.2d 976, 991 (D.C. Cir. 1989); *Davis Mtns. Trans-Pecos Heritage Assn. v. FAA*, 116 Fed. Appx. 4, 16 (5th Cir. 2006) (*Esch* "correctly state[s] the law").

Dated March 31, 2023.

Respectfully submitted.

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#### **CERTIFICATE OF COMPLIANCE**

I certify that the portion of this response subject to the Court's word limits includes 131 words, as counted by Microsoft Word.

/s/ Leif A. Olson

#### **CERTIFICATE OF SERVICE**

On March 31, 2023, I filed this response through the Court's CM/ECF system, which automatically serves it upon all counsel of record.

/s/ Leif A. Olson