

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

STATE OF TEXAS, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN JR., in his official  
capacity as President of the United States, *et al.*,

Defendants.

Civil Action No. 3:22-cv-00780-M

**PLAINTIFFS' NOTICE TO THE COURT OF INTENT TO PROCEED AND  
JOINT REPORT ON JURISDICTIONAL DISCOVERY AND MOTION FOR A  
PROPOSED SCHEDULE FOR FURTHER PROCEEDINGS**

Pursuant to the Court's Order of July 20, 2023, ECF No. 102, Plaintiffs respectfully inform the Court that they intend to move forward with this lawsuit. In light of this, all Parties jointly provide the Court with a report on jurisdictional discovery and a proposed schedule of how to proceed with this case.

The Parties have been cooperative in the jurisdictional discovery process. Federal Defendants and Plaintiffs narrowed the scope of potential discovery—and agreed that no depositions would be necessary—prior to exchanging written discovery requests on March 1, 2023. Also, prior to the exchange of requests, Plaintiffs and Defendant-Intervenors agreed to not seek discovery from each other, though Defendant-Intervenors joined Federal Defendants' requests to Plaintiffs "as necessary to obtain discovered material." *See* ECF No. 49 at 1.

Plaintiffs and Federal Defendants have been reaching out to their various agencies on final completion of responses to the discovery requests and agree that all responses and objections can

be exchanged by September 15, 2023. They are also filing a stipulation with the Court that will limit the scope of the discovery responses for both sides.

Plaintiffs have been considering whether a Federal Register Notice on April 11, 2023, 88 Fed. Reg. 21,694, altered the scope of discovery needed or necessitated an amended or supplemental complaint moving forward. Eventually, it was decided that Plaintiffs would file a supplemental complaint that applied the same claims from the operative Amended Complaint to the Federal Register Notice's changes to the program challenged here. Federal Defendants and Defendant-Intervenors agreed to not oppose a motion by Plaintiffs for leave to file such a supplemental complaint, the filing of which is incorporated into the proposed schedule below.

7 days from entry of scheduling order	Plaintiffs to file any amended or supplemental complaint
September 15, 2023	Plaintiffs and Federal Defendants to serve any responses and objections to existing discovery requests
October 16, 2023	Federal Defendants and Defendant-Intervenors to file any motion to dismiss
November 6, 2023	Plaintiffs to file any response to any motion to dismiss
November 20, 2023	Federal Defendants and Defendant-Intervenors to file any reply in support of any motion to dismiss
30 days after any order on any motions to dismiss	Parties to meet and confer and to file a joint status report proposing a schedule for the remainder of the case

The Parties respectfully request the Court adopt this proposed schedule to govern the proceedings in this case. A proposed order is attached.

Dated: August 15, 2023

Respectfully submitted,

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**Certificate of Service**

I certify that a true and accurate copy of the foregoing document was filed and served electronically (via CM/ECF) on August 15, 2023.

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