

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

STATE OF TEXAS,

Plaintiff,

v.

MERRICK GARLAND, in his official capacity as
Attorney General, *et al.*,

Defendants.

Case No. 5:23-cv-00034-H

JOINT MOTION FOR CLARIFICATION REGARDING PRE-TRIAL DEADLINES

The parties jointly seek clarification regarding the Court’s October 24, 2023 order setting forth various pre-trial deadlines. *See* ECF No. 75. The parties have interpreted that order as setting forth an exhaustive list of pre-trial deadlines that supersedes other default deadlines contained within the Local Civil Rules for this District. *See, e.g.*, L.R. 16.4 (requiring a pre-trial order 14 days in advance of trial “[u]nless otherwise directed by the presiding judge”); L.R. 52.1 (requiring proposed findings of fact and conclusions of law 14 days in advance of trial “[u]nless otherwise directed by the presiding judge”). The parties jointly request that the Court confirm whether the parties’ interpretation is accurate.

Provided that the Court agrees with their interpretation, the parties will be prepared to discuss a schedule for post-trial briefing at the Final Pretrial Conference scheduled for November 28, 2023.

CERTIFICATE OF CONFERENCE

I certify that on November 9, 2023, undersigned counsel conferred regarding this motion.

The parties jointly seek the relief requested herein.

Dated: November 9, 2023

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

BRENT WEBSTER
First Assistant Attorney General

JOHN GRIFFITHS
Director, Federal Programs Branch

GRANT DORFMAN
Deputy First Assistant Attorney General

LESLEY FARBY
Assistant Branch Director

RYAN D. WALTERS
Chief, Special Litigation Division
Texas Bar No. 24105085
ryan.walters@oag.texas.gov

/s/ Clayton L. Bailey
CLAYTON L. BAILEY (D.C. Bar No. 1644867)
MICHAEL J. GAFFNEY (D.C. Bar No.
1048531)

ETHAN SZUMANSKI
Special Counsel
Texas Bar No. 24123966
ethan.szumanski@oag.texas.gov

Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, N.W.
Washington, D.C. 20005
Tel: (202) 598-1226

OFFICE OF THE ATTORNEY GENERAL
OF TEXAS
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
(512) 463-2100

Fax: (202) 616-8470
Email: clayton.l.bailey@usdoj.gov

Counsel for Defendants

ROBERT HENNEKE
Texas Bar No. 24026058
rhenneke@texaspolicy.com

CHANCE WELDON
Texas Bar No. 24076767
cweldon@texaspolicy.com

MATTHEW MILLER
Texas Bar No. 24046444
mmiller@texaspolicy.com

NATE CURTISI
Arizona Bar No. 033342

ncurtisi@texaspolicy.com

TEXAS PUBLIC POLICY FOUNDATION
901 Congress Ave.
Austin, Texas 78701
(512) 472-2700

Counsel for the State of Texas

CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2023, I electronically filed the foregoing paper with the Clerk of Court using this Court's CM/ECF system, which will notify all counsel of record of such filing.

/s/ Clayton L. Bailey
CLAYTON L. BAILEY (D.C. Bar No. 1644867)
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, N.W.
Washington, D.C. 20005
Tel: (202) 598-1226
Fax: (202) 616-8470
Email: clayton.l.bailey@usdoj.gov