

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

EPI'S CANOE & KAYAK TEAM, LLC AND  
JESSIE FUENTES,  
*Plaintiffs,*

v.

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

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Case No. 1:28-cv-00836

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**STATE DEFENDANTS' NOTICE OF REMOVAL**

Defendants State of Texas; Greg Abbott in his Official Capacity as Governor of the State of Texas and Commander-in Chief of the Texas Military Department; Steve McCraw in his Official Capacity as Director/Colonel of the Texas Department of Public Safety; The Texas Department of Public Safety; Major General Thomas Suelzer in his Official Capacity as Adjutant General of the Texas Military Department; and the Texas Military Department (collectively the "State Defendants") file this Notice of Removal of Cause No. D-1-GN-23-003613, In the 98th Judicial District Court of Travis County, Texas, pursuant to 28 U.S.C. § 1446(a), and in support show the Court the following:

1. On July 7, 2023, Plaintiffs filed Plaintiffs' Original Petition in the 98th Judicial District Court of Travis County. A copy of all process, pleadings, and orders served on the State Defendants to date is attached hereto.
2. Plaintiffs state therein that the nature of the suit is to seek declaratory and injunctive relief for certain alleged actions of the State Defendants which are asserted to violate the Fourteenth Amendment to the United States Constitution and provisions of state law; are *ultra vires*; and

are preempted by federal law.

3. Plaintiffs' Original Petition includes a demand for jury trial.
4. Plaintiffs' claim(s) at the time of filing the Plaintiffs' Original Petition and at the time of removal fall under federal jurisdiction pursuant to 28 U. S. C § 1331, in that Plaintiffs assert a civil action arising under the Constitution, laws, or treaties of the United States; and assert federal preemption.
5. Plaintiff has not completed service of process as to any Defendant.
6. All State Defendants hereby consent to the filing of this Notice of Removal.
7. A copy of this Notice of Removal and attachments will be filed with the Travis County District Clerk.

Date: July 21, 2023

Respectfully submitted,

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Provisional Attorney General

/s/ David Bryant  
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LEIF A. OLSON  
Chief, Special Litigation Division

**Counsel for the State Defendants**

**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on July 21, 2023, and that all counsel of record were served by CM/ECF.

/s/ David Bryant  
DAVID BRYANT