

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

BRIAN P. CARR, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Civil Action No. 3:23-CV-02875-S

DEFENDANTS' CERTIFICATE OF CONFERENCE

On Thursday April 4, 2024, the undersigned assistant U.S. attorney conferred with pro se Plaintiff Brian Carr over the phone for about an hour. The call was productive for the federal government to understand the nature and bases of Plaintiffs' claims. In that call, the undersigned counsel for the government informed Mr. Carr that the federal government is not opposed to Plaintiffs' filing an amended complaint, which would render the federal government's motion to dismiss moot, and that, in the future, Plaintiffs should contact opposing counsel before filing a non-dispositive motion. The undersigned followed up in an email confirming in writing that Defendants provide written consent to the filing of an amended complaint. As such, Defendants do not believe that a ruling is required on Plaintiffs' motions for leave (ECF Nos. 18 and 20). Instead, Plaintiffs should simply file the amended complaint with the written consent of the federal government under Federal Rule of Civil Procedure 15(a)(2)—it is not necessary for the Court to rule on a motion for leave. Defendants plan to file a pleading responsive to Plaintiffs' amended complaint within 14 days of Plaintiffs' filing of an amended complaint (which

has not yet occurred) as prescribed by Rule 15(a)(3). Defendants will separately respond to Plaintiffs' motion for partial summary judgment by April 18, 2024.

Respectfully submitted,

LEIGHA SIMONTON
UNITED STATES ATTORNEY

/s/ George M. Padis
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Attorneys for Defendants

CERTIFICATE OF SERVICE

On April 8, 2024, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I also hereby certify that on this same date, the foregoing document was served via U.S. mail to the Plaintiff, pro se, listed below:

/s/ George M. Padis
George M. Padis