

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

APPENDIX

Declaration of Emily H. Owen App. 001–03

Respectfully submitted,

LEIGHA SIMONTON
UNITED STATES ATTORNEY

/s/ Emily H. Owen
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Attorneys for Defendants

EXHIBIT 1

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RULE 56 DECLARATION OF EMILY H. OWEN

I, Emily H. Owen, declare:

1. I am competent to make this declaration, and the facts in this declaration are within my personal knowledge.
2. I am a member of the state bar of Texas, admitted to practice before this Court, and as an Assistant United States Attorney for the United States Attorney's Office for the Northern District of Texas. I represent the Defendants in this case.
3. Plaintiffs filed a second motion for partial summary judgment before Defendants received a ruling on Defendants' motion to dismiss and before Defendants' deadline to file an answer.
4. If Defendants' motion to dismiss is denied, Defendants intend to seek discovery to respond to the allegations in the complaint (or the contemplated amended complaint), including serving written discovery on each Plaintiff and taking the depositions of each Plaintiff. Defendants may

need to rely upon an administrative record, which has not yet been assembled or filed in this case.

5. Completing the above-mentioned discovery is necessary to fully respond to the assertions that Plaintiffs rely upon in their motion.
6. Defendants cannot at this time present facts essential to justify its opposition to Plaintiffs' motion.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 5, 2024, in Dallas, Texas.

Emily H. Owen
Assistant United States Attorney