IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

(1) LESLIE BRIGGS, as next friend of T.W. and B.S.; (2) EVAN WATSON, as next friend of C.R.; and, (3) HENRY A. MEYER, III, as next friend of A.M., for themselves and for others similarly situated,	)	
Plaintiffs,	)	
v.	)	Case No: 23-cv-81-GKF-JFJ
(1) ALLIE FRIESEN, in her official capacity as the Commissioner of the Oklahoma Department of Mental Health and Substance Abuse Services; and (2) DEBBIE MORAN, in her official capacity as Executive Director of the Oklahoma Forensic Center,	)	
Defendants.	)	

MOTION TO STRIKE ATTORNEY APPEARANCES BY WILLIAM W. O'CONNOR, BRIAN T. INBODY, JOHN T. RICKER, AND KRISTEN P. EVANS

The Oklahoma Attorney General hereby provides notice that he has exercised his authority outlined in 74 O.S. § 18b(A)(3) to "take and assume control of the prosecution or defense of the state's interest" in this litigation. William O'Connor, Brian T. Inbody, John T. Ricker, and Kristen P. Evans, have not been authorized by the Attorney General to enter their appearances in this case to represent Allie Friesen, in her official capacity as the Commissioner of the Oklahoma Department of Mental Health and Substance Abuse Services, and Debbie Moran, in her official capacity as Executive Director of the Oklahoma Forensic Center. Accordingly, their appearances should be stricken by this Court.

BACKGROUND

Oklahoma Governor J. Kevin Stitt purportedly signed a letter dated October 28, 2024 appointing William O'Connor and other unspecified members of his Hall, Estill as his special counsel to represent the Defendants in this matter.[1] On November 1, 2024, the Oklahoma Attorney General submitted notice to the Governor that he has exercised his authority in 74 O.S. § 18b(A)(3) to "take and assume control of the prosecution or defense of the state's interest" in this litigation.[2] In the same letter, the Attorney General informed the Governor that services of William O'Connor and other members of his Firm on behalf of the State were terminated in this matter.

Despite the clear instruction by the State's Chief Law Officer, William O'Connor, Brian T. Inbody, John T. Ricker, and Kristen P. Pace unlawfully entered in their appearances in this case on behalf of the Defendants in their official capacities. Dkts. 68 – 75. Accordingly, their entries of appearance should be stricken.

ARGUMENTS AND AUTHORITIES

I. The Attorney General Has Express Statutory Power to Overrule the Governor in Litigation Involving the State.

The Oklahoma Supreme Court has squarely held: "The Attorney General, by statute, 74 O.S.1971 [§] 18 is the Chief Law Officer of the State. In the absence of **explicit** legislative or constitutional expression to the contrary, **he possesses complete dominion over every litigation in which he properly appears in the interest of the State, whether or not there is a relator or some other nominal party**." *State ex rel. Derryberry v. Kerr-McGee Corp.*, 1973 OK 132, ¶ 20, 516 P.2d at 818 (emphasis added).

[1] A copy of the letter is attached hereto as Exhibit "B."
[2] A copy of the letter is attached hereto as Exhibit "A."

Commissioner Friesen and Executive Director Moran were sued in this matter in their capacities as "acting Commissioner of the Oklahoma Department of Mental Health and Substance Abuse Services" and "Interim Executive Director of the Oklahoma Forensic Center," which effectively makes this a suit against the State. *Will v. Mich. Dep't of State Police*, 491 U.S. 58, 71 (1989) ("[A] suit against a state official in his or her official capacity is not a suit against the official but rather is a suit against the official's office . . . [a]s such, it is no different from a suit against the State itself.") (citation omitted). And the Attorney General properly entered an appearance for the State to protect its interests, as he was plainly authorized to do. In 1995, 74 O.S. § 18b(A)(3) was amended to permit the Attorney General to appear in litigation involving the interests of the State on his or her own initiative.[3] Therefore, absent an "explicit legislative or constitutional expression to the contrary, [the Attorney General] possesses complete dominion" over the State's interest in this litigation, *i.e.*, the Attorney General may make the exclusive litigation decisions on behalf of the State in this case. *Derryberry*, 1973 OK 132, ¶ 20, 516 P.2d at 818. As shown below, there are no explicit legislative or constitutional expressions to the contrary. Accordingly, the Governor's illegal attempt to take control of this litigation through a special counsel must be prevented.

A. Section 18b of Title 74 Gives the Attorney General Express Discretion to Take and Assume Control of Any Litigation Involving the State.

The Oklahoma Constitution provides that: "The Executive authority of the state shall be vested in a Governor, . . . Attorney General, . . . and other officers provided by law and this Constitution, each of whom . . . shall perform such duties as may be designated in this Constitution or prescribed by law." OKLA. CONST. art. 6, § 1(A). Thus, Oklahoma does not consolidate all executive power in a single officer. The Constitution instead divides power among the executive

[3] Corporation Commission—Oil and Gas—Revenue and Taxation—Apportionment of Excise Tax Monies, 1995 Okla. Sess. Law Serv. ch. 328, § 12; *see also State ex rel. Pruitt v. Steidley*, 2015 OK CR 6, ¶¶ 15–16, 349 P.3d 554, 558 (recognizing that the authority of the Attorney General in 74 O.S. § 18b was expanded in 1995).

officers and reserves the Legislature's power to prescribe those officers' duties. *Wentz v. Thomas*, 1932 OK 636, ¶ 27, 15 P.2d 65, 69. The Constitution's establishment of the office of Attorney General carries with it all the common-law powers associated with that office, modified as necessary to be consistent with the Oklahoma Statutes and Constitution. *Derryberry*, 1973 OK 132, ¶ 27, 516 P.2d at 819. As a result, "[i]n the absence of explicit legislative or constitutional expression to the contrary, [the Attorney General] possesses complete dominion over every litigation in which he properly appears in the interest of the State . . .." *Id.* ¶ 20, 516 P.2d at 818.

That conclusion is confirmed by the Legislature's exercise of its power to "prescribe[] by law" the powers of the Attorney General, by expressly providing that "the Attorney General as the chief law officer of the state" has the power and duty:

> To initiate or appear in any action in which the interests of the state or the people of the state are at issue, or to appear at the request of the Governor, the Legislature, or either branch thereof, and prosecute and defend in any court or before any commission, board or officers any cause or proceeding, civil or criminal, in which the state may be a party or interested; and when so appearing in any such cause or proceeding, **the Attorney General may, if the Attorney General deems it advisable and to the best interest of the state, take and assume control of the prosecution or defense of the state's interest therein**.

74 O.S. § 18b(A)(3) (emphasis added). The statute contains neither exceptions nor caveats, *i.e.*, it does not say the Attorney General may act "except if the Governor objects" or "as long as the Governor has not retained legal counsel." Therefore, under the plain and unambiguous terms of 74 O.S. § 18b(A)(3), the Attorney General can properly appear in, and take control of, litigation involving the State from anyone, even if the Governor objects.[4]

[4] It should be noted that 51 O.S. § 200(B) also gives the Attorney General discretion to appear in this matter because the case "would impose obligations requiring an agency to request a supplemental appropriation or to request an increase in appropriations to maintain the current level of services beyond the fiscal year in which the lawsuit is filed."

In prior litigation, the Governor has suggested that his power in 74 O.S. § 18b(A)(3) to request the Attorney General appear in litigation somehow means that the Governor has the power to control the litigation after the Attorney General enters an appearance. This is not supported by the text of the statute. Subsection A(3) of 74 O.S. § 18b contains two parts separated by a semicolon. The first part—the phrase previously relied on by the Governor—discusses only when the Attorney General may initiate or enter an appearance in litigation. It gives the Attorney General the power to enter an appearance on his own initiative, "or" at the request of the Governor, the Legislature, "or either branch thereof." § 18b(A)(3). "[O]r is a 'disjunctive particle used to express an alternative or give a choice of one among two or more things.'" *Toch, LLC v. City of Tulsa*, 2020 OK 81, ¶ 25, 474 P.3d 859, 867 (quoting *Or*, *Black's Law Dictionary* 987 (5th ed. 1979); *State ex rel. Wise v. Whistler*, 1977 OK 61, ¶ 8, 562 P.2d 860, 862) (emphasis deleted)). So, the first part of Subsection 18b(A)(3) simply addresses four different circumstances in which the Attorney General may initiate or appear in litigation for the State. It does not address who controls litigation involving the State of Oklahoma after the Attorney General appears.

That issue is addressed in the second part of 74 O.S. § 18b(A)(3), i.e., the portion after the semicolon. It says the Attorney General may "take and assume control of the prosecution or defense of the state's interest" in litigation "if the Attorney General deems it advisable and to the best interest of the state." *Id.* That text gives the Attorney General discretion to make litigation decisions. It nowhere makes the Attorney General's power subordinate to that of the Governor or anyone else. Although the Governor or either legislative branch may request the Attorney General's appearance, their authority to do so is set off by a semicolon from the Attorney General's discretionary power to take and assume control of litigation in which he appears. This blocks any suggestion that the power to request an appearance implicitly dominates the Attorney General's power to take and assume control. *See* ANTONIN SCALIA & BRYAN A.

GARNER, READING LAW: THE INTERPRETATION OF LEGAL TEXTS 162 (2012) ("[p]eriods and semicolons insulate words from grammatical implications that would otherwise be created by the words that precede or follow them"). Therefore, the Governor's ability to request that the Attorney General enter an appearance in no way means the Governor may overrule the Attorney General's express statutory mandate to take and assume control of litigation. Under the clear terms of the statute, the Attorney General may assume control of litigation decisions even when his involvement occurred after the Governor's request.

B. Oklahoma's Constitution Does Not Limit the Attorney General's Power to Take and Assume Control of the State's Defense in Litigation.

In prior litigation, the Governor has suggested that the Oklahoma Constitution's reference to the Governor's having "Supreme Executive power" somehow means that he can overrule the Attorney General—Oklahoma's "chief law officer," 74 O.S. § 18—in litigation. But the Oklahoma Supreme Court's repeated pronouncements on the scope of the Governor's power under the Constitution rejects that suggestion.

The Oklahoma Supreme Court has had to remind this specific Governor multiple times recently about the limitations on his power under Oklahoma's constitutional framework. Just seven months ago, in the most recent *Stitt v. Treat* case, the court once again reiterated that "[t]he Governor is without authority to exercise a discretion not validly and specifically granted by the statutory law and not within the power conferred upon the Chief Executive by the Constitution." *Stitt v. Treat*, 2024 OK 21, ¶ 21, 546 P.3d 882, 891 (*Treat III*) (quoting *Ritter v. State*, 2022 OK 73, ¶ 15, 520 P.3d 370, 379). As the court also recently explained in *Ritter*, on which *Treat III* relied,

> Oklahoma's historical underpinnings were economically conservative. Fearing excessive power in the hands of one individual, the framers of the Oklahoma Constitution intentionally created a weak state chief executive. The Governor's authority is limited by the Constitution, because *the Chief Executive may exercise only the power specifically granted by the Legislature.* The Governor *is without authority* to exercise a discretion not validly and specifically granted by the statutory law *and* not within the power conferred upon the Chief Executive by the Constitution.

2022 OK 73, ¶ 15, 520 P.3d at 379 (emphasis added).

The court illustrated the application of this rule in *Treat III*, concluding that because compacting with Indian tribes is not expressly mentioned in the Constitution, the Governor's compacting authority is limited to that provided to him by Oklahoma statutory law. 2024 OK 21, ¶ 21, 546 P.3d at 891. Similarly, here, there is nothing in the Oklahoma Constitution expressly addressing the filing of or defending litigation by the State, or more importantly, providing the Governor authority to overrule the Attorney General in litigation. As a result, the Governor's authority in litigation is limited to what he is allowed to do under Oklahoma statutory law. And as just explained, Oklahoma law prescribes that the Attorney General is the officer with discretion to "take and assume control of" litigation involving the interests of the State. 74 O.S. § 18b(A)(3). Therefore, the power of the Attorney General is supreme in litigation involving the interests of the State.

The Governor's past efforts to rely on Article 6, Section 2 have threatened to eviscerate the power of the Attorney General and undermine the Legislature. Earlier this year, the United States District Judge Timothy J. Kelly observed:

> [T]aken to its logical conclusion, Governor Stitt's position [that the Oklahoma Constitution's allowance for shared power among executives should bend to his prerogative] would mean that there is no sphere in which the Attorney General—an independently elected constitutional officer—may act to prosecute or defend the interests of the state against the wishes of the Governor. Whatever "Supreme Executive power" means under the Oklahoma Constitution; **the Court is skeptical that it sweeps that broadly**.

Cherokee Nation v. United States Dep't of Interior, No. CV 20-2167 (TJK), 2024 WL 1212987, at *4 (D.D.C. Mar. 21, 2024) (emphasis added). The Oklahoma Constitution prevents this result by dividing power among the executive officers and reserving the Legislature's power to prescribe those officers' powers. *Wentz*, 1932 OK 636, ¶ 27, 15 P.2d at 69. If the Governor could prevent the Attorney General from defending the State's interests, he would undermine one of the key

powers of the Attorney General—one that the Legislature has said he may wield. "Supreme Executive power" refers only to the power held by the Governor within his sphere; it is not a sword that he may use to lop off the powers of other constitutional officers.

Therefore, this Court should reject the Governor's constitutional arguments, which would essentially make the Attorney General's obligation to protect the interests of the State subservient to the Governor's will. Nothing in the Oklahoma Constitution authorizes that hierarchy, much less expressly precludes the Attorney General from taking and assuming control of litigation involving the State over the Governor's objection.

C. Sections 6 and 18c of Title 74 Do Not Give the Governor the Ability to Overrule the Attorney General in This Litigation.

The Governor will likely continue to claim that his ability to employ counsel in 74 O.S. § 6 "to protect the rights or interests of the state" means that the Attorney General cannot take and assume control litigation of the State's interest from the Governor. But the Attorney General's power to "take and assume control" of litigation of the State's interests, 74 O.S. § 18b(A)(3) authorizes the Attorney General to do just that.

Over a century ago, the Legislature prescribed that the Governor has the statutory authority to employ counsel. *See id.* § 6. But that authority was gap-filling, and provided a method by which the State's interests could be protected when the State's typical legal representative was disqualified or unable to act, *see Viers v. State*, 1913 OK CR 250, 134 P. 80, 86, or by which the Governor could appoint counsel when necessary to assist, not supersede, the State's typical legal representative, *see State v. Hudson*, 1929 OK CR 287, 279 P. 921, 922.

However, that authority does not diminish the Attorney General's own power over litigation, as "[i]n the absence of explicit legislative or constitutional expression to the contrary, [the Oklahoma Attorney General] possesses complete dominion over every litigation in which he properly appears in the interest of the State." *Derryberry*, 1973 OK 132, ¶ 20, 516 P.2d at 818. There

is no explicit legislative or constitutional expression that the Governor can supersede the Attorney General's complete dominion over litigation. Just the opposite, the more recently enacted statute–74 O.S. § 18b(A)(3)–clearly and unambiguously states that the Attorney General has the power, on his own initiative, to "take and assume control of the prosecution or defense of the state's interest" in litigation. Consequently, while the Governor is free to employ legal counsel, if the Attorney General concludes it is in the best interests of the State, the Attorney General has the express power and duty to take and assume control of the State's interests in the litigation (even if the Governor has previously employed legal counsel in the case). These provisions do not directly conflict—but if they did, Section 18b(A)(3) is the more recent enactment and therefore controls against the older Section 6. *See Duncan v. Okla. Dep't of Corr.*, 2004 OK 58, ¶ 6, 95 P.3d 1076, 1079 (citing *Milton v. Hayes*, 1989 OK 12, 770 P.2d 14, 15).

When the Legislature wished to give the Governor the power to employ counsel that displaced other prosecutors, it knew how to do so. In 1908, around the time it enacted 74 O.S. § 6, the Legislature passed a law, 1908 Okla. Sess. Laws 594, authorizing the Governor to appoint counsel to enforce prohibition laws "and the other laws of the state." *See Childs v. State*, 1910 OK CR 230, 113 P. 545, 546. That law, since repealed, provided that the special counsel "shall have all the powers of county attorneys in their respective counties" and that the Governor could "call upon the Attorney General or his assistant" to enforce the prohibition laws "in lieu of, or in addition to," the appointed counsel. *Id.* Therefore, the Legislature plainly knows how to authorize the Governor to appoint counsel who can take the place of the Attorney General. In contrast, Section 6 does not provide such authority to the Governor; it does not mention the Attorney General at all. In 1995, the Legislature *expanded* the Attorney General's Section 18b power to "assume control" of litigation while leaving the Governor's Section 6 authority untouched.

Therefore, 74 O.S. § 6 does not give the Governor license to overrule the Attorney General in litigation.

The Governor may also continue to selectively quote 74 O.S. § 18c(A) to create the impression that his ability to employ legal counsel in 74 O.S. § 6 somehow supersedes the Attorney General's ability to take control of litigation of the State's interests. This is a misrepresentation of law. Subsection A of Section 18c offers only the general instruction that: "Except as otherwise provided by this subsection, no state officer, board or commission shall have authority to employ or appoint attorneys to advise or represent said officer, board or commission in any matter." 74 O.S. § 18c(A)(1). This subsection then discusses which state officers, boards, and commissions have authority to retain legal counsel without obtaining the permission of the Attorney General. The Governor is identified in Section 18c(A) as one of the parties permitted to retain legal counsel.

The bare ability to employ legal counsel is fundamentally different than the Attorney General's discretion to "take and assume control" of litigation of the State's interests. Accordingly, the Governor's authority to retain counsel has no effect on the Attorney General's authority to assume control of litigation of the State's interests in this or any other proceeding.

Furthermore, Subsection A(3) of 74 O.S. § 18b is not the only instance where the Legislature has made the Governor subordinate to the Attorney General in legal matters. Subsections A(5) and (18) give the Attorney General the power to issue formal written opinions. These opinions are "binding upon the state official affected by it and it is their duty to follow and not disregard those opinions." *State ex rel. York v. Turpen*, 1984 OK 26, ¶ 5, 681 P.2d 763, 765. The list of officials required to follow Attorney General Opinions includes the Governor. *Keating v. Edmondson*, 2001 OK 110, ¶ 4 & n.8, 37 P.3d 882, 885 & n.8. Even outside of litigation, the Attorney General's interpretation of law must be followed by the Governor. Accordingly, it should

come as no surprise that the Legislature gave the Attorney General express statutory power to control litigation involving the State, even if the Governor disagrees with the Attorney General.

Therefore, 74 O.S. §§ 6 and 18c do not in any way give the Governor license to overrule the Attorney General's "complete dominion" over litigation involving the interests of the State.

E. Oklahoma's Express Grant of Power to the Attorney General to Take and Assume Control of Litigation Controls over Any Contradictory Common-Law Limitations.

The Governor will likely rely on cases such as *Riley v. Cornerstone Cmty. Outreach, Inc.*, 57 So. 3d 704, 728–29 (Ala. 2010), to argue that an attorney general at common law did not have the power to overrule the king. Of course, Oklahoma has no king,[5] nor even a unitary executive. Although the "common law duties and powers" of the attorney general attach themselves to the Attorney General of Oklahoma, they do so only "[i]n the absence of express statutory or constitutional restrictions" and only "as far as they are applicable and in harmony with our system of government." *Derryberry*, 1973 OK 132, ¶ 25, 516 P.2d at 818–19. And the Oklahoma Constitution provides that the executive authority of the State "shall be vested in a Governor [and] Attorney General . . . each of whom . . . shall perform such duties as may be designated in this Constitution or prescribed by law." OKLA. CONST. art. 6, § 1(A). The Legislature, which prescribes the law, *see* OKLA. CONST. art. 5, §§ 1, 36, "**has the power to** not only **add to [the Attorney General's powers and duties]**, but may lessen or limit the common law duties which attached to the office under common law."[6] *State ex rel. Cartwright v. Ga.-Pac. Corp.*, 1982 OK 148, ¶ 6, 663 P.2d 718, 720 (emphasis added).

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[5]Nor does it have a governor with powers like that of the Governor of Alabama, whose powers were at issue in *Riley*, *see* 57 So. 3d at 722–23 (quoting *Op. of the Justs.*, 156 So. 2d 639, 642–43 (Ala. 1963) (concluding that the Governor of Alabama may exercise executive power to prevent court-ordered school desegregation "even in the absence of a specific grant of authority by the legislature").

[6] While this quote comes from this Court's description of the differing views between states over the powers vested in attorneys general, the remainder of the opinion makes clear that this is the view adopted

Here, the Oklahoma Legislature has clearly and unambiguously done so, by prescribing that "the Attorney General may, if the Attorney General deems it advisable and to the best interest of the state, take and assume control of the prosecution or defense of the state's interest" in litigation. 74 O.S. § 18b(A)(3). Again, there is nothing in this statute that limits the Attorney General's power to take and assume the prosecution or defense of litigation, even if the Governor objects. As a result, regardless of any common-law limitation on an attorney general's power to take and assume litigation in other states, Oklahoma's Legislature has modified and expanded its Attorney General's ability to take and assume control of litigation.

F. The Attorney General's Client Is the State of Oklahoma, Not Commissioner Friesen and Executive Director Moran. Accordingly, Commissioner Friesen's and Executive Director Moran's Ethical Arguments Are Unfounded.

Commissioner Friesen's and Executive Director Moran's ethical arguments show that they misunderstand the role of the Oklahoma Attorney General. As the chief law officer of the State of Oklahoma, the Attorney General possesses the responsibility of representing the State's interest in this or any other litigation. 74 O.S. §§ 18, 18b. For example, any time a plaintiff claims that an Oklahoma statute is unconstitutional, the Attorney General must be notified in order to defend the State's interests. 12 O.S. § 1653(C). In litigation, the Attorney General has the power to determine what is "advisable and [in] the best interest of the state," 74 O.S. § 18b(A)(3), including whether to settle, compromise, or dispose of an action, *id.* § 18b(A)(12). This is quite different from the authority of a private attorney, who must leave major litigation decisions in the hands of the client. The reason for this is that the Attorney General represents the State's interests, not merely the narrow interests of a singular state agency or official. Because of this, attorneys general

in Oklahoma. *Id.* ¶¶ 8–12, 663 P.2d at 721 (discussing the modifications made by the Legislature to the Oklahoma Attorney General's common law powers).

are "not constrained by the parameters of the traditional attorney-client relationship." *Feeney v. Commonwealth*, 373 Mass. 359, 366 N.E.2d 1262 (1977).

Additionally, the comments to the Oklahoma Rules of Professional Conduct acknowledge that "the responsibilities of government lawyers may include authority concerning legal matters that ordinarily reposes in the client in private client-lawyer relationships[,]" which means that "a lawyer for a government agency may have authority on behalf of the government to decide upon settlement." 5 O.S. App. 3-A ("RPC") Scope, n. 18. This authority "is generally vested in the *attorney general* . . . . " *Id.* (emphasis added). The Legislature—recognizing this distinction between the Attorney General and private attorneys—authorized the Attorney General to determine whether to settle cases. *See* 74 O.S. § 18b(A)(12).

Moreover, "for purposes of determining the lawyer's authority and responsibility, principles of substantive law external to the[] Rules determine whether a client-lawyer relationship exists." RPC Scope, n. 17. Similarly, the RPC acknowledge that "[d]efining precisely the identity of the client and prescribing the resulting obligations of such lawyers may be more difficult in the government context and is a matter beyond the scope of these Rules." RPC 1.13, n.9. Thus, the "duties of lawyers employed by the government . . . may be defined by statutes and regulation." *Id.* The rules do not limit such authority created by statute. *Id.*

Even though the Governor, Commissioner Friesen, and Executive Director Moran disagree with the Attorney General in this litigation, the Legislature explicitly determined that the Attorney General, as chief law officer, may control the case. 74 O.S. § 18b(A)(3). Again, the Legislature provided that "when so appearing in [an action in which the interests of the state are at issue], the Attorney General may, if the Attorney General deems it advisable and to the best interest of the state, take and assume control of the prosecution or defense of the state's interest therein." *Id.* This statute contemplates that the Attorney General prevails in any dispute with

another executive officer over controlling a lawsuit involving State interests. After all, the Attorney General would only ever take and assume control of the prosecution or defense of the State's interest from another attorney employed by a State entity or officer when he or she disagreed with the actions of that entity or officer, or of their counsel. Accordingly, a plain reading of 74 O.S. § 18b(A)(3) resolves any ethical claim by the Governor, Commissioner Friesen and Executive Director Moran. The Attorney General is vested with the express power to make litigation decisions for the State, even if another State officer, including the Governor, disagrees.

CONCLUSION

For these reasons, the Attorney General respectfully requests the Court to strike the appearances by William O'Connor, Brian T. Inbody, John T. Ricker, and Kristen P. Pace (dkts. 68 – 75) on behalf of Defendants in their official capacities.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of November, 2024, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to counsel of record who are ECF registrants.

s/ Garry M. Gaskins, II
Garry M. Gaskins, II