#### CAUSE NO. DC-24-14434

§	IN THE DISTRICT COURT OF
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§	DALLAS COUNTY, TEXAS
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§	298th JUDICIAL DISTRICT
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# PLAINTIFFS' SECOND AMENDED VERIFIED PETITION FOR CIVIL PENALTIES AND PERMANENT INJUNCTIVE RELIEF

#### TO THE HONORABLE COURT:

COMES NOW the State of Texas by and through Ken Paxton, Attorney General of Texas, and Maxx Juusola, Tracy Martin, and Alan Crider, and file this Plaintiffs' Second Amended Verified Petition seeking civil penalties, costs and fees, declaratory relief, and a permanent injunction for the wrongful exclusion of handguns and people carrying handguns at the annual Texas State Fair. Defendants' acts of excluding handguns and those who carry handguns from the State Fair violate state law and are illegal *ultra vires* acts. In support thereof, Plaintiffs would respectfully show the Court as follows:

#### I. DISCOVERY CONTROL PLAN

1.1 In accordance with Tex. R. Civ. P. 190.1, discovery in this case is intended to be conducted under Level 2 of the discovery control plan provided by Tex. R. Civ. P. 190.3.

#### II. JURISDICTION AND VENUE

- 2.1 Plaintiff the State of Texas seeks relief under section 411.209 of the Texas Government Code. Plaintiff seeks monetary relief more than \$250,000 but not more than \$1,000,000. See, Tex. R. Civ. P. 47(c). The relief sought is within the jurisdiction of this court. Tex. Const. art. V, § 8, Tex. Gov't Code Ann. §§ 24.007, 24.008, and 24.011, and Tex. Civ. Prac. & Rem. Code Ann. § 65.021(a).
- 2.3 Venue is also proper in Dallas County as this is the county where the defendants have their principal offices in our state. Tex. Gov't Code Ann. § 411.209(g); Tex. Civ. Prac. & Rem. Code Ann. § 15.002(a)(3); see also gen., Tex. Civ. Prac. & Rem. Code Ann. § 65.023. Venue is proper in Dallas County, Texas as the events and omissions that give rise to plaintiffs' claims and request for relief occurred in Dallas County. Tex. Civ. Prac. & Rem. Code Ann. § 15.002(a)(1).

#### III. PARTIES

3.1 Plaintiff the State of Texas, by and through Ken Paxton, the Attorney General of Texas, is authorized to enforce Tex. Gov't Code Ann. § 411.209. Tex. Gov't Code Ann. § 411.209(g). The Attorney General is also authorized to prosecute all actions in which the state is interested before the courts of appeals and the Supreme Court. Tex. Gov't Code Ann. § 402.021.

- 3.2 Plaintiff Max Juusola is a citizen of Texas and a license holder under Subchapter H of Chapter 411 of the Texas Government Code who desires to exercise his right to carry a firearm, both as a license holder and constitutionally, on government property, including Fair Park, except where prohibited under Tex. Penal Code § 46.03.
- 3.3 Plaintiff Tracy Martin is a citizen of Texas and a license holder under Subchapter H of Chapter 411 of the Texas Government Code who desires to exercise his right to carry a firearm, both as a license holder and constitutionally, on government property, including Fair Park, except where prohibited under Tex. Penal Code § 46.03.
- 3.4 Plaintiff Alan Crider is a citizen of Texas who does not have a license under Subchapter H of Chapter 411 of the Texas Government Code and who desires to exercise his right to carry a firearm, constitutionally, on government property, including Fair Park, except where prohibited under Tex. Penal Code § 46.03.
- 3.5 Defendant City of Dallas is a political subdivision of the State of Texas and owns Fair Park. Defendant City of Dallas has been served with process and has filed a responsive pleading.
- 3.6 Defendant Kimberly Bizor Tolbert is the Interim City Manager for the City of Dallas. Defendant Tolbert has been served with process and has filed a responsive pleading.
- 3.7 Defendant State Fair of Texas is a Texas nonprofit corporation that operates the annual State Fair of Texas at Fair Park in Dallas, under the terms of its

Fair Park Contract or lease agreement with the City of Dallas. Defendant State Fair of Texas has been served with process and has filed a responsive pleading.

#### IV. FACTUAL BACKGROUND

- 4.1 The 277 acres known as Fair Park, at 1200 2nd Ave. / 3809 Grand Avenue, Dallas, Texas is owned by the City of Dallas and managed by Fair Park First, a domestic nonprofit corporation. There are numerous public city owned premises or buildings within Fair Park. In addition, there are various parking lots or parking areas, as well as an esplanade, a 700-foot-long reflecting pool with fountains, public sidewalks, and walkways within Fair Park. The Defendant nonprofit corporation State Fair of Texas operates the annual State Fair of Texas at Fair Park, in Dallas, during the months of September and October of each year, under the terms of its Fair Park Contract or lease agreement with the City of Dallas. The calendar year 2024 State Fair of Texas was held from September 27, 2024 to October 20, 2024.
- 4.2 Under the terms of the subject lease agreement, the State Fair of Texas has agreed to indemnify the City of Dallas and its officers, agents and employees harmless against any and all claims, lawsuits, judgment, costs, and expenses for harm for which recovery of damages might be sought that might arise out of or be occasioned by acts or omissions of the State Fair, its officers, agents, employees or contractors, unless the liability resulted from the sole negligence or fault of the City of Dallas. The subject lease agreement also expressly states that the agreement is governed by and construed in accordance with the laws and court decisions of the State of Texas.

4.3 Under the lease agreement, the City of Dallas and the State Fair of Texas have mutual goals and have roles in developing, maintaining, and developing Fair Park.

# V. FIRST CAUSE OF ACTION PROHIBITED NOTICES AGAINST LICENSE HOLDERS

- 5.1 On November 2, 2023, Mr. Heath Garner, a resident of Texas and a person licensed to carry a handgun under Chapter 411 of the Texas Government Code, sent written notice to the City Attorney for the City of Dallas of the City's Tex. Gov't Code Ann. § 411.209 violation on premises located within Fair Park owned by the City of Dallas. Having not received a response from the City of Dallas, Mr. Garner thereafter filed a complaint with the Attorney General with evidence of the violation and a copy of the written notice he had provided to the City of Dallas.
- 5.2 On August 8, 2024, Texas residents and persons who are licensed to carry a handgun under Chapter 411 of the Texas Government Code, submitted verbal complaints to the office of the Attorney General regarding the 2024 announced policy of the State Fair of Texas that license holders carrying a handgun would be prohibited from entering or remaining on the public property known as Fair Park, owned by the City of Dallas and leased to the State Fair of Texas, in violation of state law. Texas residents and persons who are licensed to carry a handgun under Chapter 411 of the Texas Government Code (including Heath Garner) also filed written complaints with evidence with the Attorney General regarding the City of Dallas and State Fair of Texas being in violation of the law. The assigned investigator for the Attorney General's office also received complaints from staff within the office of the Attorney

General concerning the subject Tex. Gov't Code Ann. § 411.209(a) violation of state law.

- 5.3 The Attorney General, in evaluating and investigating these complaints, noted that the State Fair of Texas, within the frequently asked questions (FAQs) page on its website, responded "No" to the question "Can Someone with a License to Carry (LTC) bring their firearm to the Fair?" Further, the website indicates that a new technology "OPENGATE" had been purchased to help screen fairgoers for weapons. See, https://bigtex.com/about-us/faq/.
- 5.4 The State Fair of Texas, through its public comments as well as the published statement on its website, as the lessee or designee of the City of Dallas, had communicated that a license holder carrying a handgun under the authority of Subchapter H, Chapter 411, Texas Government Code, was prohibited from entering or remaining on the premises or other place or property owned or leased by the City of Dallas, *i.e.*, the entirety of the 277-acre Fair Park. In addition, or in the alternative, through the statements made by the State Fair of Texas, the City of Dallas had communicated, by implication, that a license holder carrying a handgun under the authority of Subchapter H, Chapter 411, Texas Government Code, was prohibited from entering or remaining on the premises or other place or property owned or leased by the City of Dallas, *i.e.*, the entirety of the 277-acre Fair Park. Furthermore, or in the alternative, the City of Dallas had violated Tex. Gov't Code Ann. § 411.209(a) to the extent it, by implication, had granted a property right to its lessee, the State Fair

of Texas, allowing the exclusion of license holders carrying handguns from Fair Park, as the City could not convey a right that had been removed from it by the Legislature.

- 5.5 Tex. Gov't Code Ann. § 411.209(a) prohibits state agencies or political subdivisions of the state (such as the City of Dallas) from taking any action, including the act of providing notice by a communication described by Tex. Penal Code Ann. §§ 30.06 or 30.07, that states or implies that a license holder who is carrying a handgun under the authority of such subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Tex. Penal Code Ann. § 46.03 or other law.
- 5.6 The State Fair of Texas acts under authority of the City of Dallas. Any action taken by the State Fair of Texas must rely on the authority that the City of Dallas, as the owner of Fair Park, has delegated to it in order to operate on city property. The City of Dallas may not delegate to the State Fair of Texas the authority to take any action, including the act of providing notice by a communication described by Tex. Penal Code Ann. §§ 30.06 or 30.07, that states or implies that a license holder who is carrying a handgun under the authority of such subchapter is prohibited from entering or remaining in Fair Park, unless license holders are prohibited from carrying a handgun on the premises or other place by Tex. Penal Code Ann. § 46.03 or other law—because the City itself did not have that authority or right to begin with. Therefore, the State Fair of Texas also did not have that right or authority under Texas law and thus acts unlawfully when it seeks to exclude license holders

carrying handguns from entering city property it leases, unless Tex. Penal Code § 46.03 or some other law allows it. The State Fair of Texas does not and cannot have "apparent authority to act for the owner [by] provid[ing] notice," under Tex. Penal Code Ann. §§ 30.06(b), 30.07(b), because the City has no such right or authority to convey or to delegate to the State Fair of Texas, *id.* §§ 30.06(e), 30.07(e). The lease agreement between the City of Dallas and the State Fair of Texas does not and cannot supersede state law. The lease agreement correctly expressly states that the agreement is subject to applicable state laws and shall be governed by and construed in accordance with the laws and court decisions of the State of Texas. To the extent that the lease agreement operates to purportedly supersede state law, it is void.

- 5.7 While there are some premises or buildings within Fair Park where a license holder is prohibited under Tex. Penal Code Ann. § 46.03(a)(8) from carrying a weapon, such as certain premises or buildings within Fair Park when they are used for a high school, collegiate, professional sporting or interscholastic events, the vast majority of the 277-acre Fair Park in Dallas are not premises or a place where weapons or firearms can be prohibited.
- 5.8 Having investigated the various complaints received, on August 13, 2024, the Attorney General gave written notice to the chief administrative officer of the City of Dallas under Tex. Gov't Code Ann. § 411.209(f), which included a description of the violation of Tex. Gov't Code Ann. § 411.209, stated the amount of the proposed penalty for the first violation, and gave the city 15 days from receipt of

the notice to cure the violation and thereby avoid the penalty. A copy of this notice was also provided to the State Fair of Texas.

- 5.9 On August 28, 2024, the City of Dallas provided its written response, wherein the City of Dallas asserted it had not violated Tex. Gov't Code Ann. § 411.209 and that any further inquiries from the Attorney General should be directed to the State Fair of Texas. The City of Dallas and the State Fair of Texas did not cure the violation to avoid any civil penalties.
- 5.10 The State of Texas has standing under Tex. Gov't Code Ann. § 411.209 and thus the Court has jurisdiction over those claims because the State has met the statutory prerequisites to bringing suit.
- 5.11 Tex. Gov't Code Ann. § 411.209(b) states that a political subdivision of the state that violates Tex. Gov't Code Ann. § 411.209(a) is liable for a civil penalty of not less than \$1,000 and not more than \$1,500 for the first violation, and not less than \$10,000 and not more than \$10,500 for the second or a subsequent violation. Tex. Gov't Code Ann. § 411.209(c) states that each day of a continuing violation of Tex. Gov't Code Ann. § 411.209(a) constitutes a separate violation.
- 5.12 The State of Texas has pled a valid cause of action and, as permitted by Tex. Gov't Code Ann. § 411.209(g) and requests permanent injunctive relief. The State of Texas has a probable right to such relief because the allegations herein show the Defendants have violated the Texas Government Code. As a statute is being violated, the doctrine of balancing the equities has no application, and it is within the province of the district court to restrain it. State v. Texas Pet Foods, Inc., 591 S.W.2d

800, 805 (Tex. 1979). Injunctive relief also is proper under Tex. Civ. Prac. & Rem. Code Ann. § 65.011.

5.13 Pursuant to Tex. Gov't Code Ann. § 411.209(g), the Attorney General is also entitled, and hereby requests, to recover reasonable expenses, including court costs, reasonable attorney fees, investigative costs, witness fees and deposition costs.

#### VI. SECOND CAUSE OF ACTION

# DECLARATION THAT THE STATE FAIR OF TEXAS MAY NOT POST 30.06 OR 30.07 SIGNS OR GIVE OTHER NOTICE THAT FIREARMS ARE PROHIBITED

- 6.1 A license holder may not be prosecuted for trespass based upon the posting of 30.06 signs or 30.07 signs on public city owned or leased property, including Fair Park, except where license holders are prohibited from carrying handguns under Tex. Penal Code Ann. § 46.03. Tex. Penal Code Ann. §§ 30.06(e), 30.07(e).
- 6.2 The City of Dallas may not take any action that states or implies that a license holder who is carrying a handgun under the authority of Chapter 411, Subchapter H of the Texas Government Code is prohibited from entering or remaining on city property, including Fair Park, except where license holders are prohibited from carrying a handgun under Tex. Penal Code Ann. § 46.03. Tex. Gov't Code Ann. § 411.209(a).
- 6.3 The City of Dallas may not contract with the State Fair of Texas to allow a violation of state law by putatively authorizing the State Fair to post 30.06 signs, 30.07 signs, or to state or imply that a license holder who is carrying a handgun under the authority of Chapter 411, Subchapter H of the Texas Government Code is prohibited from entering or remaining on public city property, including Fair Park,

except where license holders are prohibited from carrying a handgun under Tex. Penal Code Ann. § 46.03, because the City of Dallas does not have such authority and cannot and has not delegated any such right or authority.

- 6.4 Plaintiff the State of Texas requests that the Court declare that the State Fair of Texas may not post 30.06 signs, 30.07 signs, or state or imply that a license holder who is carrying a handgun under the authority of Chapter 411, Subchapter H of the Texas Government Code is prohibited from entering or remaining on city property, including Fair Park, except where license holders are prohibited from carrying a handgun under Tex. Penal Code Ann. § 46.03.
- 6.5 Furthermore, Plaintiff the State of Texas requests that the Court enjoin the State Fair of Texas from posting 30.06 signs, 30.07 signs, or stating or implying that a license holder who is carrying a handgun under the authority of Chapter 411, Subchapter H of the Texas Government Code is prohibited from entering or remaining on City Property, including Fair Park, except where license holders are prohibited from carrying a handgun under Tex. Penal Code Ann. § 46.03.

# VII. THIRD CAUSE OF ACTION VIOLATION OF THE CONSTITUTIONAL RIGHT TO KEEP AND BEAR ARMS

7.1 The Texas Legislature recognized the Second Amendment of the U.S. Constitution and also recognized that Section 23, Article I, of the Texas Constitution secures for Texas citizens the right to keep and bear arms and that the Legislature has the power, by law, to regulate the wearing of arms, with a view to prevent crime. The Texas Legislature passed the Firearm Carry Act of 2021, (H.B. 1927), which was signed by Governor Abbott and became effective September 1, 2021, amending

various statutory provisions and allowing most people 21 years of age and older to carry a handgun in Texas without a license to carry.

- 7.2 Our state government, the political subdivisions of our state (including the City of Dallas and City officials) and their lessees (including the State Fair of Texas), must respect the actions of our Texas Legislature and allow the unlicensed carry of a firearm on government or public property, unless it is specifically prohibited by law, such as those premises or places identified in Tex. Penal Code Ann. § 46.03.
- 7.3 While there are some premises or buildings located within Fair Park where weapons are prohibited under Tex. Penal Code Ann. § 46.03(a)(8), such as certain premises or buildings when they are used for a high school, collegiate, professional sporting or interscholastic events, the vast majority of the 277-acre Fair Park in Dallas are not premises where weapons or firearms can be prohibited, and those individuals without a license to carry should be permitted to enter upon the government or public property Fair grounds and should also be permitted to enter into most of the premises or buildings located within Fair Park's 277 acres.
- 7.4 The State Fair of Texas, within the frequently asked questions (FAQs) page on its website, responded to the question "Can I Bring Any Weapons into the Fair?" "The State Fair of Texas prohibits fairgoers from carrying all firearms . . ." Further, the website indicates that a new technology "OPENGATE" had been purchased to help screen fairgoers for weapons. See, <a href="https://bigtex.com/about-us/faq/">https://bigtex.com/about-us/faq/</a>.

- 7.5 To the extent that officials of the City of Dallas, including Kimberly Bizor Tolbert as the Interim City Manager for the City of Dallas, the City Attorney, and the Board President of the Park and Recreation Board of the City of Dallas have permitted or allowed the City of Dallas's lessee, the State Fair of Texas, to prevent citizens from exercising their right to carry firearms on most of Fair Park, the Interim City Manager and other officials have acted without legal or statutory authority to do so.
- 7.6 Interim City Manager Tolbert, the City of Dallas and the State Fair of Texas should be enjoined under the principles of equity, the constitution, and the statutes of this state.
- 7.7 Plaintiff the State of Texas requests that the Court grant an injunction because the Interim City Manager and other City of Dallas officials lack the authority to allow the State Fair of Texas to post signs to exclude those who carry handguns or to otherwise violate the rights of handgun owners by excluding them from public city property, and the Interim City Manager and other officials' decision to do so is, therefore, *ultra vires*. That is particularly true here, where the City Manager signed the contract, lease agreement or amendments to the agreement with the State Fair of Texas.
- 7.8 The Interim City Manager and other City of Dallas officials are failing to carry out the purely ministerial act of allowing handgun owners who are exercising their constitutional right to carry a handgun without a license to enter Fair Park. See, City of El Paso v. Heinrich, 284 S.W.3d 366, 372 (Tex. 2009).

7.9 Plaintiff State of Texas asserts that this cause of action arises under the Texas Constitution, specifically Article I, Section 23, which guarantees the right of individuals to keep and bear arms, subject to statutory limitations. The Firearm Carry Act of 2021 affirms the constitutional right to carry firearms in Texas where such statutory limitations do not apply. Plaintiff State of Texas alleges that the State Fair of Texas and the City of Dallas violated this constitutional right by enforcing policies and restrictions that unlawfully prevent licensed handgun holders and lawabiding citizens otherwise not prevented from carrying firearms at the State Fair, where such prohibitions are not legally authorized under law.

# VIII. FOURTH CAUSE OF ACTION THE STATE FAIR MAY NOT POST 30.05 SIGNS

- 8.1 The City of Dallas may not contract with the State Fair of Texas to allow a violation of state law by putatively authorizing the State Fair of Texas to post 30.05 signs on public city property, including Fair Park, except where license holders are prohibited from carrying a handgun under Tex. Penal Code § 46.03, because the City of Dallas does not have such authority and cannot and has no right to delegate such authority.
- 8.2 The State Fair of Texas is not authorized to post 30.05 signs on public city property, including Fair Park, because the State Fair of Texas cannot, through terms or omissions of its lease with the City of Dallas, be passively or actively authorized by the City to engage in acts on city property that the City, itself, is not authorized to carry out.

- 8.3 Plaintiff the State of Texas requests this Court to enjoin the Defendants from posting 30.05 signs on public city owned or leased property, including Fair Park, except where persons are prohibited from carrying a handgun under Tex. Penal Code § 46.03.
- 8.4 Furthermore, Plaintiff the State Fair of Texas requests the Court to declare that the State Fair of Texas may not post 30.05 signs on public city property, including Fair Park, except where persons are prohibited from carrying a handgun under Tex. Penal Code § 46.03.

#### IX. DECLARATORY RELIEF

- 9.1 Plaintiffs Maxx Juusola and Tracy Martin request a declaration under Chapter 37 of the Civil Practice and Remedies Code that the State Fair of Texas may not post 30.06 signs, 30.07 signs, or state or imply that a license holder who is carrying a handgun under the authority of Chapter 411, Subchapter H of the Texas Government Code is prohibited from entering or remaining on public city property, including Fair Park, except where license holders are prohibited from carrying a handgun under Tex. Penal Code Ann. § 46.03.
- 9.2 Plaintiff Alan Crider requests a declaration under Chapter 37 of the Civil Practice and Remedies Code that the State Fair of Texas may not post 30.05 signs on public city owned property, except where persons are prohibited from carrying a handgun under Tex. Penal Code Ann. § 46.03.
- 9.3 The Interim City Manager's failure to comply with these statutory requirements constitutes an *ultra vires* act. Kimberly Bizor Tolbert is legally

obligated to ensure that law-abiding gun owners' constitutional rights are protected according to the law. Government officials must strictly follow the plain language of the statute. Houston Belt & Terminal Ry. Co. v. City of Houston, 487 S.W.3d 154, 163 (Tex. 2016); Klumb v. Houston Mun. Employees Pension Sys., 458 S.W.3d 1, 9 (Tex. 2015). Despite claiming to "take no position" on the no-gun rule, the City has implicitly supported it and continued to enforce the State Fair of Texas' no-gun rule through the City's agents, violating Tex. Gov't Code § 411.209(a). By enforcing firearm restrictions at the State Fair, contrary to the law, Kimberly Bizor Tolbert has exceeded her lawful authority and infringed upon constitutional rights under H.B. 1927. No local board or rule enacted by the City or lease issued by the City can override the legislature's directive. R.R. Comm'n v. Lone Star Gas Co., 844 S.W.2d 679, 685 (Tex. 1992).

#### X. PERMANENT INJUNCTION

- 10.1 Plaintiff State of Texas asks the Court to:
- (a) Enjoin defendants from acting outside their legal authority, violating Tex. Gov't Code Ann. § 411.209, and violating the constitutional right of Texas citizens to keep and bear arms, and specifically enjoining defendants from: (1) posting or allowing the State Fair of Texas to post any notice on a City of Dallas website, State Fair of Texas website, or in or near Fair Park that states or implies that handguns are not permitted at the Texas State Fair; and (2) taking action or allowing other persons, working on one or more defendants' behalf or in concert with them, to take

any action banning handguns, including stating or implying to another, by any act, that handguns are not permitted at the Texas State Fair; and

(b) Order defendants to perform the purely ministerial act of allowing people to enter Fair Park while exercising their constitutional right to carry a handgun.

#### XI. PRAYER

WHEREFORE, Plaintiff the State of Texas requests that the Court award penalties, reasonable attorney fees, investigative costs, witness fees, and deposition costs; that the Court grant Plaintiff the State of Texas permanent injunctive relief, as stated above; that Plaintiff State of Texas not be required to post any bond in accordance with Tex. Civ. Prac. & Rem. Code Ann. § 6.001; that the Court issue declarations that the State Fair of Texas is not authorized to post 30.05, 30.06, or 30.07 signs or to explicitly or implicitly otherwise restrict access to the State Fair by Texas citizens solely on the basis that they are carrying a handgun; that the Court declare Interim City Manager Kimberly Bizor Tolbert has exceeded her lawful authority and engaged in *ultra vires* acts by authorizing or allowing the State Fair of Texas to post 30.05, 30.06, and 30.07 signs and by enforcing the illegal ban on handguns through agents of the City as requested above by Plaintiffs Maxx Juusola, Tracy Martin, and Alan Crider; and for such other and further relief, at law or in equity, to which the plaintiffs may show themselves justly entitled.

Respectfully, submitted,

KEN PAXTON

Attorney General of Texas

BRENT WEBSTER

First Assistant Attorney General

RALPH MOLINA

Deputy First Assistant Attorney General

JAMES LLOYD

Deputy Attorney General for Civil Litigation

ERNEST C. GARCIA

Chief, Administrative Law Division

/s/ Ernest C. Garcia

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ATTORNEYS FOR INDIVIDUAL PLAINTIFFS

### CERTIFICATE OF SERVICE

I hereby certify that in accordance with Tex. R. Civ. P. 21a, and Local Court Rule 2.05 this instrument was served on this 28th day of October 2024, upon the on the following via e-service or e-mail:

Jeffrey Tillotson Tillotson, Johnson & Patton 1201 Main Street, Suite 1300 Dallas, Texas 75202

COUNSEL FOR CITY OF DALLAS AND KIMBERLY TOLBERT

Jim Harris Holland & Knight One Arts Plaza 1722 Routh Street, Suite 1500 Dallas, Texas 75201-2532

COUNSEL FOR STATE FAIR OF TEXAS

/s/ Ernest C. Garcia

via email to: jtillotson@tillotsonlaw.com

via email to: jim.harris@hklaw.com

### CAUSE NO. DC-24-14434

STATE OF TEXAS, MAXX JUUSOLA, TRACY MARTIN, and	§ §	IN THE DISTRICT COURT OF
ALAN CRIDER	§	
Plaintiff,	§	
	§	DALLAS COUNTY, TEXAS
v.	§	
	§	
CITY OF DALLAS,	§	
KIMBERLY BIZOR TOLBERT, in her	§	298th JUDICIAL DISTRICT
official capacity as the Interim City		
Manager for the City of Dallas		
and the		
STATE FAIR OF TEXAS,		
Defendants.		

### Unsworn Declaration of Alexandre Louis Dubeau

My name is Alexandre Louis Dubeau, and I am an employee / investigator of the following governmental agency: Office of the Attorney General, Administrative Law Division, located at 300 W. 15<sup>th</sup> Street, Austin, Texas 78701. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing factual statements in the Plaintiffs' Second Amended Petition are true and correct.

Executed in Travis County, Texas on this the 28th day of October, 2024.

Alexandre Louis Dubeau

### **Automated Certificate of eService**

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Catherine Hughes on behalf of Ernest Garcia

Bar No. 7632400

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Envelope ID: 93655162

Filing Code Description: Amended Petition

Filing Description: 2ND VERIFIED FOR CIVIL PENALTIES AND

PERMANENT INJUNCTIVE RELIEF Status as of 10/29/2024 10:28 AM CST

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Filing Description: 2ND VERIFIED FOR CIVIL PENALTIES AND

PERMANENT INJUNCTIVE RELIEF Status as of 10/29/2024 10:28 AM CST

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Associated Case Party: STATE OF TEXAS

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Paul Pruneda		paul.pruneda@oag.texas.gov	10/28/2024 4:09:43 PM	SENT
Canon ParkerHill		canon.hill@oag.texas.gov	10/28/2024 4:09:43 PM	SENT

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Sherri Rodgers		sherri.rodgers@hklaw.com	10/28/2024 4:09:43 PM	SENT

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Catherine Hughes on behalf of Ernest Garcia Bar No. 7632400

catherine.hughes@oag.texas.gov

Envelope ID: 93655162

Filing Code Description: Amended Petition

Filing Description: 2ND VERIFIED FOR CIVIL PENALTIES AND

PERMANENT INJUNCTIVE RELIEF Status as of 10/29/2024 10:28 AM CST

Associated Case Party: STATE FAIR OF TEXAS

Sherri Rodgers	sherri.rodgers@hklaw.com	10/28/2024 4:09:43 PM	SENT
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