

United States District Court
Eastern District of Texas
Tyler Division

Greg Abbott, in his official capacity as
Governor of the State of Texas, and Mike
Dunleavy,
Plaintiffs,

v.

Joseph R. Biden, et al.,
Defendants.

No. 6:22-cv-00003

JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE

The Parties respectfully submit this Joint Stipulation of Dismissal pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, dismissing all claims in the complaint (Dkt. 4) against Defendants without prejudice, and with each party to bear its own fees and costs, and show the Court as follows:

1. Plaintiffs are not currently experiencing an imminent threat that the vaccine mandate will be enforced.
2. Plaintiffs consider the binding, sworn declarations that Defendants submitted with their Motion to Dismiss and for Judgment on the Pleadings (Dkt. 83) indicating they do not intend to enforce the mandate in any way, retroactively or otherwise, to have been made in good faith.
3. In reliance on the representations made in Defendants' Motion and in the binding, sworn declarations attached thereto, Plaintiffs will not re-file the claims at issue in this lawsuit unless the circumstances in paragraph (2) change.

Dated December 29, 2023

KEN PAXTON
Attorney General

BRENT WEBSTER
First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

RALPH MOLINA
Deputy Attorney General for Legal Strategy

Office of the Attorney General of Texas
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
(512) 463-2100

TREG R. TAYLOR
Attorney General of Alaska

CORI M. MILLS
Deputy Attorney General of Alaska

Respectfully submitted,

RYAN D. WALTERS
Chief, Special Litigation Division

/s/ Amy S. Hilton
AMY S. HILTON
Attorney-in-Charge
Special Counsel
Tex. State Bar No. 24097834
amy.hilton@oag.texas.gov

COUNSEL FOR GOVERNOR GREG ABBOTT

/s/ Christopher A. Robison
CHRISTOPHER A. ROBISON
Texas Bar No. 24035720
Assistant Attorney General
Alaska Department of Law
1031 W. 4th Avenue, Suite 200
Anchorage, Alaska 99501-1994
chris.robison@alaska.gov

COUNSEL FOR GOVERNOR DUNLEAVY

DAMIEN DIGGS
United States Attorney
Eastern District of Texas

/s/ James G. Gillingham

JAMES GILLINGHAM
Assistant U.S. Attorney
Eastern District of Texas
110 N. College Street; Suite 700
Tyler, Texas 75702
E-mail: James.Gillingham@usdoj.gov
(903) 590-1400
(903) 590-1436 (fax)
Texas State Bar # 24065295

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

JOSHUA E. GARDNER
Special Counsel

/s/ Liam C. Holland

ANDREW E. CARMICHAEL
Senior Trial Counsel
LIAM C. HOLLAND
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20005
Tel: (202) 514-4964
E-mail: liam.c.holland@usdoj.gov

COUNSEL FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on December 29, 2023, and that all counsel of record were served by CM/ECF.

/s/ Amy S. Hilton

AMY S. HILTON