

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

MARK ROBERTSON, *et al.*,

*Plaintiffs,*

v.

BRYAN COLLIER, *et al.*,

*Defendants.*

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Civil Action No. 9:23-CV-0023

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**DEFENDANTS' NOTICE OF INTERLOCUTORY APPEAL**

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Defendants Bryan Collier, Bobby Lumpkin, Eric Guerrero, Daniel Dickerson, and Kevin Smith (together, "Defendants"), through the Office of the Attorney General of Texas, hereby give notice that they are immediately appealing the District Court's February 25, 2026 Order (D.E. 64) adopting Magistrate Judge Zack Hawthorn's Report and Recommendation (D.E. 58) and denying in part their motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b) (D.E. 29).

Defendants' notice of appeal is timely as it is being filed within 30 days of the February 25, 2026 Order (D.E. 64) being appealed. *See* Fed. R. App. P. 4(a)(1)(A).

Respectfully submitted,

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*/s/ Michael J. Calb*  
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**COUNSEL FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I, **MICHAEL J. CALB**, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above has been served to all attorneys of record by the Electronic Case Filing System of the Eastern District of Texas on March 19, 2026.

*/s/ Michael J. Calb*

**MICHAEL J. CALB**

Assistant Attorney General