IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS LUBBOCK DIVISION

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NATIONAL HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION, <i>et al.</i> ,	
Plaintiffs,	

Civil Action No. 5:21-cv-71-H

v.

JERRY BLACK, *et al.*, Defendants.

DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Defendants the Federal Trade Commission (FTC), Rebecca Kelly Slaughter in her official capacity as Acting Chair of the FTC, Rohit Chopra in his official capacity as Commissioner of the FTC, Noah Joshua Phillips in his official capacity as Commissioner of the FTC, and Christine S. Wilson in her official capacity as Commissioner of the FTC (collectively, FTC Defendants), oppose the motion for partial summary judgment filed by Plaintiffs in this action. *See* Pls. Mot. Partial SJ, ECF No. 37.

Pursuant to Local Rule 56.4, FTC Defendants state that, for the reasons explained in the accompanying brief, the Court lacks subject-matter jurisdiction, and Plaintiffs are not entitled to judgment as a matter of law on the merits of their claims. Dated: May 28, 2021

PRERAK SHAH Acting United States Attorney

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<u>/s/ Alexander V. Sverdlov</u> ALEXANDER V. SVERDLOV (NY Bar 4918793) Trial Attorney United States Department of Justice Civil Division, Federal Programs Branch 1100 L Street, N.W. Washington, DC 20005 Tel: (202) 305-8550 alexander.v.sverdlov@usdoj.gov

Attorneys for FTC Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of May, 2021, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing.

<u>/s/ Alexander V. Sverdlov</u> ALEXANDER V. SVERDLOV