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February 17, 2022

Judge James Wesley Hendrix  
United States District Court  
1205 Texas Avenue, Room C-210  
Lubbock, Texas 79401-4091

Re: Notification to Court re Texas's Motion to Intervene,  
Civil Action No. 5:21-cv-00071-H; *National Horsemen's Benevolent and Protective Services et al. v. Jerry Black et al.*; In the United States District Court for the Northern District of Texas, Lubbock Division

Dear Judge Hendrix:

The State of Texas and the Texas Racing Commission (collectively "Texas") understand the Court's conditions for granting permissive intervention to be as follows: Texas

1. may join the Plaintiffs' existing partial motion for summary judgment as requested;
2. although present at the hearings on February 16, 2022, did not participate in oral argument;
3. may not pursue their anti-commandeering claim until the parties outstanding motions have been resolved;
4. may not conduct discovery until the parties' outstanding motions have been resolved; and
5. may not relitigate any issues already decided.

Based on that understanding, Texas accepts the Court's conditions and wishes to proceed with their motion to intervene.

Sincerely,

A handwritten signature in blue ink that reads "Taylor Gifford".

Taylor Gifford  
Assistant Attorney General  
General Litigation Division

cc: All Counsel of Record