

***United States Court of Appeals***  
FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

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September 28, 2022

Ms. Kathryn Cherry  
Office of the Attorney General  
Office of the Solicitor General  
P.O. Box 12548  
Austin, TX 78711-2548

Ms. Rebecca Everett Kuehn  
Hudson Cook, L.L.P.  
1909 K Street, N.W.  
Suite 400  
Washington, DC 20006

No. 21-51038 Consum Data Indust Assoc v. State of TX  
USDC No. 1:19-CV-876

Dear Counsel:

This letter will serve to confirm my voicemail to Ms. Kuehn and message left for Ms. Cherry this date advising the parties that the court has requested the following:

Please file simultaneous supplemental letter briefs of not more than 1,500 total words addressing the following questions by 5:00 PM on Friday, September 30, 2022:

- (1) Whether "necessary operational changes" and the possibility of an "enforcement action from the Attorney General" pose distinct risks of harm that require individual analysis for justiciability purposes?
- (2) Whether the relief that Appellee has requested would prevent private consumers from asserting any rights under section 20.08(a) of the Texas Business and Commerce Code?
- (3) Whether relief that Appellee has requested would redress any injury in fact that arises from "necessary operational changes."
- (4) Whether the possibility of an "enforcement action from the Attorney General" is an independent injury in fact?

- (5) Whether the possibility of an "enforcement action from the Attorney General" is an independent hardship for ripeness purposes?

Counsel should also be prepared to address these questions at oral argument.

Sincerely,

LYLE W. CAYCE, Clerk

A handwritten signature in black ink that reads "Melissa Mattingly". The signature is written in a cursive style and is positioned above a horizontal line.

By: \_\_\_\_\_  
Melissa V. Mattingly, Deputy Clerk  
504-310-7719

cc: Ms. Caroline Alyssa Merideth  
Ms. Jennifer Sarvadi