

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

)	
)	
SID MILLER, <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Civil Action No. 4:21-cv-595-O
)	
TOM VILSACK, in his official capacity as)	
SECRETARY OF AGRICULTURE,)	
)	
<i>Defendant.</i>)	
)	
)	

DEFENDANT’S PARTIAL MOTION TO DISMISS

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), Defendants hereby move this Court to dismiss in part Plaintiffs’ Amended Complaint. In accordance with Local Rules 7.1 and 7.2, this motion is accompanied by a brief that sets forth the contentions of law, arguments and authorities on which Defendants rely in support of this motion. A proposed order also accompanies this motion.

Dated: June 29, 2021

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

LESLEY FARBY
Assistant Branch Director
Civil Division, Federal Programs Branch

/s/ Michael F. Knapp

EMILY SUE NEWTON (VA Bar No. 80745)

Senior Trial Counsel

KYLA M. SNOW (Ohio Bar No. 96662)

MICHAEL F. KNAPP (Cal. Bar. No. 314104)

Trial Attorneys

United States Department of Justice

Civil Division, Federal Programs Branch

1100 L Street, NW

Washington, D.C. 20005

Tel: (202) 514-2071 / Fax: (202) 616-8460

michael.f.knapp@usdoj.gov

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2021, a copy of the foregoing was filed electronically via the Court's ECF system, which effects service upon counsel of record.

/s/ Michael F. Knapp
MICHAEL F. KNAPP (Cal. Bar No. 314104)
Trial Attorney, U.S. Department of Justice