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

NATIONAL HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION et al.,
PLAINTIFFS,

and

THE STATE OF TEXAS et al.,
INTERVENOR-PLAINTIFFS,

v.

JERRY BLACK et al.,
DEFENDANTS.

CASE NO. 5:21-cv-00071-H

———

THE STATE OF LOUISIANA, through its attorney general, JEFF LANDRY;

LOUISIANA STATE RACING COMMISSION;

THE STATE OF OKLAHOMA, through its attorney general, GENTNER DRUMMOND;

OKLAHOMA HORSE RACING COMMISSION;

THE STATE OF NEBRASKA, through its attorney general, MICHAEL T. HILGERS;

NEBRASKA RACING AND GAMING COMMISSION

THE STATE OF WEST VIRGINIA, through its attorney general, PATRICK MORRISEY;

WEST VIRGINIA RACING COMMISSION;

THE STATE OF ARKANSAS, through its attorney general, TIM GRIFFIN;

THE STATE OF MISSISSIPPI, through its attorney general, LYNN FITCH;

LOUISIANA THOROUGHBRED BREEDERS ASSOCIATION;

COLORADO HORSE RACING ASSOCIATION;

IOWA HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION;

KENTUCKY HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION;

MINNESOTA HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION;

OHIO HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION;

CHARLES TOWN HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION;

FONNER PARK;

HORSEMEN'S PARK;

LEGACY DOWNS RACETRACK;

TURF PARADISE RACETRACK;

BENARD K. CHATTERS;

EDWIN J. FENASCI;

LARRY FINDLEY, SR., DVM;

WARREN J. HARANG, III;

GERARD MELANCON,

[PROPOSED] *AMICI*.

***AMICI CURIAE* BRIEF BY SIX STATES, FOUR STATE RACING COMMISSIONS, SEVEN HORSERACING ASSOCIATIONS, FOUR RACETRACKS, AND FIVE COVERED PERSONS**

TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES

STATUTES

OTHER

INTRODUCTION

A broad coalition of States, state racing commissions, horseracing associations, racetracks, and individuals regulated as "covered persons" under the Horseracing Integrity and Safety Act of 2020 file this *amici curiae* brief in support of Plaintiffs' motion for an emergency preliminary injunction (Docs. 124, 125).[1] The motion's outcome and the scope of relief provided will affect *amici* and all other parties who asserted Administrative Procedure Act claims against the Authority and the Federal Trade Commission in a separate case pending in federal district court in Louisiana. Those APA claims complement the constitutional claims Plaintiffs have asserted here. Those claims further emphasize the flaws in the challenged regulatory apparatus and Defendants' repeated decisions to eschew traditional safeguards against abusive practices under the APA.

Although *amici* could move to intervene later if necessary, by filing this brief they ensure that there is no need to upset the briefing schedule of, or timeline for resolving, Plaintiffs' emergency preliminary injunction motion. *Amici* seek to minimize harm to Plaintiffs, themselves, their members, and the horseracing industry at large caused by the Authority's Anti-Doping and Medication Control ("ADMC") rule, which the FTC approved on March 27 *and made effective that same day*. *Amici* thus write to show this Court how the FTC's hasty approval of the ADMC rule repeats APA violations that plagued the Authority's prior rules and that supported a preliminary injunction that a federal court in

[1] The *amici* who present this brief to the Court include: (a) six States and several of their State racing commissions: the States of Louisiana, Arkansas, Mississippi, Nebraska, Oklahoma, and West Virginia, along with the Louisiana State Racing Commission, Nebraska Racing and Gaming Commission, Oklahoma Horse Racing Commission, and West Virginia Racing Commission; (b) seven horseracing associations: Louisiana Thoroughbred Breeders Association, Colorado Horse Racing Association, Iowa Horsemen's Benevolent and Protective Association, Kentucky Horsemen's Benevolent and Protective Association, Minnesota Horsemen's Benevolent and Protective Association, Ohio Horsemen's Benevolent and Protective Association, and Charles Town Horsemen's Benevolent and Protective Association; (c) four racetracks: Fonner Park (Nebraska), Horseman's Park (Nebraska), Legacy Downs Racetrack (Nebraska), and Turf Paradise Racetrack (Arizona); and (d) five individuals: Benard K. Chatters, Edward J. Fenasci, Larry Findley, Sr., Warren J. Harang, III, and Gerard Melancon.

Louisiana entered against these same defendants. Defendants' repeated refusals to follow the APA only underscore the appropriateness of nationwide relief for Plaintiffs' motion here.

STATEMENT OF INTEREST

Amici will be directly affected by the outcome of this litigation as States, state regulators, participants, and "covered persons" in the horseracing industry under the Act. 15 U.S.C. §3051(6); *see* Local Civil Rule 7.2(b).

To start, the States of Louisiana, Arkansas, Mississippi, Nebraska, Oklahoma, and West Virginia are sovereign States that seek to vindicate their sovereign, quasi-sovereign, proprietary, and *parens patriae* interests jeopardized by the ADMC rule. *See Massachusetts v. EPA*, 549 U.S. 497, 518-520 (2007); *see also Texas v. United States*, 809 F.3d 134, 151-55 (5th Cir. 2015); *Texas v. United States*, 524 F. Supp. 3d 598, 608-19 (S.D. Tex. 2021). These States have significant interests in the horseracing industry given the industry's economic impact on the States and their longstanding, reticulated regulatory regimes governing the horseracing industry. Relatedly, the Louisiana State Racing Commission, Nebraska Racing and Gaming Commission, Oklahoma State Horse Racing Commission, and West Virginia Racing Commission are executive agencies of their respective States and are responsible for regulating horseracing integrity and safety in those States. *See* La. Stat. Ann. §4:144; Neb. Rev. Stat. §2-1201.01; Okla. Stat Ann. tit. 3A, §201; W. Va. Code §19-23-6. If not immediately enjoined, the Authority's ADMC rule will throw the industry into chaos, disrupt scheduled races, and compound the regulatory confusion in these six States (and all other states that host races) caused by Defendants.

The horseracing organizations seeking to appear as *amici*, like their counterparts who are parties in this case, represent members licensed by their respective state racing commissions and seek to further horsemen's interests in their jurisdictions. The organizations, for instance, negotiate contracts on behalf of members with racetrack owners that include terms and conditions under which

racing occurs, including those governing equine medication and safety. The ADMC rule likewise encroaches on their interests.

Fonner Park (Nebraska), Horseman's Park (Nebraska), Legacy Downs Racetrack (Nebraska), and Turf Paradise Racetrack (Arizona) are racetracks that host races covered by the Authority's rules. Each racetrack will be directly affected by whether the Authority is allowed to enforce the ADMC rule at their track in upcoming races with industry integrity, purses, and wagering outcomes all on the line.

The five individual *amici* are participants in the horseracing industry and "covered persons" under the Act. 15 U.S.C. §3051(6). Benard K. Chatters is a thoroughbred racehorse trainer, licensed by the Louisiana State Racing Commission. Edwin J. Fenasci is a thoroughbred racehorse owner, licensed by the Louisiana State Racing Commission. Larry Findley, Sr., DVM, is a thoroughbred racehorse veterinarian, licensed by the Louisiana State Racing Commission. Warren J. Harang, III, is a breeder of accredited Louisiana Thoroughbred racehorses. Gerard Melancon is a thoroughbred racehorse jockey, licensed by the Louisiana State Racing Commission. Each has a specific interest in being covered by Plaintiffs' requested relief on the challenge to the Authority's ADMC rule because that rule will affect each individual's ongoing participation in races across the country.

In sum, each *amici* on this motion has a significant interest in the outcome of this litigation, the continued viability of State regulatory systems, the wellbeing of the horseracing industry, and the rules governing "covered persons" under the Act.

ARGUMENT

While this case has been pending, *amici* have litigated complementary APA challenges to the Authority's prior regulations in the U.S. District Court for the Western District of Louisiana. *Louisiana v. Horseracing Integrity & Safety Auth. Inc.*, 2022 WL 2960031 (W.D. La.) (hereinafter "Louisiana PI Order"). *Amici* write to show this Court how those proceedings should inform the Court's decision

on Plaintiffs' recent preliminary injunction motion (Docs. 124, 125) and to underscore the need for nationwide relief here.

I. The Louisiana litigation exposes Defendants' APA violations, which recur with the ADMC rule.

A. The procedural history of the Louisiana and Fifth Circuit litigation highlights *amici*'s interest in this litigation.

Last summer, *amici* challenged in Louisiana the first three series of Authority rules: "The Racetrack Safety Rule (Rule 2000 Series), The Enforcement Rule (Rule 8000 Series), and The Assessment Methodology Rule (Rule 8500 Series)." Louisiana PI Order at *2. After extensive briefing, Chief U.S. District Judge Terry A. Doughty held that *amici* were likely to succeed on their claims that each challenged set of HISA regulations was substantively and procedurally defective under the APA and entered a preliminary injunction precluding enforcement of those rules "as to all Plaintiffs" in that case. Louisiana PI Order at *14.

The defendants in that case—materially the same as the defendants here: the Authority and the FTC—appealed the injunction, and the Fifth Circuit set argument on the Louisiana PI Order for the same day and before the same panel hearing the appeal from the order in this case considering the Act's constitutionality. Of course, the Fifth Circuit held the Act unconstitutional, and remanded both this case and the Louisiana case to their respective district courts with the Louisiana court's injunction in full effect. *Nat'l Horsemen's Benevolent & Protective Ass'n v. Black*, 53 F.4th 869, 890 (5th Cir. 2022); Order, *Louisiana v. Horseracing Integrity & Safety Auth. Inc.*, No. 22-30458 (5th Cir. Jan. 31, 2023).

Before argument, the Fifth Circuit had granted a partial stay of the Louisiana PI Order, but it lifted that stay upon deciding *National Horsemen's*. Congress then amended part of the Act in response to *National Horsemen's*.[2] After Congress amended the Act, defendants moved the Fifth Circuit to vacate

[2] That amendment does not cure the Act's constitutional deficiencies for the myriad reasons Plaintiffs explain in their affirmative briefing and proposed second amended complaint. In particular,

the panel opinions in both cases, and the Fifth Circuit denied both motions. *See id.* That means the law of the Fifth Circuit remains that the Act is unconstitutional and HISA's prior rules are enjoined—again, outcomes the Fifth Circuit declined to change *even though* Defendants asked the Fifth Circuit to do so *after* Congress amended the Act.

Upon remand, *amici* filed their first amended complaint in the Louisiana case in February 2023 to challenge rules the FTC had approved since the case began. First Am. Compl., *Louisiana v. Horseracing Integrity & Safety Auth. Inc.*, No. 22-30458 (W.D. La. Feb. 6, 2023). But at that point, the FTC had not yet approved the ADMC rule. So, for the same reasons Plaintiffs have explained in their recent motion, *amici* could not have challenged the then-unadopted ADMC rule in the Louisiana case (and were unsure whether the FTC would even approve the rule given its prior decision rejecting the proposed ADMC rule without prejudice). Doc. 125 at 6 (citing *Bristol-Myers Co. v. Fed. Trade Com.*, 424 F.2d 935, 940 (D.C. Cir. 1970); FTC Order Disapproving the ADMC Rule (Dec. 12, 2022), https://perma.cc/DKD4-9S7D).

Since then, defendants in the Louisiana case have raised procedural objections to *amici*'s First Amended Complaint that remain unresolved. Because those procedural wranglings will prevent the Louisiana court from hearing the merits arguments of *amici*'s APA claims against the ADMC rule before this Court hears Plaintiffs' claims, and because Plaintiffs and *amici* seek identical relief, *amici* respectfully submit this brief to emphasize the ADMC rule's legal deficiencies and the proper scope of relief under the APA. This brief is also necessary to avoid a repeat of prior procedural history in

---

the FTC conceded in its order approving the ADMC rule that the Act, as amended, "does not allow the Commission to modify a proposed rule," such that "the Commission's powers" under 15 U.S.C. §3053(c) "remain limited to approving or disapproving the proposed rule" upon its initial review. FTC Order Approving the ADMC Rule, at 2-3 n.2 (Mar. 27, 2023), https://perma.cc/EV38-VC4T. The FTC's lack of power to modify a rule submitted by the Authority was a critical issue that made the Act "facially unconstitutional" at the outset. *Nat'l Horsemen's*, 53 F.4th at 878.

Louisiana—Defendants' appealing immediately upon this Court's issuing an injunction, which could prevent this Court from hearing *amici*'s views on those issues.

B. Defendants' repeated APA violations support the issuance of an injunction.

The federal district court in Louisiana held that each challenged Authority rule series was procedurally and substantively unlawful under the APA.[3] The ADMC rule suffers similar flaws that support an injunction for similar reasons—and for a new reason, too.

First, the FTC approved the ADMC rule after only a two-week comment period. Doc. 124 at 2 (explaining that the FTC "published the ADMC in the Federal Register on January 26, 2023, with only a two-week period for public comment"—"ending February 9, 2023"). That's the same abbreviated comment period that the FTC allowed for the Authority's rule series challenged in the Louisiana case—and that's the basis for the Louisiana court's correct holding that *amici* were likely to succeed on their claims that the defendants failed to satisfy the APA's notice-and-comment period requirements as to each challenged Authority rule. Louisiana PI Order at *8-9.

Here, Defendants knew that the Louisiana court had enjoined their prior rule series for improperly abbreviated comment periods, and further knew that the Fifth Circuit had refused to vacate that injunction. Yet Defendants repeated the same process foul—they again violated the APA by providing only a 14-day comment period for the Authority's ADMC rule, which implements a massive overhaul of the horseracing industry. Thus a 14-day comment period for the ADMC rule is inadequate under the APA.

That much follows from the APA's text and binding precedent. "The APA establishes the procedures federal administrative agencies use for 'rule making.'" *Perez v. Mortg. Bankers Ass'n*, 575 U.S.

[3] The Louisiana court also found that components of each challenged rule exceeded the defendants' statutory authority. Louisiana PI Order at *9-11. Though defendants have asserted that they are fixing their substantively unlawful rules, those flaws highlight the hasty nature of the FTC's review and need for more thorough engagement with public comments *before* approval.

92, 95 (2015) (quoting 5 U.S.C. §551(d)). One such requirement is that agency rules must undergo an adequate notice-and-comment period. *Texas*, 524 F. Supp. 3d at 657 (citing 5 U.S.C. §553(a)-(b)). "This comment requirement allows for 'meaningful public comment on issues critical to the rule making process.'" Louisiana PI Order at *8 (quoting *Coal. for Workforce Innovation v. Walsh*, 2022 WL 1073346, at *3 (E.D. Tex.)). Further, "'[t]he Fifth Circuit has recognized that '[t]he APA generally requires a thirty-day "waiting period" before a rule becomes effective,' if there is no applicable exception to have the comment period waived." *Id.* (quoting *Coal. for Workforce Innovation*, 2022 WL 1073346, at *4 (quoting *United States v. Johnson*, 632 F.3d 912, 916 (5th Cir. 2011))).

Here, there is no dispute that Defendants did not allow 30 days for comments on the ADMC rule, just like they didn't for the three challenged series of HISA rules in the Louisiana litigation. *See* Doc. 124 at 2. This failure runs contrary to the FTC's standard practice that, by its own admission, it "typically provides at least 30 and often 60 days or more for public comment." FTC Order Approving the Assessment Methodology Rule, at 5 (Mar. 3, 2022), https://perma.cc/8MLV-TTJD.

Federal law does not excuse this failure. To be sure, a 30-day minimum comment period is not required in all cases. But "[w]hen substantial rule changes are proposed, a 30-day comment period is generally the shortest time period sufficient for interested persons to meaningfully review a proposed rule and provide informed comment." *Nat'l Lifeline Ass'n v. FCC*, 921 F.3d 1102, 1117 (D.C. Cir. 2019). And Defendants do not dispute (because they cannot dispute) that the ADMC rule is substantial by any measure; never before has anyone bearing a claim to federal authority tried to adopt medication and related rules for the Nation's entire horseracing industry.

Given the ADMC rule's significance, "a comment period of less than 30 days" is justifiable only if Defendants had properly invoked the APA's "good cause exception." *Coal. for Workforce Innovation*, 2022 WL 1073346, at *7; *see* 5 U.S.C. §553(d)(3). This exception "must be narrowly

construed" and "will only apply in emergency situations or if a delay would cause serious harm to life, property, or public safety." Louisiana PI Order at *8 (citing 5 U.S.C. §553(b)(B)).

Defendants failed to carry their burden of establishing good cause in Louisiana, and they cannot establish good cause as to the ADMC rule, either. In Louisiana, the district court "review[ed] the reasons listed by Defendants for restricting the comment periods to only fourteen days for all three approved rule series" and found them wanting. *Id.* at *9. "The only urgency given by the Defendants was that the FTC must approve or disprove proposed rules within sixty days of being published in the Federal Register." *Id.* "Further, there were limited comments on all three approved rule series." *Id.* Neither circumstance "suggest[s] that the comment period should have been shortened from the general thirty-day waiting period." *Id.* After all, "[t]he FTC could have complied with the normal thirty-day period and still had thirty days to make an approval decision." *Id.* "Thus, the Defendants failed to meet their high burden and to properly follow procedure when implementing the approved rules." *Id.*

The same rationale undermines any argument that a two-week comment period was sufficient for the ADMC rule. Defendants cannot satisfy their burden of showing that they meet the APA's good-cause exception for a shorter comment period for this first-ever, regime-changing nationwide anti-doping and medication rule. *See Perez*, 575 U.S. at 96 ("An agency must consider and respond to significant comments received during the period for public comment."); *cf. Texas*, 524 F. Supp. 3d. at 654 (observing that even thirty days "did not leave much time for reflection and analysis"). Accordingly, the APA provides another ground upon which to enjoin the ADMC rule, besides the constitutional deficiencies Plaintiffs identify.

Second, and compounding this problem, the FTC eschewed the APA's general rule requiring 30 days from approval to effective date *and then made the rule effective immediately*. Defendants again violate the APA without good cause on this ground. 5 U.S.C. §553(b), (c) (stating that notice of proposed

rulemaking "shall be published in the Federal Register" and that the agency "shall give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments"); 5 U.S.C. §553(d) (requiring that a "substantive rule" be published "not less than 30 days before its effective date"). Dispensing with an adequate "notice-and-comment period" and "a thirty-day waiting period, both of which are mandated by the [APA]," is particularly troublesome because it leaves industry participants with no time to react. *Johnson*, 632 F.3d at 916; *see also E. Bay Sanctuary Covenant v. Biden*, 993 F.3d 640, 675 (9th Cir. 2021) ("The APA [generally] requires public notice and comment *and* a thirty-day grace period before a proposed rule takes effect." (emphasis added)). Those rules serve dual purposes, both of which Defendants have rendered meaningless here. *See E. Bay Sanctuary Covenant*, 993 F.3d at 675 n.15 ("Notice-and-comment requirements are intended to ensure public participation in rulemaking, and the thirty-day waiting period is 'intended to give affected parties time to adjust their behavior before the final rule takes effect.'" (quoting *Riverbend Farms, Inc. v. Madigan*, 958 F.2d 1479, 1485 (9th Cir. 1992))). Accordingly, the lack of a waiting period before the ADMC rule takes effect provides yet another basis for injunctive relief on the merits.

For the reasons *amici* discuss above, *see supra* Statement of Interest, and Plaintiffs discuss in their brief, Doc. 125 at 23-29, the remaining preliminary injunction factors weigh in favor of enjoining the ADMC rule. Like Plaintiffs, *amici* will suffer irreparable harm if Defendants are permitted to upset the balance of regulations in the industry. *See Sambrano v. United Airlines, Inc.*, 2022 WL 486610, at *4 (5th Cir.) ("The purpose of a preliminary injunction is to preserve the *status quo* and prevent irreparable injury until the court renders a decision on the merits." (citing *Canal Auth. of Fla. v. Callaway*, 489 F.2d 567, 576 (5th Cir. 1974))). And *amici* echo Plaintiffs' concerns about the harms this rule poses to the health of equine athletes and to the integrity of the industry—to say nothing of the massive compliance costs it threatens to impose on participants. *See* Doc. 125 at 24-27.

Likewise, the public-interest and balance-of-harms factors favor enjoining the ADMC rule. *See Texas v. Biden*, 10 F.4th 538, 559 (5th Cir. 2021) (the "public interest is in having governmental agencies abide by the federal laws that govern their existence and operations" (alterations accepted)). Indeed, the "public interest favors maintenance of [an] injunction" that "maintains the separation of powers." *Texas v. United States*, 787 F.3d 733, 768 (5th Cir. 2015); *see also Biden*, 10 F.4th at 559. Simply put, "[t]he public interest is also served by maintaining our constitutional structure . . . even, or perhaps particularly, when those decisions frustrate government officials." *BST Holdings, L.L.C. v. Occupational Safety & Health Admin.*, 17 F.4th 604, 618-19 (5th Cir. 2021).

II. Nationwide relief is necessary to stave off a nationwide threat.

In the specific circumstances of this case, any injunctive relief should apply nationwide. The broad collection of Plaintiffs, *amici*, and their respective members represents a major swath of the horseracing industry nationwide. Plaintiffs and *amici* hail from well over a dozen states. The parties further include membership associations with members from around the county and who provide services throughout the country. An injunction applying to only some participants in the country's horseracing industry, or to all participants (but only in some States), would create unprecedent chaos and threaten the livelihoods of countless horseracing-industry participants.

This Court need not question its power to issue a nationwide injunction; it is within "the power of a court, in appropriate circumstances, to issue a nationwide injunction." *Texas*, 809 F.3d at 188 (collecting cases). These are those circumstances. "When confronted by a situation such as this courts should not be loath[] to issue injunctions of general applicability." *Hodgson v. First Fed. Sav. & Loan Ass'n of Broward Cnty., Fla.*, 455 F.2d 818, 826 (5th Cir. 1972). "The injunctive processes are a means of effecting general compliance with national policy as expressed by Congress, a public policy judges too must carry out—actuated by the spirit of the law and not begrudgingly as if it were a newly imposed fiat of a presidium." *Id.* (quoting *Mitchell v. Pidcock*, 299 F.2d 281, 287 (5th Cir. 1962)).

Indeed, the justification existed in *Texas* because of the desire for "uniform" immigration laws and a concern that "a geographically-limited injunction would be ineffective." 809 F.3d at 187-88. Here too, Defendants have repeatedly appealed to the desire for uniform standards to justify their actions; that need for uniformity is just as pressing for Plaintiffs and *amici*, meaning injunctive relief cannot be effective if geographically limited. Nationwide relief would also assuage any harm that may be caused if the ADMC rule is in place in some jurisdictions but not in others, or if it does not apply to all a party-organization's members.[4] The unique circumstances here justify nationwide relief to maintain order in a nationwide industry for parties who participate in races in different States throughout the country.

CONCLUSION

Amici respectfully request that this Court consider the APA's requirements in support of Plaintiffs' emergency motion for a preliminary injunction and grant Plaintiffs' requested nationwide relief.

[4] An injunction restraining the enforcement of a rule against a membership organization protects each organization's members, regardless of their geographic location. "If in a proper case the association seeks a declaration, injunction, or some other form of prospective relief, it can reasonably be supposed that the remedy, if granted, will inure to the benefit of those members of the association actually injured." *Hunt v. Wash. State Apple Advertising Comm'n*, 432 U.S. 333, 343 (1977) (quoting *Warth v. Seldin*, 422 U.S. 490, 515 (1975)) (emphasis added). "Indeed, in all cases in which we have expressly recognized standing in associations to represent their members, the relief sought has been of this kind." *Id.* (quoting *Warth*, 422 U.S. at 515). Nearly 50 years of Supreme Court case law confirms that members of associations are entitled to the benefits that their associations obtain in litigation—including injunctive relief.

Respectfully submitted,

Dated: March 31, 2023

/s/ Joseph Scott St. John

TYLER R. GREEN
DAVID L. ROSENTHAL
CONSOVOY MCCARTHY PLLC
222 S. Main Street, 5th Floor
Salt Lake City, UT 84101
(703) 243-9423
tyler@consovoymccarthy.com
david@consovoymccarthy.com

JEFF LANDRY
Attorney General
ELIZABETH B. MURRILL
Solicitor General
JOSEPH SCOTT ST. JOHN*
BRETT A. BONIN
Assistant Attorney General
Louisiana State Racing Commission
LOUISIANA DEPARTMENT OF JUSTICE
1885 N. Third Street
Baton Rouge, LA 70804
(225) 326-6766
murrille@ag.louisiana.gov
boninb@ag.louisiana.gov
stjohnj@ag.louisiana.gov

Counsel for amici State of Louisiana, Louisiana State Racing Commission

JOHN L. DUVIEILH
JONES WALKER LLP
201 St. Charles Ave., Ste. 5100
New Orleans, LA 70170
(504) 582-8615
jduvieilh@joneswalker.com

Counsel for the Private amici

GENTNER F. DRUMMOND
Attorney General
ZACHARY P. WEST
Director of Special Litigation
Oklahoma Office of the Attorney General
313 NE 21st St.
Oklahoma City, OK 73105-4894
(405) 522-4798
Zach.West@oag.ok.gov

Counsel for amici State of Oklahoma, Oklahoma Horse Racing Commission

PATRICK MORRISEY
Attorney General
LINDSAY S. SEE
Solicitor General
MICHAEL R. WILLIAMS
Senior Deputy Solicitor General
OFFICE OF THE WEST VIRGINIA ATTORNEY GENERAL
1900 Kanawha Blvd. East
Building 1, Room E-26
Charleston, WV 25305
(304) 558-2021
Lindsay.S.See@wvago.gov
Michael.R.Williams@wvago.gov

Counsel for amici State of West Virginia, West Virginia Racing Commission

MICHAEL T. HILGERS
Attorney General
ERIC J. HAMILTON
Solicitor General
Office of the Nebraska Attorney General
2115 State Capitol
Lincoln, NE 68509
(402) 471-2686
Eric.Hamilton@nebraska.gov

Counsel for amici State of Nebraska, Nebraska Racing and Gaming Commission

TIM GRIFFIN
Attorney General
DYLAN L. JACOBS
Deputy Solicitor General
ASHER L. STEINBERG
Senior Assistant Solicitor General
Arkansas Attorney General's Office
323 Center Street, Suite 200
Little Rock, AR 72201
(501) 682-1051
Asher.Steinberg@arkansasag.gov

Counsel for amici State of Arkansas

LYNN FITCH
Attorney General
JUSTIN L. MATHENY
Deputy Solicitor General
OFFICE OF THE MISSISSIPPI
ATTORNEY GENERAL
550 High Street, Suite 1200
Jackson, MS 39201
(601) 359-3680
justin.matheny@ago.ms.gov

Counsel for amici State of Mississippi

*Lead counsel; admitted and in good standing in the Northern District of Texas