No. 25-0674

In the Supreme Court of Texas

IN RE GREG ABBOTT,
IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF TEXAS,

Relator.

On Petition for Writ of Quo Warranto

RESPONSE TO EMERGENCY PETITION FOR WRIT OF QUO WARRANTO

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The Governor petitions this Court to have five justices do what our Constitution grants only two-thirds of the House of Representatives the power to do: expel Representative Wu. *See* TEX. CONST. art III, § 11. It is an unprecedented request. Texas has a long history of quorum-breaking, which the Texas Constitution expressly contemplates and assigns to the legislative branch for enforcement. The petition, for the first time, asks the judiciary to remove an elected member of a co-equal branch. Although Relator is not entitled to relief based on the procedural defects alone, public pronouncements of the Attorney General indicate similar relief will be requested from this Court or others. In denying relief on jurisdictional grounds, the Court should put to rest the notion that the judiciary can expel a member of the House of Representatives.

The petition can be denied on numerous grounds, both jurisdictional and procedural. First, to the extent suit can be brought, this Court is the wrong forum:

- The Court's original jurisdiction does not extend to legislators because they are not "officers of the State" under the Court's precedent.

- The writ turns on disputed facts, beyond the Court's jurisdiction to determine.
- Representative Wu—who has a property interest in his office, protected by the Due Process Clause—invokes his right to jury trial, which cannot occur in this Court;
- If Representative Wu is to stand trial, he should do so on evidence, yet the Governor bases his petition on hearsay and did not file a record with evidence, as required by Rule 52.3(g). Nonetheless, the Governor requested that the Court enter an immediate final judgment in his favor within two days of his petition, with no opportunity for even an answer, much less any factual development or legal briefing that would normally occur in a trial court.

Accordingly, to the extent there is a proper forum, it is district court. As the Court has observed, "it is not our ordinary practice to be the first forum to resolve novel questions, particularly ones of widespread import." *Matter of Troy S. Poe Trust*, 646 S.W.3d 771, 780 (Tex. 2022). This Court requires "compelling reasons" to exercise its original jurisdiction in quo warranto proceedings. *State ex rel. Angelini v.*

Hardberger, 932 S.W.2d 489, 490 (Tex. 1996) (orig. proceeding). Here, the opposite is true: there are multiple compelling reasons not to exercise jurisdiction.

There are also reasons why suit cannot be brought at all. First, the Governor has no standing, as the Attorney General correctly observed. And second, the petition would require the Court to violate separation of powers as well as other constitutional provisions. The petition presents this Court no justiciable legal issue to question how Representative Wu meets the duties of his office. Representative Wu has not abandoned his office; he is complying with a duty of his office by exercising the Texas Constitution that "enables quorum-breaking." *In re Abbott*, 628 S.W.3d 288, 292 (Tex. 2021).[1] When in the course of legislative proceedings, the act of the majority is so shocking of the conscience, it is the duty of the legislator to not, with ease, render his body a means to the end.

[1] Moreover, Relator's request that the Court, on an emergency basis and without an evidentiary hearing, remove Representative Wu from his duly elected office would violate the federal Constitution's Due Process Clause and, by treating him differently from similarly situated representatives, violate the federal Constitution's Equal Protection Clause. It likewise violates the First Amendment to only deploy this tactic against absent members based upon their political viewpoints and speech and would violate the Privileges and Immunities Clause by unconstitutionally restricting Wu's right to travel.

STATEMENT OF FACTS

Relator has provided no record, as the Court's rules require. See Tex. R. App. P. 52.3(g). Relator wrongly assumes that conclusory allegations, citing media reports, are sufficient to support a final judgment in his favor. But actual evidence is required, and Relator has provided none.

Texas Rule of Appellate Procedure 52.3(g) requires that "[e]very statement of fact in the petition must be supported by citation to competent evidence included in the appendix or record." But Relator submitted no appendix, record, or evidence. He made no attempt to comply with this Rule. Further, the Statement of Facts itself consists of arguments, *see, e.g.*, Pet. at 4 ("by using the word 'shall,' the Constitution imposes a mandate"), speculation about mental states with no citation or support, *see, e.g., id.* at 7 ("Wu planned not to show up for work;" no citation provided), and footnote citations to unauthenticated internet hearsay, *see generally id.* at 4-10.

Given that the Governor has included no proper statement of facts or record to respond to—itself a grave due process problem—Respondent generally disputes the factual allegations that are scattered throughout

the petition, such as they are. This includes, but is not limited to, denying that Respondent has expressed or evidenced "his intention to abandon the office," *id.* at 17, and denying that he has exchanged official discretionary acts for benefits, *id.* at 21.

ARGUMENT

I. This Court is the wrong forum.

A. The Court has no original jurisdiction to issue a writ against a member of the legislature.

Article V, section 3(a) provides that "[t]he Legislature may confer original jurisdiction to the Supreme Court to issue writs of quo warranto and mandamus in such cases as may be specified, except as against the Governor of the State." TEX. CONST. art. V, § 3(a). Relator would have the Court infer that this provision grants the Court the power to expel a member of the House; however, that power has been textually committed to another branch. *See* TEX. CONST. art III, § 11 ("Each House may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same offence.").

Even if a statute could grant this court jurisdiction, none does. Petitioner argues that the Court may issue writs of quo warranto "agreeable to the principles of law regulating those writs" against various enumerated judicial officers "or any officer of state government except the governor, the court of criminal appeals, or a judge of the court of criminal appeals." Tex. Gov't Code § 22.002(a). But this Court has "construed this phrase ["officer of the state"] to refer, not to every State official at every level, but only to chief administrative officers—the heads of State departments and agencies who are charged with the general administration of State affairs." *In re Nolo Press/Folk Law, Inc.*, 991 S.W.2d 768, 776 (Tex. 1999); *see also Betts v. Johnson*, 73 S.W. 4, 4-5 (Tex. 1903).

Section 22.002(a) refers to a "small circle" of department heads. *Nolo Press*, 991 S.W.2d at 776. A legislator falls outside this "small circle"; he is not a head of a department or "charged with the general administration of State affairs." *Id.*; *see also Diffie v. Cowan*, 56 S.W.2d 1097, 1101 (Tex. Civ. App.—Texarkana 1932, no writ) ("It has long been held and accepted as settled law that a legislator is not a 'civil officer,' the speaker of a legislative assembly is not a 'state officer,' the members

of state Legislatures are not 'officers of the state.'"). Rather, Representative Wu stands as one vote among many atop a coequal branch of government. In that way, he is similar to board members, who this Court has held are not "officer[s] of state government" covered by 22.002(a). *See, e.g., A&T Consultants, Inc. v. Sharp*, 904 S.W.2d 668, 684 (Tex. 1995) (Hecht, J. dissenting) ("We held long ago that 'any officer of state government' does not include a board of officers") (citing *Betts*, 73 S.W. at 4).

Because Legislators are not "state officers" under § 22.002(a), this Court has no jurisdiction to entertain the Governor's petition. Moreover, because issuance of a writ of quo warranto against a legislator who has broken quorum would violate the separation of powers, it would likewise not be "agreeable to the principles of law," Tex. Gov't Code § 22.002(a), for the Court to grant the relief the Governor seeks.

B. The writ depends on material fact disputes.

The Court has no original jurisdiction when the writ depends on a disputed fact issue. *See Love v. Wilcox*, 28 S.W.2d 515, 519 (1930) (holding that the Supreme Court cannot exercise original jurisdiction when determination is "dependent upon the determination of any doubtful

question of fact.") (quoting *Teat v. McGaughey*, 22 S.W. 302, 303 (1893)); *cf. Angelini*, 932 S.W.2d at 490 (accepting jurisdiction of quo warranto because, in part, "there are no disputed issues of fact."). The proper forum is district court.

1. Abandonment turns on fact questions, including intent, which are disputed.

The Governor asserts he is entitled to final judgment as a matter of law because he alleges that Representative Wu has abandoned his office by leaving the state to break quorum, and because he is not performing the duties of his office. Pet. at 20, 23. But abandonment turns on facts, including Representative Wu's intent, and facts must be proven, not merely alleged. The Attorney General agrees: "Whether a specific legislator abandoned his or her office such that a vacancy occurred will be a fact question for a court." Tex. Att'y Gen. Op. KP-0382 (2021) (emphasis added). Although Representative Wu maintains that the judiciary lacks jurisdiction to declare his office vacant, he has never intended to abandon his office. To the contrary, he continues to carry out his legislative duties as his judgment dictates. Indeed, the Constitution prohibits a person who is absent from the state "on business of the State,

or the United States" from being "deprive[d] ..of being elected or appointed to any office …" *See* TEX. CONST. art. VI, § 9.

Contrary to the Governor's suggestion, an office is not abandoned because an officer "absent[s] himself." *Honey*, 39 Tex. at 10. "[T]here can be no abandonment of office without the intention to abandon it." *Honey*, 39 Tex. at 15; *Steingruber*, 220 S.W. at 78. And merely "absent[ing] himself" is not sufficient. *Honey,* 39 Tex. at 10. There must be "actual or imputed intention on the part of the officer to abandon and relinquish." *Steingruber*, 220 S.W. at 78. This Court requires "unequivocal evidence of the voluntary rejection or resignation of the office." *Honey,* 39 Tex. at 16. In both cases the Governor cites, courts made a determination about a party's residence *based on evidence*.[2] Here, by contrast, the Governor has provided no record, no evidence and has proposed no due process.

The Governor also alleges that Representative Wu has failed to comply with the duties of his office. As a threshold matter, "[m]ere malfeasance or misfeasance in office, or even high crimes committed in office, do not of themselves vacate the office." *Honey*, 39 Tex. at 18.

[2] *See Mills v. Bartlett*, 377 S.W.2d 636 (Tex. 1964); *Prince v. Inman*, 280 S.W.2d 779, 780 (Tex. App.—Beaumont 1995, no writ).

Moreover, a quorum-breaking legislator does not breach a duty—he exercises a power granted his office by the Texas Constitution that "enables quorum-breaking." *See In re Abbott*, 628 S.W.3d 288, 292 (Tex. 2021).

A legislator's solemn oath is to "faithfully execute the duties of the office of [member of the House of Representatives] of the State of Texas, and [] to the best of [his] ability preserve, protect, and defend the Constitution and laws of the United States and of this State" TEX. CONST. art. XVI, §1. A legislator could conclude that the redistricting proposal that would be placed in debate on the floor of the House is unconstitutional and would target voters based on race. A legislator could also believe that enacting a new map for the stated partisan reasons and in the middle of the decade is contrary to his oath. A legislator could choose to travel out of state and to meet with other officeholders and to bring attention to the effects of this measure on the state and the United States. Others may disagree, but each legislator is elected precisely so that they will exercise independent judgment.

2. Bribery also turns on disputed fact issues.

The Governor's bribery allegations also turn on disputed facts, including intent. The Governor cites this Court's decision in *Paxton v. Annunciation House, Inc.*, No. 24-0573, 2025 WL 1536224 (Tex. 2025). *Id.* But in *Annunciation House*, the Court determined that criminal conduct might be grounds for a *statutory* quo warranto action *against a corporation*, not that the Attorney General in bringing such a case could avoid the need to provide evidentiary support for such claims before a trier of fact. *Id.* at *10.

The elements of bribery are: (1) a person, (2) intentionally or knowingly, (3) accepts, or agrees to accept from another, (4) any benefit, (5) as consideration for a violation of a duty imposed by law, (6) on a public servant or party official. Tex. Penal Code § 36.02(a)(3). The Governor makes conclusory allegations and cites three news articles and two social media posts to support his bribery claim. Pet. at 22. Even setting aside that these are *allegations*, not competent evidence, they fail to make out a case for bribery.

There are no facts to at all establish that Representative Wu engaged in a quid pro quo arrangement. *See. McCallum v. State*, 686

S.W.2d 132, 136 (Tex. Crim. App. 1985) (en banc) (holding that bribery "requir[es] a bilateral arrangement."); *see also, McDonnell v. United States*, 579 U.S. 550, 567 (2016). The two unauthenticated social media posts in no way indicate an offer to make an exchange of action for consideration. On the contrary, the messages promote a third-party organization, not Representative Wu, and do not indicate any support is in exchange for his decision making. Representative Wu vigorously disputes any allegations of bribery.

As a more general matter, of course, it is commonplace for elected officials to tie appeals for political contributions to specific policy actions they intend to or have taken. For example, the Governor sent the following fundraising appeal to his supporters requesting "help" for his border-wall construction:

Fellow Conservative, I'm so excited to announce that we're OFFICIALLY building the border wall in Texas.

While Biden does NOTHING, we're stepping up to PROTECT our communities and to keep Texans and Americans SAFE.

The lack of action by the Biden Administration is DISGUSTING, **which is why I need to ask for your help TODAY.**

If you SUPPORT a secure border and the construction of the BORDER WALL, will you please RUSH A CONTRIBUTION HERE>>>

Donate $1,000 and confirm your support>>>
Donate $500 and confirm your support>>>
Donate $250 and confirm your support>>>
Donate $100 and confirm your support>>>
Donate $50 and confirm your support>>>
Donate $25 and confirm your support>>>

This is our chance to show the Biden Administration that Texans and Americans SUPPORT the construction of the border wall in the Lone Star State.

I'm excited about what we're doing in Texas to BUILD THE WALL and secure the border, ***but I want to know that I have your support as I do it.***

DONATE TO CONFIRM YOUR SUPPORT FOR A SECURE BORDER

Thank you,

Governor Greg Abbott

As the Penal Code recognizes, such contributions and appeals are not bribery because they do not involve a quid pro quo exchange. *See* Tex. Penal Code § 36.02(4) (requiring that "the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion if such exercise of official discretion would not have been taken or withheld but for the benefit.")

Because the Governor's arguments rely on disputed factual allegations—which cannot be called facts because no competent evidence has been submitted—this Court should proceed no further. The cases

cited by the Governor support Representative Wu's argument that this Court is an improper forum. In *Honey*, the district court held a trial to determine which party had a right to the office. 39 Tex. at 2-3. The same occurred in *Steingruber*, and the appellate court affirmed based on the trial court's adjudication of a fact issue—intent. 220 S.W. at 77-78. *Angelini* provides the counter-example but only because the issue involved simply a matter of statutory construction. This Court took jurisdiction over the writ only because relief did not turn on a disputed fact issue. *Angelini*, 932 S.W.2d at 490.

C. Representative Wu has a right to jury trial.

Representative Wu desires a jury trial, as is his right. "A charge of forfeiture can only be made out on proof—proof sufficient to satisfy twelve unprejudiced minds." *Honey*, 39 Tex. at 11 (quo warranto). "A proceeding under the quo warranto statute is a civil proceeding and governed by the rules applied to other cases." *Pease v. State*, 228 S.W. 269, 270 (Tex. Civ. App. 1921, writ ref'd). Just as the Governor does not acknowledge material disputed facts, he does not explain how this Court could possibly conduct a jury trial. But Texas's broad jury right cannot be ignored. *See Matter of Troy S. Poe Trust*, 646 S.W.3d 771, 778-79; id. at 781 (Busby,

J., concurring) (describing jury-trial right as "a substantive liberty guarantee of fundamental importance") (citation omitted); *In the Matter of Troy S. Poe Trust*, 711 S.W.3d 648, 649 (Tex. 2024) (Busby, J., concurring in the denial of petition for review) (jury-right guarantee applies, among other things, to "ultimate issues of fact" in "equitable actions"). A jury trial can only occur in a trial court.

The right to jury trial is even more important in a case like this one, with a constitutional dimension. Representative Wu is entitled, before he is stripped of the office the People entrusted to him, to due process guaranteed by the constitutions. "The right to hold and exercise the functions of an office to which the individual may have been duly elected, may be regarded both as property and privilege, and therefore the incumbent can only be deprived of his office in [accordance with due process]." *Honey*, 39 Tex. at 11.

Whether Representative Wu can continue to hold his office should not be determined by another branch of government, much less in a summary proceeding without a jury or even proper evidence. But if the Constitution's separation of powers are to be set aside, and his judgment as a member of the House of Representatives is to be put on trial, he is

entitled, at base, to the procedural protections of any other official in this state, including an appeal. *See* Tex. R. of Civ. Pro. 781 ("Every person or corporation who shall be cited as hereinbefore provided [in a quo warranto action] shall be entitled to all the rights in the trial and investigation of the matters alleged against him, as in other cases of trial of civil cases in this State . . . ."). A trial court is the only conceivable forum for this case to be brought.

II. The Governor's suit would fail in any court.

A. The Governor has no standing.

As this Court recently observed, quo warranto is "exclusive and can only be brought by the attorney general, a county attorney, or a district attorney." *Paxton v. Annunciation House, Inc.*, No. 24-0573, 2025 WL 1536224, at *7 (Tex. May 30, 2025). Even if the Governor invokes common law related to private parties, the Texas Constitution still does not vest him with authority to prosecute this action in an official capacity. *State ex rel. City of Colleyville v. City of Hurst*, 519 S.W.2d 698, 700 (Tex. Civ. App.—Fort Worth 1975, writ refused n.r.e.). Article IV, § 22 and Article V, § 21 of the Texas Constitution, vest the authority to represent the State in such suits in the Attorney General and county and district

attorneys. "[T]he powers thus conferred by the Constitution upon these officials are exclusive." *Staples v. State*, 245 S.W. 639, 642 (1922). So, "it is not the Governor but the Attorney General, a distinct and separately elected officer, who has authority to initiate and conduct enforcement actions on the State's behalf." *State v. Volkswagen Aktiengesellschaft*, 692 S.W.3d 467, 473 (Tex. 2022) (citing TEX. CONST. art. IV, §§ 1, 2, 22; *In re Abbott*, 645 S.W.3d 276, 283-84 (Tex. 2022) (holding that "the Governor lacks the authority to investigate or prosecute" a state enforcement action)).

The Governor supplies no contrary authority. The one case he cites does not help him. As the Court pointed out, in England it was a statute, "the Statue of Anne," which "empowered the court to grant leave to a private person to file an information in the nature of a quo warranto." *Banton v. Wilson*, 4 Tex. 400, 406–07 (Tex. 1849). The only common law right for private persons was to have "such an information to be filed by the master of the crown office, on application by any subject." *Id.* Private actors thus still had to act to file an information through a proper state actor capable of "prosecut[ing] the information." Judicial Discretion in the Filing of Informations, 36 Harv. L. Rev. 204, 205 (1922). And

regardless, any such right belonged to "private" parties, as the Governor concedes. Pet. at 13. Here, the Governor is not acting as a private citizen, but rather in his official capacity, despite having no constitutional or statutory authority to do so. He has not established any standing to bring this suit.

B. A writ of quo warranto would violate separation of powers.

The Governor invites this Court to violate the constitutionally-mandated separation of powers—an invitation the Court should decline. Officers from one branch of government may only exercise powers of another branch in narrow circumstances that must be specified in the Constitution itself. "Exceptions to the constitutionally mandated separation of powers are never to be implied in the least; they must be 'expressly permitted' by the Constitution itself." *Fin. Comm'n of Texas v. Norwood*, 418 S.W.3d 566, 570 (Tex. 2014) (quoting TEX. CONST. art. II, §1 (emphasis added).

The Texas Constitution places the power to respond to legislators who break quorum firmly within the Legislative Department. "Two-thirds of each House shall constitute a quorum to do business, but a

smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may provide." TEX. CONST. art. III, §10. As this Court has explained, "article III, section 10 enables 'quorum-breaking' by a minority faction of the legislature, [but] it likewise authorizes 'quorum-forcing' by the remaining members." *In re Abbott*, 628 S.W.3d 288, 292 (Tex. 2021).

"Article III, section 10 imposes no restrictions on the means by which compulsion of the attendance of absent members may be achieved. Instead, it *commits that question to the discretion of the chamber* by authorizing the present members to 'compel the attendance of the absent members, *in such manner and under such penalties as each House may provide*.'" *Id*. at 293 (quoting TEX. CONST. art. III, § 10) (second emphasis in original). Surveying the history of quorum breaks and efforts to overcome them, this Court observed that "[t]he usual manner to secure a quorum when members absent themselves so as to prevent a quorum is to arrest the absentees and force them to attend the sessions of the house of which they are members." *Id*. at 294 (quoting TEX. CONST. art. III, § 10 interp. commentary). Indeed, the Court noted that "a successful break of

quorum require[s] [legislators'] absence from the state because they [are] subject to arrest and compelled attendance if they remain[ ] within Texas." *Id*.

The legislature has acted and continues to act to affirm its exclusive authority in this sphere. For example, in 1870 the Senate considered how to punish several quorum-breaking members, deciding to expel only one senator for "violently resist[ing] arrest," while merely reprimanding others. *See* S.J. of Tex., 12th Leg., 1st C.S. 282-84 (June 29, 1870). The current Legislature has expressly provided that one of the several available punishment options for quorum breaking can include "expulsion in the manner prescribed by Section 11, Article III, Texas Constitution," which requires a two-thirds vote by members. TEX. HOUSE OF REPRESENTATIVES, HOUSE RULES MANUAL, Rule 5, § 3, 89TH LEG., REG. SESS. (2025).

Precisely because "[e]ach House shall be the judge of the qualifications and election of its own members," TEX. CONST. art. III, § 8, the judiciary has no authority to intrude on this constitutionally assigned legislative role. *Cf. State ex rel. Turner v. Scott*, 269 N.W.2d 828, 831 (Iowa 1978) (citing analogous Iowa constitutional provision in holding

that a quo warranto proceeding against a senator "involve[d] a nonjusticiable political question, the resolution of which is properly left to senatorial prerogative," and collecting cases from other states).

To declare that legislators legally forfeit their office solely by virtue of absenting themselves from the Capitol would render the Constitution's plain text nonsensical. Under Article III, § 10, the House may "compel the attendance of absent members, in such manner and under such penalties as each House may provide." Yet, if such absence effected a forfeiture of office, the House would, absurdly, be compelling the attendance of people who had already vacated their office. Texas courts "avoid constructions that would render any constitutional provision meaningless or nugatory." *Spradlin v. Jim Walter Homes, Inc.*, 34 S.W.3d 578, 580 (Tex. 2000). Issuing a writ of quo warranto on the basis of abandonment would do precisely that. The courts cannot, on the one hand, eject a legislator from office, while the Legislature physically forces them back into chambers to continue acting as a legislator and imposes fines on them that are directly tied to their ongoing member operating accounts. *See* TEX. HOUSE OF REPRESENTATIVES, HOUSE RULES MANUAL, Rule 5, § 3(d), 89TH LEG., REG. SESS. (2025).

A writ of quo warranto by the judiciary declaring a legislative seat vacant on account of participation in a quorum break would impermissibly encroach on the exclusive legislative power to respond to a lack of quorum and determine how, if at all, to punish its members, including whether those members should continue serving.

C. A writ of quo warranto in response to a legislative quorum break would violate the constitutionally-prescribed term of office and qualifications of representatives.

A writ of quo warranto declaring Respondent's office vacant because of his participation in a quorum break would violate Article III, Sections 4 and 7 of the Constitution. Article III, Section 4 provides that representatives "shall be chosen by the qualified voters for the term of two years." TEX. CONST. art. III, § 4. Section 7 identifies the qualifications necessary for a representative to hold office: (1) United States citizenship, (2) being a qualified voter of the State at the time of election, (3) residing in the State for two years and in the district for one year prior to election, and (4) being twenty-six years of age. TEX. CONST. art. III, § 7.

The Court cannot usurp Respondent's two-year term of office or add abstention from quorum breaking to the list of qualifications to hold office

as a state representative. Respondent has not died and has not been expelled from the House by the constitutionally prescribed means: a 2/3 vote of the House. His presence in another state is not a voluntary resignation—as his opposition to this petition makes evident. Respondent is entitled to serve through the entire term to which he was elected.

CONCLUSION

Respondent respectfully requests that the Court deny leave to file the quo-warranto information or, alternatively, deny the petition in quo warranto.

Dated: August 8, 2025

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that this response complies with the type-volume limitation of Texas Rule of Appellate Procedure 9.4(i)(2)(e) because, per Microsoft Word, this document contains 4,416 words, excluding the portions of the document exempted by Texas Rule of Appellate Procedure 9.4(i)(1).

This reply also complies with the typeface requirements of Texas Rule of Appellate Procedure 9.4(e) because it has been prepared in a proportionally spaced typeface in 14-point font.

/s/ Chad W. Dunn
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CERTIFICATE OF SERVICE

I certify that on August 8, 2025, this document was served via e-File upon counsel of record in this proceeding.

/s/ Chad W. Dunn
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