No. 24-0162

IN THE SUPREME COURT OF TEXAS

KEN PAXTON, IN HIS OFFICIAL CAPACITY AS TEXAS ATTORNEY GENERAL; AND GREG ABBOTT, IN HIS OFFICIAL CAPACITY AS TEXAS GOVERNOR,

Petitioners,

v.

AMERICAN OVERSIGHT,

Respondent.

On Petition for Review from the Court of Appeals for the Third Judicial District, Austin, Texas, No. 03-23-00090-CV

Brief of Southern Methodist University Dedman School of Law First Amendment Clinic and Cornell Law School First Amendment Clinic as *Amici Curiae* in Support of Respondent

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INTEREST OF *AMICI CURIAE*[1]

Amici curiae are SMU Dedman School of Law's First Amendment Clinic, founded in 2020, and Cornell Law School's First Amendment Clinic, founded in 2018. These clinics share a mission to safeguard fundamental constitutional freedoms, including free speech, freedom of the press, and freedom of assembly and petition. These First Amendment freedoms depend on government transparency. *Amici* are at the forefront of First Amendment advocacy, providing legal services to many whose voices might otherwise go unheard.

Amici frequently represent clients in a variety of matters related to government transparency. For example, in a recent First Amendment retaliation and wrongful-arrest case, SMU's First Amendment Clinic represented a citizen who was arrested for using a pseudonym when submitting lawful Texas Public Information Act ("TPIA" or the "Act") records requests. In another example, Cornell Law School's First Amendment Clinic submitted an *amicus* brief on behalf of a coalition of Freedom of Information Act ("FOIA") and First Amendment scholars,

[1] *Amici* hereby disclose that no counsel for a party authored this brief in whole or in part. Counsel for *amici* have not received, and will not receive, any fee for preparing this brief. *See* Tex. R. App. P. 11(c).

advocating for preservation of the FOIA's definitive test for disclosure of information. These examples are two of the many instances in which *amici* fought to uphold the principles of government transparency and accountability for which state and federal public-records laws stand.

At oral argument, the consequences of Petitioners' proposed construction came into sharp focus: a member of the public who seeks public information from six of the most powerful officials in the State of Texas has almost no viable path to seek judicial review of an officer's decision to withhold public information. The paths that remain are narrow and come with their own perils and pitfalls—either this Court must assume the sole burden of examining ***all*** TPIA mandamus actions involving any of the ostensibly immune executive officers, or requestors must lodge a complaint with the Travis County district attorney or the Attorney General and keep their fingers crossed that one of those officials will take action. *See* Tex. Gov't Code § 552.3215.

If adopted by this Court, Petitioners' interpretation would undermine the Legislature's purpose in enacting the TPIA—to enable the people to "remain[] informed so that they may retain control over the instruments they have created." *Id.* § 552.001. *Amici* have a strong

interest in ensuring that the Court's decision accounts for the regressive implications Petitioners' interpretation of the statute would inevitably bring about. *Amici* thus respectfully submit this brief in support of Respondent.

SUMMARY OF ARGUMENT

Petitioners' proposed construction of the TPIA would subvert the statutory scheme's crucial accountability function with respect to six of the highest elected officers in the State. That interpretation ignores the Legislature's purpose when it enacted the TPIA—to ensure that ***no*** "public servants [have] the right to decide what is good for the people to know and what is not good for them to know." Tex. Gov't Code § 552.001(a).

Despite the Legislature's clear intent in enacting Section 552.321(b)—to address the jurisdictional concerns raised in *A & T Consultants, Inc. v. Sharp*, 904 S.W.2d 668 (Tex. 1995)—Petitioners urge this Court to adopt a limiting construction that flies in the face of the Act's requirement that its terms be "liberally construed." Tex. Gov't Code § 552.001(a). Adopting Petitioners' interpretation effectively requires this Court to disregard both the plain language of the TPIA and the Legislature's intent in creating a system that entitles people "at all times to complete information about the affairs of government and the official acts of public officials and employees." *Id.*

This Court should affirm the Court of Appeals' holding that Section 552.321(b) of the Government Code grants district courts jurisdiction to issue writs of mandamus against executive officers, including the Attorney General and the Governor, for the following reasons.

First, Petitioners contend that (i) only this Court can compel the Attorney General and four other executive officers to disclose public records under the TPIA via writ of mandamus, and (ii) *no court* can compel the Governor to do so. That interpretation would frustrate requestors' ability to access public information, leave requestors with no direct avenue to obtain relief, and be inefficient and unduly burdensome on this Court's resources.

Second, to resist amenability to mandamus, Petitioners attempt to distinguish their official positions from the offices in which they serve, arguing that there is no jurisdiction to sue the *officers* of a governmental body for mandamus. But the TPIA's plain language authorizes a requestor to "file suit for a writ of mandamus compelling a governmental body to make information available for public inspection." *Id.* § 552.321(a). Nowhere does it foreclose jurisdiction to bring such a suit

against an officer of a governmental body—a legislative choice that makes practical sense given that complete relief may be unavailable to a requestor absent the ability to mandamus both an office and an officer.

ARGUMENT

I. Circumscribing Mandamus Jurisdiction Undermines the Legislature's Intent in Enacting the TPIA.

Under the TPIA, a requestor or the Attorney General may file suit for a writ of mandamus to compel a government body to produce public information. *See* Tex. Gov't Code § 552.321; *see also id.* § 552.003(1) (defining "governmental body"). Nowhere does the TPIA immunize the Attorney General, the Governor, or their offices from these actions, and there is no real dispute that their offices are subject to the TPIA. Nevertheless, Petitioners ask the Court to shield them from the reach of the Act's only provision authorizing a requestor to seek judicial review of a decision to withhold public records.

That argument, were it correct, would insulate the public-records decisions of Texas's executive officers from any meaningful form of review. Moreover, the argument fails as a matter of basic statutory construction. The TPIA's mandamus provision—the more specific and later-enacted provision that is subject to the liberal-construction rules

codified in the Act's preamble—must be interpreted to vest jurisdiction in the district courts to review the withholding decisions of these officers.

A. The TPIA guarantees the public's right to access public records to promote government accountability and transparency.

In response to public outrage over scandals involving widespread government corruption, the Legislature enacted the predecessor to the TPIA, the Texas Open Records Act ("TORA"), in 1973. *See* Alexandra Schmitz, Comment, *Don't Mess with the Texas Public Information Act: The Threat to Government Transparency Posed by* Boeing v. Paxton *and How to Fix It*, 50 TEX. TECH L. REV. 249, 253 (2018). In the 1971 "Sharpstown Scandal," the U.S. Securities and Exchange Commission uncovered an intricate stock-manipulation scheme, involving numerous Texas legislators, fueled by bribery and personal financial gain. *See id.* at 253–54. In the election cycle that followed the scandal, voters entirely upended the existing political landscape, electing a new governor, lieutenant governor, and attorney general, as well as bringing new leaders into both legislative chambers. *Id.* at 254.

The TORA and the Texas Open Meetings Act were enacted shortly thereafter—a direct result of Texas voters' demands that their

government commit itself to greater transparency and accountability. *See id.* Both statutes were part of a wave of newly created state-transparency laws beginning with the FOIA. *See generally* 5 U.S.C. § 552. The TORA was later recodified as the TPIA in 1993. *See* Schmitz, *supra*, at 254.

The central purpose of the TPIA is to ensure the government's business remains accessible to the public. Because the "government is the servant and not the master of the people," the Legislature sought to foster representative government through the TPIA by guaranteeing the public's access "at all times to complete information about the affairs of government and the official acts of public officials and employees." Tex. Gov't Code § 552.001(a). The Act guarantees that the people will possess the mechanisms necessary to remain informed, arming them with a potent tool to safeguard transparency and hold elected officials accountable. *See Public Information Act Handbook 2024*, at intro., OFF. OF THE ATT'Y GEN. OF TEX. ("[T]he [TPIA] assures that government entities give citizens access to information about the business government officials are conducting on their behalf—information that enables the people of Texas to observe how their government works and to hold their public officials accountable.").

The TPIA also serves as an *ex ante* catalyst for honesty and fair dealing in government, which goes to a direct concern of the Legislature when it enacted the TPIA's predecessor following the Sharpstown Scandal. While a presumption of regularity applies to government officials carrying out official duties, providing requestors access to an effective judicial remedy reinforces that presumption by ensuring the public has access to documentation demonstrating that the State's highest political officers are properly carrying out their duties. Because government officials know their records may be subject to public disclosure, the TPIA chills corrupt and dishonest conduct. That a public official's dealings could be publicly disclosed on short notice disincentivizes that behavior in the first instance. Indeed, "sunlight is the best disinfectant." *Lefebure v. D'Aquilla*, 15 F.4th 670, 674 (5th Cir. 2021) (citing Louis D. Brandeis, Other People's Money and How the Bankers Use It 92 (1914)); *cf. Buckley v. Valeo*, 424 U.S. 1, 67 (1976) ("[D]isclosure requirements deter actual corruption and avoid the appearance of corruption by exposing [government information] to the light of publicity.").

A ruling insulating executive officers from any meaningful form of review would fundamentally undermine the TPIA and its underlying policies of accountability and transparency. Access to public information is critical to a government by, of, and for the people. *See* The Federalist No. 46, at 291 (James Madison) (Clinton Rossiter ed., 2003) ("[T]he ultimate authority . . . resides in the people alone.").

B. Section 552.3215 alone is not a sufficient remedy for TPIA requestors whose rights are violated.

Petitioners' faulty interpretation of the TPIA leaves requestors whose rights are violated without any meaningful remedy. As Petitioners would have it, to obtain relief against a member of the Executive Department (excluding the Governor), requestors would have to bring an original action in this Court. The available relief, however, would be limited to issues of law. As Justice Boyd identified during oral argument, such an interpretation would result in effectively no judicial remedy whenever an executive officer claims to have provided all responsive documents but has not done so. Instead, the requestor's only hope for relief at that point is Section 552.3215, which authorizes the Travis County district attorney or the Attorney General to bring an action for declaratory judgment or injunctive relief against a state agency. *See id.*

§ 552.3215(d). Additionally, according to Petitioners, Section 552.3215 is the *sole* avenue to obtain judicial review as to the Governor.

Under Section 552.3215, requestors must file a complaint with either the Travis County district attorney or the Attorney General and then hope that they might take up their request to sue a state official. *See* Tex. Gov't Code § 552.3215. This remedy is plainly deficient and does not provide requestors with direct relief for at least two reasons. *First*, whether the Travis County district attorney files suit is entirely discretionary. The Travis County district attorney may not have the resources to pursue such actions, may have different priorities than the requestor, may have different views on the merits of a case, or, as an elected official, may factor in personal political considerations when deciding whether to file suit (or not) against a high-ranking state official.

Second, the only alternative Section 552.3215 provides to the Travis County district attorney is the Attorney General. *See id.* § 552.3215(d). But as is the case for the Travis County district attorney, whether the Attorney General files suit is entirely discretionary. And where a requestor seeks relief in a TPIA complaint against the Attorney General, the Act provides no avenue to resolve the conflict of interest that arises

under that situation. *See id.* § 552.3215(h). Thus, the requestor has no viable remedy if the Travis County district attorney declines to pursue action because the Attorney General cannot sue himself.

Petitioners' argument that Section 552.3215 provides a remedy to requestors is illusory. It conditions the remedy itself on the decision of other stakeholders, including the Attorney General, to act on a requestor's complaint. That ultimate decision may have nothing to do with the merits of a requestor's complaint, and may well be colored by other considerations, pertinent or otherwise, over which the requestor has no control. That is precisely why requestors must have an enforceable right under the TPIA to bring an action themselves—without it, the public's ability to enforce the TPIA against the state's highest officials hinges on the will of political actors.

C. Requiring this Court's involvement in all TPIA mandamus actions concerning executive officers would be inefficient and burdensome.

Accepting Petitioners' argument that only this Court has jurisdiction to issue writs of mandamus against the Attorney General and four other executive officers will inundate this Court with TPIA petitions. The Court already has a significant caseload without adding

an additional stream of cases to its docket. In 2023 alone, the Court issued 142 written opinions in a year where approximately 1,309 petitions for review and other petitions and writs were filed. *See* State of Texas Judicial Branch, Annual Statistical Report for the Texas Judiciary: FY 2023, at 98 (2024) (counting 956 "Petitions for Review" and 353 "Other Petitions and Writs" considered by the Court). The Court denied review of more than 80% of the petitions for writs of mandamus before it. *See id.* at 99.

But if this Court alone has original jurisdiction over TPIA mandamus actions against executive officers, the resulting proceedings would exponentially expand this Court's docket. The Office of the Attorney General received nearly 4,000 open-records requests in Fiscal Year 2024.[2] If even a small fraction of those requests proceed to litigation, adopting Petitioners' position will result in a significant number of additional petitions before this Court.

[2] *See* Off. of the Att'y Gen., *Open Records Reports, Fiscal Year 2024*, Office of the Attorney General, www2.texasattorneygeneral.gov/open/pia/reports/requests_tally.php?fy=2024&ag=Attorney%2BGeneral%252C%2BOffice%2Bof%2Bthe (last visited Mar. 16, 2025).

The Legislature amended the TPIA to avoid this precise outcome.[3] Thirty years ago, this Court held that, absent a specific statutory exception such as Section 552.321(b), the Supreme Court of Texas has exclusive original jurisdiction to mandamus executive officers. *See Sharp*, 904 S.W.2d at 672. Then-Justice Hecht recognized how such exclusive jurisdiction would burden the Court by requiring review of every open-records dispute across six state offices. *See id.* at 682 (Hecht, J., dissenting).

In response to *Sharp*, the Legislature amended the TPIA to create the specific jurisdictional provision in Section 552.321(b). *See* Act of Sept. 1, 1999, 76th Leg., R.S., ch. 1319, § 27, 1999 Tex. Gen. Laws 4500, 4511. Holding, as Petitioners contend, that this Court alone has jurisdiction to mandamus executive officials under the TPIA would not only vitiate the Legislature's intent in enacting Section 552.321(b) in response to *Sharp*, but would also unnecessarily add considerably more petitions for this already-busy Court to consider and wrangle with. So, in addition to being wrong as a matter of textual interpretation, *see, e.g.*, Resp.'s Br. at 20–22, Petitioners' position would necessarily burden this Court's docket.

[3] And for that reason, too, this case is "unexceptional." Resp.'s Br. at 51.

II. Petitioners' Argument Insulating Executive Officers from Mandamus Threatens Texas Open-Government Philosophy.

The TPIA expressly guarantees the public's right to access information written, produced, collected, assembled, or maintained by governmental agencies. *See* Tex. Gov't Code § 552.002. It does so to promote transparency and accountability within all government bodies. *See id*. § 552.001. Given the TPIA's focus on fostering open government, Texas courts invariably hold that any TPIA exceptions must be construed narrowly. *See, e.g.*, *Jackson v. State Off. of Admin. Hearings*, 351 S.W.3d 290, 299 (Tex. 2011); *Harris Cnty. Appraisal Dist. v. Integrity Title Co.*, *LLC*, 483 S.W.3d 62, 71 (Tex. App.—Houston [1st Dist.] 2015, pet. denied) (Huddle, J.). If the TPIA does not expressly exempt disclosure (i) from specific entities, or (ii) of categories of public information, then the responsive information is public and must be released. *See UnitedHealthcare Ins. Co. v. Paxton*, 691 S.W.3d 209, 214–15 (Tex. App.—Austin 2024, pet. filed).

Petitioners seek to evade the statutory text by arguing that (i) Section 22.002(c) of the Government Code prevails over Section 552.321(b), and (ii) executive officers are not "government bodies" under the TPIA. *See* Pet'rs' Br. at 18, 20. But these assertions are

counterintuitive and undermine the TPIA's letter and spirit. *See In re Dallas County*, 697 S.W.3d 142, 159 (Tex. 2024) ("If the language [of a statute] is susceptible of two constructions, one of which will carry out and the other defeat its manifest object, courts should apply the former construction." (original alterations omitted) (quoting Antonin Scalia & Bryan A. Garner, Reading Law: The Interpretation of Legal Texts 63 (2012))).

A. Section 552.321(b) governs this case as the later-enacted and more specific provision.

As an initial matter, Section 552.321(b) is the more specific provision. *See* Resp.'s Br. at 22–24. Unlike Section 22.002(c), which broadly addresses jurisdiction for all mandamus actions, Section 552.321(b) specifically concerns jurisdiction for TPIA mandamus actions. *Compare* Tex. Gov't Code § 552.321(b), *with id.* § 22.002(c).

Where two statutes conflict, courts generally aim to harmonize them. *See Harris Cnty. Appraisal Dist. v. Tex. Workforce Comm'n*, 519 S.W.3d 113, 122 (Tex. 2017). But where that conflict is irreconcilable, the more "specific provision will ordinarily prevail unless the general provision is the later enactment and the manifest intent is that the general provision prevail." *Id.*; *see* Tex. Gov't Code § 311.026(b); *see also*

Scalia & Garner, *supra*, 183 ("Under th[e general/specific] canon, the specific provision is treated as an exception to the general rule."). Because Section 22.002(c) is more general than the TPIA-specific Section 552.321(b), the latter governs here.

Attempting to justify that Section 22.002 prevails over Section 552.321, Petitioners rely on *Hargett v. McDaniel,* 717 S.W.2d 688 (Tex. App.—Texarkana 1986, no writ), to argue that even though the statute in *Hargett*, like Section 552.321, applies to a specific type of mandamus action, Section 22.002 controls because it specifically pertains to executive officers. *See* Pet'rs' Br. at 21.

This Court already rejected Petitioners' argument in its 2011 *Allcat* decision. *See In re Allcat Claims Serv., L.P.*, 356 S.W.3d 455 (Tex. 2011). In that case, this Court held that the "more detailed, specific construct" of the Tax Code, which provides Travis County district courts with jurisdiction over tax suits, prevails over Section 22.002's "general provisions and limitations." *See id.* at 471.

The same logic applies here. As Respondent argued in detail, Section 552.321(b), a "detailed, specific" provision of the TPIA that grants jurisdiction to Travis County district courts, prevails over the general

limits in Section 22.002(c). After *Sharp*, the Legislature's 1999 amendment of Section 552.321 clearly "specif[ies] the court in which a suit for writ of mandamus must be filed"—the district courts of Travis County. *See Allcat*, 356 S.W.3d at 471.

This case is additionally distinguishable from *Hargett* because the enactment of Section 552.321(b) is a clear and direct response to *Sharp*. *See* Act of May 25, 1999, *supra*, § 27. The Court of Appeals agreed: "We presume that the Legislature was aware of the *Sharp* decision, and its dissent, when it modified the [T]PIA." *Paxton v. Am. Oversight*, 683 S.W.3d 873, 883 (Tex. App.—Austin 2024, pet. granted); *see In re D.T.*, 625 S.W.3d 62, 71 (Tex. 2021) (presuming "the Legislature is aware of relevant case law when it enacts or modifies statutes"); *Acker v. Tex. Water Comm'n*, 790 S.W.2d 299, 301 (Tex. 1990) ("A statute is presumed to have been enacted by the legislature with complete knowledge of the existing law and with reference to it."). In *Hargett*, by contrast, there is no later-enacted provision to inform the analysis of the seemingly conflicting provisions, because the Legislature passed all three provisions

at issue there in the same session. *See* Acts 1985, 69th Leg., ch. 480, § 1; ch. 211, § 1.[4]

B. Section 552.321(b) applies to governmental bodies, including the Attorney General and his office.

In *Sharp*, this Court identified a significant jurisdictional issue in the TPIA that would require the Legislature to act. There, the Court found that the pre-1999 version of Section 552.321 "authorize[d] mandamus actions against a governmental body, although [the Act] imposes the duty of compliance upon the public records officer." *Sharp*, 904 S.W.2d at 681. This, the Court concluded, made "[a] literal application of the mandamus provision . . . unworkable." *Id.*

Recognizing this issue, this Court "invite[d]" the Legislature to act. *See id.* And the Legislature did just that—"exercis[ing] its constitutional authority," *id.*, it amended the TPIA to provide district courts with jurisdiction to issue writs of mandamus against governmental bodies. *See* Act of May 25, 1999, *supra*, § 27.

[4] Furthermore, the specific statutory provisions at issue in *Hargett*—Sections 22.221 and 273.061 of the Election Code—are merely permissive, stating that the court of appeals "*may*" issue writs of mandamus. By contrast, in Section 552.321(b), the Legislature issued a clear mandate: jurisdiction to issue writs of mandamus against governmental bodies "*must*" lie in the district courts.

Since then, Texas courts have held that the 1999 amendments to the TPIA corrected the issue. For example, in an opinion written by now-Justice Bland, the First Court of Appeals held that the amendment to Section 552.321 "resolve[d] the jurisdictional problem recognized in *Sharp*." *City of Houston v. Kallinen*, 516 S.W.3d 617, 625 (Tex. App.—Hous. [1st Dist.] 2017, no pet.); *see id.* ("[T]he [T]PIA provided the basis for jurisdiction in the case." (citing *Kallinen v. City of Houston*, 462 S.W.3d 25, 28 (Tex. 2015) (per curiam)).[5]

The statute is clear: the Office of the Attorney General and the Office of the Governor are both subject to Section 552.321(b). To contend otherwise would effectively provide no remedy for requestors seeking public records from any of the six executive officers or their offices.

On that understanding of the amended mandamus provision, this Court should affirm the Court of Appeals' decision because Section

[5] On the other hand, if, as Petitioners contend, Section 552.321(b) is only a mandatory venue provision and does not confer jurisdiction, there would be no court in which requestors can bring a mandamus action against any executive officer because no court with jurisdiction would also be a proper venue. The TPIA dictates that the "district court for the county in which the main offices of the governmental body are located" is the proper venue. *See* Tex. Gov't Code § 552.321(b). But if Section 22.002(c) governs, then this Court has sole subject-matter jurisdiction over TPIA mandamus actions brought against any executive officer. Requestors will, yet again, find themselves without judicial recourse. This Court should avoid interpretations of statutory language that would yield such absurd results. *See Tex. Dep't of Protective & Regul. Servs. v. Mega Child Care, Inc.*, 145 S.W.3d 170, 177 (Tex. 2004).

552.321(b) authorizes mandamus proceedings requiring the disclosure of public records held by executive officers as well as their offices. The TPIA explicitly delineates who falls within and outside the definition of a "governmental body." *See* Tex. Gov't Code § 552.003(1)(A)–(B). The statute does not distinguish between an executive officer and an "office that is within or is created by the executive or legislative branch of state government." *See id.* § 552.003(1)(A)(i). Despite the clear text of the statute, Petitioners consider this language inapplicable to the records of the State's executive officers. But this cannot be. As the Court of Appeals correctly recognized, subsection (b)'s jurisdictional grant applies equally to the Attorney General and the Governor since both are "officers of a 'governmental body' for purposes of the [T]PIA." *See Am. Oversight*, 683 S.W.3d at 884 (emphasis added).

This interpretation not only makes logical sense but is also supported by prior precedent treating TPIA suits against a governmental body and against public officials of that body in their official capacities as interchangeable. *See, e.g.*, *City of Houston v. Hous. Mun. Emps. Pension Sys.*, 549 S.W.3d 566, 584 (Tex. 2018) (holding that a TPIA requestor could seek mandamus against the city *or* its public-information officer).

The First Court of Appeals likewise endorsed a reading of the mandamus provision that treats an office and an officer as "interchangeab[le]." *Kallinen*, 516 S.W.3d at 625. That, the court held, comported with the plain meaning of the amended provision—indeed, "[t]he plain language of the amended mandamus statute supports the naming of a governmental body as the respondent . . . ." *Id.*

This conclusion is particularly compelling because the requested records at issue here were created in an executive officer's official capacity, which makes them records of a governmental body. As the Attorney General has articulated:

> If a governmental body could withhold information which clearly relates to "official business" on the ground that the information is maintained by the individual members of that body rather than in the body's administrative offices, it could easily and with impunity circumvent disclosure requirements. The legislature could not possibly have intended to allow governmental entities to escape from the [TPIA]'s disclosure requirements in this manner.

Tex. Att'y Gen. ORD1985-425.

Shielding the communications at issue from the public simply because the requests named the executive officers rather than their offices would run "contrary to the [T]PIA's goal of promoting the public's legitimate interest in transparent government." *Ft. Bend Indep. Sch.*

Dist. v. Paxton, No. 03-22-00052-CV, 2023 WL 4495224, at *3 (Tex. App.—Austin July 13, 2023, pet. denied) (mem. op.); *Greater Hous. P'ship v. Paxton*, 468 S.W.3d 51, 53 (Tex. 2015) (recognizing that the TPIA "imposes considerable disclosure obligations on 'governmental bodies'" (brackets omitted)).

Section 552.321(b) confers jurisdiction over governmental bodies and their officers—the Attorney General, the Governor, *and* their respective offices are therefore equally amenable to mandamus suit under that provision.

CONCLUSION AND PRAYER

For these reasons, *amici* respectfully request that the Court affirm the judgment of the Court of Appeals.

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Respectfully submitted,

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I certify that the foregoing brief was electronically filed with the Clerk of the Court using the electronic case filing system of the Court. I also certify that a true and correct copy of the foregoing was served via electronic service on all counsel of record on March 16, 2025.

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