CAUSE NO. D-1-GN-26-008509

SPACE EXPLORATION TECHNOLOGIES CORP., *Plaintiff,*	§	**IN THE DISTRICT COURT OF**
v.	§	**TRAVIS COUNTY, TEXAS**
KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS, *Defendant.*	§	**126th JUDICIAL DISTRICT**

DEFENDANT'S PLEA TO THE JURISDICTION AND ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant Ken Paxton, Attorney General for the State of Texas (Defendant), files this Original Answer in response to Space Exploration Technologies Corporation's (Plaintiff) Original Petition.

PLEA TO THE JURISDICTION

Defendant asks the Court to dismiss Plaintiff's Uniform Declaratory Judgment Act claim because no waiver of sovereign immunity exists for that claim. Plaintiff's claim is based on the Public Information Act (PIA). However, Plaintiffs also alleges claims under the Uniform Declaratory Judgments Act (UDJA), Tex. Civ. Prac. & Rem. Code Ch. 37. Pl.'s Pet. at 1. Declaratory Judgments claims are redundant and unavailable.

The PIA provides a limited waiver of sovereign immunity and only provides certain relief to certain parties. *Sw. Bell Tel. Co. v. Pub. Util. Comm'n of Tex.*, 735 S.W.2d 663, 667 (Tex. App.—Austin 1987, no writ); *State v. Sledge*, 36 S.W.3d 152, 156 (Tex. App.—Houston [1st Dist.] 2000, pet. denied) ("A party who sues the State must have an independent waiver of immunity from suit for each claim in the suit.").

Plaintiff's remedy is limited to a PIA declaratory judgment, which grants relief from compliance with the decision of the Attorney General. Tex. Gov't. Code § 552.324. A party is not entitled to redundant remedies. *McLane Co., Inc. v. Texas Alcoholic Beverage Comm'n*, 514 S.W.3d 871, 875-77 (Tex. App.—Austin 2017) (holding that claims under the UDJA are redundant and therefore nonjusticiable because the PIA already provided relief). The PIA already affords all possible relief that Plaintiff may seek under the law. Therefore, the UDJA claim is unavailable and redundant.

SPECIAL EXCEPTIONS

The Attorney General specially excepts to Plaintiff's Original Petition for pleading discovery under Level 3. *See* Pl.'s Pet. at 1. The Plaintiff has not demonstrated the need for a court-managed discovery control plan, and level three discovery is not appropriate for this type of lawsuit. The issues in this case involve primarily questions of law and discovery, to the extent it is required at all, is appropriately conducted under Level 2 pursuant to Rule 190.3 of the Texas Rules of Civil Procedure.

The Attorney General also specially excepts to Plaintiff's Petition for seeking to recover attorney's fees and court costs from the Attorney General when no statute or law authorizes it. Pl.'s Pet. at 2 and 19. Texas Government Code section 552.323 authorizes courts to assess litigation costs and reasonable attorney fees for claims brought under Sections 552.321, 552.3215, and 552.324. However, Section 552.323 does not authorize the assessment of litigation costs or reasonable attorney fees for claims brought under Section 552.325 seeking declaratory relief, which is what the

Plaintiff has essentially pled. *See Qatar Found. for Educ., Science and Cmty. Dev. v. Zachor Legal Inst.*, 627 S.W.3d 674, 680–81 (Tex. App.—Austin 2021, pet. denied). Upon the failure to amend, Plaintiff's claims for attorney's fees, court costs, or other expenses, should be stricken.

GENERAL DENIAL

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant enters a general denial to all allegations in Plaintiff's Original Petition.

PRAYER

Defendant further prays for such other and further relief, both general and special, at law and in equity, to which he may be justly entitled and upon a final hearing of this lawsuit, to enter a final judgment that declares the information at issue to be subject to disclosure and that orders Plaintiff takes nothing by reason of its suit and that all costs of litigation, including court costs, be adjudged against Plaintiff.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2026, a true and correct copy of the foregoing document has been served on the following via e-service and/or email:

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