

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

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION
2003 SEP 22 PM 4:00
CLERK OF COURT

EMPACADORA de CARNES de §
FRESNILLO, S.A. de C.V., §
BELTEX CORPORATION, and §
DALLAS CROWN, INC. §
Plaintiffs §

VS. §

CIVIL ACTION NO. 4:02-CV-0804-Y

TIM CURRY, District Attorney, §
Tarrant County, Texas, et al. §
Defendants §

DEFENDANT TIM CURRY'S MOTION FOR SUMMARY JUDGMENT
And RESPONSE TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

TO THE HONORABLE TERRY MEANS, UNITED STATES DISTRICT JUDGE:

Comes Now Tim Curry, Tarrant County Criminal District Attorney, the sole remaining Defendant herein, and says as follows:

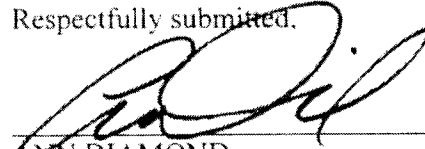
1. Summary Judgment should be GRANTED for Defendant Tim Curry and against all Plaintiffs because Texas Agriculture Code Chapter 149 is in full force and effect and has not been repealed or preempted. Each requirement of Local Rule 56.3 is set forth in Tim Curry's accompanying Brief.

2. Because Chapter 149 is in force and effect and has not been repealed or preempted, Plaintiffs' Motion for Summary Judgment should be in all respects DENIED, the preliminary injunction should be DISSOLVED, and the request for permanent injunction should be DENIED. Each requirement of Local Rule 56.4 is set forth in Tim Curry's accompanying Brief.

Wherefore Tim Curry MOVES and prays that Summary Judgment be GRANTED in favor of Defendant Tim Curry in all respects and against all Plaintiffs; prays that the preliminary

injunction in this matter be DISSOLVED; prays that the request for permanent injunction be DENIED; and prays that Plaintiffs' Motion for Summary Judgment be DENIED in all respects.

Respectfully submitted,



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ATTORNEYS FOR DEFENDANT
TIM CURRY
TARRANT COUNTY CRIMINAL
DISTRICT ATTORNEY

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing Motion for Summary Judgment and Response to Plaintiffs' Motion for Summary Judgment, and Brief in support, was served on this date in compliance with the provisions of Rule 5, FED. R. CIV. P. on:

R. DAVID BROILES
Attorney at Law
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BY HAND DELIVERY


ANN DIAMOND

9/22/03
Date Signed