

INSTITUTE FOR CREATION  
RESEARCH GRADUATE SCHOOL  
An unincorporated educational ministry  
Unit for the Institute for Creation  
Research, Inc., a California not-for-profit  
Corporation,  
Plaintiff

v.

TEXAS HIGHER EDUCATION  
COORDINATING BOARD, a State  
Agency;  
COMMISSIONER RAYMUND  
PAREDES, in his official and individual  
Capacities;  
LYN BRACEWELL PHILLIPS,  
In her official and individual capacities;  
JOE B. HINTON, in his official and  
Individual capacities;  
ELAINE MENDOZA,  
In her official and individual capacities;  
LAURIE BRICKER, in her official and  
Individual capacities;  
A.W. "WHIT" RITER, III, in his official  
and individual capacities;  
BRENDA PEJOVICH, in her official  
And individual capacities; and  
ROBERT SHEPARD, in his  
official and individual capacities,  
Defendants

§ IN THE DISTRICT COURT

§ OF TRAVIS COUNTY, TEXAS

§ 126<sup>th</sup> JUDICIAL DISTRICT

**DEFENDANTS' NOTICE OF FILING OF NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to 28 U.S.C. § 1446(d), you are hereby given notice that on May 11, 2009 Defendants, Texas Higher Education Coordinating Board, Commissioner Raymund Paredes, Lyn Bracewell Phillips, Joe B. Hinton, Elaine Mendoza, Laurie Bricker, A.W. "Whit" Riter, III, Brenda Pejovich and Robert Shepard, filed their Notice of Removal in

the United States District Court for the Western District of Texas, Austin Division, thereby removing this cause to the United States District Court. A copy of that Notice is attached hereto and incorporated herein for all purposes. This Court is respectfully requested to proceed no further in this action, unless and until such time as the action may be remanded by order of the United States District Court.

Respectfully submitted,

GREG ABBOTT  
Attorney General of Texas

C. ANDREW WEBER  
First Assistant Attorney General

DAVID S. MORALES  
Deputy Attorney General for Civil  
Litigation

ROBERT O'KEEFE  
Chief, General Litigation  
Division

/s/ Shelley Dahlberg  
SHELLEY DAHLBERG  
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**Certificate of Service**

I certify a true and correct copy of the foregoing document has been sent via certified mail, return receipt requested on May 13, 2009 to:

James J.S. Johnson  
The Institute for Creation Research  
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Dallas, TX 75229

John A. Eidsmoe,  
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/s/ Shelley N. Dahlberg  
Shelley N. Dahlberg  
Assistant Attorney General