

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action No. 2:13-cv-193 (lead)
	§	(consolidated w/ 2:13-cv-263
GREG ABBOTT, <i>et al.</i> ,	§	2:13-cv-291
	§	2:13-cv-348)
Defendants.	§	

JOINT MOTION TO EXPEDITE THE INTERIM REMEDY SCHEDULE

For the reasons set out below, all parties respectfully move this Court to enter an order modifying the interim remedy schedule.

On July 20, 2016, the Fifth Circuit Court of Appeals, sitting *en banc*, affirmed this Court’s finding that SB 14 violates Section 2 of the Voting Rights Act. *Veasey v. Abbott*, No. 14-41127, slip op. at 72 (5th Cir. July 20, 2016) (*en banc*). In light of this holding, the Fifth Circuit directed that SB 14 should not “remain in operation for the [November 2016 general] election.” *Id.* at 82. That same day, the Fifth Circuit issued its mandate.

On July 21, 2016, this Court issued an order setting a schedule to consider and order an appropriate interim remedy for the November election. The order currently requires the parties to meet and confer by July 29, to submit proposed plans and supportive briefing by August 5, to file any response by August 11, and

to appear for a hearing on August 17. The parties have begun the meet and confer process, have agreed on a temporary interim remedy for the special election in House District 120, and continue to confer productively about the appropriate remedy for the November election.

The parties are grateful that this Court acted with dispatch to impose a schedule intended to enter a remedial order “as soon as possible.” *Veasey*, slip op. at 84-85. The parties are concerned, however, that if they are unable to reach agreement on an interim remedy, the current briefing schedule may impact the State’s ability to implement fully an interim remedy before early voting begins in October. The parties therefore respectfully request that this Court accelerate deadlines for submissions and conduct a hearing—if necessary—at its soonest convenience thereafter.

The parties also believe that they will be able to reach agreement on at least some terms for an appropriate interim remedy. To facilitate an efficient process and minimize the burden on the Court, the parties also request that the Court modify its scheduling order to direct a joint submission of agreed-upon terms simultaneous with any submission of proposed plans and supportive briefing on remaining issues in dispute.

In sum, the parties respectfully request that the July 21 order be superseded by an order that sets out the following schedule:

- Submission of agreed upon terms and separate submission of any matters that remain in dispute, along with supportive briefing, by no later than August 2.
- Responses concerning any matters that remain in dispute by no later than August 5.
- A hearing date at the Court's soonest convenience after August 5.

The parties greatly appreciate the Court's demonstrated willingness to address necessary remedies in this matter on an extraordinarily expedited basis. In proposing acceleration of the schedule, the parties hope to allow this Court adequate time to rule on any matters that remain in dispute, while leaving greater time for the State of Texas and its 254 counties to implement the remedial order successfully and minimizing voter confusion.

A proposed order is attached.

Respectfully submitted on July 26, 2016,

/s/ J. Gerald Hebert

J. GERALD HEBERT

DANIELLE LANG

CAMPAIGN LEGAL CENTER

1411 K Street NW Suite 1400

Washington, DC 20005

(202) 736-2200

ghebert@campaignlegalcenter.org

CHAD W. DUNN

K. SCOTT BRAZIL

BRAZIL & DUNN

4201 Cypress Creek Pkwy., Suite 530

Houston, Texas 77068
(281) 580-6310
chad@brazildunn.com

ARMAND G. DERFNER
DERFNER & ALTMAN
575 King Street, Suite B
Charleston, S.C. 29403
(843) 723-9804
aderfner@derfneraltman.com

NEIL G. BARON
LAW OFFICE OF NEIL G. BARON
914 FM 517 W, Suite 242
Dickinson, Texas 77539
(281) 534-2748
neil@ngbaronlaw.com

DAVID RICHARDS
RICHARDS, RODRIGUEZ & SKEITH, LLP
816 Congress Avenue, Suite 1200
Austin, Texas 78701
(512) 476-0005

Counsel for Veasey/LULAC Plaintiffs

VANITA GUPTA
Principal Deputy Assistant Attorney General
Civil Rights Division

/s/ Daniel J. Freeman

T. CHRISTIAN HERREN, JR.

MEREDITH BELL-PLATTS

RICHARD DELLHEIM

BRUCE I. GEAR

DANIEL J. FREEMAN

AVNER SHAPIRO

SAMUEL OLIKER-FRIEDLAND

Attorneys, Voting Section
Civil Rights Division
U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, N.W.
Room 7123 NWB
Washington, D.C. 20530
(202) 305-4355

Counsel for the United States

LUIS ROBERTO VERA, JR.
Law Office of Luis Roberto Vera Jr.
111 Soledad, Ste 1325
San Antonio, TX 78205
210-225-2060
lrvlaw@sbcglobal.net
Counsel for LULAC

/s/ Ezra D. Rosenberg
Jon M. Greenbaum
Ezra D. Rosenberg
Robert A. Kengle
Brendan B. Downes
LAWYERS' COMMITTEE FOR
CIVIL RIGHTS UNDER LAW
1401 New York Avenue, N.W., Suite 400
Washington, D.C. 20005

Wendy Weiser
Myrna Perez
Jennifer Clark
THE BRENNAN CENTER FOR JUSTICE
AT NYU LAW SCHOOL
161 Avenue of the Americas, Floor 12
New York, New York 10013-1205

Amy L. Rudd
Lindsey B. Cohan
DECHERT LLP
500 W. 6th Street, Suite 2010
Austin, Texas 78701

Jose Garza
LAW OFFICE OF JOSE GARZA
7414 Robin Rest Drive
San Antonio, Texas 78209

Daniel Gavin Covich
COVICH LAW FIRM LLC
Frost Bank Plaza
802 N Carancahua, Ste 2100
Corpus Christi, TX 78401

Gary Bledsoe

POTTER BLEDSOE, L.L.P.
316 W. 12th Street, Suite 307
Austin, Texas 78701

Victor Goode
NAACP
4805 Mt. Hope Drive
Baltimore, Maryland 21215

Robert Notzon
THE LAW OFFICE OF ROBERT NOTZON
1502 West Avenue
Austin, Texas 78701

*Counsel for Plaintiffs Texas State Conference of
NAACP Branches and The Mexican American
Legislative Caucus of the Texas House of
Representatives*

/s/ Robert W. Doggett
Robert W. Doggett
TEXAS RIOGRANDE LEGAL AID
4920 N. IH-35
Austin, Texas 78751

Marinda van Dalen
TEXAS RIOGRANDE LEGAL AID
531 East St. Francis St.
Brownsville, Texas 78529

Jose Garza
TEXAS RIOGRANDE LEGAL AID
1111 N. Main Ave.
San Antonio, Texas 78212

*Counsel for Lenard Taylor, Eulalio Mendez Jr.,
Lionel Estrada, Estela Garcia Espinoza,
Margarito Martinez Lara, Maximina Martinez
Lara, and La Union Del Pueblo Entero, Inc.*

/s/ Rolando L. Rios
ROLANDO L. RIOS
SBN: 16935900
115 E. Travis, Suite 1645
San Antonio, Texas 78205
Ph: (210) 222-2102
Fax: (210) 222-2898
E-mail: rios@rolandorioslaw.com

*Attorney for Intervenor Texas Association of
Hispanic County Judges and County
Commissioners*

/s/ Natasha M. Korgaonkar

Christina A. Swarns
Natasha M. Korgaonkar
Leah C. Aden
Deuel Ross
NAACP LEGAL DEFENSE
AND EDUCATION FUND, INC.
40 Rector Street,
5th Floor
New York, NY 10006
(212) 965-2200
nkorgaonkar@naacpldf.org

Jonathan Paikin
Kelly Dunbar
WILMER CUTLER PICKERING HALE AND DORR
LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006
(202) 663-6000
kelly.dunbar@wilmerhale.com

*Counsel for the Texas League of Young Voters
Education Fund and Imani Clark*

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant
Attorney General

JAMES E. DAVIS
Deputy Attorney General
for Litigation

/s/ Angela V. Colmenero
ANGELA V. COLMENERO
Chief, General Litigation Division

MATTHEW H. FREDERICK
Deputy Solicitor General
OFFICE OF THE ATTORNEY GENERAL

P.O. Box 12548 (MC 059)
Austin, Texas 78711-2548
Tel.: (512) 936-6407
Fax: (512) 474-2697

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2016, I served a true and correct copy of the foregoing via the Court's ECF system to all counsel of record.

/s/ J. Gerald Hebert

J. GERALD HEBERT
CAMPAIGN LEGAL CENTER
1411 K Street NW Suite 1400
Washington, DC 20005
(202) 736-2200
ghebert@campaignlegalcenter.org

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action No. 2:13-cv-193
	§	
GREG ABBOTT, <i>et al.</i> ,	§	
	§	
Defendants.	§	

ORDER

Having considered the parties' joint motion to expedite the interim remedy schedule, the motion is GRANTED. The Court hereby ORDERS the parties to submit a joint plan regarding all agreed upon terms and their respective plans regarding all disputed terms and supportive briefing to address the infirmities in SB 14 on or before **August 2, 2016**. The parties may then file responses to any other plan for interim relief on or before **August 5, 2016**. The matter will be called on _____ at _____ for arguments on any remaining differences.

ORDERED this ____ day of July, 2016.

NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE