

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

OCA-GREATER HOUSTON, ET AL.,

Plaintiffs,

v.

TEXAS SECRETARY OF STATE JOSE A.
ESPARZA (ACTING), IN HIS OFFICIAL
CAPACITY, ET AL.,

Defendants.

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Case No. 1:21-cv-780

STATE DEFENDANTS' NOTICE OF MOTION TO CONSOLIDATE
IN RELATED CASE

State Defendants provide notice to the Court that this lawsuit is one of four lawsuits filed in this District challenging the same Senate Bill 1. The other three cases are *La Unión del Pueblo Entero v. Abbott*, No. 5:21-cv-844 (W.D. Tex.) (September 3, 2021); *Houston Justice v. Abbott*, No. 5:21-cv-848 (W.D. Tex.) (Sept. 7, 2021); and *LULAC Texas v. Esparza* (W.D. Tex.) (Sept. 7, 2021). Pursuant to the Fifth Circuit's first-to-file rule, State Defendants filed the Partially-Opposed Motion to Consolidate attached hereto as Exhibit A in the first case that was filed, *La Unión del Pueblo Entero v. Abbott*, No. 5:21-cv-844 (W.D. Tex.) (hereinafter, *LUPE*). As explained in State Defendants' Motion, as the court where suit was first filed, it is the duty of the *LUPE* court to determine if the issues presented in these cases substantially overlap and, if they do, what to do with the subsequently-filed cases. *Mann Mfg. Inc. v. Hortex, Inc.*, 439 F.2d 403, 408 (5th Cir. 1971).

Date: September 14, 2021

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Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

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/s/ Patrick K. Sweeten
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**Application for Admission Forthcoming*

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**COUNSEL FOR DEFENDANTS TEXAS SECRETARY
OF STATE JOSE A. ESPARZA, IN HIS OFFICIAL
CAPACITY, AND TEXAS ATTORNEY GENERAL KEN
PAXTON, IN HIS OFFICIAL CAPACITY**

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on September 14, 2021, and that all counsel of record were served by CM/ECF.

/s/ Patrick K. Sweeten
PATRICK K. SWEETEN

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