

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

HOUSTON JUSTICE, ET AL.,

Plaintiffs,

v.

GREGORY WAYNE ABBOTT, ET AL.,

Defendants.

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Case No. 5:21-cv-00848

**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); *OCA-Greater Houston v. Esparza*, No. 1:21-cv-780 (W.D. Tex.) (Sept. 3, 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

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

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COUNSEL FOR DEFENDANTS GREGORY WAYNE ABBOTT, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF TEXAS, JOSE ESPARZA, IN HIS OFFICIAL CAPACITY AS DEPUTY SECRETARY OF STATE OF TEXAS, AND WARREN KENNETH PAXTON, JR., IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF TEXAS

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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