

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

LA UNIÓN DEL PUEBLO ENTERO, *et al.*,

Plaintiffs,

v.

GREGORY W. ABBOTT, *et al.*,

Defendants.

Civil Action No. 5:21-cv-844 (XR)
(Consolidated Cases)

NOTICE OF VOLUNTARY DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a), Plaintiff Harris County Elections Administrator Isabel Longoria (“EA Longoria”) hereby notifies the Court and all parties that she is dismissing without prejudice all of her claims in Case No. 5:21-cv-844 (the “LUPE Action”), consolidated in the above captioned cases. EA Longoria will shortly re-file these claims in a separate, related action in this district, and for the reasons detailed below, respectfully requests that this new action not be consolidated with the above-captioned cases.

Rule 41(a) “allows a plaintiff to voluntarily dismiss an action without a court order by filing ‘a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.’” *In re Amerijet Int’l, Inc.*, 785 F.3d 967, 973 (5th Cir. 2015) (quoting Fed. R. Civ. P. 41(a)(1)(A)(i)). None of the defendants in the LUPE Action has answered or moved for summary judgment. Accordingly, this notice effectuates EA Longoria’s dismissal of her claims.

To facilitate the administration of the above-captioned consolidated cases, EA Longoria will oppose the consolidation of the new action in which she will bring her claims challenging SB1

into Civil Action No. 5:21-cv-844. As the Court noted at the November 16, 2021 status conference, there are numerous organizational and individual plaintiffs spread across five complaints in the instant consolidated cases. The Court asked that the plaintiffs' lawyers coordinate among themselves to make the case "more manageable" and "treat this almost as an MDL." Ex. 1, Status Conf. Tr. Excerpt at 51:15-20. However, one of the principal impediments to plaintiffs' coordination has been EA Longoria's status as a plaintiff in one of the consolidated cases and a defendant in three of the others. Specifically, counsel for plaintiffs representing parties who sued EA Longoria in her official capacity have been reluctant to engage in meaningful coordination because the State Defendants and Defendant Torres have suggested that they will press for discovery into communications between the plaintiffs and their counsel on the grounds that EA Longoria's status as a defendant forecloses the existence of a common interest between the parties. EA Longoria and the other LUPE Plaintiffs disagree, and contend that they share a common interest with other plaintiffs concerning EA Longoria's claims against SB1. But, in order to avoid unnecessary discovery disputes and accommodate coordination among the plaintiffs, EA Longoria will file a separate action.

Counsel for the other plaintiffs have all agreed that removing EA Longoria and her defense counsel from the consolidated cases would enable them to coordinate with counsel in the LUPE Action, as long as EA Longoria's new action is not consolidated in these cases.¹ While the remaining plaintiffs may not file an omnibus complaint, they will be in a position to streamline discovery requests, coordinate on depositions, and hopefully reduce duplicative work and inefficiencies. In addition, EA Longoria believes that her claims may be resolved on a much

¹ EA Longoria's counsel at the Harris County Attorney's Office, the Brennan Center, and Weil, Gotshal & Manges LLP will represent her in this new lawsuit. The Brennan Center and Weil, Gotshal & Manges LLP will continue to represent certain of the remaining plaintiffs in the LUPE Action. There is no overlap between EA Longoria's claims and the claims of the remaining plaintiffs in the LUPE Action.

shorter timeframe than the claims in the consolidated cases, creating additional efficiencies for the State Defendants.

Although this notice does not require any action by this Court, EA Longoria takes this opportunity to preemptively request that her new lawsuit remain outside of these consolidated cases. EA Longoria will oppose any motion to consolidate the cases on the grounds contained in this notice.

Dated: December 1, 2021

Respectfully submitted,

/s/ Jonathan G.C. Fombonne

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^ Application for admission pending

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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically on all counsel of record via CM/ECF on December 1, 2021.

/s/ Jonathan G.C. Fombonne
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