

**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)

UNITED STATES' OPPOSITION TO DEFENDANTS' MOTION TO CONSOLIDATE

The United States respectfully submits this opposition to the State's request to consolidate *Longoria v. Paxton*, No. 5-21-cv-1223 (W.D. Tex.), with the cases already consolidated under *LUPE v. Abbott*, No. 5:21-cv-844 (W.D. Tex.). Mot. to Consol., ECF No. 172. Rule 42 of the Federal Rules of Civil Procedure permits consolidation "to avoid unnecessary cost or delay." Fed. R. Civ. P. 42(a)(3); *Hall v. Hall*, 138 S. Ct. 1118, 1124 (2018). Thus, consolidation "should be used to expedite trial and eliminate unnecessary repetition and confusion." *Miller v. U.S. Postal Serv.*, 729 F.2d 1033, 1036 (5th Cir. 1984). However, when consolidation would run contrary to those ends, this Court has "broad discretion" to deny a request to consolidate matters pending before it. *Alley v. Chrysler Credit Corp.*, 767 F.2d 138, 140 (5th Cir. 1985).

Consolidation here would thwart Elections Administrator Longoria's good-faith effort to resolve her status as both a plaintiff raising her own constitutional claims and a defendant in the cases brought by other parties challenging S.B. 1, an issue first identified by this Court. Order at 4, ECF No. 31; Notice of Voluntary Dismissal, ECF No. 138. Moreover, in this complex

litigation, coordination among the United States and private plaintiffs is critical to avoid wasteful discovery and duplicative presentation at trial. Consolidation of *Longoria* with *LUPE* would undermine that coordination, and the goals it seeks to advance, by impeding critical and unfettered communication necessary for the plaintiff groups to develop and present their cases with appropriate speed and efficiency.

For the foregoing reasons, the United States respectfully requests this Court deny State Defendants' Motion to Consolidate.

Date: January 10, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2022, I electronically filed the foregoing with the Clerk of the court using the CM/ECF system, which will send notification of this filing to counsel of record.

/s/ Dana Paikowsky

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