

No. 21-51145

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

LA UNION DEL PUEBLO ENTERO, ET AL.,

Plaintiffs-Appellees,

v.

GREGORY W. ABBOTT, ET AL.,

Defendants,

and

HARRIS COUNTY REPUBLICAN PARTY, DALLAS COUNTY REPUBLICAN PARTY,
REPUBLICAN NATIONAL COMMITTEE, NATIONAL REPUBLICAN SENATORIAL
COMMITTEE & NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE,

Proposed Intervenors-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

**RESPONSE TO REPUBLICAN COMMITTEES'
MOTION TO EXPEDITE APPEAL**

DECEMBER 3, 2021

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THE ARC OF THE UNITED STATES, INC.

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**Applications for Admission
Forthcoming*

CERTIFICATE OF INTERESTED PERSONS
No. 21-51145, *La Union Del Pueblo Entero, et al. v. Gregory W. Abbott, et al.*

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Fifth Circuit Local Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

1. Proposed Intervenors-Appellants:

- Harris County Republican Party
- Dallas County Republican Party
- Republican National Committee
- National Republican Senatorial Committee
- National Republican Congressional Committee

2. Counsel for Proposed Intervenors-Appellants:

- John M. Gore
- E. Stewart Crosland
- Stephen J. Kenny
- Jones Day

3. Plaintiffs-Appellees:

- La Union Del Pueblo Entero
- Friendship-West Baptist Church
- The Anti-Defamation League Austin, Southwest, and Texoma Regions
- Southwest Voter Registration Education Project
- Texas Impact
- Mexican American Bar Association Of Texas
- Texas Hispanics Organized For Political Action
- Jolt Action
- William C. Velasquez Institute
- Fiel Houston Inc.

- James Lewin
- Mi Familia Vota
- Marla López
- Marlon López
- Paul Rutledge
- Houston Justice
- Houston Area Urban League
- Delta Sigma Theta Sorority Inc.
- The Arc of Texas
- Jeffrey Lamar Clemmons
- LULAC Texas
- Vote Latino
- Texas Alliance for Retired Americans
- Texas AFT
- OCA-Greater Houston
- League of Women Voters of Texas
- REVUP-Texas
- Texas Organizing Project
- Workers Defense Action Fund
- United States of America

4. Counsel for Plaintiffs-Appellees La Union Del Pueblo Entero, Southwest Voter Registration Education Project, Mexican American Bar Association of Texas, Texas Hispanics Organized for Political Action, Jolt Action, William C. Velasquez Institute, and Fiel Houston Inc.:

- Nina Perales
- Michael C. Keats
- Rebecca L. Martin
- Jessica M. Choi
- Christopher Bell
- Mexican American Legal Defense & Education Fund
- Fried, Frank, Harris, Shriver & Jacobson LLP
- Kevin Zen
- Amir Badat

5. Counsel for Plaintiffs-Appellees Friendship-West Baptist Church, Anti-Defamation League Austin, Southwest, and Texoma Regions, Texas Impact, and James Lewin:

- Sean Morales-Doyle
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- Elizabeth Y. Ryan
- Paul R. Genender
- Matthew Berde
- Megan Cloud
- Alexander P. Cohen
- Weil, Gotshal & Manges LLP
- Brennan Center for Justice at NYU Law School

6. Counsel for former Plaintiff Isabel Longoria:

- Christian P. Menefee
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- Tiffany Bingham
- Sameer Birring
- Radiah Rondon
- Susannah Mitcham
- Office of the Harris County Attorney

7. Counsel for Plaintiffs-Appellees Mi Familia Vota, Marla López, Marlon López, and Paul Rutledge:

- Ben Clements
- Laura E. Rosenbaum
- Wendy J. Olson
- Courtney M. Hostetler
- Elijah M. Watkins
- John Bonifaz
- Marc T. Rasich
- Ronald A. Fein
- Sean Michael Lyons

- Free Speech for People
- Stoel Rives LLP
- Lyons & Lyons, PC

8. Counsel for Plaintiffs-Appellees Houston Justice, Houston Area Urban League, Delta Sigma Theta Sorority Inc., The Arc of Texas, and Jeffrey Lamar Clemmons:

- Georgina Yeomans
- J. Keely Dulaney
- Jennifer A. Holmes
- Kathryn Sadasivan
- Kenneth E. Broughton, Jr.
- Lora Spencer
- Sarah M. Cummings
- Shira Wakschlag
- NAACP Legal Defense & Education Fund, Inc.
- Reed Smith LLP
- The Arc of the United States

9. Counsel for LULAC Texas, Vote Latino, Texas Alliance for Retired Americans, and Texas AFT:

- Domingo A. Garcia
- Graham White
- John Russell Hardin
- Jonathan Patrick Hawley
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- Perkins Coie, LLP

10. Counsel for Plaintiffs-Appellees OCA-Greater Houston, League of Women Voters of Texas, REVUP-Texas, Texas Organizing Project, and Workers Defense Action Fund:

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- Andre I. Segura
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- Ryan V. Cox
- Samantha Osaki
- Savannah Kumar
- Sophia Lin Lakin
- Susana Lorenzo-Giguere
- Thomas Paul Buser-Clancy
- Urja Mittal
- Ari Savitzky
- Ashley Alcantara Harris
- American Civil Liberties Union Foundation
- Texas Civil Rights Project
- Asian American Legal Defense And Education Fund
- Jenner & Block LLP
- Disability Rights Texas
- ACLU Foundation of Texas

11. Counsel for Plaintiff-Appellee United States of America:

- Daniel Joshua Freeman
- Jennifer Jaeseon Yun
- Michael Elliot Stewart
- Richard Alan Dellheim
- Thomas Christian Herren , Jr.
- Dana Paikowsky
- U.S. Department of Justice

12. Defendants:

- Gregory W. Abbott, Governor of Texas
- John B. Scott, Texas Secretary of State
- Jose A. Esparza, Former Acting Texas Secretary of State
- Warren K. Paxton, Attorney General of Texas
- Lupe C. Torres, Medina County Elections Administrator
- Lisa Wise, El Paso County Elections Administrator
- Isabel Longoria, Harris County Elections Administrator
- Jacque Callanen, Elections Administrator of Bexar County
- Yvonne Ramon, Hidalgo County Elections Administrator
- Michael Scarpello, Dallas County Elections Administrator
- Dana DeBeauvoir, Travis County Clerk

13. Counsel for Defendants Gregory W. Abbott, John B. Scott, Jose A. Esparza, and Warren K. Paxton:

- Patrick K. Sweeten
- Jeffrey Michael White
- Eric A. Hudson
- Will Thompson
- Office of the Texas Attorney General

14. Counsel for former Defendant Lupe C. Torres:

- Chad Ennis
- Robert E. Henneke
- Texas Public Policy Foundation

15. Counsel for Defendant Lisa Wise:

- Angelica Lien Leo
- Beatriz Mejia
- Christine Sun
- Germaine Habell
- Kathleen Hartnett
- Kelsey Spector
- Orion Armon

- Ranjana Natarajan
 - Sharon Song
 - Zack Goldberg
 - Cooley LLP
 - States United Democracy Center
16. Counsel for Defendant Isabel Longoria:
- Jonathan Fombonne
 - Sameer Birring
 - Office of the Harris County Attorney
17. Counsel for Defendant Jacque Callanen:
- Robert D. Green
 - Bexar County District Attorney
18. Counsel for Defendant Yvonne Ramon:
- Josephine L. Ramirez
 - Leigh Ann Tognetti
 - Hidalgo County District Attorney's Office
19. Counsel for Defendant Michael Scarpello:
- Barbara S. Nicholas
 - Ben L. Stool
 - Dallas County District Attorney's Office
20. Counsel for Defendant Dana DeBeauvoir:
- Anthony J. Nelson
 - Leslie W. Dippel
 - Patrick T. Pope
 - Sherine Elizabeth Thomas
 - Travis County Attorney's Office
21. Amicus Foundation For Government Accountability

22. Counsel for Amicus Foundation For Government Accountability:

- Donna Garcia Davidson
- Chase Martin
- Stewart Whitson

23. Proposed Intervenor Public Interest Legal Foundation.

24. Counsel for Proposed Intervenor Public Interest Legal Foundation:

- Andy Taylor
- Maureen Riordan
- Kaylan L. Phillips

Dated: December 3, 2021

Respectfully submitted,

/s/ Kenneth E. Broughton

Kenneth E. Broughton

*Counsel for Plaintiffs Houston Justice;
Houston Area Urban League; Delta
Sigma Theta Sorority, Inc.; The Arc of
Texas; and Jeffrey Lamar Clemmons*

RESPONSE TO MOTION TO EXPEDITE APPEAL

Appellees Houston Justice, Houston Area Urban League, Delta Sigma Theta Sorority, Inc., the Arc of Texas, and Jeffrey Lamar Clemmons (collectively, “Appellees”) file this response to Proposed Intervenor-Appellants Republican Committees’ (“Appellants”) Motion to Expedite Appeal (the “Motion”) of the district court’s November 18, 2021 order denying Appellants’ opposed motion to intervene. *See* Order (Dkt. 122).

In their Motion, Appellants ask this Court for an expedited briefing schedule where Appellees’ brief would be due January 3, 2022, so this Court may reach a decision on the merits of this appeal before February 1, 2022. Mot. 1. However, the undersigned counsel have personal commitments and travel throughout the holiday season, as well as various hearings, appellate briefing, dispositive briefing, fact and expert depositions, and expert disclosure deadlines in other matters between now and the requested January 3, 2022 deadline. As such, the Parties conferred regarding Appellants’ proposed expedited briefing schedule and agreed upon reasonable alternative deadlines that would accommodate the Parties’ obligations and the winter holidays without

undue delay of this appeal. Further, all other Plaintiff-Appellees from the cases consolidated before the district court, including the United States, have also consented to the deadlines agreed upon by Appellants and Appellees and outlined as followed:

Appellants' Opening Brief: Due December 20, 2021

Appellees' Brief: Due January 19, 2022

Appellants' Reply Brief: Due January 26, 2022

Oral Argument at the Court's convenience, if necessary

For the foregoing reasons, Appellees respectfully request that this Court enter an order denying the proposed expedited briefing schedule in Appellants' Motion and adopting instead the schedule as set forth in this Response and consented to by Appellants and all other Plaintiff-Appellees.

[Signature on following page]

RESPECTFULLY SUBMITTED,

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THE ARC OF THE UNITED STATES, INC.

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**Applications for Admission
Forthcoming*

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT

1. This document complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because, excluding the items exempted by Federal Rule of Appellate Procedure 32(f) and Fifth Circuit Rule 32.2, the motion contains 272 words.

2. This document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in a 14-point Century Schoolbook font.

Dated: December 3, 2021

Respectfully submitted,

/s/ Kenneth E. Broughton

Kenneth E. Broughton

*Counsel for Plaintiffs Houston
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League; Delta Sigma Theta
Sorority, Inc.; The Arc of Texas; and
Jeffrey Lamar Clemmons*

CERTIFICATE OF ELECTRONIC SUBMISSION

I certify that: (1) any required privacy redactions have been made; (2) the electronic submission of this document is an exact copy of any corresponding paper document; and (3) the document has been scanned for viruses with the most recent version of a commercial virus scanning program and is free from viruses.

Dated: December 3, 2021

Respectfully submitted,

/s/ Kenneth E. Broughton

Kenneth E. Broughton

*Counsel for Plaintiffs Houston
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League; Delta Sigma Theta
Sorority, Inc.; The Arc of Texas; and
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CERTIFICATE OF SERVICE

The undersigned certifies that on December 3, 2021, the foregoing Response was filed with the Clerk for the United States Court of Appeals for the Fifth Circuit, and on counsel for all parties via email and the Court's CM/ECF system.

/s/ Kenneth E. Broughton _____

Kenneth E. Broughton

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