

CAUSE NO. 2021-57207

TEXAS STATE CONFERENCE OF THE §
NAACP, COMMON CAUSE TEXAS, §
DANYAHEL NORRIS, HYUN JA §
NORMAN, FREDDY BLANCO, MARY §
FLOOD NUGENT, and PRISCILLA §
BLOOMQUIST §

Plaintiffs, §

v. §

GREG ABBOTT, in his official capacity as §
the Governor of Texas; JOHN or JANE §
DOE, in his or her official capacity as the §
Secretary of State of Texas; JOE ESPARZA, §
in his official capacity as the Deputy Secretary §
of the State of Texas; and, KEN PAXTON, §
in his official capacity as the Attorney General §
of Texas, §

Defendants. §

IN THE DISTRICT COURT

HARRIS COUNTY, TEXAS

189th JUDICIAL DISTRICT

NOTICE OF ACCELERATED APPEAL

Defendants¹ John or Jane Doe, in his official capacity as the Secretary of State of Texas, Joe Esparza, in his official capacity as the Deputy Secretary of the State of Texas, and Ken Paxton, in his official capacity as the Attorney General of Texas the State of Texas give notice that they desire to appeal the Order signed by the Court on January 31, 2022, in this cause that denied the State Defendants' Motion to Dismiss Under Rule 91a of the Texas Rules of Civil Procedure. Because this is an appeal of a denial of a motion to dismiss filed by a governmental unit having asserted jurisdictional arguments, this is an accelerated appeal. *See* Tex. Civ. Prac. & Rem. Code § 51.014(a)(8);

¹ Plaintiffs filed a non-suit as to Defendant Greg Abbott, in his official capacity as the Governor of Texas, on December 13, 2021. The district court signed a non-suit as to Governor Abbott on December 15, 2021. Because the non-suit involved a signed order, the district court lost all plenary authority over Governor Abbott on January 14, 2022. *See Univ. of Tex. Med. Branch at Galveston v. Estate of Blackmon*, 195 S.W.3d 98, 100 (Tex. 2006). Because Governor Abbott was fully and finally dismissed from the case and the district court lost all plenary authority over him on January 14, 2022, Governor Abbott does not join in this Notice of Appeal.

Tex. R. App. P. 28.1(a) (appeals from interlocutory orders permitted by statute). The State Defendants appeal either to the First or Fourteenth Court of Appeals in Houston, Texas. There have been no related appeals or original proceedings filed in either the First or Fourteenth Court of Appeals. This is not a parental termination or child-protection case as defined under Rule 28.4 of the Texas Rules of Civil Procedure.

The filing of this Notice of Appeal stays all proceedings in the trial court pending resolution of this appeal. Tex. Civ. Prac. & Rem. Code § 51.014(b).

Defendants are not required to file a bond for court costs incident to this appeal. Tex. Civ. Prac. & Rem. Code § 6.001(a), (b)(2), (b)(3).

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Date: February 19, 2021

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

Respectfully submitted.

/s/ ERIC A. HUDSON
Senior Special Counsel
Tex. Bar No. 24059977

PATRICK K. SWEETEN
Deputy Attorney General for Special Litigation
Tex. State Bar No. 00798537

WILLIAM T. THOMPSON
Deputy Chief, Special Litigation Unit
Tex. State Bar No. 24088531

KATHLEEN T. HUNKER
Special Counsel
Tex. State Bar No. 24118415

LEIF A. OLSON
Special Counsel
Tex. State Bar No. 24032801

JEFFREY M. WHITE
Special Counsel
Tex. State Bar No. 24064380

Office of the Attorney General
P.O. Box 12548 (MC-009)
Austin, Texas 78711-2548
Tel.: (512) 463-2100
Fax: (512) 457-4410
patrick.sweeten@oag.texas.gov
will.thompson@oag.texas.gov
eric.hudson@oag.texas.gov

Counsel for Defendants

Certificate of Service

I hereby certify that on February 19, 2022, in accordance with Texas Rule of Civil Procedure 21(a), a true and correct copy of the foregoing Defendants' Notice of Accelerated Appeal was served on all counsel of record using the Court's electronic filing system.

/s/ ERIC A. HUDSON
Senior Special Counsel

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Eric Hudson on behalf of Eric Hudson
Bar No. 24059977
eric.hudson@oag.texas.gov
Envelope ID: 61916970
Status as of 2/21/2022 9:24 AM CST

Case Contacts

Name
Gary Bledsoe
Gary Bledsoe
Gary Bledsoe
Gary Bledsoe
Gary Bledsoe
Gary Bledsoe
Lindsey Cohan
Lindsey Cohan
Lindsey Cohan
Lindsey Cohan
Lindsey Cohan
Gary Bledsoe
Eric Hudson
Leif Olson
Joshua Clarke
John MGore
Debby Accetta
Robert SNotzon
William T.Thompson
Jeff White
Lindsey Cohan
Lindsey Cohan
Patrick K.Sweeten
Jeff White

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Case Contacts

Jeff White		jeff.white@oag.texas.gov	2/19/2022 7:02:01 PM	SENT
Kathleen Hunker	24118415	Kathleen.Hunker@oag.texas.gov	2/19/2022 7:02:01 PM	SENT
Elizabeth Saunders		elizabeth.saunders@oag.texas.gov	2/19/2022 7:02:01 PM	SENT

Associated Case Party: Dallas County Republican Party

Name	BarNumber	Email	TimestampSubmitted	Status
Jorge BenjaminAguinaga		jbaguinaga@jonesday.com	2/19/2022 7:02:01 PM	SENT

Associated Case Party: HARRIS COUNTY REPUBLICAN PARTY

Name	BarNumber	Email	TimestampSubmitted	Status
Jorge BenjaminAguinaga		jbaguinaga@jonesday.com	2/19/2022 7:02:01 PM	SENT

Associated Case Party: NATIONAL REPUBLICAN SENATORIAL COMMITTEE

Name	BarNumber	Email	TimestampSubmitted	Status
Jorge BenjaminAguinaga		jbaguinaga@jonesday.com	2/19/2022 7:02:01 PM	SENT

Associated Case Party: NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE

Name	BarNumber	Email	TimestampSubmitted	Status
Jorge BenjaminAguinaga		jbaguinaga@jonesday.com	2/19/2022 7:02:01 PM	SENT