

No. 22-50435

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

LA UNION DEL PUEBLO ENTERO, ET AL.,
Plaintiffs

v.

GREGORY W. ABBOTT, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF TEXAS, ET AL.,
Defendants

LULAC Texas; VotoLatino; Texas Alliance for Retired Americans; Texas AFT;
United States of America,
Plaintiffs-Appellees

v.

Senator Bryan Hughes; Senator Paul Bettencourt; Briscoe Cain, Texas
Representative; Andrew Murr, Texas Representative,
Third-Party Appellants

On Appeal from the United States District Court
for the Western District of Texas, San Antonio Division

JOINT STATUS REPORT

The parties submit the following joint status report to apprise the Court of several forthcoming deadlines in the ongoing trial court proceedings below.

1. The district court granted the Plaintiffs-Appellees' motion to compel production of certain documents from the Third-Party Appellants on May 25, 2022. *See La Union del Pueblo Entero, et al. v. Abbott, et al.*, Case No. 21-cv-844-XR, ECF 425 (W.D. Tex.) (consolidated) ("*LUPE*"). The Third-Party Appellants filed their Notice of Interlocutory Appeal the next day. *See id.*, ECF 426.

2. Shortly thereafter, the Third-Party Appellants filed an unopposed motion for stay pending appeal in the district court. *Id.*, ECF 428. The motion noted that the parties agreed to negotiate and seek an expedited schedule to brief the appeal. The district court granted the motion, though "[o]nly because the motion for stay is unopposed." *Id.*, ECF 429.

3. The parties subsequently negotiated an agreed upon expedited briefing schedule. Plaintiffs-Appellees filed an unopposed motion to expedite the appeal on June 7. The motion called for briefing to be complete by July 27, 2022 and requested a resolution by October 3, 2022. The Court granted the motion the next day, and the panel heard oral argument on August 2, 2022.

4. On June 8, 2022, the district court entered an Amended Scheduling Order in the ongoing trial court proceedings. *See LUPE*, ECF 437. Because this order was entered the same day this Court granted Plaintiffs-Appellees' unopposed motion

to expedite the appeal, the new deadlines it includes were not available to the Court when it considered Plaintiffs-Appellees' motion to expedite.

5. As several of the deadlines in the Amended Scheduling Order are now approaching, the parties supply them here for the Court's awareness. These deadlines are all contained within the attached Amended Scheduling Order unless otherwise noted. *See* Attachment A.

<u>Event</u>	<u>Deadline</u>
Designation of testifying experts and service of materials required by Fed. R. Civ. P. 26(a)(2)(B) for Plaintiffs	February 10, 2023 ¹
Designation of testifying experts and service of materials required by Fed. R. Civ. P. 26(a)(2)(B) for Defendants and Intervenor-Defendants	March 2, 2023 ²
Close of fact discovery on matters related to the 2022 General Election	March 17, 2023
Completion of expert discovery on matters related to the 2022 General Election	April 11, 2023
Dispositive motions and <i>Daubert</i> motions	April 28, 2023
Final Joint Pretrial Order and motions <i>in limine</i>	June 30, 2023
Final Pretrial Conference	July 6, 2023
Bench Trial	July 17, 2023

¹ The parties agreed to, and the district court granted, a one-week extension to certain expert discovery deadlines related to the 2022 General Election. *See LUPE*, ECF 518.

² *Id.*

Dated: February 13, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the CM/ECF system.

I certify that counsel for the Intervenor-Defendant-Appellants are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Uzoma N. Nkwonta
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