

expedited schedule. *See* ECF 425 at 17 (setting a deadline of June 3, 2022). Third, a stay will not substantially injure the LULAC Plaintiffs because, as explained in more detail below, the parties have agreed to propose an expedited briefing schedule on appeal. Fourth, protecting legislative privilege promotes the public interest in good government and better-informed legislation. *See Tenney v. Brandhove*, 341 U.S. 367, 377 (1951); *Lee*, 908 F.3d at 1187.

LULAC Plaintiffs agree not to oppose the legislators' motion to stay in order to more expeditiously resolve the issues raised by the legislators' forthcoming interlocutory appeal. To that end, Plaintiffs and the legislators have agreed to negotiate an expedited schedule to fully brief the legislators' appeal by the end of July. By agreeing not to oppose the legislators' motion to stay, and further agreeing to an expedited briefing schedule, the Plaintiffs do not concede that the legislators are able to satisfy the relevant stay factors. Plaintiffs also do not waive any argument that might be presented to the Court of Appeals. Similarly, Plaintiffs reserve the right to ask this Court for further relief if, for any reason, the parties are not able to expeditiously resolve the issues on appeal.

The legislators respectfully request that the Court enter a stay pending appeal.

Date: May 27, 2022

Respectfully submitted.

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Counsel for the Third-Party Legislators

CERTIFICATE OF CONFERENCE

I certify that counsel for the third-party legislators conferred with counsel for the LULAC Plaintiffs about the foregoing motion on May 26 and 27, 2022. Counsel for the LULAC Plaintiffs have stated that their clients do not oppose a stay pending appeal so long as the third-party legislators do not oppose an agreed expedited briefing schedule in the Fifth Circuit.

/s/ Patrick K. Sweeten
PATRICK K. SWEETEN

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on May 27, 2022, and that all counsel of record were served by CM/ECF.

/s/ Patrick K. Sweeten
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