

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

LA UNIÓN DEL PUEBLO ENTERO, et al.,

*Plaintiffs,*

v.

5:21-cv-844-XR

GREGORY W. ABBOTT, et al.,

*Defendants.*

OCA-GREATER HOUSTON, et al.,

*Plaintiffs,*

v.

1:21-CV-0780-XR

JANE NELSON, et al.,

*Defendants.*

**OCA PLAINTIFFS’ RESPONSE IN OPPOSITION TO STATE DEFENDANTS’  
MOTION FOR STAY PENDING APPEAL OR, IN THE ALTERNATIVE, FOR  
ADMINISTRATIVE STAY PENDING APPEAL AND REQUEST FOR EXPEDITED  
CONSIDERATION**

Plaintiffs OCA-Greater Houston, League of Women Voters of Texas, and REVUP-Texas (collectively OCA Plaintiffs) respectfully request this Court deny Defendants Texas Secretary of State Jane Nelson, Texas Attorney General Kenneth Paxton, and the State of Texas’s (collectively State Defendants’) Motion for Stay.

OCA Plaintiffs agree with the United States that State Defendants’ Motion for Stay should

be denied because, among other reasons, State Defendants are not likely to succeed on the merits.<sup>1</sup> This Court issued a carefully crafted opinion and judgment after multiple rounds of discovery and fully briefed Cross-Motions for Summary Judgment. Dkt. 820. In their Motion for Stay, State Defendants rehash arguments this Court already addressed in its opinion, and State Defendants fail to provide any new compelling argument for why the injunction should be stayed. Dkt. 824 at 6–7.<sup>2</sup> As the United States explains in its Opposition, State Defendants also cannot point to any irreparable harm to themselves from the enforcement of the injunction. Counting valid votes is always in the public interest. Excluding them because of immaterial paperwork errors is not.

OCA Plaintiffs also note that, in all events, State Defendants’ assertion of irreparable harm is limited to Houston’s December 9<sup>th</sup> municipal runoff election. Accordingly, to the extent that the Court is considering issuing a stay (or other order clarifying the injunction) any such stay or clarification should be limited to the December 9<sup>th</sup> runoff election. State Defendants offer no grounds at all to support any broader stay request.

### CONCLUSION

For the foregoing reasons, OCA Plaintiffs request that the Court deny State Defendants’ Motion for Stay.

Dated: December 4, 2023.

Respectfully submitted,

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<sup>1</sup> OCA Plaintiffs hereby incorporate the arguments made in the United States Opposition to the Motion for Stay. Dkt. 825.

<sup>2</sup> OCA Plaintiffs incorporate their prior briefing to this Court on the merits. Dkt. 611, 665.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 4, 2023, the foregoing document was filed electronically (via CM/ECF), and that all counsel of record were served by CM/ECF.

/s/ Hani Mirza