

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

LULAC, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, in his official capacity as
Governor of Texas, *et al.*,

Defendants.

Case No. 3:21-CV-00259-DCG-JES-JVB
[Lead Case]

**REPLY IN SUPPORT OF MOTION TO SCHEDULE PRELIMINARY INJUNCTION
HEARING AND TO VACATE AUGUST 11, 2025 ORDER SUSPENDING DEADLINE
AS TO STATE LEGISLATIVE MAP CHALLENGES**

This is not nearly as complicated as the State's response suggests. The United States Department of Justice researched the racial composition of Texas's congressional districts—which the State and its witnesses say were drawn race-blind—and demanded that various districts be dismantled because of their happenstance multiracial majority status. The Governor called a special session citing DOJ's letter and gave television interviews demanding the dismantling of multiracial majority districts.¹ The map on the verge of passing does exactly that, including by setting specific racial targets for various districts with no supporting evidentiary basis. The new map bill has been publicly described in racial terms by Chair Hunter and supportive legislators. The undersigned Plaintiffs will seek a preliminary injunction on the grounds that this conduct

¹ See, e.g., *Abbott on THC, redistricting & the special session* at 3:16, Fox 4 Dallas-Fort Worth, <https://www.youtube.com/watch?v=PHsYs0NTPTY> (emphasis added) (Since the last time we did redistricting, the law has changed. In a lawsuit that was filed by Democrats, and the decision came out last year, it says that coalition districts are no longer required. *And so we want to make sure that we have maps that don't impose coalition districts . . .*) (emphasis added); *Governor Abbott Talks Democrat Desperation on the Joe Pags Show*, Aug. 7, 2025, <https://www.youtube.com/watch?app=desktop&v=kubKVtdGgBA> ("Texas is no longer required to have what are called coalition districts. *And as a result, we're able to take the people who were in those coalition districts, and make sure they're gonna be in districts that really represent the voting preference of those people who live here in Texas.*") (emphasis added).

violates the Fourteenth and Fifteenth Amendments. *See Bartlett v. Strickland*, 556 U.S. 1, 24 (2009) (plurality) (“[I]f there were a showing that a State intentionally drew district lines in order to destroy otherwise effective crossover districts, that would raise serious questions under both the Fourteenth and Fifteenth Amendments.”); *Cooper v. Harris*, 581 U.S. 285, 299-300 (2017) (affirming racial predominance finding of districts drawn to meet 50%+1 racial targets). The motion will not seek a preliminary injunction on Section 2 grounds.

The State asked for a conference today and Plaintiffs’ counsel attended. The State asked Plaintiffs to list their claims on the call, but Plaintiffs’ counsel explained that they could not provide specifics until the bill—which is still subject to amendment—passed. The State’s counsel indicated that they understood why that was so.

As the Brooks Plaintiffs indicated in the parties’ conference, their supplemental complaint and preliminary injunction motion will be filed days before the scheduled hearing. The remaining undersigned Plaintiffs will also file their supplemental complaint and motions for preliminary injunction in advance of Wednesday’s in-person conference.

The undersigned Plaintiffs request a hearing at the earliest possible date. The State will have sufficient time to understand Plaintiffs’ claims and prepare for a hearing commencing September 15.

Plaintiffs do not object to a new deadline for proposed factual findings and legal conclusions for the state legislative maps being extended by the amount of time that has elapsed since the suspension of the deadline, as the State requests. And the State does not explain how the state legislative claims—about different maps, different issues, and different districts—are too intertwined with the congressional claims to have separate judgments. Indeed, the 2011 and 2013 map trials were conducted separately for each map, with separate orders issued on each.

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/s/ Nina Perales

Nina Perales
Texas Bar No. 24005046
Julia Longoria
Sabrina Rodriguez
Mexican American Legal Defense and
Educational Fund (MALDEF)
110 Broadway, Suite 300
San Antonio, TX 78205
(210) 224-5476
FAX (210) 224-5382
nperales@maldef.org
jlongoria@maldef.org
srodriguez@maldef.org

Ernest I. Herrera
Mexican American Legal Defense and
Educational Fund (MALDEF)
634 S. Spring Street, 9th Floor
Los Angeles, CA 90014
(210) 629-2512
eherrera@maldef.org

Khrystan N. Policarpio*
Mexican American Legal Defense and
Educational Fund (MALDEF)
1512 14th Street
Sacramento, CA 95814
(916) 444-3031
kpolicarpio@maldef.org

*Admitted *pro hac vice*

Counsel for LULAC Plaintiffs

Respectfully submitted,

/s/ Chad W. Dunn

Chad W. Dunn (Tex. Bar No. 24036507)
Brazil & Dunn
4407 Bee Caves Road
Building 1, Ste. 111
Austin, TX 78746
(512) 717-9822
chad@brazilanddunn.com

/s/ Mark P. Gaber

Mark P. Gaber*
Mark P. Gaber PLLC
P.O. Box 34481
Washington, DC 20043
(715) 482-4066
mark@markgaber.com

Jesse Gaines* (Tex. Bar. No. 07570800)
P.O. Box 50093
Fort Worth, TX 76105
817-714-9988
gainesjesse@ymail.com

Molly E. Danahy*
P.O. Box 51
Helena, MT 59624
(406) 616-3058
danahy.molly@gmail.com

Sonni Waknin*
10300 Venice Blvd. # 204
Culver City, CA 90232
732-610-1283
sonniwaknin@gmail.com

*Admitted *pro hac vice*

Counsel for Brooks Plaintiffs

Renea Hicks
Attorney at Law
Texas Bar No. 09580400
Law Office of Max Renea Hicks
P.O. Box 303187
Austin, Texas 78703-0504
(512) 480-8231
rhicks@renea-hicks.com

/s/ David R. Fox

David R. Fox
Richard A. Medina
ELIAS LAW GROUP LLP
250 Massachusetts Ave. NW, Suite 400
Washington, D.C. 20001
Telephone: (202) 968-4490
dfox@elias.law
rmedina@elias.law

Abha Khanna
ELIAS LAW GROUP LLP
1700 Seventh Ave, Suite 2100
Seattle, WA 98101
Telephone: (206) 656-0177
akhanna@elias.law

Counsel for Gonzales Plaintiffs

/s/ Sean J. McCaffity

Sean J. McCaffity
State Bar No. 24013122
George (Tex) Quesada
State Bar No. 16427750
SOMMERMAN, MCCAFFITY,
QUESADA & GEISLER, L.L.P.
3811 Turtle Creek Blvd., Suite 1400
Dallas, Texas 75219-4461
214-720-0720 (Telephone)
214-720-0184 (Facsimile)
SMcCaffity@texttrial.com
Quesada@texttrial.com

Attorneys for MALC Plaintiffs

CERTIFICATE OF SERVICE

I certify that the foregoing was served on all counsel of record on August 22, 2025 via the Court's CM/ECF system.

/s/ Chad W. Dunn