

No. 22-50407
c/w No. 22-50648

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

LEAGUE OF UNITED LATIN AMERICAN CITIZENS, et al.,
Plaintiffs-Appellees,
SHEILA JACKSON LEE, et al.,
Intervenor Plaintiffs-Appellees,
v.
GREG ABBOTT,
Defendant,
RYAN GUILLEN, TEXAS HOUSE MEMBER, et al.,
Movants-Appellants.

LEAGUE OF UNITED LATIN AMERICAN CITIZENS, et al.,
Plaintiffs-Appellees,
SHEILA JACKSON LEE, et al.,
Intervenor Plaintiffs-Appellees,
v.
GREG ABBOTT,
Defendant,
TODD HUNTER, TEXAS HOUSE MEMBER, et al.,
Movants-Appellants.

APPELLANTS' STATUS REPORT

Pursuant to this Court's June 17, 2022 order, Appellants submit this monthly status report apprising the Court of the status of the district court proceedings.

1. These appeals arise from ongoing redistricting litigation. They have been consolidated and held in abeyance pending further rulings from the district court.

2. As previously reported, Plaintiffs have deposed various Texas legislators and legislative employees for depositions, over their legislative immunity and privilege objections, in accordance with the district court's order requiring the same. Order 4-5, ECF 282; Order, ECF 340; Order, ECF 409.¹

3. In accordance with the district court's procedure, there are pending motions to permit plaintiffs to disclose and use legislatively privileged testimony given by legislators and staff in depositions. Deposition transcripts are before the district court for its *in camera* review. U.S. 1st Mot. to Compel, ECF 520; U.S. 2d Mot., ECF 538; Pls. 1st Mot., ECF 521; Pls. 2d Mot., ECF 539; U.S. 3d Mot., ECF 598; LULAC plaintiffs joinder, ECF 601; Legislators' Resp., ECF 551. Plaintiffs filed their replies on August 26 and 29, 2022. U.S. Reply, ECF 565; Pls. Reply, ECF 568. Awaiting the district courts' rulings on these motions, which relate to Appellants' arguments about the scope of permissible discovery of legislators, is in the interest of all parties and judicial economy.

4. In the interim, the district court has reopened the depositions of two House members, which are set to occur during the week of October 10, 2022. Further legislative privilege issues could arise during these depositions.

¹ All references to ECF numbers in this status report refer to the entries in the district court's docket in *LULAC v. Abbott*, No. 3:21-cv-259 (W.D. Tex.).

5. The district court has vacated the initially scheduled trial dates (September 28 – October 8, 2022). Order, ECF 569. The parties submitted their proposed alternate trial dates, ranging from November 2022 to early summer of 2023. Joint Advisory, ECF 566. The district court has not set new trial dates yet.

6. In light of these ongoing proceedings, Appellants request that this Court continue to hold these appeals in abeyance. Appellants will file another monthly status report no later than November 7, 2022.

Respectfully submitted,

Dated: October 7, 2022

/s/ Frank H. Chang

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CERTIFICATE OF SERVICE

I filed this motion with the Court via ECF, which will electronically notify all parties who have appeared in this case. The document has been scanned and is free of viruses.

Dated October 7, 2022

/s/ Frank H. Chang

Frank H. Chang

*Counsel for Legislators,
Movants-Appellants*

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