

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

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

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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.*

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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.*

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**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.<sup>1</sup>

3. In accordance with the district court's procedure, there are pending motions to permit plaintiffs to use legislatively privileged testimony given by legislators and staff. 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 Pls. Joinder, ECF 601; U.S. 4th Mot., ECF 635; LULAC Pls. Mot., ECF 637; Legislators' Resp., ECF 551; Legislators' Resp., ECF 609; Legislators' Resp., ECF 643; U.S. Reply, ECF 565; Pls. Reply, ECF 568; U.S. Reply, ECF 615; U.S. Reply, ECF 656; LULAC Pls. Reply, ECF 662. It is in the interest of all parties and judicial economy to await the district courts' rulings on these motions, which relate to Appellants' arguments about the scope of permissible discovery of legislators.

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<sup>1</sup> 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.).

4. On February 10, 2023, the parties jointly moved to request “guidance, to the extent possible, regarding possible dates under consideration for trial in this case.” Joint Mot. 1, ECF 693. The district court denied the motion, noting that it was “currently unable to set or predict date(s) for any trial(s) ... until the Fifth Circuit resolves various pending appeals.” Order 1, ECF 696. The district court also noted that “[t]he trial setting ... may ... depend on any [further] redistricting that occurs in the 2023 regular session” of the Texas Legislature, which is currently ongoing. *Id.*

5. Appellants request that this Court continue to hold these appeals in abeyance. Appellants will file another monthly status report no later than April 7, 2023.

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Respectfully submitted,

Dated: March 8, 2023

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### CERTIFICATE OF SERVICE

I filed the foregoing 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 March 8, 2023

/s/ Frank H. Chang

Frank H. Chang

*Counsel for Legislators,  
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