

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. As previously reported, the parties submitted supplemental briefs concerning all discovery motions pending before the district court, many relating to the depositions at issue in this appeal. These supplemental briefs discuss how this Court's decisions in *LULAC Texas v. Hughes*, 68 F.4th 228 (5th Cir. 2023), and *LULAC v. Patrick*, No. 22-50662 (5th Cir. July 18, 2023), govern the pending motions. The district court is still considering these motions and supplemental briefs. The court has not yet set a trial date.

2. Pursuant to an order from the U.S. District Court for the District of Columbia, Plaintiffs conducted a third-party deposition of Mr. Adam Kincaid and the National Republican Redistricting Trust on November 2, 2023. *See In re Kincaid*, 2023 WL 6459801 (D.D.C. Oct. 4). Legislative privilege assertions were raised in response to numerous questions. The parties currently anticipate filing additional discovery motions relating to these privilege assertions.

3. Appellants request that this Court continue to hold these appeals in abeyance pending the district courts' resolution of the pending (and any forthcoming) motions regarding privileged deposition testimony, which relate to the orders compelling depositions that are the subject of these consolidated appeals. The district court's resolution of those motions could narrow the issues for appeal or potentially resolve these consolidated appeals.

4. Appellants will file another monthly status report no later than December 11, 2023.

Respectfully submitted,

Dated: November 9, 2023

/s/ Frank H. Chang
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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: November 9, 2023

/s/ Frank H. Chang

Frank H. Chang

*Counsel for Legislators,
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