

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 United States and Private Plaintiffs moved to compel the production of documents, and to “unseal” the deposition transcripts of legislators and staff, that are subject to the legislative privilege. The parties submitted supplemental briefs, discussing how this Court’s decisions in *La Union Del Pueblo Entero v. Abbott* (“*Hughes*”), 68 F.4th 228 (5th Cir. 2023), and *LULAC v. Patrick*, No. 22-50662 (5th Cir. July 18, 2023), govern the pending motions.

2. The district court issued a 360-page order resolving nearly all of the pending discovery motions implicating the legislative privilege. *See* December 21, 2023 Order, ECF 746.¹ The district court observed that the legislative privilege is “necessarily broad,” *id.* at 3, and rejected plaintiffs’ contention that redistricting cases are “extraordinary” civil cases in which the privilege must yield, *id.* at 11-14, as well as their various arguments that certain categories of documents and deposition responses were not privileged, *id.* at 4-9.

3. The district court’s accompanying index is 342 pages and includes thousands of specific rulings on each privilege assertion. *See id.* at 19-360.

4. Appellants are still reviewing this index—as well as the individual deposition transcripts at issue—to determine the next steps for these appeals, including

¹ The district court has yet to rule on plaintiffs’ motions relating to the legislative-privilege assertions from the third-party depositions of Mr. Adam Kincaid and the National Republican Redistricting Trust.

whether they can be voluntarily dismissed or whether these appeals should be consolidated with other forthcoming appeals, if any.

5. The parties have until February 20, 2024 to decide whether to file a notice of appeal from the district court's December order, *see* Fed. R. App. P. 4(a)(1)(B), which would relate to this appeal.

6. Appellants request that this Court continue to hold these appeals in abeyance so that Appellants may complete their review. Appellants will file another monthly status report no later than March 11, 2024.

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Respectfully submitted,

Dated: February 9, 2024

/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: February 9, 2024

/s/ Frank H. Chang
Frank H. Chang

*Counsel for Legislators,
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