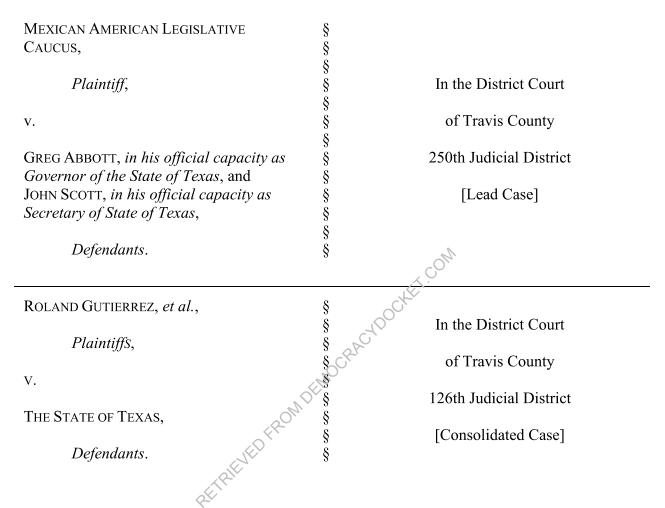
NO. D-1-GN-21-006515



DEFENDANTS' NOTICE OF APPEAL

These consolidated cases are before a special three-judge district court pursuant to Texas Government Code § 22A.001(a)(2). Defendants Governor Greg Abbott, Secretary of State John Scott, and the State of Texas ("Defendants") file this Notice of Appeal as to the Court's *Order On Pleas To The Jurisdiction And Applications For Temporary Injunction* ("Order"), signed December 22, 2021. *See* Ex. A.

The State Defendants filed Pleas to the Jurisdiction as to both plaintiff groups: the Mexican American Legislative Caucus ("MALC") and Roland Gutierrez, Sarah Eckhardt, Ruben Cortez,

and the Tejano Democrats (the "Gutierrez Plaintiffs"). The Court's order denied in part the State Defendants' plea as to the Gutierrez Plaintiffs and denied Defendants' plea in full as to MALC. The denial of those Pleas to the Jurisdiction is an appealable interlocutory order under Texas Civil Practice and Remedies Code § 51.014(a)(8). Defendants therefore appeal to the Supreme Court of Texas. *See* Tex. Gov't Code § 22A.006(a) ("An appeal from an appealable interlocutory order or final judgment of a special three judge district court is to the supreme court.").

The trial court, trial-court case number, and style are shown in the caption above. This is an accelerated appeal. Tex. R. App. P. 28.1. This is not a parental termination or child-protection case. Tex. R. App. P. 28.4. This appeal automatically stays all proceedings in the trial court under Texas Civil Practice and Remedies Code § 51.014(b).

Date: December 27, 2021

December 27, 2021

KEN PAXTON Attorney General of Texas

BRENT WEBSTER

First Assistant Attorney General

Respectfully submitted.

<u>/s/Patrick K. Sweeten</u>

PATRICK K. SWEETEN

Deputy Attorney General for Special Litigation

Tex. State Bar No. 00798537

WILLIAM T. THOMPSON

Deputy Chief, Special Litigation Unit

Tex. State Bar No. 24088531

CHRISTOPHER D. HILTON

Deputy Chief, General Litigation Division

Tex. State Bar No. 24087727

COURTNEY B. CORBELLO

Assistant Attorney General, General Litigation Division

Tex. State Bar No. 24097533

ERIC A. HUDSON

Senior Special Counsel, Special Litigation Unit

Tex. State Bar 24059977

KATHLEEN T. HUNKER Special Counsel, Special Litigation Unit Tex. State Bar No.24118415

JACK B. DISORBO Assistant Attorney General, Special Litigation Unit Tex. State Bar No. 24120804

OFFICE OF THE ATTORNEY GENERAL P.O. Box 12548 (MC-009) Austin, Texas 78711-2548 Tel.: (512) 463-2100 Fax: (512) 457-4410 patrick.sweeten@oag.texas.gov

patrick.sweeten@oag.texas.gov will.thompson@oag.texas.gov

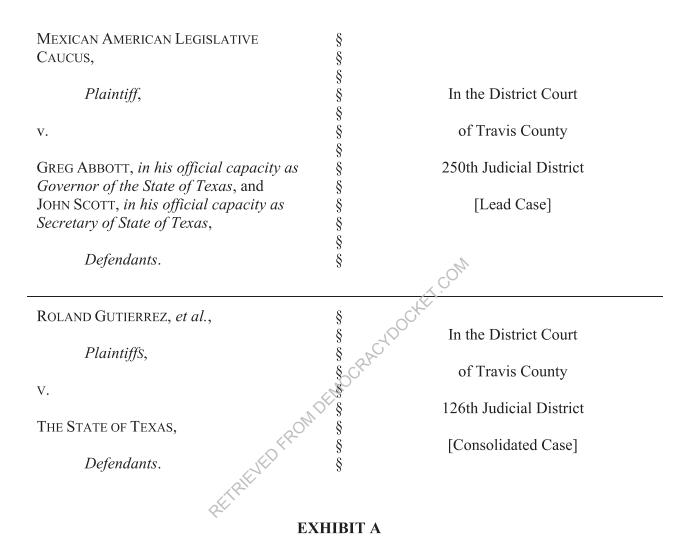
COUNSEL FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on December 27, 2021, and that all counsel of record were served by CM/ECF.

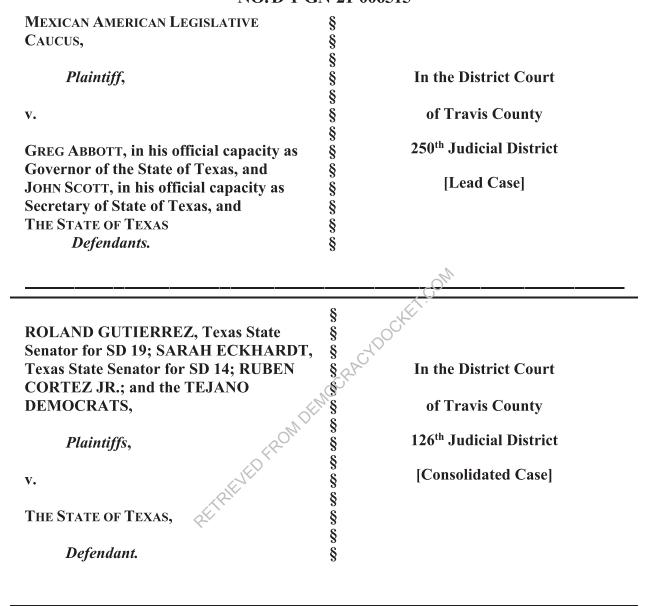
/s/Patrick K. Sweeten
Patrick K. Sweeten

NO. D-1-GN-21-006515



ORDER OF THE THREE-JUDGE DISTRICT COURT

NO. D-1-GN-21-006515



ORDER ON PLEAS TO THE JURISDICTION AND APPLICATIONS FOR TEMPORARY INJUNCTION

On this day, the Three Judge District Court considered the Pleas to the Jurisdiction by Defendants Greg Abbott, in his official capacity as Governor of the State of Texas, and John Scott, in his official capacity as Secretary of State of Texas (collectively, "Defendants"), and Defendant

the State of Texas (the "State"), as well as Plaintiff Mexican American Legislative Caucus' ("MALC") Expedited Motion for Temporary Injunction, and Plaintiffs Roland Gutierrez, Sarah Eckhardt, Ruben Cortez Jr., and the Tejano Democrats' (collectively, the "Gutierrez Plaintiffs") Application for Temporary Injunction. The Court, having considered the pleas, the applications, and the supporting and opposing briefing, as well as the applicable law cited therein, evidence presented, arguments of counsel, and the pleadings on file in this case, is of the opinion:

- 1) Defendants' Plea to the Jurisdiction should be DENIED;
- 2) The State's Plea to the Jurisdiction should be GRANTED IN PART as to the Gutierrez

 Plaintiffs' claims for injunctive relief and DENIED IN PART as to the Gutierrez

 Plaintiffs' claims for declaratory relief; and
- 3) MALC's Expedited Motion for Temporary Injunction should be DENIED.

IT IS THEREFORE ORDERED that Defendants' Plea to the Jurisdiction is DENIED.

IT IS FURTHER ORDERED that the State's Plea to the Jurisdiction is GRANTED IN PART as to the Gutierrez Plaintiffs' claims for injunctive relief only and that such claims for injunctive relief against the State are DISMISSED. IT IS FURTHER ORDERED that the State's Plea to the Jurisdiction is DENIED IN PART as to the Gutierrez Plaintiffs' claims for declaratory relief.

IT IS FURTHER ORDERED that MALC's Expedited Motion for Temporary Injunction is DENIED.

The Court ORDERS a final trial in this matter to begin January 10, 2022 at 9:00 A.M. at a location to be determined by the Court.

SIGNED on the 22nd day of December, 2021.

The Honorable Karin Crump, Judge Presiding

/s/ Emily Miskel

The Honorable Emily Miskel, Judge Presiding

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Patrick Sweeten on behalf of Patrick Sweeten Bar No. 798537 patrick.sweeten@oag.texas.gov Envelope ID: 60300924

Status as of 12/27/2021 10:43 AM CST

Associated Case Party: MEXICAN AMERICAN LEGISLATIVE CAUCUS TEXAS HOUSE OF REPRESENTATIVES

Name	BarNumber	Email	TimestampSubmitted	Status
Sean McCaffity		smccaffity@textrial.com	12/27/2021 8:10:10 AM	SENT
Dana Chandler		dchandler@textrial.com	12/27/2021 8:10:10 AM	SENT
George Quesada	16427750	quesada@textrial.com	12/27/2021 8:10:10 AM	SENT
Bethzabeth Loya		bloya@textrial.com	12/27/2021 8:10:10 AM	SENT
Joaquin Gonzalez		jgonzalez@malc.org	12/27/2021 8:10:10 AM	SENT
Nicole Pioli		npioli@textrial.com	12/27/2021 8:10:10 AM	SENT
Juan Gonzalez		jgonzalez@malc.com	12/27/2021 8:10:10 AM	ERROR

Case Contacts

Name	BarNumber	⊈mail	TimestampSubmitted	Status
elizabeth saunders		elizabeth.saunders@oag.texas.gov	12/27/2021 8:10:10 AM	SENT
Debra Accetta		debby.accetta@oag.texas.gov	12/27/2021 8:10:10 AM	SENT

Associated Case Party: GREG ABBOTT GOVERNOR OF THE STATE OF TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
Patrick K.Sweeten		patrick.sweeten@oag.texas.gov	12/27/2021 8:10:10 AM	SENT

Associated Case Party: John Scott, Secretary State of Texas

Name	BarNumber	Email	TimestampSubmitted	Status
William T.Thompson		will.thompson@oag.texas.gov	12/27/2021 8:10:10 AM	SENT