

NO. D-1-GN-21-006515

MEXICAN AMERICAN LEGISLATIVE	§	
CAUCUS,	§	
	§	
<i>Plaintiff,</i>	§	In the District Court
	§	
v.	§	of Travis County
	§	
GREG ABBOTT, <i>in his official capacity as</i>	§	250th Judicial District
<i>Governor of the State of Texas, and</i>	§	
JOHN SCOTT, <i>in his official capacity as</i>	§	[Lead Case]
<i>Secretary of State of Texas,</i>	§	
	§	
<i>Defendants.</i>	§	

ROLAND GUTIERREZ, <i>et al.,</i>	§	
	§	In the District Court
<i>Plaintiffs,</i>	§	
	§	of Travis County
v.	§	
	§	126th Judicial District
THE STATE OF TEXAS,	§	
	§	[Consolidated Case]
<i>Defendants.</i>	§	

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

Respectfully submitted.

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Attorney General of Texas

/s/Patrick K. Sweeten
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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

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In the District Court

of Travis County

250th Judicial District

[Lead Case]

In the District Court

of Travis County

126th Judicial District

[Consolidated Case]

ORDER OF THE THREE-JUDGE DISTRICT COURT

[Lead Case]

[Consolidated Case]

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.

A handwritten signature in blue ink, appearing to read "Karin Crump", written over a horizontal line.

The Honorable Karin Crump, Judge Presiding

A handwritten signature in black ink, appearing to read "Ken Wise", written over a horizontal line.

The Honorable Ken Wise, Judge Presiding

A handwritten signature in black ink, appearing to read "/s/ Emily Miskel", written over a horizontal line.

The Honorable Emily Miskel, Judge Presiding

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

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