

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

TERRY PETTEWAY, THE
HONORABLE DERRECK ROSE,
MICHAEL MONTEZ, SONNY
JAMES and PENNY POPE,

Plaintiffs,

v.

GALVESTON, TEXAS, and
HONORABLE MARK HENRY, in
his official capacity as Galveston
County Judge,

Defendants.

Civil Action No. 3:22-cv-57

UNITED STATES OF AMERICA,

Plaintiff,

v.

GALVESTON, TEXAS,
GALVESTON COUNTY
COMMISSIONERS COURT, and
HONORABLE MARK HENRY, in
his official capacity as Galveston
County Judge,

Defendants.

Civil Action No. 3:22-cv-93

Dickinson Bay Area Branch NAACP,
GALVESTON BRANCH NAACP,
MAINLAND BRANCH NAACP,
GALVESTON LULAC COUNCIL
151, EDNA COURVILLE, JOE A.
COMPIAN, and LEON PHILLIPS,

Civil Action No. 3:22-cv-117

Plaintiffs,

§
§
§
§
§
§
§
§
§
§
§
§
§

v.

GALVESTON, TEXAS,
HONORABLE MARK HENRY, in
his official capacity as Galveston
County Judge, and DWIGHT D.
SULLIVAN, in his official capacity as
Galveston County Clerk

Defendants.

PETTEWAY PLAINTIFFS' NOTICE OF ADDITIONAL AUTHORITY

Plaintiffs Terry Petteway, Derrick Rose, Penny Pope, Sonny James, and Michael Montez (“Petteway Plaintiffs”) file this notice of additional authority to alert the Court of the decision in *Palmer, et.al., v. Hobbs, et al., and Trevino, et al.*, No. 3:22-cv-05035-RSL (W.D. Wash. Oct. 26, 2022) (Doc. 101) (attached as Exhibit A).

On September 30, 2022, Defendants filed a Renewed Motion for Stay in the instant matter pending the United States Supreme Court decision in *Merrill v. Milligan*, No. 21-1086 (U.S.). Doc. 77. Defendants previously filed a Motion for Stay which this Court denied on May 24, 2022. Doc. 40.

Counsel for Defendants in this case filed a similar request for a stay in *Palmer v. Hobbs*. In *Palmer v. Hobbs*, Plaintiffs filed suit alleging that Washington’s state

redistricting plan diluted Latino votes in violation of Section 2 of the Voting Rights Act. No. 3:22-cv-05035-RSL, Doc 70 at 1 (W.D. Wash). On October 5, 2022, Intervenor-Defendants requested a stay of *Palmer v. Hobbs* pending the Supreme Court's decision in *Merrill*. No. 3:22-cv-05035, Doc 97. On October 26, 2022, the district court denied Intervenor-Defendants motion to stay. *Palmer, et.al., v. Hobbs, et al., and Trevino, et al.*, No. 3:22-cv-05035, Doc. 101 at 2 (W.D. Wash). In its order, the Court cited a panel decision in the Western District of Texas denying a request to stay based on *Merrill*, a decision later affirmed on appeal. *See id; see also League of United Latin American Citizens v. Abbott*, No. EP-21-CV-0259-DCG-JES-JVB (W.D. Tex. Apr. 22, 2022).

In their pending Renewed Motion to Stay in the instant case, Defendants make the same argument as Intervenor-Defendants in *Palmer v. Hobbs*, both of which recycle the same arguments in Defendants' first Motion to Stay that this Court already rejected. This Court should similarly deny Defendants' Renewed Motion to Stay.

Respectfully submitted this 27th day of October 2022.

/s/ Valencia Richardson

Mark P. Gaber*
Simone Leeper*
Valencia Richardson*
Campaign Legal Center
1101 14th St. NW, Ste. 400

Chad W. Dunn (Tex. Bar No. 24036507)
Brazil & Dunn
4407 Bee Cave Road
Building 1, Ste. 111
Austin, TX 78746

Washington, DC 20005
(202) 736-2200
mgaber@campaignlegal.org
cjackson@campaignlegal.org
sleeper@campaignlegal.org
vrichardson@campaignlegal.org
odenevers@campaignlegal.org

Sonni Waknin*
Bernadette Reyes*
UCLA Voting Rights Project
3250 Public Affairs Building
Los Angeles, CA 90095
Telephone: 310-400-6019
sonni@uclavrp.org

**admitted pro hac vice*

Counsel for Petteway Plaintiffs

(512) 717-9822
chad@brazilanddunn.com

Neil G. Baron
Law Office of Neil G. Baron
1010 E Main Street, Ste. A
League City, TX 77573
(281) 534-2748
neil@ngbaronlaw.com

RETRIEVED FROM DEMOCRACYDOCKET.COM

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 27, 2022, the foregoing document was filed electronically (via CM/ECF), and that all counsel of record were served by CM/ECF.

/s/ Valencia Richardson
Counsel for Petteway Plaintiffs

RETRIEVED FROM DEMOCRACYDOCKET.COM