

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**LEAGUE OF UNITED LATIN AMERICAN
CITIZENS, et. al.**

v.

**JANE NELSON, in her official capacity as
the Texas Secretary of State, et. al.**

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Case No. 1:26-cv-00729-ADA-SH

**DEFENDANTS PHILLIPS' AND BREAU'S MOTION TO TRANSFER VENUE
TO THE EASTERN DISTRICT OF TEXAS, SHERMAN DIVISION AND BRIEF**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Defendants **FRANK PHILLIPS, in his official capacity as Denton County Elections Administrator** and **KALEB BREAU, in his official capacity as Collin County Elections Administrator** (hereinafter "Denton and Collin County Defendants") pursuant to 28 U.S.C §1391(b), 28 U.S.C. §1404, FED. R. CIV. P. 12(b)(3), and FED. R. CIV. P. 42, and file their MOTION TO TRANSFER VENUE TO THE EASTERN DISTRICT, SHERMAN DIVISION AND BRIEF, and would show as follows.

**I.
Overview of Facts necessitating Dismissal or Transfer**

Plaintiffs have sued the Texas Secretary of State [Jane Nelson] along with the Brazoria County Clerk [Joyce Hudman], the Dallas County Elections Administrator [Paul Adams], Denton County Elections Administrator [Frank Phillips] and Collin County Elections Administrator [Kaleb Breau] under the National Voter Registration Act ("NVRA") challenging what they contend are "unlawful voter purges".¹ These Defendants, on June 10, 2026, subject to this MOTION, pursuant to both FED. R. CIV. P. 12(b)(1) and 12(b)(6), filed their MOTION TO DISMISS [Dkt. 25], asserting a

¹See, generally, Plaintiffs' COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF [ECF No. 1]

variety of grounds for dismissal as a matter of law, including whether: (1) Plaintiffs have Statutory and Article III standing to bring this action; (2) Plaintiff's claims present an impermissible political question; and (2) Plaintiffs have plead any plausible claims for any type relief against these Defendants. While these two Defendants contend that their dismissal from this case is warranted, they do not waive their right to venue in the Eastern District of Texas, Sherman Division, because, as discussed more fully below, most of the remaining Defendants reside in the Eastern District of Texas, making such District more convenient.

II.

Discretionary Transfer of the instant case to Eastern District of Texas, Sherman Division

Plaintiffs invoke 28 U.S.C §1391(b) as the sole basis for venue in this Court.² Such venue statute provides:

A civil action wherein jurisdiction is not founded solely on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

Here, the Eastern District of Texas, Sherman Division, would be appropriate under 1391(b)(1) or (2) for these two Defendants. Although the Texas Secretary of State may reside in the Western District of Texas, making venue arguably proper under Section 1391(b)(1) or (2), none of the other Defendants reside in the Western District, making venue in the Western District inconvenient for the other three Defendants and warranting a transfer to the Eastern District of Texas, Sherman Division, where these two Defendants reside.

²See, Plaintiffs' COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF [ECF No. 1], paragraph 24 ("Venue is proper in this district under 28 U.S.C §1391(b) because Defendants reside in this judicial district and a substantial part of the events and omissions alleged occurred and will occur in this district.")

28 U.S.C. §1404(a) provides that “[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.” 28 U.S.C. § 1404(a); *GuideOne Nat’l Ins. Co. v. Permian Basin Containers, LLC*, 2025 U.S. Dist. LEXIS 157989, at *3-4 (W.D. Tex. Aug. 13, 2025). The purpose of Section 1404(a) “is to prevent the waste ‘of time, energy, and money’ and ‘to protect litigants, witnesses and the public against unnecessary inconvenience and expense....’” *Van Dusen v. Barrack*, 376 U.S. 612, 616, 84 S. Ct. 805, 11 L. Ed.2d 945 (1964)(quoting *Continental Grain Company v. Barge FBL-585*, 364 U.S. 19, 26-27, 80 S. Ct. 1470, 4 L.Ed.2d 1540 (1960)). The decision to transfer a pending case is committed to the sound discretion of the district court. *Jarvis Christian College v. Exxon Corp.*, 845 F.2d 523, 528 (5th Cir.1988).

“The preliminary question under §1404(a) is whether a civil action might have been brought in the destination venue.” *In re Volkswagen of Am., Inc.*, 545 F. 3d 304, 312 (5th Cir. 2008) (internal quotations omitted). Once this is established, in determining whether § 1404(a) venue transfer is for the convenience of parties and witnesses and in the interest of justice, the Court must weigh the private and public interest factors. *Id.* at 315. The private interest factors are: “(1) the relative ease of access to sources of proof; (2) the availability of compulsory process to secure the attendance of witnesses; (3) the cost of attendance for willing witnesses; and (4) all other practical problems that make trial of a case easy, expeditious and inexpensive.” *Id.* The public interest factors are: “(1) the administrative difficulties flowing from court congestion; (2) the local interest in having localized interests decided at home; (3) the familiarity of the forum with the law that will govern the case; and the avoidance of unnecessary problems of conflict of laws [or in] the application of foreign law.” *Id.* This list of factors is neither exhaustive nor exclusive, and no single factor is given dispositive weight. *Id.*

Applying the foregoing factors, this Court could in its sound discretion transfer this case to the Eastern District of Texas, Sherman Division.

**III.
Prayer for Relief**

WHEREFORE, PREMISES CONSIDERED Defendants **FRANK PHILLIPS, in his official capacity as Denton County Elections Administrator** and **KALEB BREAUX, in his official capacity as Collin County Elections Administrator** respectfully request that the Court grant their MOTION TO TRANSFER VENUE TO THE EASTERN DISTRICT OF TEXAS, SHERMAN DIVISION and transfer this case to the Eastern District of Texas, Sherman Division, and for such other and further relief to which Defendants may show themselves justly entitled

Respectfully submitted,

By: /s/ Robert J. Davis

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FRANK PHILLIPS, in his official capacity as

Denton County Elections Administrator and

KALEB BREAUX, in his official capacity as

Collin County Elections Administrator

CERTIFICATE OF CONFERENCE

I hereby certify that on June 10, 2026, I conferred with Plaintiffs' counsel Alexis Grady by email who confirmed that Plaintiffs are opposed to the relief requested herein. I further certify that on June 10, 2026, I conferred by email and teleconference with Defendant Dallas County's Counsel Jason Schuette, and they are not opposed to the relief requested herein and consent to same. I further certify that on June 10, 2026, I conferred by email and left a voice mail for Defendant Jane Nelson's counsel Assistant Attorney General Munera Al-Fuhaid, but at the time of filing this motion have not received a response.

/s/ Robert J. Davis

ROBERT J. DAVIS

CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2026, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Western District of Texas, using the electronic case filing system of the court. The electronic filing system sent a "Notice of Electronic Filing" to the undersigned and following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means: Sejal Jhaver, Dicky Grigg, Alexis Grady, Daniel Brophy, Danielle Lang, and Renata O'Donnell.

/s/ Robert J. Davis

ROBERT J. DAVIS