

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, et al.,	§	
Plaintiffs,	§	
v.	§	
STATE OF TEXAS, et al.,	§	CIVIL ACTION NO.
Defendants.	§	11-CA-360-OLG-JES-XR
	§	[Lead Case]

MEXICAN AMERICAN	§	
LEGISLATIVE CAUCUS, TEXAS	§	
HOUSE OF REPRESENTATIVES,	§	
Plaintiffs,	§	CIVIL ACTION NO.
v.	§	SA-11-CA-361-OLG-JES-XR
STATE OF TEXAS, et al.,	§	[Consolidated Case]
Defendants.	§	

TEXAS LATINO REDISTRICTING	§	
TASK FORCE, et al.,	§	
Plaintiffs,	§	CIVIL ACTION NO.
v.	§	SA-11-CA-490-OLG-JES-XR
RICK PERRY,	§	[Consolidated Case]
Defendant.	§	

MARGARITA V. QUESADA, et al.,	§	
Plaintiffs,	§	
v.	§	CIVIL ACTION NO.
RICK PERRY, et al.,	§	SA-11-CA-592-OLG-JES-XR
Defendants.	§	[Consolidated Case]

EDDIE RODRIGUEZ, et al.,	§	
Plaintiffs,	§	
v.	§	CIVIL ACTION NO.

RICK PERRY, et al.,
Defendants.

§
§
§

SA-11-CA-635-OLG-JES-XR
[Consolidated Case]

**LULAC PLAINTIFFS' MOTION FOR LEAVE TO SUPPLEMENT THE RECORD
WITH DECLARATION FROM TEXAS LULAC STATE DIRECTOR**

Pursuant to Local Rule CV-7(b), the League of United Latin American Citizens Plaintiffs (“LULAC Plaintiffs”) respectfully move for leave to supplement the record in this case with the facts included in the attached declaration from the Texas LULAC State Director, Elias Mendoza. *See Ex. A, Mendoza Decl.* The declaration was originally filed in this case on April 20, 2015, as part (Part III) of a joint pleading by the LULAC Plaintiffs, the NAACP Plaintiffs, and the Rodriguez Plaintiffs. *See Dkt. Nos. 1302 & 1302-1.* The declaration provides basic facts about the residences of LULAC’s individual plaintiffs and the makeup of the membership of LULAC’s Texas chapter. The information included in the declaration about LULAC and the individual LULAC Plaintiffs was also part of the LULAC Plaintiffs’ Amended Complaint filed in this case on July 12, 2013, *see Dkt. No. 776-5*, as to which the court granted leave to file, *see Dkt. No. 886*.

This court permitted LULAC and eleven individual members of LULAC’s Texas chapter to intervene in this case. *See Fact Findings - General and Plan C185, Dkt. No. 1340*, at 196 (¶ 222). As recognized by this court, LULAC was founded in 1929, and is the oldest and largest Latino civil rights organization in the United States. *See id.* LULAC is a non-profit organization with presence in most of the fifty states and Puerto Rico, including Texas, and LULAC has chapters and individual members in almost every county in Texas. *See Ex. A, Mendoza Decl.* ¶ 4-5. LULAC has long been active in representing Latinos and other minority interests in all regions of the state through advocacy and litigation. The eleven individual members of

LULAC's Texas chapter who intervened in this litigation live in various parts Texas, including in the challenged districts. *Id.* ¶ 6-7. The individual LULAC Plaintiffs' names and places of residence are listed in the attached declaration.

LULAC request that this honorable court take judicial notice that in all three district in which this court has opined, CC 23, 27, and 35, LULAC has significant membership and all these areas have been subjects of past LULAC litigation in both state and federal court. In fact all historical literature shows that LULAC was founded in 1929 in Corpus Christi, Nueces County (CC 27), Texas and remains the home of LULAC Council 1. In fact, this year's 2017 LULAC Texas State convention is being held in Corpus Christy (CC 27) in June 15 - 18.

As stated, the LULAC Plaintiffs originally filed the attached declaration as an exhibit to the Joint Supplemental Brief on the Supreme Court's decision in *Alabama Legislative Black Caucus v. Alabama*, 135 S.Ct. 1257 (2015), on April 20, 2015. *See* Dkt. No. 1302-1. In that brief, the LULAC Plaintiffs, the NAACP Plaintiffs, and the Rodriguez Plaintiffs noted that there was "no need at this time for further factual development of the record in this case in light of *Alabama LBC*" save for the "technical addition . . . by the LULAC plaintiffs, to provide basic facts about the location of its individual plaintiffs and LULAC's Texas membership," Dkt. No. 1302 at 11, which were listed in the attached declaration. The State Defendants opposed the Plaintiffs' request. *See* Dkt. No. 1310. However, they never took any steps to depose the declarant, even after below-signed counsel for the LULAC plaintiffs e-mailed the State Defendants' counsel in April 2015 and again on November 17, 2015, proffering the declarant for a deposition if the State Defendants declined to stipulate to the facts.*

* Approximately one month after the LULAC Plaintiffs made their original request to supplement the record, the Task Force Plaintiffs made a similar request with respect to its named plaintiffs and membership organizations, Dkt. No. 1314; *see also* Order, Dkt. No. 1339 at 99, which the State Defendants similarly opposed, Dkt. No. 1315; *see*

The relief requested here is modeled on the approach the Supreme Court approved in *Alabama Legislative Black Caucus, supra*, 135 S.Ct. at 1269.

On March 20, 2017, I conferred with counsel for the state defendants, who indicated that those defendants do oppose the relief requested in this motion.

Accordingly, at this time, the LULAC Plaintiffs respectfully renew their request to supplement the record with the facts provided in the attached declaration. If this motion is granted, the court may consider it appropriate to amend its findings of fact (Dkt. No. 1340) to add a finding (perhaps as ¶ 248a) that recites the basic facts of the LULAC plaintiffs as it has the other parties.

DATED: March , 2017

Respectfully submitted,

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also Dkt. No. 1339 at 100. On March 10, 2017, this court granted the Task Force's motion, Dkt. No. 1339 at 100, but did not directly address the LULAC Plaintiffs' request.

CERTIFICATE OF SERVICE

This is to certify that on March 20, 2017, a true and correct copy of the above and foregoing document was served on all parties in accordance with the Federal Rules of Civil Procedure.

/s/ Luis Roberto Vera, Jr.
Luis Roberto Vera, Jr.