

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

SHANNON PEREZ, <i>et al.</i> ,	)	
	)	
<i>Plaintiffs,</i>	)	CIVIL ACTION NO.
	)	SA-11-CA-360-OLG-JES-XR
	)	[Lead case]
v.	)	
	)	
STATE OF TEXAS, <i>et al.</i> ,	)	
	)	
<i>Defendants.</i>	)	
_____	)	
	)	
MEXICAN AMERICAN LEGISLATIVE	)	CIVIL ACTION NO.
CAUCUS, TEXAS HOUSE OF	)	SA-11-CA-361-OLG-JES-XR
REPRESENTATIVES (MALC),	)	[Consolidated case]
	)	
<i>Plaintiffs,</i>	)	
	)	
v.	)	
	)	
STATE OF TEXAS, <i>et al.</i> ,	)	
	)	
<i>Defendants.</i>	)	
_____	)	
	)	
TEXAS LATINO REDISTRICTING TASK	)	CIVIL ACTION NO.
FORCE, <i>et al.</i> ,	)	SA-11-CV-490-OLG-JES-XR
	)	[Consolidated case]
	)	
<i>Plaintiffs,</i>	)	
	)	
	)	
v.	)	
	)	
RICK PERRY, <i>et al.</i> ,	)	
	)	
<i>Defendant.</i>	)	
_____	)	
	)	
MARAGARITA V. QUESADA, <i>et al.</i> ,	)	CIVIL ACTION NO.
	)	SA-11-CA-592-OLG-JES-XR
<i>Plaintiffs,</i>	)	[Consolidated case]
	)	

v. )  
 )  
RICK PERRY, *et al.*, )  
 *Defendants.* )

\_\_\_\_\_)  
 )  
JOHN T. MORRIS, )  
 )  
 *Plaintiff,* )

CIVIL ACTION NO.  
SA-11-CA-615-OLG-JES-XR  
[Consolidated case]

v. )  
 )  
STATE OF TEXAS, *et al.*, )  
 )  
 *Defendants.* )

\_\_\_\_\_)  
 )  
EDDIE RODRIGUEZ, *et al.*, )  
 )  
 *Plaintiffs,* )

CIVIL ACTION NO.  
SA-11-CA-635-OLG-JES-XR  
[Consolidated case]

v. )  
 )  
RICK PERRY, *et al.*, )  
 )  
 *Defendants.* )

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**SECOND AMENDED COMPLAINT OF PLAINTIFF-INTERVENORS  
CONGRESSPERSONS EDDIE BERNICE JOHNSON, SHEILA JACKSON LEE  
AND ALEXANDER GREEN**

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1. This is an action to enforce Plaintiff-Intervenors’ rights under the Fourteenth Amendment to the United States Constitution and under Section 2 of the Voting Rights Act, 42 U.S.C. § 1973 et seq. Plaintiff-Intervenors, members of the United States Congress and individual registered voters, bring this action requesting declaratory and injunctive relief against the State of Texas to prevent the implementation of 2013

redistricting plans for the Texas Congressional districts. The recently adopted 2013 Texas Congressional redistricting plans dilute the voting strength of African-American and Latino voters because, under the totality of circumstances, African-American and Latino voters do not have an equal opportunity to elect candidates of their choice to the United States Congress. If implemented, these plans will dilute the voting strength of Texas' African-American and Latino citizens and deny them fair representation in the United States Congress and deprive minority voters and minority representatives of the ability to forge majority coalitions in Congress on issues of importance with like-minded Anglo voters and representatives. Plaintiff-Intervenors seek the implementation of a Congressional plan that will not dilute the voting strength of African-American voters in Texas. Plaintiff-Intervenors also seek costs and attorneys' fees.

## **I. JURISDICTION**

2. Plaintiff-Intervenors' complaint arises under the United States Constitution and federal statutes. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1343(a)(3) and (4), and 1988.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b).

4. Plaintiff-Intervenors seek declaratory and injunctive relief pursuant to 28 U.S.C. § 2201 and 2202.

## II. PARTIES

5. Plaintiff-Intervenors, the AFRICAN-AMERICAN CONGRESSIONAL INTERVENORS, are MEMBERS of the UNITED STATES CONGRESS and VOTERS. Congresswomen Johnson and Jackson-Lee have participated in previous rounds of redistricting, and Congressman Green participated in 2011. They all are participating now because of their legitimate concerns regarding the newly adopted plan.

6. Congresswoman Eddie Bernice Johnson is an African-American who resides in Dallas, Texas and represents CD 30. She has served in Congress since 1993. Congresswoman Johnson was the first African-American female Chairperson of a Congressional subcommittee. She is a former Chair of the Congressional Black Caucus and currently a member of the House Transportation and Infrastructure Committee; Aviation, Highways and Transit; and Water Resources and Environment Subcommittees. Congressperson Johnson has worked zealously to represent her district, where she ably represents African-American voters and a coalition of African-American, Latino and other voters.

7. Congresswoman Sheila Jackson-Lee is in her 10<sup>th</sup> term in the United States Congress. She is a member of the Judiciary and Homeland Security Committees and is the founder and co-chair of the Congressional Children's Caucus. She has been a true advocate for immigration during her tenure in Congress and has worked zealously to represent her district, CD 18, where she ably represents African-American voters and a coalition of African-American, Latino and other voters.

8. Congressman Alexander Green is in his fifth term in Congress. He is a member of the Financial Services Committee, the Sub-Committee on Capital Markets and Government Sponsored Enterprises, and the Subcommittee on Domestic Monetary Policy and Technology. He is a former elected Judge and President of the Houston Branch of the NAACP, and he ably and zealously represents African-American voters and a coalition of African-American, Latino and other voters.

9. Defendant is the State of Texas. The State of Texas is a political subdivision covered under the provisions of the Voting Rights Act and responsible for the actions of its officials with regard to state-wide redistricting.

10. Defendant Rick Perry is the duly elected and acting Governor of the State of Texas. Under Article IV, Section 1, of the Texas Constitution, he is the chief executive officer of the Defendant State of Texas. He is sued in his official capacity.

11. Defendant David Dewhurst is duly elected and acting Lieutenant Governor of Texas. Under Article IV, Section 16, of the Texas Constitution he is the President of the Texas Senate. He is sued in his official capacity.

12. Defendant Joe Strauss is the duly elected and acting Speaker of the Texas House of Representatives and is the presiding officer over the Texas House of Representatives. He is sued in his official capacity.

13. Defendant John Steen is the duly appointed and acting Secretary of State of the State of Texas. He is being sued in his official capacity.

### III. FACTS

14. The African-American Congressional Intervenors opposed the interim plans prior to their adoption before the 2012 election. They also opposed the newly adopted plan, which largely mirrors the previously opposed interim plan, when it was adopted in special session of the legislature in June 2013.

15. The newly adopted Congressional Plan corrected some of the problems with the 2011 adopted plan, but numerous concerns were not addressed. The State of Texas has acknowledged that the newly adopted plan corrected alleged problems with the 2011 adopted plan.

16. Section 2 of the Voting Rights Act of 1965, 42 U.S.C. 1973, applies nationwide and prohibits voting practices and procedures that result in the denial or abridgment of the right of any citizen to vote on account of race, color, or membership in a language minority group. Section 2 is a permanent provision of the federal Voting Rights Act.

17. The total Texas population is approximately 12% African-American, according to the 2010 federal census. African-Americans comprise at least this percentage of the state's Citizen Voting Age population.

18. After the last decennial census, Texas' congressional delegation was increased from 32 to 36. Currently there are at most 12 districts out of 36 that might be considered minority-ability-to-elect or influence districts. There were 11 out of the previous 32. This indicates a slight decrease in electoral strength under this map. The recent opinion of the D.C. three-judge panel in the case under Section 5 indicated that

rough proportionality would indicate that there should be at least 14 ability-to-elect seats while acknowledging that exact proportionality is not required. Because of the treatment of these African-American Congressional Intervenors in the C185 plan adopted in 2011 and the irregularity of the Legislative process that led to the plan's adoption (among other matters) the D.C. panel decided that that plan was adopted as a result of intentional discrimination. Approximately 89% of the population growth in Texas this past decade—growth that resulted in our State's right to 4 additional Congressional representatives—is a result of minority population growth. Both Latino and African-American growth eclipsed Anglo growth in both percentage and raw numbers—Latino growth represented 65% of the state's population growth, the African-American population grew 22% (14% of the total growth of the State approximately), and the Anglo population grew just 4.2%. Texas is now a majority-minority state—only 45% of the state's total population is Anglo. Under the current configuration, Anglos dominate the outcome in at least two-thirds of the seats under the recently adopted plan.

19. The vast majority of Anglo voters have been placed in Congressional districts where Anglo voters can determine the outcome, but the opposite is true for African-American and Latino voters.

20. Many districts have been drawn with shapes that have the consequence of dividing minority communities and causing minority voters to be placed in districts primarily populated by voters who generally oppose candidates preferred by the majority of African-American or Latino voters in those districts, especially in the Dallas-Fort Worth Metroplex.

21. African-Americans and Latinos combined comprise approximately 39.3 percent of the Texas Citizen Voting Age population and 49.4 percent of the total adult voting age population. These groups are underrepresented in Texas' Congressional Delegation.

22. Several plans were submitted to the Legislature that would create naturally occurring seats in the Dallas-Fort Worth area that would enhance the ability of African-Americans and Latinos to achieve fair representation while also respecting the integrity of CD 30 as recognized by the three-judge panel in the Section 5 litigation. However, the interim plan was adopted even though it was primarily opposed by minority legislators and minority organizations. The Tarrant and Dallas County configuration in the plan includes 2 African-American ability-to-elect seats but continues an egregious pattern of racial gerrymandering. The African-American and Hispanic populations in the Metroplex increased by over 600,000 persons between 2000 and 2010, while the Anglo population decreased by 156,732 during the same period. CD 30 in the newly adopted plan packs District 30 with what is believed to be the largest percentage of African-American and Hispanic constituents during Congresswoman Johnson's tenure in Congress (85.2%). Congressional Districts 5, 32 and 6 were drawn in order to crack minority voters in the North Texas area. The result of the cracking and packing and the bias afforded Anglo voters in the drafting process has resulted in underrepresentation in the Dallas-Fort Worth area. There are more than 2 million African-American and Latino residents in the Dallas-Fort Worth Metroplex, easily enough to support 3 minority ability-to-elect seats.

23. Anglo voters in Texas and in the Metroplex have more voting power than African-Americans and Latinos in Texas or the Metroplex.

24. As drawn in the newly enacted congressional plan passed by the Texas Legislature, congressional districts in Dallas, Tarrant, Travis, Bexar, Hays and Comal Counties all dilute the voting strength of African-American voters.

25. CD 30 was drawn in a manner to specifically prevent minorities from obtaining a third ability-to-elect seat. It is easy to configure naturally occurring Congressional Districts that unite instead of divide communities of interest to create such a seat while strengthening CD 30 and CD 33. The three-judge panel in the Section 5 case discussed how the African-American Congressional districts were treated differently. The problem identified in that court opinion continues for CD 30 where many communities of interest, economic engines and development areas were unnecessarily placed in District 32. For example, the Oak Lawn, Turtle Creek, Uptown, Cityplace, Know-Henderson, Lower Greenville and Junius Heights areas were previously in CD 30, which was of near perfect size in C100 in 2011. In the congressional plan passed by the Texas Legislature in 2011, Congressional Districts 9, 18 and 30 were drawn in a way that undermined the ability of African-Americans to effectively participate in the political process in those areas. The state's proposed plan has similar impact on Latinos in those districts who have acted in coalition with African-Americans to further the interests of both communities. As evidenced by CD 30's configuration, the newly adopted plan splits communities of interest, deletes important areas from existing Congressional districts, and is designed to undermine or frustrate effective and long term coalitions in the area.

26. The newly adopted 2013 Legislative Plan (the Interim Plan previously) corrected many of the problems raised regarding Congressional District 9 and Congressional District 18. However, it fell far short of correcting the problems in CD 30. This district was drawn in a manner that undermines the ability to provide proper representation in the Metroplex to African-American or Latino voters.

27. When using traditional redistricting principles in drafting a new Congressional Plan minority voters should have the same rights as white voters to naturally occurring districts. The treatment of minority voters in this regard in the Dallas-Fort Worth Metroplex, Travis County, Bexar County, South Texas, Nueces County and other locations shows that the State uses a different standard for its treatment of minority voters and residents compared to white voters and residents in the redistricting process.

28. The method of drafting indicates a possible intent to either prefer white voters over minority voters or to divide political parties according to race or ethnicity.

29. Elections in Texas continue to be racially polarized.

30. African-Americans in Texas generally vote as a group and are politically cohesive.

31. Latinos in Texas vote as a group and are politically cohesive.

32. Latinos and African-Americans in Texas vote as a group and are politically cohesive. Latinos and African-Americans in Congressional District 30, Congressional District 9 and Congressional District 18 vote as a group and are politically cohesive in ensuring the continued character of the districts. Latinos and African-Americans in Tarrant County vote as a group and are politically cohesive. Latinos and African-

Americans in Travis, Hays and Bastrop counties vote as a group and are politically cohesive. Latinos and African-Americans in Nueces County and Bexar County vote as a group and are politically cohesive.

33. Anglos in Texas generally vote as a group, are politically cohesive and vote sufficiently as a block to defeat the preferred candidate of Latino and African-American voters absent fair and equitable majority-minority single-member districts. This has been documented by federal and state courts, the US Commission on Civil Rights and the United States Congress.

34. The Legislature adopted the interim plans despite overwhelming opposition to them. It is clear that the democratic process was of no concern, and the legislative process was viewed as a necessary exercise to adopt already agreed-to plans.

35. During the 2013 legislative process, the Texas Legislature had before it plans for the Congressional districts that did not dilute the voting strength of African-American, Latino and minority voters, and the legislature rejected those plans for plans that did not afford minority voters an equal opportunity to elect candidates of their choice.

36. During the 2011 legislative process, the Texas Legislature had before it plans for the Congressional districts that did not dilute the voting strength of African-American and Latino voters, and the legislature rejected those plans for plans that did not afford minority voters an equal opportunity to elect candidates of their choice.

37. Numerous plaintiff groups filed suit in the summer of 2011, challenging the 2011 enacted Congressional, State House, and State Senate plans as violating the Equal Protection Clause of the 14<sup>th</sup> Amendment and Section 2 of the Voting Rights Act.

38. Because Texas was, during 2011, a covered jurisdiction under Section 5 of the Voting Rights Act of 1965, it was required to obtain federal preclearance before implementing its enacted redistricting plans. Because the state failed to do so in a timely fashion, this three-judge panel in the United States District Court for the Western District of Texas was forced to craft an interim plan to govern the 2012 elections.

39. This Court ordered into effect Congressional Plan C235 and State House Plan H309 on February 28, 2012, based on “preliminary determinations regarding the merits of the Section 2 and constitutional claims presented in this case.” (Doc. No. 681). The Court noted, however, that its “preliminary conclusions” “may be revised upon full analysis.” (Doc. No. 681).

40. Moreover, following the United States Supreme Court ruling in *Perry v. Perez*, this Court was instructed to pay significant deference to the state’s 2011 enacted plans—plans that were deeply infected by an intent to discriminate against and dilute the voting strength of the state’s exploding minority population.

41. Months after this Court issued its order on the interim plans to govern the 2012 elections, a three-judge panel in the United States District Court for the District of Columbia ruled in the Section 5 case before it, where the State of Texas sought preclearance for its 2011 enacted redistricting plans.

42. The D.C. Court made substantial findings regarding the intentional discrimination that infected the process by which the state drew its 2011 redistricting plans, and the discriminatory effect that resulted in the Congressional and State House plans.

43. With regards to the Congressional plan, the D.C. Court noted that the Department of Justice and Intervenors (many of whom are Plaintiffs in the instant action) presented more evidence of intentional discrimination than the court had room to discuss. Specifically, the Court found that the way in which the State had carved apart the Congressional districts being represented by African-American members of Congress could be explained only by an intent to discriminate against minority voters in the districts.

44. The D.C. Court also cited the failure to draw a new Latino opportunity district in the Dallas-Fort Worth area as evidence of the Texas Legislature's deep-seated intent to dilute the voting strength of Latino voters.

45. That Court also found the destruction of an effective minority crossover district, CD 25, to be motivated by an intent to discriminate against the minority voters in the district.

46. The D.C. Court found that the State House plan would have a demonstrably negative effect on the ability of minority voters to elect the candidates of their choice, so it did not formally address allegations of intentional discrimination in the State House plan. It did, however, note that ample evidence existed and was presented to the court

that would support a conclusion that discriminatory intent likewise drove the drawing and enactment of the State House plan.

47. The election results in 2012, in elections under this Court's ordered interim plans, demonstrate that not every statutory and constitutional flaw identified in the 2011 redistricting plans was corrected.

48. While the interim plan did make improvements, including the construction of Congressional District 33 in the Dallas-Fort Worth area, voters in that area still have not had their situation fully remedied.

49. As urged by the NAACP from the inception of this litigation, the minority population growth in the Dallas-Fort Worth Metroplex was more than sufficient to support an additional, reasonably compact district in which African-American voters would have an opportunity to elect the candidate of their choice. In the 2012 elections, African-American voters in the region were able to elect their candidate of choice in two districts—CD 30 and new CD 33. Congressman Marc Veasey, elected from CD 33 in 2012, received the overwhelming support of black and Latino voters in the November election.

50. There is sufficient Latino population in the Dallas-Fort Worth Metroplex to construct a reasonably compact district in which Latino voters have an opportunity to elect their candidate of choice. This district can be drawn while still maintaining the ability of black voters to elect their candidates of choice in CD 30 and CD 33. The egregious racial gerrymander in the area and the new configuration of CD 30 are obstacles to drawing such a district.

51. The court-ordered interim plan also did not correct all of the damage done to CD 30 by the Texas legislature in 2011.

52. The court-ordered interim plan did not reunite the intentionally-cracked African-American and Latino voters in historic East Austin—voters in former CD 25.

53. The interim plan ordered into place for elections to the Texas House of Representatives, like the Congressional interim plan, made some important corrections to statutory and constitutional violations in the 2011 enacted plans, but does not fully remedy those flaws.

54. On May 27, 2013, Governor Perry announced a special session in which the legislature would consider adopting and enacting the Court's interim plans.

55. During the special session, advocacy groups and elected officials representing minority communities pointed out the statutory and constitutional flaws still present in the Court's interim plan, and urged that these flaws needed to be corrected.

56. On June 1 and 3, the legislature enacted the C235, the interim congressional plan, without change. The interim plan was based on the C185 plan that was seriously infected with discrimination and did not correct various flaws under the United States Constitution or the Voting Rights Act

57. The failure to create a new Latino opportunity district in the Dallas-Fort Worth region is a remnant of the state's intent to discriminate against and dilute the voting strength of Latino voters that persists in the 2013 enacted congressional plan.

58. The failure to draw a naturally occurring district in the Dallas-Fort Worth region that provides the same Constitutional protections as provided to white voters in the

area is a remnant of the state's intent to discriminate against and dilute the voting strength of Latino voters in the 2013 enacted Congressional plan.

59. The failure to remedy the intentional cracking of a cohesive community of color in the congressional plan in the Austin area and the carving up of the county (Travis) into six separate Congressional districts are remnants of the state's intent to discriminate against voters of color that persists in the 2013 enacted Congressional plan.

60. The failure to remedy the intentional carving apart of CD 30, including removal of economic engines and historically active communities important to voters in the district, is a remnant of the state's intent to discriminate against voters of color that persists in the 2013 enacted Congressional plan.

61. The State passed a voter identification law in 2011 that was held to discriminate against minority voters in violation of Section 5 of the Voting Rights Act. The decision was made by a bi-partisan three-judge panel sitting in Washington, D.C. However, the case was reversed because of the U.S. Supreme Court's Shelby County decision that made Section 5 no longer viable. However, there was still a Section 5 analysis by a bi-partisan group. The State completely disregarded the decision of the bi-partisan group of judges and implemented the plan, which the panel had declared unnecessarily restrictive. This action again evidences a discriminatory intent towards minority voters or at least a conscious disregard for their rights.

#### **IV. CAUSES OF ACTION**

##### **Count I**

62. The allegations contained in paragraphs 1-61 are alleged as if fully set forth herein.

63. The newly-enacted Congressional redistricting plan violates Section 2 of the Voting Rights Act, as amended, 42 U.S. § 1973. These plans result in a denial or abridgment of the right to vote of individual plaintiffs and organizational plaintiffs' members on account of their race, color, or ethnicity, by having the effect of canceling out or minimizing their individual voting strength as minorities in Texas. The redistricting plans passed by the Texas Legislature on June 1 and 3, 2013, do not afford individual plaintiffs an equal opportunity to participate in the political process and to elect representatives of their choice, and they deny individual plaintiffs the right to vote in elections without discrimination of race, color, or previous condition of servitude in violation of 42 U.S.C. § 1973. Each of the individual plaintiffs is denied the opportunity to work with many other Congresspersons who may have constituents of like interests. Congresswoman Johnson is required to represent and vote in a district that was designed to discriminate against minority voters as a result of the unnecessary changes to CD 30 from C100 in 2011.

##### **Count II**

64. The allegations contained in paragraphs 1-61 are alleged as if fully set forth herein.

65. The congressional redistricting plan adopted by the Texas Legislature was developed in such a way and with the intent of disadvantaging African-American and other minority voters. This intentional discrimination violates the 14th Amendment to the United States Constitution and 42 U.S.C. § 1983.

### **Count III**

66. The allegations contained in paragraphs 1-61 are alleged as if fully set forth herein.

67. The interim plan C235 violates the equal protection clause of the 14th Amendment to the United States Constitution because the State of Texas has adopted a plan that intentionally allows Anglo voters to dominate certain districts, but rejects the creation of districts in which African-American or Latino voters would dominate unless those districts cross a numerical population threshold of 50%. In some instances, for example, the State of Texas has regarded a minority district as protected under the Voting Rights Act even if none of the racial or language minority groups within it does not cross the 50% threshold, while at the same time rejecting the creation of additional African-American or Latino districts because they do not exceed the 50% population threshold. This differential treatment of voters violates the Equal Protection Clause of the Fourteenth Amendment. Further the shapes and configurations of such districts and the design of a map as a whole indicate such a violation.

### **Count IV**

68. The allegations contained in paragraphs 1-61 are alleged as if fully set forth herein.

69. The Congressional redistricting plan adopted by the Texas Legislature is so rife with an intent to discriminate against minority voters that Plaintiffs and all minority voters in Texas are entitled to equitable relief under Section 3(c) of the Voting Rights Act, 42 U.S.C. § 1973.

### **Count V**

70. The allegations contained in paragraphs 1-61 are alleged as if fully set forth herein.

71. The Congressional redistricting plan adopted by the Texas Legislature penalized minority voters and is drawn in such a way as to intentionally discriminate and disadvantage them and make them voters of an inferior status. This intentional discrimination is in violation of the 14th and 15th Amendments of the United States Constitution and 42 U.S.C. § 1983.

### **V. BASIS FOR EQUITABLE RELIEF**

72. Plaintiff-Intervenors have no plain, adequate, or complete remedy at law to redress the wrongs alleged herein, and this suit for declaratory judgment and injunctive relief is their only means of securing adequate redress from all of the Defendants' unlawful practices.

73. Plaintiff-Intervenors will continue to suffer irreparable injury from all of the Defendants' intentional acts, policies, and practices set forth herein unless enjoined by this Court.

## **VI. ATTORNEYS' FEES**

74. In accordance with 42 U.S.C. § 1973-1(e) and 1988, Plaintiffs are entitled to recover reasonable attorneys' fees, expenses, and costs.

## **VII. PRAYER**

75. Plaintiff-Intervenors respectfully pray that this Court enter Judgment granting:

- A. A declaratory judgment that State Defendants' actions violate the rights of Plaintiffs as protected by Section 2 of the Voting Rights Act, 42 U.S.C. § 1973 et seq., the Fourteenth Amendment to the United States Constitution, and the Fifteenth Amendment to the United States Constitution and 42 U.S.C. § 1983; and
- B. Preliminary and permanent injunctive relief requiring State Defendants, their successors in office, agents, employees, attorneys, and those persons acting in concert with them and/or at their discretion – to develop redistricting plans that do not dilute African American and minority voting strength for the United States House of Representatives, and enjoining and forbidding the use of the newly-enacted congressional redistricting plan; and
- C. An order requiring the State of Texas to submit to this Court for preclearance, under Section 3(c) of the Voting Rights Act, any change to any voting practice or procedure, including but not limited to any new redistricting plan, for a period not less than 10 years; and

- D. If need be, adopt an interim electoral plan for the 2014 or other elections for United States Congress that remedies these statutory and constitutional flaws; and
- E. An order of this Court retaining jurisdiction over this matter until all Defendants have complied with all orders and mandates of this Court; and
- F. An order requiring Defendants to pay all costs including reasonable attorneys' fees, and
- G. Such other and further relief as the Court may deem just and proper.

Dated: September 18, 2013.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was sent via the Court's electronic notification system or email to the following on September 18, 2013:

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