

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

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

**PLAINTIFF MALC’S POST TRIAL BRIEF ON INTERPLAY BETWEEN
ARTICLE 3, § 26 OF THE TEXAS CONSTITUTION AND THE FEDERAL
VOTING RIGHTS REQUIREMENTS OF THE 14th AMENDMENT AND
SECTION 2 OF THE VOTING RIGHTS ACT**

Defendants challenge whether new majority Hispanic Citizen Voting Age Population (HCVAP) districts submitted by MALC for West Texas and Nueces County are sufficient to meet Plaintiff’s burden required under section 2 (*Gingles* District) because of the requirements of Article III, Section 26 of the Texas Constitution. However, the requirements of Article III, Section 26 must give way in order to accommodate the requirements of Section 2 of the Voting Rights Act and the 14th Amendment of the United States Constitution. Therefore, the

Defendants are wrong when they assert that they are free to ignore the requirements of federal law if to do otherwise would require the division of a Texas county in the creation of a State House of Representatives district.

Introduction

The State's actions in the adoption of H283 used Article III, Section 26 of the Texas Constitution as a shield from its obligations to draw any new Latino opportunity districts that involve cutting county lines. Tr. Vol. 6, p. 1447.¹ Redistricting Committee Chairman Burt Solomons was unequivocal that, in a conflict with the Voting Rights Act, obligations under the Texas constitutional requirement would control. Tr. Vol. 7, pp. 1592-95; See also MALC Exhibit 50. Only a ruling from the United States Supreme Court would alter his judgment on this point. Tr. Vol. 7, p. 1593. Similarly, the main architect of the State's redistricting strategy, Mr. Gerardo Interiano, testified that unless the county lines could be maintained in compliance with the whole county rule, Latino opportunity districts would not be drawn. Tr. Vol. 6, p. 1447. In foreclosing the creation of any new Latino opportunity districts unless the new districts did not need to split a county, the State was inconsistent and misapplied the law.

Interplay Between Article III, Section 26 and Federal Law

¹ References to the trial transcript for July 2014 will be cited as "Tr." References to the trial transcript of September 2011 will be cited as "Tr.-1."

The United States Supreme Court has clearly set-out that state election law requirements, such as the whole county provision, must give way when in conflict with federal voting rights law. *See Bartlett v. Strickland*, 556 U.S. 1, 7-8 (2009). In *Bartlett*, the Supreme Court addressed the question of whether Section 2 of the Voting Rights Act required North Carolina’s whole county constitutional provisions to be set aside in order to draw a 39.36% African American voting age population district. *Id.* at 8. The Court determined that the *Gingles I* precondition established a bright line requirement that could only be met by the submission of a putative district with at least 50% minority population. *Id.* at 12. Election performance of a putative district and cross over districts would not be sufficient to meet the *Gingles I* requirement to produce a “majority minority district” as the first prong of the Section 2 standards. *Id.*

North Carolina’s constitutional provisions requiring that, “No county shall be divided in the formation of a senate district” and that, “No county shall be divided in the formation of a representative district.” *See* N.C. Const. art. II, §§ 3(3), 5(3).² The North Carolina Supreme Court determined that:

Because the African–American minority group in House District 18 does not constitute a numerical majority of citizens of voting age, House District 18 does not meet the first *Gingles* precondition and its current configuration is not mandated by Section 2 of the VRA.

² North Carolina’s requirement is clear and unambiguous and applies to both the Senate and the House. In contrast the Texas provision is much more ambiguous and harder to implement and applies only to the Texas House.

As we noted at the beginning of this opinion, the formation of legislative districts must comport with the requirements of our State Constitution, unless federal law supercedes those provisions. Accordingly, because current House District 18 is not required by Section 2, it must comply with the redistricting principles enunciated by this Court

Pender County v. Bartlett, 361 N.C. 491, 507 (N.C. 2007).

The United States Supreme Court agreed that unless the district was comprised of at least 50% African American citizen voting age population, it would not be sufficiently concentrated to be construed as a *Gingles I* district, and would not be required by the Voting Rights Act. *Bartlett*, 556 U.S. at 25-26. Thus, only if the putative district had sufficient minority population—i.e., 50%+ African American citizen voting age population—would it supersede the North Carolina whole county constitutional provisions. *Bartlett*, 556 U.S. at 25-26.

In an analogous situation, federal courts developing court-ordered interim plans are instructed to follow state redistricting principles so long as they do not conflict with federal constitutional or statutory requirements. *Abrams v. Johnson*, 521 U.S. 74, 79 (1997) (“When faced with the necessity of drawing district lines by judicial order, a court, as a general rule, should be guided by the legislative policies underlying the existing plan, **to the extent those policies do not lead to violations of the Constitution or the Voting Rights Act.**”) (emphasis added) (citing *Upham v. Seamon*, 456 U.S. 37, 43 (1982)).

Here, when faced with the choice of complying with Section 2 of the Voting Rights Act by developing a viable, reasonably compact Latino opportunity district all of which contained more than 50% Hispanic citizen voting age population, or maintaining a county line, the State chose the county line. *See* Tr. Vol. 5, pp. 1540-1545 (Interiano testimony describing erroneous application of whole county line principle in Hidalgo and Cameron County).

In order to justify the failure to create a new Latino opportunity district, the Defendants chose to enforce the county line rule in a manner that was inconsistent with the Texas Supreme Court's interpretation of that rule. *See Clements v. Valles*, 620 S.W.2d 112, 114-15 (Tex. 1981). According to the *Clements* analysis, in Hidalgo and Cameron counties the State's plan, H283, cuts four county lines and creates no new Latino opportunity districts. Yet, had the Defendants recognized and respected the rapid growth of the Latino population of the area, a new district could have been created between Hidalgo and Cameron counties with only two county line cuts. Plaintiff MALC's Exhibits 5 and 6; Tr-1. Vol. 1, pp. 88-89 (Martinez Fischer testimony). In the most recent trial testimony, the State's map drawer, Mr. Interiano, acknowledged as much. Tr. Vol. 5, pp. 1540-1545. First, Mr. Interiano testified that he was given legal advice that to combine spill-over population from Hidalgo and Cameron would violate the whole county provision and that would foreclose the drawing of a new Hispanic CVAP district. Tr., Vol. 5,

p. 1540, lines 13-24. (“I believe that splitting -- that having both of those counties be split was a violation, in and of itself.”). He then acknowledged that it would not in and of itself breach the whole county provision but in his opinion would cause a county break to the north of Hidalgo and Cameron. Tr. Vol. 5, p. 1542, lines 3-6. Finally, he acknowledged that there would have been no conflict with the whole county provision at all in drawing the new Hidalgo/Cameron County Hispanic CVAP district by combining the excess population of each county. Tr. Vol. 5, p. 1545, lines 3-7.

Even when alternative plans more strictly adhere to the requirements of Article III, Section 26, and contain no more county cuts than the plan H283, such as Plaintiff MALC’s plan 201, these plans were rejected. Plaintiff MALC’s Exhibits 5 and 6; Tr.-1, Vol. 1, pp. 87-91; *See also* MALC Exhibits 50, 91-96, 100-102, 107-112 . Clearly, more Latino opportunity districts could have been developed than were developed under the State’s plan H283. Indeed, not only did the State misapply the standard and use the whole county provision to avoid drawing new Section 2 opportunity districts, but also the inconsistent manner in which it used the whole county provision to avoid drawing new Latino opportunity districts is evidence of their intent to discriminate against Latinos and simply does not shield the Defendants from their obligations under Section 2. The whole county rule was a pretext.

With regard to the most recent *Gingles* districts submitted by the Plaintiff MALC, Defendants do not appear to offer any other serious justification for the rejection of these districts as legitimate *Gingles* districts other than the crossing of a county line.³

The Texas County Line Rule

The Texas “county line rule” derives from Article III, Section 26 of the Texas Constitution and has been modified to comply with federal law. *See Smith v. Craddick*, 471 S.W.2d 375, 377 (Tex. 1971); *Clements v. Valles* 620 S.W. 2d 112, 114 (Tex. 1981). Under the rule, a county line may be disrupted in drawing a Texas legislative district only when required to comply with the one-person one-vote requirement of the 14th Amendment to the U.S. Constitution or by the federal Voting Rights Act.⁴

When the Texas Legislative Redistricting Board examines redistricting after the decennial census, the Board must comply with the laws governing redistricting found in “the U.S. Constitution, the federal Voting Rights Act of 1965, and the Texas Constitution,” in that order.⁵ As the Texas Legislative Council’s publication

³ The State offered no evidence regarding non compactness, nor counter-evidence defeating racially-polarized voting. There is just no evidence beyond the whole county line rule, which cannot trump federal law.

⁴ As described by the Texas Redistricting Council in its August, 2011 publication “State and Federal Law Governing Redistricting in Texas”, p. 137 (“In the event of a conflict, the federal constitution or a federal statute controls over state law.” MALC Exhibit 167.

⁵ *Id.* p. 5 MALC Exhibit 167.

instructing on the interplay between federal and state requirements framed the issue:

Although the substantive standards that govern statewide redistricting plans are provided **primarily by federal law**, the Texas Constitution contains several significant provisions that also govern some of those plans. The Supremacy Clause, contained in Article VI of the U.S. Constitution, provides that federal law is the supreme law of the land. In the event of a conflict, the federal constitution or a federal statute controls over state law.

MALC Exhibit 167, p. 137 (emphasis added).

Texas has conformed its county line requirement with federal redistricting requirements by requiring a showing that the federal standard cannot be met without a division of the county line. The Texas Supreme Court in *Craddick* upheld the requirement of the county line rule by rejecting a 1971 legislative plan because it did not adequately justify cutting and dividing counties as a necessary means to comply with federal law. The Texas Supreme Court reiterated this point in *Clements v. Valles* (1981).⁶ However, in each instance, the Texas Supreme Court

⁶ MALC Exhibit 167, State and Federal Law Governing Redistricting in Texas, *supra* n.3, p.142: “The court reaffirmed the rule announced in *Craddick* that plaintiffs may establish a *prima facie* violation of Section 26 by showing that the adopted plan divides one or more counties between house districts in violation of Section 26, and that the burden then shifts to the state to prove that each county split is necessary to comply with federal law. In that case, the plaintiffs established a *prima facie* violation by showing that 34 counties had been divided between districts. The state offered an explanation for each such county, arguing that dividing it was necessary to comply either with the one-person, one-vote standard or with Section 5 of the Voting Rights Act, to which Texas had become subject in 1975. **The court refused to accept all of the state’s rationale for the divided counties, in large part because plaintiffs presented numerous alternative plans that complied with those federal laws without dividing nearly as many counties as the legislature’s plan.** The court held that the plan violated the

recognized that when compliance with federal law required, the whole county rule had to give way. *Craddick*, 471 S.W.2d at 377; *Valles*, 620 S.W.2d at 114. Never before, however, has Texas claimed a complete pass on compliance with the Voting Rights Act until now.

MALC Districts Meet Section 2 *Gingles I* Requirements

With regard to *Gingles I*, the Supreme Court recently established that **only** by presenting a majority-minority district could minority plaintiffs satisfy the first *Gingles* precondition. *Bartlett*, 556 U. S. at 12, 24-25. (“We find support for the majority-minority requirement in the need for workable standards and sound judicial and legislative administration.”). The Court defined majority-minority district as those that contain at least a majority of minority voting age population. *Id.* at 17 (“In majority-minority districts, a minority group composes a numerical, working majority of the voting age population. Under present doctrine, **§ 2 can require creation of these districts.**”) (emphasis added). In the Fifth Circuit, “a working majority of the voting age population” has been determined to mean a district in which the minority group is at least 50% of the **citizen** voting age population of a single member district. *Valdespino v. Alamo Heights I.S.D.*, 168 F.3d 848 (5th Cir. 1999) cert. denied, 528 U.S. 1114 (2000).

county line rule of Section 26 and permanently enjoined its implementation.” [footnote omitted](emphasis added).

Although, the putative district must be reasonably compact, it need not “have the least possible amount of irregularity in shape” See *Bush v. Vera*, 517 U.S. 952, 977 (1996). The first *Gingles* precondition does not require some aesthetic ideal of compactness, but simply that the minority population be sufficiently compact to constitute a majority in a single-member district. See *Clark v. Calhoun County Miss.* 21 F.3d 92, 93 (5th Cir. 1994).⁷

Plaintiff MALC submitted, in the most recent round of the trial, districts for Midland/Ector, Lubbock, and Nueces Counties that produce Texas House Districts of greater than 50% Hispanic citizen voting age population (HCVAP), but required the split of a county boundary not contained in H283. See MALC Exhibits 91-96 (Midland/Ector Counties), 100-102 (Lubbock County), and 107-112 (Nueces County).

A. Midland/Ector County

Plaintiff’s evidence began with the submission of a putative district that was reasonably compact and contained over 50% HCVAP. MALC Exhibits 91-96. MALC submitted a map of a plan that modified H283 in only two districts, paired no incumbents and split no voter tabulation districts (VTD). See MALC Exhibits 91-93 (Plan H360, HD 81), Tr. Vol. IV, p. 1398-1398, 1400 (Korbel Testimony).

⁷ Moreover, plaintiffs’ proposed district is not cast in stone. It was simply presented to demonstrate that a majority-Hispanic CVAP district is feasible. If a § 2 violation is found, the State will be given the first opportunity to develop a remedial plan.

Yet, the plan still created a district that was 56.3% Hispanic voting age population and 50.1% HCVAP. MALC Exhibit 93, Tr. Vol. IV, p. 1399-40. In addition, plan H360 produced a district that was reasonably compact when compared to the comparable districts in H283. MALC Exhibits 90, 93. (the “Area to Rubber Band” compactness score for HDs 81 and 82 in H283 was .78 and .74 respectively, while the compactness score for H360’s HD 81 was .76); *see also* Tr. Vol. IV, p. 1401.⁸ Thus, the MALC plan did not ignore traditional redistricting principles in order to create a Hispanic majority CVAP district, but rather adhered to such principles. Moreover, the evidence showed that combining the Hispanic population in Midland and Ector Counties was a natural objective: only twelve miles separated the primarily Hispanic neighborhoods, and family, political, and social connections existed between these communities. Tr. Vol. IV, p. 1396-1397; Tr. Vol. II, pp. 445-6, 458. Finally, the plan did not maximize Hispanic voter concentration, since greater Hispanic voter concentration was possible by splitting VTDs, which was not done. Tr. Vol. IV, p. 1399.

This evidence was un rebutted and uncontested. The sole reason offered by the State for the failure to develop such a district was the break of a county line.

⁸ Plaintiff MALC also submitted Exhibits 94-96 in support of a Midland/Ector counties district. Plan H329, HD 81 had a higher HVAP at 61.4%, higher HCVAP at 55.3%, and a similar compactness score at .74 on the Area to Rubber Band measure without splitting VTDs. However, the district in Plan H329 required modification of more than 2 districts. These plans did not maximize Hispanic voting strength either – higher concentrations were possible had VTDs been split. Tr. Vol. IV, pp. 1399.

See Tr. Vol. 7, pp. 1592-95 (Solomons testimony); Tr. Vol. 6, p. 1447 (Interiano testimony). A Hispanic opportunity district in the Midland/Ector counties area is not foreclosed by the State's whole county rule.

B. Lubbock County

Plaintiff MALC also submitted a putative *Gingles I* district for the Lubbock County area. MALC Exhibits 100-102. Plan H329 creates a district in Lubbock County, HD 88, which was also over 50% HCVAP, was reasonably compact, split only the same county already split under H283 in Lubbock, and brought together a cohesive Hispanic population to provide an opportunity for electoral success. HD 88 in plan H329 contains a Hispanic voting age population of 54.3% and a Hispanic citizen voting age population of 50.9%. MALC Exhibit 102. The evidence presented by MALC showed that in Lubbock County a county commissioner district with 52% Hispanic population elects a Hispanic county commissioner, Commissioner Lorenzo "Bubba" Seden. Tr. Vol. II, pp. 451-2 (Seden testimony). Moreover, while H283 divided Hispanic voters between districts in the Lubbock and surrounding counties, H329 brought together counties with significant Hispanic population. Tr. Vol. II, pp. 479-485. With regard to compactness, the district offered in MALC Exhibits 100-102 has a compactness score on the Area to Rubber Band measure of .623 while H283's HD 83 is a less compact .576. Thus, the MALC plan, again, did not ignore traditional redistricting

principles in order to create a Hispanic majority CVAP district, but rather adhered to such principles.

This evidence was un rebutted and uncontested. The two reasons offered by the State for the failure to develop such a district was: 1) spill-out population, necessary in both plans, went to two districts in MALC's plan as compared to one district in the State's H283; and, 2) possible non-compactness. With regard to the spill-out issue, it is unclear how this is even a violation of the whole county rule, since a similar spill occurred in Henderson County where although insufficiently large to form a single district, it is divided between two districts in H283. *See* Plan H283, HD4 and HD10. With regard to the question of the district compactness, the standard, as described above is not "least possible amount of irregularity", but rather reasonable compactness. *See Bush v. Vera*, 517 U. S. at 977. Here, the MALC putative district is more compact by the State's measure, than the district in the same area produced by the State's Plan H283.

A Hispanic opportunity district in the Lubbock County area is not foreclosed by the State's whole county rule.

C. Nueces County

Prior to the 2011 redistricting, Nueces County included two Hispanic opportunity districts. MALC Exhibit 106; Tr. Vol. II, p. 633 (Herrero testimony). In the state's plan H283, District 33 was removed from Nueces County and

transferred to Rockwall County in north Texas, reducing the number of Hispanic opportunity districts in Nueces County to just one. MALC Exhibit 105; Tr. Vol. 2, p. 646. At the initial trial, MALC submitted plan H205 with two Hispanic majority districts in Nueces County, HD 33 with 60.3% HVAP, 56% SSVR, and 58% HCVAP and HD 34 with 65% HVAP, 59% SSVR, and 63% HCVAP. Tr.-1, Vol. I, pp. 79-80; Plaintiff MALC's Exhibits 1-2, 46 at p. 46.9.

In the most recent trial, Plaintiff MALC submitted Exhibits 107-112 showing the viability of drawing a second Hispanic district in the Nueces County area that meets the requirements of Section 2 of the Voting Rights Act. First, in MALC Exhibits 107-109, MALC submits Plan H329 with two districts, HD 30 and HD34, in Nueces County having majority Hispanic population, voting age population, and citizen voting age population. Splitting only Nueces County, HD 30 in Plan H329 is composed of 63.2% Hispanic population, 59.5% Hispanic voting age population and 59.5% Hispanic citizen voting age population and HD 34 in Plan H329 is composed of 70.4% Hispanic population, 67.2% Hispanic voting age population, and 65.9% Hispanic citizen voting age population. The districts created in the Nueces County area for Plan H329 have similar or more compact scores when compared with the compactness scores for districts in the same area in both H283 and H100. *See* MALC Exhibits 106 (H100), 105 (H283), and 109 (H329). Plaintiff MALC also submitted Plan H373 with two Hispanic

opportunity districts for Nueces County—HD32 with 63.2% Hispanic population, 59.5% Hispanic voting age population, and 59.5% Hispanic citizen voting age population and HD 34 with 70.3% Hispanic population, 67.2% Hispanic voting age population, and 65.9% Hispanic citizen voting age population. MALC Exhibit 112. MALC’s Plan H373 effects fewer districts and plugs into H283. *See* MALC Exhibit 110. As with Plan H329, compactness scores are equal or better than those for similar districts in H283.

Finally, the state seems to have predetermined that it would eliminate one of the minority opportunity districts in Nueces County, even before districts were being drawn and even before the census population was released. Tr. Vol. II, p. 645. In 2010, Representatives Herrero and Ortiz were forewarned of the impending loss of a minority opportunity district by the Texas Speaker of the House of Representatives. *Id.*

A new Hispanic opportunity district in the Nueces County area is not foreclosed by the State’s whole county rule.

Evidence of Impermissible Intent

All of the preceding is readily apparent. MALC’s demonstration districts, using the State’s own metrics, are compact, cohesive, and majority Hispanic CVAP. The elections in Texas are as racially-polarized as ever. The demonstration districts were presented to the leadership of the Legislature and were rejected.

None of these facts has been seriously contested in either of the two trials in this Court.

Yet, there have been dozens of deviations from the whole county line rule in every House map created by the Legislature, Legislative Redistricting Board, or by a court for the past forty years. *See* MALC Exhibit 169. Every single member district that is only a portion of a county is a deviation from the whole county line rule. Every multi-county district that uses part of a county's spillover is a violation of the whole county line rule. The State has used double spillover (dividing the excess population from one county into two separate districts) in several legally permissible, constitutionally-validated maps. *See* MALC Exhibit 157.⁹ For years, the Texas Legislature has flexed and bent the whole county line rule to fulfill its objectives. At times, those objectives were to comply with federal law. At other times, the whole county line provision was subordinated just to make the puzzle fit together.¹⁰ It is clear that the whole county line rule has often been subordinated to federal, as well as parochial concerns.

⁹ *See also Graves v. Barnes*, 343 F.Supp. 704 (W.D. Tex. 1972)(Legislative Redistricting Board adopted, modified by the Court. Brazoria County's excess population is split between HD 31 & HD 21. Smith County's excess is also split. Hidalgo County's excess is split between HD 51 & HD 49); S.B. 590, 63rd Legislature (same cuts as *Graves.*); H.B. 1097, 64th Legislative Session (same cuts and use of double spillover as previous maps); H.B. 1389, 68th Legislative Session (Brazoria County's excess is split between two districts, HD 27 & HD 29. Jefferson County's excess is also split between two districts, HD 21 & HD 20. Colin County's excess is also split between two districts, HD 61 & 62.); H.B. 753, 69th Legislature (same cuts as H.B. 1389).

¹⁰ *See* Plan H100 (HD 22 bleeds into Orange County, and it is apparent Orange County does not have excess population because HD 19 is a multi-county district that also uses population from Orange County. HD 22 is also an African American opportunity district. Bleeding HD 22 into Orange County maintains HD 22 as an African American district.); *see also* Plan H283 (HD 10 splits Henderson County, and Henderson is clearly not large enough to have excess population).

However, the 83rd Legislature chose to go a different direction. In the attempt to prevent the creation of minority districts, the Legislature adopted an anti-historical and nearly religious devotion to the whole county line rule. Redistricting Committee Chairman Burt Solomons would have to be told by no less than the U.S. Supreme Court that the whole county line rule would have to give way to federal law. But, the U.S. Supreme Court has already informed the world about whether or not the whole county line rule would give way to Section 2. *See Bartlett v. Strickland*, 556 U. S. 1, 7-8 (2009). The lawyers at the Texas Legislative Council publicly stated that they believed federal law, including Section 2, trumped the whole county line rule. But, this advice was selectively ignored.

If legislative intent can be inferred from decisions made by legislators, what is to be made of Texas' new found devotion to the whole county line rule? At the exact moment when it would harm racial minorities the most, Texas converted its passing fancy for the whole county line rule to full-on Danielle Steel-style love. The leaders of Texas ignored the advice of attorneys. They ignored the correct admonishments of the leaders of the minority community and their fellow legislators. And for the first time since before *White v. Regester*, Texas believed that a state constitutional provision would trump federal law. If Texas could nullify federal law, then it wouldn't need to sue the federal government quite so often.

Leaders' decisions matter. Their justifications for their actions matter. And, their choices infer intent. Using a legal lie to defeat minority opportunity could be justified in many ways. Not listening to the advice of your lawyers could also be explained in many ways. Ignoring the legitimate complaints of the minority community also may have its justifications. At some point, after cracking precincts along racial lines, using population deviations in devious ways, ignoring the concerns of minorities, dismissing legal advice, cherry-picking low turn out Latinos for placement in marginal districts, and reducing the number of minority opportunity districts in both the state house and U.S. congressional map, Occam's razor says you acted impermissibly.

It is MALC's contention that the Texas Legislature's new found zeal for the whole county line rule is an important part of the evidence of discriminatory intent in this case. Altogether and the other myriad choices made by the decision-makers of the Legislature, it all points to acting with an impermissible intent.

Conclusion

There is no compelling or substantial reason to support Texas' position that Article III, Section 26 provides limits on the application of Section 2 of the Voting Rights Act or the U.S. constitutional requirements of the 14th Amendment. Even within Texas' legal framework, Article III, Section 26 must give way to enforce federal statutory and constitutional voting rights protections.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent by the Court's electronic notification system October 30, 2014, to counsel of record registered with the court to receive same and to those not so registered the foregoing document has been sent by email as agreed by the parties for each of the cases referenced above.

/s/ Jose Garza
Jose Garza