

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

SHANNON PEREZ, ET AL., §
 §
v. § SA-11-CV-360
 §
GREG ABBOTT, ET AL., §

**PLAINTIFF MALC’S POST-TRIAL RESPONSE TO STATE’S INCORRECT
ASSERTION REGARDING ORGANIZATIONAL STANDING REGARDING CD 23**

Defendants assert that: “MALC lacks either associational or organizational standing to bring claims against CD 23, because it has not identified members with standing to sue...” Dkt 1526, State’s Post Trial Brief, at p. 82, n. 14. Yet, MALC identified multiple members of its organization who reside in CD 23 or who have districts within the geographic constraints of CD 23. *See* 2017 MALC Exh. 1. MALC identified Representatives Poncho Nevarez (HD 74), Phil Cortez (HD 117), Mary Gonzalez (HD 75), Tomas Uresti (HD 118), Roland Gutierrez (HD 119), Ina Minjarez (HD 124), Ryan Guillen (HD 31), and Tracy King (HD 80) as members of MALC, eight in total. *Id.* As can be seen by comparing these districts in H358, the current redistricting plan for the Texas House of Representatives, with CD 23 in Plan C235, the current redistricting plan for the Texas Congressional delegation, HDs 74, 75, 117, 118, 119,

124, 31, and 80 all have geographic territory in common with CD 23. *See* JXs 106, 100; *See also* Dkt. 897, ¶ 15, Dkt. 258; and Dkt. 258.3, p. 5.

Moreover, Plaintiff MALC specifically identified Rep. King's residence and as a resident and voter of CD 23, in a previous filing with this Court in response to Defendants assertion of lack of standing. *See* Dkt 258, p.28 and Dkt. 258.3, p.5. (Representative King is a resident of Batesville in Zavala County in CD 23). At the time of filing this action, MALC also had additional members who were residents of CD 23. *See* Dkt. 258.3, pp. 4-7 (Reps. Gallego, p. 4; Quintanilla, p. 4; King, p. 5; and Garza pp. 6-7).

The evidence and pleadings in this case clearly show that MALC has identified "members with standing to sue" with regard to CD 23. *See* JXs 106 and 100; *See also* Dkt. 897, ¶ 15, Dkt. 258, and Dkt 258.3.¹

DATED: August 4, 2017

Respectfully submitted,

/s/Jose Garza
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¹ MALC is continuing to review the State's post trial brief and may seek to supplement this response. However, MALC wanted to act quickly to negate this clearly erroneous assertion to such a crucial issue as standing.

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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of August, 2017, I electronically filed the foregoing using the CM/ECF system which will send notification of such filing to all counsel of record who have registered with this Court's ECF system.

/s/ Jose Garza
JOSE GARZA