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

SHANNON PEREZ; et al, Plaintiffs -and- EDDIE BERNICE JOHNSON, et al, Plaintiff-Intervenors v. STATE OF TEXAS; et al, Defendants	)	CIVIL ACTION NO. 11-CA-360-OLG-JES-XR [Lead case]

PLAINTIFF-INTERVENORS, CONGRESSPERSONS EDDIE BERNICE JOHNSON, SHEILA JACKSON-LEE, AND AL GREEN'S POST SEGMENT TWO CLOSING ARGUMENT SUMMARY

Pursuant to this Court's order, the Plaintiff-Intervenors, African-American Congresspersons, Eddie Bernice Johnson, Sheila Jackson-Lee, and Al Green, respectfully submit the following summary of closing arguments with respect to the 2011 Congressional plan, in advance of oral arguments to be presented on August 26, 2014.

INTRODUCTION

The 2010 census showed that the State of Texas' population increased by over 4 million new residents. Three-quarters of Texas' population growth since 2000 can be attributed to African-Americans and Latinos. 89% of the population growth reflected in the 2010 census is a result of minority population growth. Latinos accounted for 65% of the State's population growth. African-Americans experienced 22% growth accounting for 14% of the State's population growth. The 2010 census showed that Texas is now a majority-minority state. After

the 2010 census, Texas' Congressional delegation increased from 32 to 36. Dr. Richard Murray's expert report indicates that after the State enacted Plan C185, the number of districts where minority candidates of choice can be elected was reduced to 10 of 36 compared to 11 of 32 in the benchmark plan. Tr. 1385:14-1386:3 (Murray). The African-American Congresspersons in their Amended Complaint challenged the adopted plan C185 under the Fourteenth Amendment, Section 2 of the Voting Rights Act and the Fifteenth Amendment (which was dismissed). Specifically they brought challenges to the treatment of minority voters overall in the plan and the configuration of Congressional Districts 9, 18 and 30, also Congressional Districts 23, 27 and Travis County and the failure to create any new minority opportunity districts or naturally occurring districts as are provided to white voters.

The Fourteenth Amendment/Intentional Discrimination: In *Arlington Heights*, the Supreme Court held that official action will not be held unconstitutional solely because it results in racially disproportionate impact; proof of racially discriminatory intent or purpose is required to show violation of the Equal Protection Clause of the Fourteenth Amendment. *Id.* at 265. Citing *Washington v. Davis*, 426 U.S. 229, the Supreme Court stated that a plaintiff is not required to prove that the challenged action rested solely on the racially discriminatory purposes. Further, It stated that the determination rests on "a sensitive inquiry into such circumstantial and direct evidence of intent as may be available." *Arlington Heights*, at 266. Further, the impact of the official action (i.e., bearing more heavily on one race than another) may provide a starting point. *Id.* The type of evidence that may be considered includes but is not limited to (1) historical background, (2) specific sequence of events leading up to the challenged decision, (3) departures from the normal procedural sequence (especially if the factors usually considered

important by the decision maker strongly favor a decision contrary to the one reached), and (4) legislative or administrative history. *Id.* at 267-8.

Intentional Discrimination

One of the first items we should discuss is the treatment of Texas' 3 African-American Congresspersons. Each of them had a district that was near perfect size that did not need to be changed. Congresswoman Johnson had a little over a 1% variance, Congresswoman Lee a little over a 3% variance from the new district population standard and Congressman Green approximately 5%. As Dr. Murray and each of them indicated, there was no need for any major surgery to any of their districts. However, what happened? Each one of the districts was drastically changed. The 9th and 18th were changed in such a way as to endanger their future viability and important economic engines were removed in which the Congresspersons had put a lot of great time and effort in to the benefit of their constituents and the greater Houston community. Important communities of interest were split such as the Third Ward and MacGregor area. The 30th was packed with over 85% minorities, much more than was needed for Congresswoman Johnson to be elected. Congresswoman Johnson lost 9 economic engines or important assets from her district. No district approximated this. Also, her home was not included in her district even though she had indicated the appropriate address to State authorities and in 2011 she testified that she even provided information to Lamar Smith and Eric Opiela about map problems in an attempt to fix it before it was finally adopted but to no avail.

As Dr. Murray indicated very clearly, the 3 African-American Congresspersons did not have input in the map and it was race and not party. All 3 African-American Congresspersons lost their district office. The State produced information about 6 white Congresspersons losing district offices, but only 1 of them according to his understanding lost a district office. He was

not certain but the others he indicated seemed to have lost satellite offices. The State's analysis did not recognize the distinction even though all of Dr. Murray's reports and testimony have identified district offices instead of satellite offices as the complaint. After testimony in this and other proceedings and other determinations had been made indicating that no white Congresspersons were identified as having lost an office he did say incorrectly that none had--but acknowledged that this was an error and then made it very clear that the likelihood that 3 of 3 African-American Congresspersons would lose their office compared to 6 of 22-24 as being a chance occurrence as being highly unlikely. And of course, when we look at the number who lost district offices the number drops down to 1 more than likely. This is how we would suggest the Court might see this:

> 3 of 3 African American offices moved/23of 23 Anglos also moved: Result: zero evidence of intentional discrimination because every member was treated the same.
>
> 3 of 3 African American members offices are excised, and 11 of 23 Anglos' main district offices are removed - The disparity suggests a discriminatory pattern, but there is some chance this could have happened by chance - maybe 5 percent.

Then, the actual case:

> 3 of 3 African American offices moved, 1 of 23 Anglos' district offices are removed by C185 - chances this could have happened randomly are extremely remote , maybe even less than one in one thousand.

Add in the contextual factors that:

(1) The three AA districts were just slightly over-populated, compared to many GOP districts, and thus needed very little adjustment,
(2) That it was almost certain that some Republican district offices would have to be shifted as C185 was creating 4 new Anglo dominated districts and zero new African American districts and led to less power for African-American and Latino voters as a whole,
(3) That some Republican members like John Culberson and Pete Olson needed to shore up their districts by shedding Democratic voting areas like Hobby Airport office area (Olson) and Rice University (Culberson), while there was no need to alter 9, 18, and 30 to preserve effective performing districts for a protected minority under the VRA, and
(4) That the AA members had zero meaningful input in C185 when the evidence clearly shows many Republican members (Lamar Smith, Joe Barton) were major drivers of the process [The

State talks about Barton losing assets of 2 athletic stadiums, but he actually gained love field in exchange].,

Besides the treatment of the African-American Congresspersons, there were so many other irregularities. The primary public hearings occurred prior to the release of a census or a map. Representative Dawnna Dukes called them a dog and pony show. Further, as Dr. Murray indicated the map was prepared in secret apart from the Legislative process as is traditional, and even the public hearings during the special session provided only one or two days in each House for the public to react to a plan and appear in Austin for a public hearing. Clearly, it was designed to minimize public input.

What happened in Dallas and Fort Worth is further evidence of an intentional racial gerrymander. Both Congresswoman Eddie Bernice Johnson and Dr. Richard Murray testified to that, as did LULAC Expert George Korbel. Dr. Korbel testified that CD 30 is very compact and in a very high Black and Hispanic population concentration area. He testified that in his opinion, he thought it best to "unpack" CD 30. Tr. 1215:10-17 (Korbel). Korbel also testified to how C185 goes from "Ellis and Navarro County, which are suburban rural counties, picks up a suburban area in Tarrant County, and then ties that together with the Hispanic . . . growth area in Dallas County. Tr. 1224:1-5 (Korbel). Thus, essentially the State cut Dallas County into five (5) congressional districts, packed minorities into CD 30, and then cracked minorities in CD 6 and CD 5. Tr. 1224:9-16. Further, in CDs 24 and 32, the State again cut the minority community off and tied those in with suburban Dallas and Denton County and suburban Dallas and Collin County. *Id.* Further, Korbel testified that "each one of these incursions into Dallas County is 50/50" meaning that "half of it is in Dallas County, and half to it is in the rural areas." Tr. 1225:2-8 (Korbel). Moreover, in each case they are "overwhelmingly minority in Dallas County

and overwhelmingly Anglo outside of Dallas County." *Id.* The State literally sliced and diced the African American and Hispanic community all over Tarrant and Dallas Counties.

Korbel and Murray both talked about the unusual shape of the area districts. Congresswoman Johnson indicated the rural areas the minorities were joined with had much less in common with the minorities in Dallas and Tarrant Counties than others in the urban areas. Though the two counties increased by over 500,000 persons (all minority) and decreased by approximately 250,000 Anglos, they were carved into 9 separate districts with none being drawn to benefit a racial or ethnic minority. And if the previous districts were moving in that direction, Downton fixed them. See *Miller v. Johnson*, 515 U.S. 900 (1995). The State was seeking to undermine the ability of minorities to elect candidates favorable to their community and this is prohibited. See *Gomillion v. Lightfoot*, 364 U.S. 339 (1960) which though being a 15th Amendment case has been used on a number of occasions for a 14th Amendment analysis. The Legislature may implement various policies in the redistricting process, but when they do, they must make sure it is non-discriminatory. *Gomillion*, supra.

Korbel also testified to how C185's lightning bolt in Tarrant County faired under the "compactness test" and shows that the State put the most compact district (the affluent white Anglo community) next to the least compact district (the black and Latino). Tr. 1217:16-1218:8 (Korbel). Korbel also testified to how the lightning bolt consists of approximately 134,000 people, which is overwhelmingly minority (70.4% Hispanic and 6.8& black). Tr. 1222:2-8 (Korbel). Essentially, the lightning bolt extension in CD-26 went down into Tarrant County into the concentration of the minority population, and again down through the middle of Tarrant County where it juts into yet another minority concentration. Tr. 1221:10-16 (Korbel). So, the lightning bolt goes into a very concentrated minority area that is tied into Denton and the balance

of the district spans the suburban area of Tarrant County and virtually all of Denton which composes an area that has 563,000 people in it that is more than two-thirds (2/3) Anglo. *Id.* In effect, what C185 does is split the existing minority community in Tarrant County so that it was in two parts. Tr. 1253:8-17 (Korbel).

Dr. Murray testified that although Latinos and African Americans accounted for nearly ninety 90% of the growth in the state and 4 new congressional seats, no new minority opportunity districts were drawn under C185. Tr. 1384:24-1385:9 (Murray).

Ryan Downton admitted that when he was drawing the map he was aware that most minority voters voted for the Democratic Party while Anglo voters voted for the Republican Party. And further, when he sought to take a remedial action to un-split a Latino community in Tarrant County, and identified them by using racial shading, he was aware that it was the same as the alleged exclusive partisan shading he had done in that area. However, even with that knowledge he declined to take any action to try to avoid discriminating against racial and ethnic minorities. And to make it even clearer, he testified that the Chairman decided that the only minority seats he could get through the Legislature were ones they were mandated to draw and that any others would not be drawn. As a result, districts like we find in C193 that we have supported along with the NAACP and other groups was not adopted. Tr. 1801:17-21 (Downton).

Dr. Murray raised concerns about how many minorities were isolated in C185 and placed in a position where they essentially no chance of electing the candidate of their choice. His report indicated concern for this in light of the analysis of Texas' Congressional districts done by Rodriquez Expert Steven Ansolobehere. TR. 1402:21-1406:23 (Murray).

Texas engaged in Racial Gerrymandering through the drawing of election district lines to unfairly give one racial or ethnic group significant political advantage over another racial or

ethnic racial group. The Texas State Legislature approved a redistricting plan that resulted in minority vote dilution that allows Anglo voters to control elections to deny minority voters a fair share of representatives. Specifically, the approved plan, C185, resulted in the *cracking* of areas of concentrated minority population, which are large enough to constitute one or more minority opportunity districts, in order to divide and spread them among several districts that are predominantly Anglo. The vast majority of Anglos have been placed in Congressional districts where Anglos decide the outcome while the opposite is true for African-Americans and Latinos. In the plan adopted in 2011, many districts were drawn so minority voters were placed in districts primarily populated by voters who generally oppose candidates preferred by the majority of African-Americans or Latinos in those districts. As the Supreme Court has indicated, it is perfectly appropriate to create naturally occurring districts that may be less than 50% Citizen Voting Age population of a particular minority group but which will function as a district where minorities can elect the candidate of their choice. *Perry v. Perez*, 132 Sc.D. 934 (2012). CD23 is an example of such a district in C185 being created for white voters. However, the Voting Rights Act is being used as a shield or a bar to minority voting rights instead of a pathway for racial and ethnic minorities to achieve them. From the testimony of Senator Seliger we can resolve that minorities were required to meet alleged Section 2 majority Citizen Voting Age population standards to achieve beneficial districts but Anglos had no such requirement. Tr.268:8-271:13.

The 2011 Texas Congressional redistricting plan dilutes the voting strength of African-Americans and Latino voters because under the totality of the circumstances African-American and Latino voters do not have equal opportunity to elect candidates of their choice to the U.S. House of Representatives. Dr. Richard Murray's expert testimony showed that African

Americans and Latinos faired very poorly under C185. In fact, Dr. Murray testified that although Latinos and African Americans accounted for nearly ninety 90% of the growth in the state and 4 new congressional seats, no new minority opportunity districts were drawn under C185. Tr. 1384:24-1385:9 (Murray).

Section 2 of the Voting Rights Act: Section 2 of the Voting Rights Act of 1965 tracks the language of the Fifteenth Amendment to the U.S. Constitution guaranteeing, no person shall be denied the right to vote on account of race or color. 42 U.S.C. 1973 §(a). Plaintiffs must establish a prima facie case by showing the presence of the three (3) factors described in *Gingles*. *Thornburg v. Gingles*, 478 U.S. 30 (1986). Under Gingles, Plaintiffs must show that: (1) "African-Americans are located in an area that is geographically compact and contains sufficient numbers so that a single member district with an African-American majority could be fairly drawn"; (2) "African-Americans are politically cohesive, i.e., they tend to vote as a bloc, casting most of their votes for the same candidates for offices in the district"; and (3) "a legally sufficient white racial bloc voting exists, i.e., whites vote as a bloc, casting their ballots in concentrations such that candidates of choice for the minority community are usually defeated." *Id.* Moreover, to prove a violation of Section 2 of the totality of the circumstances, minority voters "have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.

Polarization: Dr. Murray testified that in the south in particular, whites have become increasingly supportive of candidates opposed by black and Hispanic voters. In addition, Hispanic voters have moved in the other direction, resulting in a significant decrease in Republican Hispanic voters in the last five (5) or six (6) years. Tr. 1398:20-1399:6 (Murray). Murray puts it, "basically wrote off trying to significantly appeal to African American voters."

Tr. 1399:13-16 (Murray). We adopt the arguments in our Post Trial NAACP/Congressperson's brief here.

Minority Vote Dilution: Congress drew from earlier appellate court decisions finding dilution such as *White v. Regester*, 422 U.S. 935 (1975); *Zimmer v. McKeithen*, 485 F.2d 1297 (1973); *Whitcomb v. Chavis*, 403 U.S. 124 (1970), in creating a listing of objective factors. Justice Brennan said in *Gingles*, 478 U.S. at 36-37, that a court must consider several additional "objective factors" in determining the "totality of circumstances" surrounding an alleged violation of Section 2. They include, but are not limited to the following:

1. the extent of the history of official discrimination touching on the class participation in the democratic process;
2. racially polarized voting;
3. the extent to which the State or political subdivision has used unusually large election districts, minority vote requirements, anti-single-shot provisions, or other voting practices that enhance the opportunity for discrimination;
4. denial of access to the candidate slating process for members of the class;
5. the extent to which the members of the minority group bear the effects of discrimination in areas like education, employment, and health, which hinder effective participation;
6. whether political campaigns have been characterized by racial appeals;
7. the extent to which members of the protected class have been elected;
8. whether there is a significant lack of responsiveness by elected officials to the particularized needs of the group; and
9. whether the policy underlying the use of the voting qualification, standard, practice, or procedure is tenuous.

Under the standards of the *Gingles* decision, polarization is a condition that minorities have to demonstrate to justify the creation of districts where they have sufficient population.** Dr. Murray also testified that one of the causes for the increased polarization rests in the Republican Party's "Southern strategy" beginning in the 1960s and '70s when the Republican Party", as Dr. Alford, admitted in 2011 that only need 35% of African American voters are needed to elect their candidate of choice. Further, Dr. Murray testified that there was not an office that he was familiar with where African Americans were at least 30% VAP that did not

perform and the State's expert agreed saying he thought districts in the 35-40% range are performing districts. Finally, Dr. Murray testified that in urban Texas, any district that is above thirty 30% African American Voting Age Population (VAP), is likely to be a district that African American voters are going to be effective in.

Congressional Districts 9, 18 and 30: Dr. Richard Murray testified regarding Congressional Districts 9, 18, and 30 by saying that each one of them was of near perfect size and did not need any major change in their configuration. In order to reach the optimum size of 698,000 for a Congressional District in 2011, CD-9 was slightly overpopulated by 5% or a little over 35,000 persons. CD-18 was a little over 3% overpopulated or about 22,000 persons. CD30 was of nearly perfect size, being overpopulated by less than 8,000 persons or slightly more than 1%. However, all 3 underwent massive surgery and change—without input. C-185 increased by 85,000 the number of voters from Fort Bend County in CD-9. Congresspersons Green, Jackson Lee, and Johnson have very large number of low-income, low-education constituents and access to economic assets is of the utmost importance for these members. Tr. 1392:6-9 (Murray).

Congressional District 9: Dr. Murray testified with respect to Congressman Green's district, CD-9. He testified that Congressman Green represented CD-9 since 2004, which was slightly overpopulated by about 25-30,000 more than the required 698,000. Thus, Dr. Murray concluded, CD-9 required very little adjustment and any such adjustment was easy to make. As an example, Dr. Murray went on to testify that Congressman Green's district contained a Hispanic area on the east side of that could have easily been shifted over to Gene Green's majority Hispanic district. This would have left CD-9 almost ideally populated. However, C185 substantially and unnecessarily altered CD-9 and significantly diminished the Congressman from CD-9's opportunity to be an effective representative. Further, Congressman Green lost his

district office under C185 and many of the major economic assets therein, such as a veteran's hospital. Moreover, under C185, Congressman Green was left with a significant number of new voters that he was unfamiliar with and did not need to effectively perform. Tr. 1387:2-17 (Murray).

The State would argue that while Congressman Green lost major economic engines, he also gained economic engines. However, Dr. Murray testified to the fact that Congressman Green was in fact a "net loser" as it pertains to any such swapping. In addition to the notable economic losses in CD-9, Congressman Green lost his district office, which "he had used continuously and was ideally located to serve the old district." Finally, CD-9 was stripped of a number of traditional African American neighborhoods, which were in Congressman Green's political base. All of this was done without Congressman Green's input and further, he was unaware of the composition of his district until immediately before C185 was passed by the state legislature. Tr. 1388:4-11 (Murray). One example of a significant loss of an economic engine was illustrated by Dr. Murray. Specifically, Congressman Green had done particular work for the rail line authorities as part of his work in Washington. In fact, it had been one of his major focuses. However, under C185, that work would be essentially depleted of its value as he would no longer have it in his district.

Dr. Murray further testified that under C185 a number of traditional redistricting principles were ignored by (1) making changes that are not necessary and not desired by the member, (2) ignoring existing communities of interest, (3) ignoring member-constituent relations, and (4) ignoring the population dynamics of the district, particularly by adding a very large suburban area that is significantly racially/ethnically mixed while Congressman Green's political base is in the older, inner city precincts in Harris County. Tr. 1392:16-25 (Murray). In

sum, Dr. Murray's testimony regarding CD-9 concluded that the existing compact and slightly overpopulated district was categorically carved up by the State's map drawers.

Congressional District 18: Under C185, CD-18 lost all of downtown (the single most vital economic engine in Harris County), Tr. 1391:2-9 (Murray), which contains a lot of new construction, major job centers, major companies such as Chevron and Shell and their large facilities in the area. These were unnecessarily removed according to Dr. Murray's testimony and "had been in the 18th District since the district was first created in 1972 when Barbara Jordan was the [district's congressional] member." However, under C185 and after forty (40) years, the congressional member would no longer represent the downtown business interest in Houston. Tr. 1390:12-21 (Murray). Congresswoman Jackson-Lee had also invested a huge effort in Metro during her time in Washington, securing funding for the light rail system. Of course, Metro is headquartered in downtown Houston and much of that work would become devalued under C185. In addition, CD-18 lost most of the Houston Medical Center, causing Congresswoman Jackson-Lee to lose "a very substantial part of what she had previously represented." Tr. 1389:13-17 (Murray).

Prior to the enactment of C185, CD-9 and CD-18, Congressperson Green and Jackson-Lee's districts respectively, were both adequately populated, the members did not want to make the kinds of swaps to their economic engines and political bases which resulted from C185 and most importantly, they were not informed about them until C185 was well on its way to passage in the state legislature. Tr. 1389:19-22 (Murray).

Dallas and Tarrant Counties: Frank Moss is a resident of Fort Worth, urbanologist, NAACP Executive Board Member and Treasurer, as well as a former City Councilman. Mr. Moss has worked on various campaigns from local school board to statewide Senate races. Tr.

1172:14-1175:11 (Moss). In the 2014 Congressional redistricting trial, Mr. Moss testified that Black and Latino voters in Tarrant County work together to elect candidates. Mr. Moss stated that the coalition is critical and it is "very difficult for a black or a Hispanic to win unless they have a coalition." Tr. 1175:12-23 (Moss). This applies across the board from school board elections, city council races, and state Senate races. Mr. Moss cites specifically to Wendy Davis' Senate race where he stated that "black[s] and Hispanic[s] came out and voted and supported her" and "otherwise, she would not have made it." Tr. 1176:1-8 (Moss). Further, Mr. Moss testified to the common interest of Black and Latino voters in Tarrant County including but not limited to economic development, housing, health, and employment issues. Tr. 1180:8-17 (Moss). Mr. Moss also testified to being referred to Congresswoman Eddie Bernice Johnson in order to deal with issues when the candidate that was representing his district would not support the interests of the minority community (although Congresswoman Johnson does not represent Tarrant County or Fort Worth and had no obligation to meet with a minority delegation from that area or work with them to try to address their issues). Tr. 1186:12-22 (Moss).

Dr. Murray testified with respect to the Dallas-Fort Worth (DFW) area and the irregular shape of the districts in the DFW urban core. Dr. Murray testified, "once you get outside the urban core, the districts are pretty traditionally shaped"--in fact, they are mostly whole counties. Tr. 1395:8-11 (Murray). Moreover, even the areas commonly known as "exurbs" (i.e., "region[s] or settlement[s] that lie [] outside a city and usually beyond its suburbs and that often [are] inhabited chiefly by well-to-do families"[1]), such as Denton and Collin Counties, the districts "score high in terms of ratio of their circumference or boundary to their territory represented." Tr.1395:11-15 (Murray). However, in the inner city (where all of the minority growth is

[1] http://www.merriam-webster.com/dictionary/exurb (last visited August 21, 2014)

occurring), testified Dr. Murray, "there you get all these fingers or . . . lightning bolts . . . cutting in and out" which Dr. Murray opines is a true signal of gerrymandering when compared to the normally shaped districts outside of the urban core. Tr. 1395:16-23 (Murray).

Dr. Richard Murray also testified that as the combined voting age population of African Americans and Latinos increased and became significantly larger than the Anglo population in Dallas County, cohesion between the two increased. Both African Americans and Latinos were increasingly voting for the winners of elections, which shows that they are successful in the general election. For example, Dr. Murray pointed to the fact that "since 2006, Hispanics and blacks have had a much, much higher success rate in winning offices in Dallas County." **

Additional Claims: We concur in the NAACP arguments on the other districts. Korbel and Murray both indicated that it could be possible to draw minority opportunity districts in CD-27. Murray indicated that districts like those in C193 are like the naturally occurring districts the Supreme Court will permit. They also talked about Travis County and the gerrymander there that has isolated many minority voters and particularly the African-American community that was split into 3 separate districts. Murray indicated that Travis County had historically been an anchor for a district and Korbel testified to the cutting and splicing of Nueces County and the last time CD-27 went north other than when the 2011 Texas legislature changed it was in 1980 and that at that time it was changed by court order as a result of the Voting Rights Act. Tr. 1212:7-25 (Korbel). Korbel also testified to the irregular shape of CD-27 and how under C185, CD-27 "runs from Nueces County, and then way up . . . to Houston, and then takes a dog leg over to the edge of Austin." Tr. 1229:22-25 (Korbel). As a result, "approximately half of the population [in CD-27] is in Nueces County, which is overwhelmingly minority, and the balance of the population is in . . . East Central Texas counties … overwhelmingly Anglo." Tr. 1230:4-1.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on _____, 2014, I electronically filed the foregoing document with the Clerk of the United States District Court, Western District of Texas, San Antonio Division, using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of Electronic Filing" to all attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/Gary L. Bledsoe
Gary L. Bledsoe