

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LEAGUE OF UNITED LATIN AMERICAN §
CITIZENS, *et al.*, §

Plaintiffs, §

v. §

No. 3:21-CV-00259-DCG-JES-JVB
[Lead Case]

GREG ABBOTT, *in his official capacity as* §
Governor of the State of Texas, et al., §

Defendants. §

UNITED STATES OF AMERICA, §

Plaintiff, §

v. §

No. 3:21-CV-00299
[Consolidated Case]

STATE OF TEXAS, *et al.*, §

Defendants. §

ORDER

The Court granted the United States’ motion to enforce third-party subpoenas *duces tecum* against Texas legislators, their staff, and a staff member of the Texas Legislative Council (collectively, “the Legislators”) seeking both tangible and electronically stored information. Dkt. 467. As part of that order, the Court directed the Legislators to produce certain documents for *in camera* review so that the Court could determine whether they were shielded from discovery by attorney-client privilege or the work product doctrine. Dkt. 467, at 28.

The Court has concluded its *in camera* review. It finds that the documents are not privileged or protected with the following exceptions¹:

¹ Documents are referred to by their control numbers.

- DOC_0351427 is privileged as to its first bullet point, which must be redacted.
- DOC_0351577 is privileged as to everything except the second sentence of Parker Berry's email and the heading of the conversation; the document must be redacted except for those two elements.
- DOC_0351636 is privileged in its entirety and need not be produced in discovery.
- DOC_0351637 is privileged only as to its first bullet point, which must be redacted.
- DOC_0351651 is privileged as to the last two sentences of Adam Foltz's message, the first sentence of Parker Berry's email, and the second sentence of Tommie Cardin's email; those must all be redacted.
- DOC_0351652 is privileged in its entirety and need not be produced in discovery.
- DOC_0351660 is privileged only as to the email from Tommie Cardin and the first bullet point Adam Foltz; both must be redacted.
- PDOC_004309 is privileged in its entirety and need not be produced in discovery.
- PDOC_004318 is privileged in its entirety and need not be produced in discovery.
- PDOC_004795 is privileged in its entirety and need not be produced in discovery.
- PDOC_004798 is privileged in its entirety and need not be produced in discovery.

Accordingly, the Legislators are hereby **ORDERED** to produce all documents provided to the Court for *in camera* review, subject to the exceptions above, within **FOURTEEN (14) DAYS** of this Order.

So **ORDERED** and **SIGNED** this 17th day of November 2022.



DAVID C. GUADERRAMA
UNITED STATES DISTRICT JUDGE

And on behalf of:

Jerry E. Smith
United States Circuit Judge
U.S. Court of Appeals, Fifth Circuit

-and-

Jeffrey V. Brown
United States District Judge
Southern District of Texas