IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS EL PASO DIVISION

League of United Latin American Citizens, <i>et al.</i> ,	\$ \$ 6	
Plaintiffs,	\$	
V.	\$ \$	Case No. 3:21-cv-259 [Lead Case]
Greg Abbott, et al.,	§	
Defendants.	§ §	
UNITED STATES OF AMERICA,	S	
Plaintiff,	\$ \$	
V.	<u> </u>	Case No. 3:21-cv-299 [Consolidated Case]
STATE OF TEXAS, et al.,	S S	
Defendants.	§ §	

AMENDED NOTICE OF APPEAL

Legislators, legislative staff, and Lieutenant Governor Dan Patrick (collectively, "the legislators") hereby amend their notice of appeal to include this Court's related Order entered November 16, 2022, further compelling the legislators to produce documents. *See* Order, ECF 642; Notice of Appeal, ECF 489.¹

Appellants are Lieutenant Governor Dan Patrick, Representative Tom Craddick, Representative Ryan Guillen, Representative Todd Hunter, Representative Jacey Jetton, Representative Ken King, Representative Brooks Landgraf, Representative Geanie Morrison, Representative Andrew Murr, Senator Joan Huffman, Adam Foltz, Koy Kunkel, Anna Mackin, and Sean Opperman. The pending appeal in the Fifth Circuit regarding the legislators' documents is *LULAC v. Patrick*, No. 22-50662.

On July 26, 2022, the legislators appealed this Court's Order of July 25, 2022. See Order Enforcing Third-Party Subpoenas, ECF 467 ("July Order"); Notice of Appeal, ECF 489. That Order granted in part the United States' motion to enforce third-party subpoenas duces tecum against Texas legislators and legislative employees and ordered the legislators to produce documents that had been withheld as legislatively privileged. Order, ECF 467. Also as part of the July Order, this Court ordered the legislators to provide a subset of documents to the Court for in camera review of the legislators' attorney–client privilege objections. Id. The legislators appealed the July Order and obtained a stay. See Stay Order, LULAC v. Patrick, No. 22-50662 (5th Cir. July 27, 2022).

This Court has now completed its in camera review and has ordered additional documents to be produced. *See* Order, ECF 642. The legislators amend their notice of appeal so that this related order may be included as part of the pending appeal of the July Order, currently pending in the Fifth Circuit. *See LULAC v. Patrick*, No. 22-50662.

Date: December 9, 2022

Respectfully submitted,

KEN PAXTON

Attorney General of Texas

Brent Webster

First Assistant Attorney General

WILLIAM T. THOMPSON

Acting Chief, Special Litigation Unit

Tex. State Bar No. 24088531

Munera Al-Fuhaid

Special Counsel, Special Litigation Unit

Tex. State Bar No. 24094501

J. AARON BARNES

Special Counsel, Special Litigation Unit

Tex. State Bar No. 24099014

ZACHARY W. BERG

Special Counsel, Special Litigation Unit

Tex. State Bar No. 24107706

/s/ Ari M. Herbert

ARI M. HERBERT

Special Counsel, Special Litigation Unit

Tex. State Bar No. 24126093

OFFICE OF THE ATTORNEY GENERAL

P.O. Box 12548 (MC-009)

Austin, Texas 78711-2548

Tel.: (512) 463-2100

Fax: (512) 457-4410

will.thompson@oag.texas.gov

munera.al-fuhaid@oag.texas.gov

aaron.barnes@oag.texas.gov

zachary.berg@oag.texas.gov

ari.herbert@.oag.texas.gov

Counsel for Defendants, Senate and House Legislators and Staff

Patrick Strawbridge CONSOVOY MCCARTHY PLLC Ten Post Office Square 8th Floor South PMB #706 Boston, MA 02109 Tel: (703) 243-9423 patrick@consovoymccarthy.com

Adam K. Mortara LAWFAIR LLC 125 South Wacker, Suite 300 Chicago, IL 60606 Tel: (773) 750-7154 mortara@lawfairllc.com /s/ Taylor A.R. Meehan
Taylor A.R. Meehan
Frank H. Chang
CONSOVOY MCCARTHY PLLC
1600 Wilson Blvd., Suite 700
Arlington, VA 22209
Tel: (703) 243-9423
taylor@consovoymccarthy.com

Counsel for House Legislators and Staff

frank@consovoymccarthy.com

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on December 9, 2022, and that all counsel of record were served by CM/ECF.

<u>/s/ Ari M. Herbert</u> Ari M. Herbert