

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

SUE EVENWEL; EDWARD PFENNINGER,

Plaintiffs,

v.

RICK PERRY, in his official capacity as
Governor of Texas; NANDITA BERRY, in her
official capacity as Texas Secretary of State,

Defendants.

Civil Action No. 1:14-cv-335

SUPPLEMENT TO PLAINTIFFS' OPPOSITION TO MOTION TO INTERVENE

Pursuant to Federal Rule of Civil Procedure 24, Plaintiffs Sue Evenwel and Edward Pfenninger ("Plaintiffs") respectfully submit this Supplement to their Opposition (Dkt. 28) to the Motion to Intervene filed by the Texas Senate Hispanic Caucus, Armando Garza, Francisco Guajardo, Reynaldo Guerra, Evelyn Jones, Sofia Reyes McDermott, and Cassandra Chrostowski ("Movants").

On August 5, 2014, the United States Court of Appeals for the Fifth Circuit issued its opinion in *Veasey v. Perry*, No. 14-40003 (attached hereto as Exhibit 1). In *Veasey*, the Fifth Circuit held that True the Vote could not intervene as of right to defend the constitutionality of Texas's voter ID law because it had not shown that Texas could not adequately represent its interests in the litigation. True the Vote argued that its interests and Texas's interests were not completely aligned, but the court held that, so long as both Texas and True the Vote sought the same relief on the complaint as pled—upholding the statute as constitutional—True the Vote's interests were being adequately represented in the litigation.

For the same reasons, Movants are not entitled to intervene of right in this action, and their motion should be denied.

Respectfully submitted,

DATED: August 11, 2014

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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of August, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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