

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

LULAC, *et al.*,

Plaintiffs,

v.

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

Defendants.

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

ROY CHARLES BROOKS, FELIPE
GUTIERREZ, PHYLLIS GOINES, EVA
BONILLA, CLARA FAULKNER,
DEBORAH SPELL, SANDRA M. PUENTE,
JOSE R. REYES, SHIRLEY ANNA
FLEMING, LOUIE MINOR JR, NORMA
CAVAZOS, LYDIA ALCALAN, and
MARTIN SAENZ,

Plaintiffs,

v.

GREG ABBOTT, in his official capacity as
Governor of Texas; JOHN SCOTT, in his
official capacity as Secretary of State of
Texas, and STATE OF TEXAS,

Defendants.

Case No. 1:21-CV-00991-DCG-JES-JVB
[Consolidated Case]

BROOKS PLAINTIFFS' REPLY REGARDING *PETTEWAY* DECISION

The State misstates the number and nature of the Brooks Plaintiffs' Section 2 discriminatory results claims in its letter brief. *See* Doc. 815 at 4.¹ The State confuses the number

¹ The State and several Plaintiff groups appear to have interpreted the Court's noon deadline for these filings as being noon central time. Brooks Plaintiffs note that this case is pending in the El Paso division, and thus the noon deadline is in mountain time.

of existing districts the Brooks Plaintiffs contend contribute to vote dilution (through cracking of minority populations) with the number of remedial districts that should be created, reporting that “[t]he Brooks Plaintiffs seek to create seven coalition districts.” *Id.* That is incorrect. The Brooks Plaintiffs’ operative complaint asserts Section 2 coalition claims for just two districts—SD 10, *see* Doc. 612 at ¶¶105-25 and HD 54 in Bell County, *id.* ¶¶ 229-60. The remaining three Section 2 discriminatory results claims seek the creation of Latino opportunity districts—a Dallas-based Latino opportunity congressional district,² a Houston-based Latino opportunity congressional district, and a Latino opportunity district for HD 118 in Bexar County.

Because the upcoming November 2024 election bears on the claims in this case and may further clarify pending claims, Brooks Plaintiffs have not yet sought leave to amend and/or supplement their complaint in response to the 2023 legislative session’s wholesale readoption of the 2021 maps as some other plaintiffs have. Brooks Plaintiffs intend to do so once they have had the opportunity to analyze the 2024 election results and believe awaiting the upcoming election results before seeking to file additional pleadings best conserves the parties’ and the Court’s resources.

October 21, 2024

Respectfully submitted,

/s/ Chad W. Dunn

Chad W. Dunn (Tex. Bar No. 24036507)

Brazil & Dunn

1900 Pearl Street

Austin, TX 78705

(512) 717-9822

chad@brazilanddunn.com

² The Brooks Plaintiffs’ operative complaint notes that either a coalition or Latino majority congressional district should be created in Dallas. Brooks Plaintiffs now clarify that they seek a Latino majority opportunity district and not a coalition district.

/s/ Mark P. Gaber

Mark P. Gaber*
Mark P. Gaber PLLC
P.O. Box 34481
Washington, DC 20043
(715) 482-4066
mark@markgaber.com

Jesse Gaines* (Tex. Bar. No. 07570800)
P.O. Box 50093
Fort Worth, TX 76105
817-714-9988
gainesjesse@ymail.com

Molly E. Danahy*
P.O. Box 26277
Baltimore, MD 21211
(208) 301-1202
3anahy.molly@gmail.com

Sonni Waknin*
10300 Venice Blvd. # 204
Culver City, CA 90232
732-610-1283
sonniwaknin@gmail.com

*Admitted *pro hac vice*

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that she has electronically submitted a true and correct copy of the above and foregoing via the Court's electronic filing system on the 21st day of October 2024.

/s/ Chad W. Dunn
Chad W. Dunn