

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

DICKINSON BAY AREA BRANCH §
NAACP, et al., §
§
Plaintiffs, §
§
v. § Civil Action No. 3:22-cv-117- JVB
§
GALVESTON COUNTY, TEXAS, et al., §
§
Defendants. §

TERRY PETTEWAY, et al., §
§
Plaintiffs, §
§
v. § Civil Action No. 3:22-cv-57-JVB
§ [Lead Consolidated Case]
§
GALVESTON COUNTY, TEXAS, et al., §
§
Defendants. §

UNITED STATES OF AMERICA, §
§
Plaintiff, §
§
v. § Civil Action No. 3:22-cv-93-JVB
§
GALVESTON COUNTY, TEXAS, et al., §
§
Defendants. §

**PETTEWAY PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION FOR
EXTENSION OF TIME**

Petteway Plaintiffs do not oppose adjusting the deadline for dispositive motions. But the dispositive deadline requested by Defendants—June 2, 2023—would interfere with trial preparation and provide the Court insufficient time to consider the briefing and evidence. Moreover, Defendants do not explain why *Plaintiffs'* outstanding discovery requests—largely centering on the pending motion to compel related to Defendants' privilege assertions—preclude *Defendants* from seeking summary judgment. Defendants are in control of that evidence and those witnesses; if there is something necessary for them to seek summary judgment, they can choose to file such documents or declarations (and should have already produced that evidence to Plaintiffs).¹ Nor is it conceivable that the only discovery request Defendants have outstanding²—the subpoena for documents and testimony from Commissioner Holmes—could somehow resolve the obvious factual disputes on matters unrelated to Commissioner Holmes that ultimately will make this case particularly poorly suited for summary judgment. *See also Veasey v. Abbott*, 830 F.3d 216, 234 (5th Cir. 2016) (*en banc*) (warning against “placing too much emphasis on the contemporaneous views of a bill’s opponents” in deciding intentional discrimination claims).

Petteway Plaintiffs propose extending the summary judgment deadline to May 12, 2023.

¹ In addition, the deposition of Defendants' expert Dr. Alford has now occurred.

² Plaintiff Dickinson Branch NAACP's deposition has now occurred.

Respectfully submitted this, the 27th day of April, 2023

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 27, 2023, the foregoing document was filed electronically (via CM/ECF), and that all counsel of record were served by CM/ECF.

/s/ Valencia Richardson
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