

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

WINNIE JACKSON, *et al.*,

Plaintiffs,

v.

TARRANT COUNTY, TEXAS, *et al.*,

Defendants.

CIVIL ACTION NO. 4:25-cv-00587-O

**PLAINTIFFS' MOTION TO EXPEDITE THE PRELIMINARY INJUNCTION
HEARING AND SEPARATE THE TRIAL ON COUNTS 1 AND 2 FROM COUNTS 3
AND 4 AND ADVANCE AND CONSOLIDATE IT WITH THE PRELIMINARY
INJUNCTION HEARING**

Plaintiffs respectfully request that the Court schedule an expedited hearing on their motion for a preliminary injunction. Candidate filing for the 2026 election commences on November 8, 2025 and closes on December 8, 2025. *See* Tex. Sec'y of State, Important Election Dates 2025-2026, <https://www.sos.state.tx.us/elections/voter/important-election-dates.shtml#2026>. Plaintiffs thus respectfully request that the Court set a preliminary injunction hearing in early August (*e.g.*, the week of August 4 or August 11) and issue a decision by September 12, 2025. This timeline would afford the parties the ability to seek appellate review from the Fifth Circuit or Supreme Court, as appropriate, in advance of the candidate filing period. For the reasons set forth in the accompanying Brief, this timeline is necessary in light of Fifth Circuit precedent.

Moreover, Plaintiffs also respectfully move, pursuant to Federal Rule 42(b) and 65(a)(2), for the Court to separate the trial for Counts 1 and 2 from Counts 3 and 4 and consolidate and advance the trial on the merits of Counts 1 and 2 with the preliminary injunction hearing. Counts 1 and 2 pertain specifically to the 2026 election and thus must be fully adjudicated in time to permit

final judgment and permanent injunctive relief in time to make that relief effective. Consolidation and advancement of the trial on the merits and issuance of a permanent injunction on those claims is thus appropriate.

CONCLUSION

For the foregoing reasons, the Court should enter an expedited hearing on Plaintiffs' motion for a preliminary injunction, with a decision to issue by September 12, 2025, and the trial on Counts 1 and 2 should be separately tried pursuant to Rule 42(b) with that trial advanced and consolidated with the preliminary injunction hearing pursuant to Rule 65(a)(2).

Dated: June 27, 2025

/s/ Mark P. Gaber

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Respectfully submitted,

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CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1(b), Plaintiffs' counsel Mark Gaber conferred with counsel for Defendants, Assistant Tarrant County District Attorneys Mark Kratovil and Craig Price, via e-mail correspondence between June 20 and June 25, 2025. The parties discussed (1) service of process and (2) Defendants' position regarding Plaintiffs' motion for a preliminary injunction and their motion for an expedited hearing and consolidation of the trial with the preliminary injunction hearing on Counts 1 and 2. With respect to service of process, the process server had informed Plaintiffs' counsel that Judge O'Hare's staff rejected repeated attempts at personal delivery of the complaint and summons. Defendants' counsel offered to waive service in exchange for a response deadline extension to August 4, 2025. Plaintiffs' counsel explained that in an ordinary case this would be agreeable, but the need for expedited adjudication did not permit them to voluntarily agree to such an extension. On June 25, 2025, the process server informed counsel for Plaintiffs that Judge O'Hare has agreed to accept personal service from the process server on the afternoon of Monday, June 30.

With respect to (1) Plaintiffs' motion for a preliminary injunction, (2) Plaintiffs' proposal for an early August hearing and a decision by September 12, 2025, and (3) Plaintiffs' request for consolidation and advancement of the trial on Counts 1 and 2 with the preliminary injunction hearing, Defendants' counsel stated the following: "[w]ith regard to your request about the County's position on the various scheduling issues in your email below, the County has not been briefed on these issues, nor can such a briefing occur before the July 1 meeting. Therefore, I cannot provide you with a response at this time."

June 27, 2025

/s/ Mark P. Gaber

CERTIFICATE OF SERVICE

On June 27, 2025, I served the foregoing on counsel for Defendants, who have not yet entered an appearance in this case, via email as indicated below.

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/s/ Mark P. Gaber

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[PROPOSED] ORDER

Plaintiffs have filed a motion for an expedited preliminary injunction hearing and to separate the trials on Counts 1 and 2 from Counts 3 and 4 of their First Amended Complaint pursuant to Fed. R. Civ. P. 42(b) and to advance the trial on Counts 1 and 2 and consolidate it with the preliminary injunction hearing, pursuant to Fed. R. Civ. P. 65(a)(2). Given the nature of Plaintiffs' claims and the expedition necessary in a redistricting case such as this, the Court concludes that Plaintiffs' motion should be, and is, **GRANTED**. A hearing on Plaintiffs' preliminary injunction motion will commence on August __, 2025, with a decision from the Court to issue by September 12, 2025. Further, Plaintiffs' motion to separate the trial for Counts 1 and 2 from Counts 3 and 4 and to advance the trial on Counts 1 and 2 and consolidate it with the preliminary injunction hearing is **GRANTED**.

SO ORDERED.

Dated this ___ day of _____, 2025

U.S. District Judge Reed C. O'Connor