

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

TERRY PETTEWAY, THE
HONORABLE DERRECK ROSE,
MICHAEL MONTEZ, SONNY
JAMES and PENNY POPE,

Plaintiffs,

v.

GALVESTON COUNTY, TEXAS,
and HONORABLE MARK HENRY,
in his official capacity as Galveston
County Judge,

Defendants.

Civil Action No. 3:22-cv-57

UNITED STATES OF AMERICA,

Plaintiff,

v.

GALVESTON COUNTY, TEXAS,
GALVESTON COUNTY
COMMISSIONERS COURT, and
HONORABLE MARK HENRY, in
his official capacity as Galveston
County Judge,

Defendants.

Civil Action No. 3:22-cv-93

DICKINSON BAY AREA BRANCH
NAACP, GALVESTON BRANCH
NAACP, MAINLAND BRANCH
NAACP, GALVESTON LULAC
COUNCIL 151, EDNA COURVILLE,
JOE A. COMPIAN, and LEON
PHILLIPS,

Civil Action No. 3:22-cv-117

<i>Plaintiffs,</i>	§
	§
	§
v.	§
	§
GALVESTON COUNTY, TEXAS,	§
HONORABLE MARK HENRY, in	§
his official capacity as Galveston	§
County Judge, and DWIGHT D.	§
SULLIVAN, in his official capacity as	§
Galveston County Clerk	§
	§
<i>Defendants.</i>	§

**DEFENDANTS’ UNOPPOSED MOTION FOR LEAVE
TO FILE A SINGLE MOTION FOR SUMMARY JUDGMENT
IN CONSOLIDATED CASE WITH AN EXTENDED PAGE LIMIT OF 55 PAGES**

Defendants Galveston County, Texas, the Galveston County Commissioners Court, County Judge Mark Henry, and County Clerk Dwight Sullivan (“Defendants”), respectfully move the Court for leave to file: (1) a single Motion for Summary Judgment against all Plaintiffs in this action, and (2) their single Motion for Summary Judgment with an extended page limit of no more than 55 pages. Plaintiffs do not oppose these requests.

1. Across the three Complaints consolidated in this case, Plaintiffs generally allege that the Commissioners Court precinct map adopted in 2021 violates Section 2 of the Voting Rights Act of 1965 (“VRA”) and the Fourteenth and Fifteenth Amendments to the United States Constitution. *See* ECF 42 (Petteway Plaintiffs’ Second Amended Complaint);¹ ECF No. 45 (Order Consolidating cases).

2. Because all Plaintiff groups brought VRA Section 2 claims and two of the

¹ The live complaints in the other consolidated cases are *United States v. Galveston Cnty.*, No. 3:22-CV-00093, ECF No. 30 (S.D. Tex. May 31, 2022); *Dickinson Bay Area Branch NAACP v. Galveston Cnty.*, No. 3:22-CV-00117, ECF No. 38 (S.D. Tex. May 25, 2022).

Plaintiff groups brought race-based constitutional claims, there is a nexus of facts and issues across the three consolidated cases in this action. Granting Defendants leave to file one Motion for Summary Judgment on all claims will allow the Court to review interconnected facts and issues in a single brief, rather than reviewing three filings with a repetitive analysis.

3. Should the Court grant Defendants leave to file a single Motion for Summary Judgment against all Plaintiffs, Defendants further request that the Court grant Defendants leave of the 30-page limit set by Gal. Div. R. Prac. 5(f). Specifically, Defendants seek leave to file a single motion of no more than 55 pages, rather than three separate 30-page motions.

4. Additionally, Defendants state that they would be unable to sufficiently and properly present and address both the VRA Section 2 and constitutional issues in one 30-page summary judgment filing. An extension of the page limit, on the other hand, would afford Defendants the opportunity to appropriately brief the Court on the common legal issues surrounding Plaintiffs' claims.

5. Defendants have conferred with each of the Plaintiffs in this consolidated action, and counsel for all three groups has stated that they do not oppose the instant Motion.

WHEREFORE, Defendants respectfully request that the Court grant leave for them to file: (1) a single Motion for Summary Judgment against all Plaintiffs, and (2) their single Motion for Summary Judgment with an extended page limit of no more than 55 pages (instead of 30 pages). Plaintiffs do not oppose this request.

Respectfully Submitted,

GREER, HERZ & ADAMS, LLP

By: /s/ Joseph R. Russo

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CERTIFICATE OF SERVICE

I certify that on the 9th day of May, 2023, a true and correct copy of the foregoing was served via email upon all counsel of record.

/s/ Joseph R. Russo
Joseph R. Russo

CERTIFICATE OF CONFERENCE

On May 8-9, 2023, counsel for Defendants communicated by electronic mail with counsel for the Parties concerning the relief requested in this Motion. On behalf of Plaintiffs, Ms. Valencia Richardson, Ms. Diana Val-Llobera, and Ms. Catherine Meza, represented that Plaintiffs would agree with the requests made herein, but that each Plaintiff group reserved the right to respond to Defendants' Motion for Summary Judgment separately.

/s/ Joseph R. Russo
Joseph R. Russo

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Galveston County Clerk	§

Defendants.

**[PROPOSED] ORDER ON DEFENDANTS’ MOTION
FOR LEAVE TO FILE A SINGLE MOTION FOR SUMMARY JUDGMENT
WITH AN EXTENDED PAGE LIMIT**

Before the Court is Defendants’ Unopposed Motion for leave to file a single motion for summary judgment against all Plaintiffs with an extended limit of 55 pages. Having reviewed the Defendants’ submission, and considered the arguments presented, this Court hereby GRANTS the Motion and orders Defendants: (1) to file a single Motion for Summary Judgment against all Plaintiffs, and (2) to file their single Motion for Summary Judgment in compliance with an extended limit of no more than 55 pages.

SO ORDERED on May ____, 2023

Hon. Jeffrey V. Brown
United States District Judge