

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

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS (LULAC), et al.,

Plaintiffs,

v.

GREG ABBOTT, et al.,

Defendants.

Civil Action No. 3:21-cv-259
(DCG-JES-JVB)
(consolidated cases)

**JOINT MOTION FOR LEAVE TO FILE SUPPLEMENTAL
BRIEFING REGARDING PENDING DISCOVERY MOTIONS
INVOLVING THE LEGISLATIVE PRIVILEGE**

On May 17, 2023, the Fifth Circuit issued its opinion in *LULAC Texas v. Hughes*, an appeal addressing the legislative privilege. *See* 2023 WL 3494770 (5th Cir. May 17, 2023). As this Court is aware, motions involving the legislative privilege remain pending in this case. *See, e.g.*, Mot. to Enforce Order Compelling Produc., ECF No. 527; Renewed Mot. to Compel, ECF No. 634. Most are fully submitted. *See, e.g., id.; see also* Pending Disc. Mot., ECF No. 680-1. However, this Court has held briefing on four motions in abeyance pending a ruling in *Hughes*. *See, e.g.*, Order, ECF No. 491. Opposition briefs concerning those motions are currently due on May 31, 2023—fourteen days after the Fifth Circuit issued its opinion in *Hughes*—and the United States and Private Plaintiffs’ replies are due seven days after opposition briefs are filed. *See* Text Order (Nov. 21, 2022); *see also* Mot. for Extension, ECF No. 652.

The parties have met and conferred regarding a potential briefing schedule to address the impact of *Hughes* on pending discovery motions. To incorporate *Hughes* in briefing on fully

submitted motions and avoid redundant briefing on motions previously held in abeyance, the parties request leave to file omnibus supplemental briefs concerning all pending discovery motions involving the legislative privilege and request that the Court vacate its prior briefing order concerning the four motions previously held in abeyance, *see* Text Order (Nov. 21, 2022).

The parties jointly propose the following briefing schedule:

- Private Plaintiffs and Plaintiff-Intervenors (collectively) and the United States will file supplemental briefs of no more than 20 pages by June 23, 2023.
- State Defendants and Legislators will file a supplemental opposition brief of no more than 20 pages by July 28, 2023.
- Private Plaintiffs and Plaintiff-Intervenors (collectively) and the United States will file supplemental reply briefs of no more than 10 pages by August 11, 2023.

A proposed order is attached hereto.

Dated: May 26, 2023

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CERTIFICATE OF SERVICE

I hereby certify that, on May 26, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to counsel of record.

/s/ Jaywin Singh Malhi

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**[PROPOSED] ORDER GRANTING JOINT MOTION FOR LEAVE TO FILE
SUPPLEMENTAL BRIEFING REGARDING PENDING DISCOVERY
MOTIONS INVOLVING THE LEGISLATIVE PRIVILEGE**

Upon consideration of the parties' Joint Motion for Leave to File Supplemental Briefing Regarding Pending Discovery Motions Involving the Legislative Privilege filed on May 26, 2023, the motion is hereby GRANTED. It is ORDERED that the parties shall file omnibus supplemental briefs concerning all pending discovery motions on the following schedule:

- Private Plaintiffs and Plaintiff-Intervenors (collectively) and the United States shall file supplemental briefs of no more than 20 pages by June 23, 2023.
- State Defendants and Legislators shall file a supplemental opposition brief of no more than 20 pages by July 28, 2023.
- Private Plaintiffs and Plaintiff-Intervenors (collectively) and the United States shall file supplemental reply briefs of no more than 10 pages by August 11, 2023.

All other briefing deadlines for pending discovery motions are VACATED.

So ORDERED and SIGNED this ____ day of _____, 2022.

HON. DAVID G. GUADERRAMA
UNITED STATES DISTRICT JUDGE

And on behalf of:

Jerry E. Smith
United States Circuit Judge
U.S. Court of Appeals, Fifth Circuit

-and-

Jeffrey V. Brown
United States District Judge
Southern District of Texas