

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

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS, *et al.*,

Plaintiffs,

v.

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

Defendants.

CIVIL ACTION NO.
3:21-cv-00259-DCG-JES-JVB
[Consolidated Action: Lead Case]

**PRIVATE PLAINTIFFS’ UNOPPOSED MOTION FOR ENLARGEMENT
OF TIME TO FILE SUPPLEMENTAL BRIEF REGARDING
THE LEGISLATIVE PRIVILEGE (DKT. 707)**

Private Plaintiffs¹ respectfully move the Court for an enlargement of time to file *nunc pro tunc* their Supplemental Brief Regarding the Legislative Privilege. *See* Dkt. 707. This motion is unopposed.

For the reasons set forth below, Private Plaintiffs respectfully request that the Court accept their Supplemental Brief Regarding the Legislative Privilege:

1. Private Plaintiffs’ deadline to file their Supplemental Brief Regarding the Legislative Privilege was June 23, 2023, pursuant to the Court’s May 26, 2023 Order. *See* Dkt. 703.
2. Private Plaintiffs worked diligently to file their Supplemental Brief prior to the June 23, 2023 midnight deadline but were unable to do so, due to the time constraints of

¹ Private Plaintiffs include: LULAC Plaintiffs, the Mexican American Legislative Caucus (“MALC”), Texas NAACP, the Fair Maps Plaintiffs, the Brooks Plaintiffs, the Black Congresspersons, and Plaintiff Martinez Fischer.

having to compile exhibits reflecting pending disputes over the legislative privilege. *See* Dkt. 707; *see also* Dkt. 709, Exs. A through EE for Supplemental Brief.

3. The circumstances surrounding Private Plaintiffs' delay in filing support granting the extension, including Private Plaintiffs' "good faith and the absence of any danger of prejudice to [other parties] or of disruption to efficient judicial administration posed by the late filings." *Pioneer Inv. Services Co. v. Brunswick Associates Ltd. P'ship*, 507 U.S. 380, 397 (1993).
4. The State and the Legislators are not prejudiced by the delayed filing of Private Plaintiffs' Supplemental Brief Regarding the Legislative Privilege. Further, Private Plaintiffs' delay in filing did not disrupt the Court's schedule. *See* Dkt. 703.
5. Given the short and excusable delay in filing, and lack of prejudice to the other parties in this matter, and lack of opposition to this motion, Private Plaintiffs respectfully request that the Court grant an extension of time for the filing *nunc pro tunc* of their Supplemental Brief Regarding the Legislative Privilege. *See* Dkt. 707.

CONCLUSION

For the reasons stated above, Private Plaintiffs respectfully request the Court grant their unopposed motion for extension of time to file *nunc pro tunc*. *See* Dkt. 707.

DATED: June 26, 2023

s/ Nina Perales

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plans*

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CERTIFICATE OF CONFERENCE

I hereby certify that, on June 24, 2023, counsel for LULAC Plaintiffs, on behalf of Private Plaintiffs, conferred with counsel for the State and Legislators regarding the instant motion. Counsel for the State and Legislators indicated that they do not oppose the motion.

/s/ Nina Perales
Nina Perales

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 26th day of June 2023.

/s/ Nina Perales
Nina Perales

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**[PROPOSED] PRIVATE PLAINTIFFS' UNOPPOSED MOTION FOR ENLARGEMENT
OF TIME TO FILE SUPPLEMENTAL BRIEF REGARDING
THE LEGISLATIVE PRIVILEGE**

Pending before the Court is Private Plaintiffs' Unopposed Motion for Enlargement of Time to File Supplemental Brief Regarding the Legislative Privilege (Dkt. 707). Dkt. _____. Upon review of the request, the motion is GRANTED.

SO ORDERED and SIGNED this _____ day of _____ 2023.

HON. DAVID C. GUADERRAMA
UNITED STATES DISTRICT JUDGE

And on behalf of:

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

-and-

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