

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

TERRY PETTEWAY, <i>et al.</i> ,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	Civil Action No. 3:22-cv-57
GALVESTON, TEXAS, <i>et al.</i> ,	§	
	§	
<i>Defendants.</i>	§	

UNITED STATES OF AMERICA,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	Civil Action No. 3:22-cv-93
GALVESTON, TEXAS, <i>et al.</i> ,	§	
	§	
<i>Defendants.</i>	§	

Dickinson Bay Area Branch NAACP, <i>et al.</i> ,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	Civil Action No. 3:22-cv-117
GALVESTON, TEXAS, <i>et al.</i> ,	§	
	§	
<i>Defendants.</i>	§	

**PETTEWAY PLAINTIFFS’
PROPOSED TRIAL ORDER**

ORDER

1. The 2021 commissioners precincts map adopted by the Galveston County Commissioner Court on November 12, 2021 prevents Black and Latino voters from having an equal opportunity to participate in their County government and elect candidates of their choice, in purpose and effect, in violation of Section 2 of the Voting Rights Act.
2. The 2021 commissioners precincts map adopted by the Galveston County Commissioners Court on November 12, 2021 was adopted with discriminatory intent against Black and Latino voters as a motivating factor in violation of the Fourteenth and Fifteenth Amendments to the U.S. Constitution.
3. The 2021 commissioners precincts map adopted by the Galveston County Commissioners Court on November 12, 2021 separates its citizens into different commissioners precincts on the basis of race and without sufficient justification such that race predominated in its design in violation of the Equal Protection Clause of the Fourteenth Amendment.
4. Defendants are permanently enjoined from administering, enforcing, preparing for, or in any way permitting the nomination or election of county commissioners from the commissioners precincts as currently configured.
5. Judgment is hereby entered for Plaintiffs as prevailing parties in this action.
6. Plaintiffs are prevailing parties entitled to attorneys' fees, expenses, and costs pursuant to 42 U.S.C. 1988 and 2 U.S.C. § 1031(e).
7. The Court orders remedial proceedings as follows:

- a. On or before fourteen days from this order, the Galveston County Commissioners Court may consider and adopt, in procedures compliant with the Texas Open Meetings Act, a commissioners precinct plan that remedies the Section 2, Fourteenth and Fifteenth Amendment violations found by this Court. Within two days of the adoption of any such plan, Defendants shall file the plan with the Court. The filing shall include a zoomable pdf of the map boundaries that includes important roadway and geographic markers as well as voting precinct boundaries. The filing shall also include demographic data, including total population per district and race by district of total population and citizen voting age population. Contemporaneous with the filing, all counsel of record shall be provided shapefiles, a comma separated value file, or an equivalent file that is sufficient to load the proposed plan into commonly available mapping software. The filing shall include any supporting expert analysis and a memorandum of no more than ___ pages.
- b. Within seven days of the filing of an adopted plan under paragraph (a), Plaintiffs shall file a memorandum of no more than ___ pages indicating their support or opposition of such plan. On or before the deadline set in this paragraph, Plaintiffs may also propose remedial plans, including the same materials required in paragraph (a).
- c. Defendants are permitted to file a reply brief to Plaintiffs' submissions, of no more than ___ pages as soon as they are able to do so but, depending upon the

time remaining before the candidate filing period opens, the Court may take action without awaiting the filing of the reply.

8. In the event a newly adopted plan is not submitted under paragraph (a) or the Court does not timely issue an order approving a plan submitted under paragraph (a), and the Court has not otherwise ordered any plan submitted by the Plaintiffs under paragraph (b) by November 10, 2023, Defendants are ordered to implement Map 1 (attachments to admitted Defs.' Ex. 283), on or before the statutory candidate filing deadline of November 11, 2023, and to utilize such plan beginning with the 2024 election.¹
9. The Commissioners Court of Galveston County is vested with the authority to determine and adopt commissioners court boundaries, within the limits of state and federal law. Having failed to comply with federal law, it is incumbent on the Court to remedy that violation. It has done so, ordering into effect a plan the County itself prepared and that the County argues it would have adopted if only asked to do so. Nevertheless, should it be the will of commissioners court to develop, propose and adopt another new plan, this Court's order provides it an opportunity to do so.

SIGNED on Galveston Island this _____ day of _____, 2023.

¹ Based on the evidence admitted at trial, Map 1 complies with one person, one vote. Importantly, no member of the commissioners court testified that they oppose Map 1. Defendants have argued and provided testimony that had Commissioners Holmes made a motion in support of Map 1, the County would have adopted it. The County's own mapping expert and attorney, Mr. Oldham, testified that Map 1 is a legally defensible map. There has been no evidence or argument to the contrary and the Defendants have indicated no opposition to Map 1.

JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE

Respectfully submitted this the 11th day of September, 2023.

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*Admitted *pro hac vice*

CERTIFICATE OF SERVICE

I certify that on September 11, 2023, the foregoing document was filed electronically and served on all parties of record via CM/ECF.

/s/Valencia Richardson
Valencia Richardson