

**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

B. PROCEDURAL BACKGROUND AND REQUEST FOR LEAVE

2. 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 No. 42 (Petteway Plaintiffs’ Second Amended Complaint);¹ ECF No. 45 (Order Consolidating cases).

3. Due to the nexus of facts and issues across the three consolidated cases in this action, Defendants sought and were granted leave to file one Motion for Summary Judgment on all claims of up to 55 pages. *See* ECF No. 169.

4. Organizational Plaintiffs (NAACP/LULAC) sought and were granted a page-extension on their response of 35 pages. *See* ECF No. 182. The three Plaintiff groups each filed a separate response to Defendants’ Motion for Summary Judgment. ECF Nos. 183, 184, 185.

5. Defendants believe that there are some cross-over legal arguments in the responses which can, where appropriate, be concurrently addressed in a single reply. Defendants now seek leave to file a consolidated reply to Plaintiffs’ Responses to Defendants’ Motion for Summary Judgment, which would again allow the Court to review interconnected facts and issues in a single brief, and avoid repetitive analysis.

6. Should the Court grant Defendants’ leave to file a single reply, Defendants further request that the Court grant Defendants leave of the 15-page limit set by Gal. Div. R.

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).

Prac. 5(f). Specifically, Defendants seek leave to file a single reply of no more than 35 pages, rather than three separate 15-page replies.

7. Defendants state that they would be unable to sufficiently and properly present and address each issue Plaintiffs raised in their Responses in one 15-page summary judgment filing. As with the Motion filings, an extension of the page limit for the reply would afford Defendants the opportunity to appropriately brief the Court on the common legal issues surrounding Plaintiffs' responsive arguments.

8. Defendants have conferred with each of the Plaintiffs in this consolidated action. Petteway Plaintiffs do not oppose these requests. Organizational (NAACP/LULAC) Plaintiffs do not oppose the consolidated reply or request for extension generally but do object to the length of extension from 15 to 35 pages and believe an extension proportionate to the extension granted for the Motion for Summary Judgment, i.e., no more than 28 pages, is more appropriate. The United States of America also consents to Defendants' intended motion to file a single consolidated reply brief and takes the same position as the Organizational (NAACP/LULAC) Plaintiffs regarding the length of the page extension.

C. CONCLUSION

Defendants respectfully request that the Court grant leave for them to file: (1) a single consolidated Reply to Plaintiffs' Responses to Defendants' Motion for Summary Judgment against all Plaintiffs in this action, and (2) their single Reply with an extended page limit of no more than 35 pages.

Respectfully Submitted,

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By: /s/ Joseph R. Russo

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Counsel for Defendants

CERTIFICATE OF SERVICE

I certify that on the 14th day of June, 2023, a true and correct copy of the foregoing was served via ECF upon all counsel of record.

/s/ Joseph R. Russo
Joseph R. Russo

CERTIFICATE OF CONFERENCE

On June 14, 2023, counsel for Defendants communicated by electronic mail with counsel for the Parties concerning the relief requested in this Motion. Ms. Valencia Richardson represented that Petteway Plaintiffs do not oppose these requests. Ms. Hilary Harris Klein represented that NAACP Plaintiffs do not oppose the consolidated reply or request for extension generally but do object to the length of extension from 15 to 35 pages and believe an extension proportionate to the extension granted for the Motion for Summary Judgment, i.e., no more than 28 pages, is more appropriate. Ms. Catherine Meza represented that the United States also consents to Defendants' intended motion to file a single consolidated reply brief and takes the same position as the NAACP Plaintiffs regarding the length of page extension.

/s/ Joseph R. Russo
Joseph R. Russo

DICKINSON BAY AREA BRANCH	§	
NAACP, GALVESTON BRANCH	§	
NAACP, MAINLAND BRANCH	§	
NAACP, GALVESTON LULAC	§	
COUNCIL 151, EDNA COURVILLE,	§	
JOE A. COMPIAN, and LEON	§	Civil Action No. 3:22-cv-117
PHILLIPS,	§	

Plaintiffs,

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	§

Defendants.

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

Before the Court is Defendants’ Motion for Leave to File a Single Reply to the Responses to the Motion for Summary Judgment against all Plaintiffs with an extended limit of 35 pages. Having reviewed the Defendants’ submission, and considered the arguments presented, this Court hereby GRANTS the Motion and orders Defendants: (1) may file a single Reply to the Responses to the Motion for Summary Judgment against all Plaintiffs, and (2) may file their single Reply in compliance with an extended limit of no more than 35 pages.

SO ORDERED on June ____, 2023

Hon. Jeffrey V. Brown
United States District Judge