

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ISABEL LONGORIA and CATHY §
MORGAN, §

Plaintiffs, §

v. §

WARREN K. PAXTON, in his official §
capacity as Attorney General of Texas, §
KIM OGG, in her official capacity as §
Harris County District Attorney, SHAWN §
DICK, in his official capacity as §
Williamson County District Attorney, and §
JOSÉ GARZA, in his official capacity as §
Travis County District Attorney, §

Case No. 5:21-CV-1223-XR

Defendants. §

PLAINTIFFS’ NOTICE OF DISMISSAL OF COMPLAINT

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiff Isabel Longoria hereby dismisses all causes of action in the complaint against defendant Kim Ogg (“DA Ogg”) and Plaintiff Cathy Morgan hereby dismisses all causes of action in the complaint against defendant José Garza (“DA Garza”). Neither DA Ogg nor DA Garza have filed an answer to the complaint or a motion for summary judgment.

Longoria and Morgan brought this lawsuit to enjoin enforcement of Texas Election Code §§ 276.016(a)(1) and 31.129 as violative of their First Amendment rights. In light of recent developments, however, these provisions no longer apply to them.

Longoria brought suit because she reasonably feared prosecution and civil penalties as the Harris County Elections Administrator. Both challenged provisions apply to “election officials,” which is defined in the Election Code to include election administrators. *See* Tex. Elec. Code § 1.005(4-a)(C). On July 1, 2022, Longoria resigned her position as Harris County Elections Administrator and is therefore no longer subject to these provisions.

Morgan brought suit because she reasonably feared prosecution as a Volunteer Deputy Registrar. In addition to election officials, Section 276.016(a)(1) also applies to “public officials,” which is left undefined in the Election Code. On June 10, 2022, the Texas Supreme Court ruled that, at least for purposes of this case, Morgan is not a public official. She is therefore not subject to the provision.

Dated: July 1, 2022

Respectfully submitted,

/s/ Christian D. Menefee
Christian D. Menefee
Harris County Attorney
Texas Bar No. 24088049
Christian.Menefee@cao.hctx.net
Jonathan Fombonne
First Assistant Harris County Attorney
Texas Bar No. 24102702
Jonathan.Fombonne@cao.hctx.net
Tiffany Bingham
Managing Counsel
Texas Bar No. 24012287
Tiffany.Bingham@cao.hctx.net
Sameer S. Birring
Assistant County Attorney
Texas Bar No. 24087169
Sameer.Birring@cao.hctx.net
Susannah Mitcham

/s/ Ethan J. Herenstein
Sean Morales-Doyle
N.Y. Bar No. 5646641;
Ill. Bar No. 6293421 (inactive)
Andrew B. Garber
N.Y. Bar No. 5684147
Ethan J. Herenstein*
N.Y. Bar No. 5743034
BRENNAN CENTER FOR JUSTICE AT
NYU SCHOOL OF LAW
120 Broadway, Suite 1750
New York, NY 10271
Telephone: (646) 292-8310
Facsimile: (212) 463-7308
sean.morales-doyle@nyu.edu
ethan.herenstein@nyu.edu
andrew.garber@nyu.edu

Assistant County Attorney
Texas Bar No. 24107219
Susannah.Mitcham@cao.hctx.net
OFFICE OF THE HARRIS COUNTY ATTORNEY
1019 Congress Plaza, 15th Floor
Houston, Texas 77002
Telephone: (713) 274-5101
Facsimile: (713) 755-8924

Attorneys for Plaintiff: ISABEL
LONGORIA

* Admitted *pro hac vice*

/s/ Elizabeth Y. Ryan
Paul R. Genender
Texas State Bar No. 00790758
Elizabeth Y. Ryan
Texas State Bar No. 24067758
Megan Cloud
Texas State Bar No. 24116207
WEIL, GOTSHAL & MANGES LLP
200 Crescent Court, Suite 300
Dallas, Texas 75201
Telephone: (214) 746-8158
Facsimile: (214)746-7777
Liz.Ryan@weil.com
Paul.Genender@weil.com
Megan.Cloud@weil.com

-and-

Alexander P. Cohen
Texas State Bar No. 24109739
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153
Telephone: (212) 310-8020
Facsimile: (212) 310-8007
Alexander.Cohen@weil.com

Attorneys for Plaintiffs:
ISABEL LONGORIA and
CATHY MORGAN

CERTIFICATE OF SERVICE

The undersigned certifies that on July 1, 2022, the foregoing document was filed electronically with the United States District Court for the Western District of Texas via CM/ECF. As such, this Notice of Dismissal of Complaint was served on all counsel who have consented to electronic service.

/s/ Ethan J. Herenstein
Ethan Herenstein