

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

SHANNON PEREZ, *et al.*,

*Plaintiffs,*

v.

STATE OF TEXAS, *et al.*,

*Defendants.*

CIVIL ACTION NO.  
SA-11-CA-360-OLG-JES-XR  
[Lead case]

**DEFENDANTS' ADVISORY REGARDING PRETRIAL MATTERS**

Following the June 30, 2017 pretrial conference with the Court, the parties conferred on July 5, 2017 regarding certain matters in advance of the upcoming trial on the 2013 redistricting plans. Defendants submit this Advisory to update the Court on agreements reached by the parties in their discussions, and in light of the Court's question about whether the pre-trial conference scheduled for July 7, 2017 was necessary. **In light of the parties' discussions and agreements regarding the issues outlined below, Defendants believe the pretrial conference can be canceled.**

1. Trial Presentation. Counsel for Plaintiffs and Defendants have conferred regarding a proposed schedule for the order of witnesses. Based on these discussions, the parties have agreed to the following schedule:

- Plaintiffs will first present witnesses testifying on the Texas House plan, on a party-by-party basis.<sup>1</sup>
- Upon completion of the Plaintiffs' cases-in-chief on the Texas House plan, Defendants will present witnesses testifying exclusively on the Texas House plan.
- Plaintiffs will then present witnesses testifying on the congressional plan, some of whom also will have testified on the Texas House plan, on a party-by-party basis. Two Plaintiffs' witnesses who intend to testify in the Congressional phase—Dr. Lichtman and Dr. Burton—have scheduling difficulties and cannot testify after Wednesday. Therefore the parties have agreed to work towards allowing those witnesses to testify on Wednesday.
- Upon completion of the Plaintiffs' cases-in-chief on the congressional plan, Defendants will present witnesses testifying as to both the Texas House plan and the congressional plan, followed by witnesses testifying exclusively on the congressional plan.<sup>2</sup>

2. Advance Notice Regarding Anticipated Witnesses and Exhibits. The parties conferred about providing the other side with advance notice of the witnesses and exhibits that they intend to present the next day. The parties agreed that by 8:00 am on Sunday, July 9, Plaintiffs would provide a list of anticipated witnesses and exhibits for Monday, July 10. The parties agreed that by 8:00 am of each successive day, they would notify the other side of the anticipated witnesses and exhibits for the

---

<sup>1</sup> Rep. Rafael Anchia appears on MALC's and Defendants' witness lists. The parties agreed that Defendants would be permitted to conduct their examination of Rep. Anchia immediately after MALC completes its presentation of Rep. Anchia, so that Defendants need not call him during their case-in-chief on the House or congressional plan.

<sup>2</sup> Defendants proposed that their witnesses who are testifying as to both the House and congressional plans (some of whom are current members of the House) testify after Plaintiffs have finished their cases-in-chief on the House and congressional plan. Plaintiffs had no objection to this proposal.

following day, with the right to amend the list by 7:00 pm on the day that the notification is provided.

3. Objections to Exhibits. The parties conferred about submitting their objections to any exhibits in advance of trial. The parties agreed that they would serve on the parties their objections to any other party's trial exhibits by 8:00 pm on Saturday, July 8. Following service of such objections, the parties will attempt to confer in an effort to resolve any disagreements.

4. Testimony Regarding CD 23. Subject to confirmation regarding the schedules of Dr. Henry Flores and Congressman Will Hurd and their availability for two-hour depositions in San Antonio, the parties discussed an agreement to let both Dr. Flores and Congressman Hurd testify. The Court has ordered the parties to submit additional briefing regarding Defendants' motion to exclude the testimony of Dr. Flores by 12:00 pm on July 6, 2017. Defendants request a 24-hour extension of their briefing deadline to allow the parties additional time to obtain confirmations regarding the availability of Dr. Henry Flores and Congressman Hurd.

5. Deposition Testimony of Dr. Richard Engstrom. The deposition of Dr. Richard Engstrom was conducted this morning. In light of the deposition, Defendants have agreed to withdraw their objection to the Task Force Plaintiffs' introduction of deposition testimony of Dr. Richard Engstrom. Defendants maintain their objection to the admission of Dr. Engstrom's expert report.

\* \* \* \*

In light of the parties' agreements, Defendants suggest that the Court cancel the July 7 pretrial conference. Alternatively, if the Court would prefer to hold the pretrial conference, several Plaintiffs expressed an interest in being permitted to appear telephonically.

Date: July 5, 2017

Respectfully submitted.

KEN PAXTON  
Attorney General of Texas

/s/ Patrick K. Sweeten  
PATRICK K. SWEETEN  
Senior Counsel for Civil Litigation

JEFFREY C. MATEER  
First Assistant  
Attorney General

ANGELA V. COLMENERO  
Chief, General Litigation  
Division

BRANTLEY STARR  
Deputy First Assistant  
Attorney General

MATTHEW H. FREDERICK  
Deputy Solicitor General

JAMES E. DAVIS  
Deputy Attorney General  
for Litigation

OFFICE OF THE ATTORNEY GENERAL  
P.O. Box 12548 (MC 059)  
Austin, Texas 78711-2548  
Tel.: (512) 463-4139  
Fax: (512) 474-2697

COUNSEL FOR DEFENDANTS

**CERTIFICATE OF CONFERENCE**

I hereby certify that on July 5, 2017, counsel for Defendants, MALC, Task Force Plaintiffs, Quesada Plaintiffs, Rodriguez Plaintiffs, NAACP Plaintiffs, and the Congresspersons conferred via telephone and e-mail regarding matters identified in this Advisory. This Advisory reflects Defendants' understanding of the agreements reached by the parties during these discussions.

    /s/ Patrick K. Sweeten  
Patrick K. Sweeten  
Counsel for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this filing was sent on July 5, 2017, via the Court's CM/ECF system and/or email to the following counsel of record:

DAVID RICHARDS  
Richards, Rodriguez & Skeith LLP  
816 Congress Avenue, Suite 1200  
Austin, TX 78701  
512-476-0005  
davidr@rrsfirm.com

RICHARD E. GRAY, III  
Gray & Becker, P.C.  
900 West Avenue, Suite 300  
Austin, TX 78701  
512-482-0061/512-482-0924 (facsimile)  
Rick.gray@graybecker.com

**ATTORNEYS FOR PLAINTIFFS  
PEREZ, DUTTON, TAMEZ, HALL,  
ORTIZ, SALINAS, DEBOSE, and  
RODRIGUEZ**

JOSE GARZA  
Law Office of Jose Garza  
7414 Robin Rest Dr.  
San Antonio, Texas 78209  
210-392-2856  
garzpalm@aol.com

MARK W. KIEHNE  
RICARDO G. CEDILLO  
Davis, Cedillo & Mendoza  
McCombs Plaza  
755 Mulberry Ave., Ste. 500  
San Antonio, TX 78212  
210-822-6666/210-822-1151 (facsimile)  
mkiehne@lawdcm.com  
rcedillo@lawdcm.com

GERALD H. GOLDSTEIN  
DONALD H. FLANARY, III  
Goldstein, Goldstein and Hilley  
310 S. St. Mary's Street  
San Antonio, TX 78205-4605  
210-226-1463/210-226-8367 (facsimile)  
ggandh@aol.com  
donflanary@hotmail.com

JESSICA RING AMUNSON  
Jenner & Block LLP  
1099 New York Ave., NW  
Washington, D.C. 20001  
202-639-6000

J. GERALD HEBERT  
191 Somerville Street, # 405  
Alexandria, VA 22304  
703-628-4673  
hebert@voterlaw.com

JESSE GAINES  
P.O. Box 50093  
Fort Worth, TX 76105  
817-714-9988  
gainesjesse@ymail.com  
**ATTORNEYS FOR PLAINTIFFS  
QUESADA, MUNOZ, VEASEY,  
HAMILTON, KING and JENKINS**

JOAQUIN G. AVILA  
P.O. Box 33687  
Seattle, WA 98133  
206-724-3731/206-398-4261 (facsimile)  
jgavotingrights@gmail.com  
**ATTORNEYS FOR MEXICAN  
AMERICAN LEGISLATIVE CAUCUS**

NINA PERALES  
MARISA BONO  
Mexican American Legal Defense  
and Education Fund  
110 Broadway, Suite 300  
San Antonio, TX 78205  
210-224-5476/210-224-5382 (facsimile)  
nperales@maldef.org  
mbono@maldef.org

MARK ANTHONY SANCHEZ  
ROBERT W. WILSON  
Gale, Wilson & Sanchez, PLLC  
115 East Travis Street, Ste. 1900  
San Antonio, TX 78205  
210-222-8899/210-222-9526 (facsimile)  
masanchez@gws-law.com  
rwwilson@gws-law.com  
**ATTORNEYS FOR TEXAS LATINO  
REDISTRICTING TASK FORCE,  
CARDENAS, JIMENEZ,  
MENENDEZ, TOMACITA AND  
JOSE OLIVARES, ALEJANDRO AND  
REBECCA ORTIZ**

JOHN T. MORRIS  
5703 Caldicote St.  
Humble, TX 77346  
281-852-6388  
johnmorris1939@hotmail.com  
**JOHN T. MORRIS, PRO SE**

LUIS ROBERTO VERA, JR.  
Law Offices of Luis Roberto Vera, Jr.  
1325 Riverview Towers  
San Antonio, Texas 78205-2260  
210-225-3300  
lrvlaw@sbcglobal.net

GEORGE JOSEPH KORBEL  
Texas Rio Grande Legal Aid, Inc.  
1111 North Main  
San Antonio, TX 78213  
210-212-3600  
korbellow@hotmail.com  
**ATTORNEYS FOR  
INTERVENOR-PLAINTIFF  
LEAGUE OF UNITED LATIN  
AMERICAN CITIZENS**

ROLANDO L. RIOS  
Law Offices of Rolando L. Rios  
115 E Travis Street, Suite 1645  
San Antonio, TX 78205  
210-222-2102  
rrios@rolandorioslaw.com  
**ATTORNEY FOR INTERVENOR-  
PLAINTIFF HENRY CUELLAR**

VICTOR L. GOODE  
Asst. Gen. Counsel, NAACP  
4805 Mt. Hope Drive  
Baltimore, MD 21215-5120  
410-580-5120/410-358-9359 (facsimile)  
vgoode@naacpnet.org  
**ATTORNEY FOR TEXAS STATE  
CONFERENCE OF NAACP  
BRANCHES**

MAX RENEA HICKS  
Law Office of Max Renea Hicks  
101 West Sixth Street Suite 504  
Austin, TX 78701  
512-480-8231/512/480-9105 (facsimile)  
**ATTORNEY FOR PLAINTIFFS  
CITY OF AUSTIN, TRAVIS  
COUNTY, ALEX SERNA,  
BEATRICE SALOMA, BETTY F.  
LOPEZ, CONSTABLE BRUCE  
ELFANT, DAVID GONZALEZ,  
EDDIE RODRIGUEZ, MILTON  
GERARD WASHINGTON, and  
SANDRA SERNA**

STEPHEN E. MCCONNICO  
SAM JOHNSON  
S. ABRAHAM KUCZAJ, III  
Scott, Douglass & McConnico  
One American Center  
600 Congress Ave., 15th Floor  
Austin, TX 78701  
512-495-6300/512-474-0731 (facsimile)  
smconnico@scottdoug.com  
sjohnson@scottdoug.com  
akuczaj@scottdoug.com  
**ATTORNEYS FOR PLAINTIFFS  
CITY OF AUSTIN, TRAVIS  
COUNTY, ALEX SERNA,  
BALAKUMAR PANDIAN,  
BEATRICE SALOMA, BETTY F.  
LOPEZ, CONSTABLE BRUCE  
ELFANT, DAVID GONZALEZ,  
EDDIE RODRIGUEZ, ELIZA  
ALVARADO, JOSEY MARTINEZ,  
JUANITA VALDEZ-COX, LIONOR  
SOROLA-POHLMAN, MILTON  
GERARD WASHINGTON, NINA JO  
BAKER, and SANDRA SERNA**

GARY L. BLEDSOE  
Law Office of Gary L. Bledsoe  
316 W. 12<sup>th</sup> Street, Ste. 307  
Austin, TX 78701  
512-322-9992/512-322-0840 (facsimile)  
garybledsoe@sbcglobal.net  
**ATTORNEY FOR INTERVENOR-  
PLAINTIFFS TEXAS STATE  
CONFERENCE OF NAACP  
BRANCHES, TEXAS  
LEGISLATIVE BLACK CAUCUS,  
EDDIE BERNICE JOHNSON,  
SHEILA JACKSON-LEE,  
ALEXANDER GREEN, HOWARD  
JEFFERSON, BILL LAWSON, and  
JUANITA WALLACE**

ROBERT NOTZON  
1507 Nueces Street  
Austin, TX 78701  
512-474-7563/512-474-9489 (facsimile)  
[robert@notzonlaw.com](mailto:robert@notzonlaw.com)

ALLISON JEAN RIGGS  
ANITA SUE EARLS  
Southern Coalition for Social Justice  
1415 West Highway 54, Ste. 101  
Durham, NC 27707  
919-323-3380/919-323-3942 (facsimile)  
[anita@southerncoalition.org](mailto:anita@southerncoalition.org)  
**ATTORNEYS FOR TEXAS STATE  
CONFERENCE OF NAACP  
BRANCHES, EARLS, LAWSON,  
WALLACE, and JEFFERSON**



KAREN M. KENNARD  
2803 Clearview Drive  
Austin, TX 78703  
(512) 974-2177/512-974-2894 (facsimile)  
karen.kennard@ci.austin.tx.us  
**ATTORNEY FOR PLAINTIFF  
CITY OF AUSTIN**

DAVID ESCAMILLA  
Travis County Asst. Attorney  
P.O. Box 1748  
Austin, TX 78767  
(512) 854-9416  
david.escamilla@co.travis.tx.us  
**ATTORNEY FOR PLAINTIFF  
TRAVIS COUNTY**

RICHARD L. DURBIN, JR., T.  
CHRISTIAN HERREN, JR., TIMOTHY  
F. MELLETT, JAYE ALLISON SITTON,  
DANIEL J. FREEMAN  
U.S. Department of Justice  
Civil Rights Division, Voting Rights  
Room 7254 NWB  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
(202) 305-4355; (202) 305-4143  
**ATTORNEYS FOR THE  
UNITED STATES**

DONNA GARCIA DAVIDSON  
PO Box 12131  
Austin, TX 78711  
512-775-7625/877-200-6001 (facsimile)  
donna@dgdlawfirm.com  
**ATTY FOR DEFENDANT STEVE  
MUNISTERI**

CHAD W. DUNN  
K. SCOTT BRAZIL  
Brazil & Dunn  
4201 FM 1960 West, Suite 530  
Houston, TX 77068  
281-580-6310/281-580-6362 (facsimile)  
chad@brazilanddunn.com  
scott@brazilanddunn.com  
**ATTORNEYS FOR  
INTERVENOR-DEFS TEXAS  
DEMOCRATIC PARTY and BOYD  
RICHIE**

/s/ Patrick K. Sweeten  
Patrick K. Sweeten  
Counsel for Defendants