

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

<b>SHANNON PEREZ, ET AL.,</b>	§	
	§	
<b>Plaintiffs,</b>	§	
	§	
v.	§	<b>CIVIL ACTION NO.</b>
	§	<b>11-CA-360-OLG-JES-XR</b>
<b>STATE OF TEXAS, ET AL.</b>	§	<b>CONSOLIDATED ACTION</b>
	§	<b>[Lead case]</b>
<b>Defendants.</b>	§	

**TEXAS LATINO REDISTRICTING TASK FORCE, ET AL.**  
**PRE-TRIAL BENCH BRIEF**

Now come Plaintiffs Texas Latino Redistricting Task Force, *et al.*, and file their bench brief pursuant to the Court’s orders of May 1, 2017 and June 1, 2017. *See* Dkt. 1389 and 1404.

**Plan H358**

**I. Tarrant County**

a. The Task Force Plaintiffs bring the following claims with respect to HD90 in Plan H358:

- HD90 in Plan H358 unlawfully dilutes the voting strength of Latinos.  
(Fourth Amended Complaint, Dkt. 891 at ¶ 2, 41, 79).
- HD90 in Plan H358 purposefully discriminates, by intentionally diluting Latino voting strength in violation of the Fourteenth Amendment. (Fourth Amended Complaint, Dkt. 891 at ¶ 2, 41, 79)
- The configuration of HD 90 in Plan H358 uses race as a predominant

factor to allocate Latino voters into and out of HD 90 in violation of the Fourteenth Amendment (*Shaw* claim). (Fourth Amended Complaint, Dkt. 891 at ¶ 41, 78)

- b. The Task Force Plaintiffs have standing to bring their claim related to HD90 because at least one member of the Task Force currently resides in HD90. *See* Task Force 2017 Exhibit 38.
- c. The following lay witnesses are expected to testify live:
  - Lon Burnam, former State Representative for HD90, will testify regarding the changes to his district in the 2011 and 2013 redistricting cycles and his successful efforts to modify the boundaries of HD90 in H358.
  - Salvador Espino, former Ft. Worth City Councilman, will testify regarding his experiences in past political campaigns in Tarrant County, efforts to increase Latino representation in Tarrant County and his experiences as a voter and resident of Tarrant County.
  - Alex Jimenez, resident of Ft. Worth, will testify regarding his experiences in past political campaigns in Tarrant County, efforts to increase Latino representation in Tarrant County and his experiences as a voter and resident of Tarrant County.
- d. The following expert witnesses are expected to testify:
  - Dr. Richard Engstrom will present supplemental findings regarding racially polarized voting (by deposition designations)

- Dr. Henry Flores will present supplemental analysis of CD23 election performance from 2012-2014.

e. The Task Force Plaintiffs have attached their witness and exhibit lists to their pretrial disclosures.

**II. II. Claims brought against Plan H358 as a whole**

Because HD90 in Plan H358 is unconstitutional and violates section 2 of the Voting Rights Act, Plan H358 as a whole is unconstitutional and violates section 2 of the Voting Rights Act and must be enjoined.

DATED: July 3, 2017

Respectfully submitted,

MEXICAN AMERICAN LEGAL DEFENSE  
AND EDUCATIONAL FUND

/s/ Nina Perales

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of July, 2017, I served a copy of the foregoing document on all counsel who are registered to receive NEFs through this Court's CM/ECF system. All attorneys who are not registered to receive NEFs have been served via email.

/s/ Nina Perales  
Nina Perales