


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

**FILED**

**JUL 27 2011**

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY CLERK

SHANNON PEREZ; HAROLD )  
DUTTON, JR.; GREGORY TAMEZ; )  
SERGIO SALINAS; CARMEN )  
RODRIGUEZ; RUDOLFO ORTIZ; )  
NANCY HALL and DOROTHY DEBOSE )

Plaintiffs )

-and- )

EDDIE BERNICE JOHNSON, SHEILA )  
JACKSON-LEE, and ALEXANDER )  
GREEN, MEMBERS OF THE UNITED )  
STATES CONGRESS )

-and- )

TEXAS LEGISLATIVE BLACK )  
CAUCUS, TEXAS HOUSE OF )  
REPRESENTATIVES )

-and- )

TEXAS STATE CONFERENCE OF )  
NAACP BRANCHES; HOWARD )  
JEFFERSON, JUANITA WALLACE and )  
REV. BILL LAWSON )

Plaintiff-Intervenors )

v. )

STATE OF TEXAS; RICK PERRY, )  
in his official capacity as Governor of the )  
State of Texas; DAVID DEWHURST, )  
in his official capacity as Lieutenant )  
Governor of the State of Texas; JOE )  
STRAUS, in his official capacity as Speaker )  
of the Texas House of Representatives; )  
HOPE ANDRADE, in her official )  
capacity as Secretary of State of the )  
State of Texas )

Defendants )

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

MEXICAN AMERICAN LEGISLATIVE )  
CAUCUS, TEXAS HOUSE OF )  
REPRESENTATIVES (MALC) )

Plaintiffs )

-and- )

THE HONORABLE HENRY CUELLAR, )  
Member of Congress, CD 28; THE TEXAS )  
DEMOCRATIC PARTY and BOYD )  
RICHIE, in his official capacity as Chair of )  
the Texas Democratic Party; and LEAGUE )  
OF UNITED LATIN AMERICAN )  
CITIZENS (LULAC) and its individually )  
named members )

Plaintiff-Intervenors )

v. )

STATE OF TEXAS; RICK PERRY, )  
in his official capacity as Governor of the )  
State of Texas; DAVID DEWHURST, )  
in his official capacity as Lieutenant )  
Governor of the State of Texas; JOE )  
STRAUS, in his official capacity as Speaker )  
of the Texas House of Representatives; )

Defendants )

CIVIL ACTION NO.  
SA-11-CA-361-OLG-JES-XR  
[Consolidated case]

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TEXAS LATINO REDISTRICTING )  
TASK FORCE, JOEY CARDENAS, )  
ALEX JIMENEZ, EMELDA )  
MENENDEZ, TOMACITA OLIVARES, )  
JOSE OLIVARES, ALEJANDRO ORTIZ, )  
AND REBECCA ORTIZ )

Plaintiffs )

v. )

RICK PERRY, in his official capacity )  
as Governor of the State of Texas )

Defendants )

CIVIL ACTION NO.  
SA-11-CA-490-OLG-JES-XR  
[Consolidated case]

MARGARITA V. QUESADA; ROMEO )  
MUNOZ; MARC VEASEY; JANE )  
HAMILTON; LYMAN KING; and )  
JOHN JENKINS )

Plaintiffs )

v. )

RICK PERRY, in his official capacity )  
as Governor of the State of Texas; and )  
HOPE ANDRADE, in her official )  
capacity as Secretary of State for the )  
State of Texas )

Defendants )

CIVIL ACTION NO.  
SA-11-CA-592-OLG-JES-XR  
[Consolidated case]

JOHN T. MORRIS )

Plaintiff )

v. )

STATE OF TEXAS; RICK PERRY, in his )  
official capacity as Governor of the State )  
of Texas; DAVID DEWHURST, in his )  
official capacity as Lieutenant Governor of )  
the State of Texas; JOE STRAUS, in his )  
official capacity as Speaker of the Texas )  
House of Representatives; and HOPE )  
ANDRADE, in her official capacity as )  
Secretary of State of the State of Texas )

Defendants )

CIVIL ACTION NO.  
SA-11-CA-615-OLG-JES-XR  
[Consolidated case]

EDDIE RODRIGUEZ, MILTON GERARD )  
WASHINGTON, BRUCE ELFANT, )  
ALEX SERNA, SANDRA SERNA, )  
BETTY F. LOPEZ, DAVID GONZALEZ, )  
BEATRICE SALOMA, LIONOR SOROLA- )  
POHLMAN; ELIZA ALVARADO; )  
JUANITA VALDEZ-COX; JOSEY )  
MARTINEZ; NINA JO BAKER; TRAVIS )  
COUNTY and CITY OF AUSTIN )

Plaintiffs )

v. )

RICK PERRY, in his official capacity	)	CIVIL ACTION NO.
as Governor of the State of Texas;	)	SA-11-CA-635
DAVID DEWHURST, in his	)	[Consolidated case]
official capacity as Lieutenant Governor	)	
of the State of Texas; JOE STRAUS,	)	
in his official capacity as Speaker of	)	
the Texas House of Representatives;	)	
HOPE ANDRADE, in her official	)	
capacity as Secretary of State of the	)	
State of Texas; STATE OF TEXAS;	)	
BOYD RICHIE, in his official capacity	)	
as Chair of the Texas Democratic Party;	)	
and STEVE MUNISTERI, in his official	)	
capacity as Chair of the Republican	)	
Party of Texas	)	
	)	
Defendants	)	

**CONSOLIDATION AND SCHEDULING ORDER**

The case styled Eddie Rodriguez, et. al. v. Rick Perry, et. al., Cause No. 11-CA-635, was transferred from the Austin Division to the San Antonio Division on July 27, 2011. The Court has reviewed the pleadings in the Rodriguez case, and finds that the case involves the same questions of law and fact as those alleged in the other consolidated cases. Most of the named defendants are also the same. Consolidation of the cases would conserve judicial resources and serve the best interests of all parties and witnesses.

It is therefore ORDERED that the Rodriguez case is CONSOLIDATED with the above-styled action for all purposes, pursuant to Fed.R.Civ.P. 42(a)(2). The case with the lowest case number (i.e., the first filed case) will continue to be the lead case, and all future pleadings, motions or other documents should be filed under that cause number.

Plaintiffs are advised to communicate with liaison counsel, Jose Garza and/or Nina Perales, to determine what, if any, information or material may assist them in meeting the current scheduling order deadlines. The parties are holding telephone conferences weekly, which the Plaintiffs may join, and it is the Court's impression that depositions have not yet begun. Thus, Plaintiffs should have

sufficient opportunity to participate in the upcoming discovery process.

For the parties to the newly consolidated Rodriguez claim *only*, the deadline for their Rule 26(f) conference will be **Friday, July 29, 2011**, and their deadline for initial disclosures and motions to amend or supplement pleadings or join additional parties shall be **Monday, August 1, 2011**.

The remaining deadlines will be governed by the scheduling order now in effect, as follows:

- All parties asserting claims for relief shall FILE their designation of potential witnesses, designation of testifying experts, list of proposed exhibits, and the materials required by FED.R.CIV.P. 26(a)(2)(B) by **August 1, 2011**. Parties resisting claims for relief shall FILE their designation of potential witnesses, designation of testifying experts, list of proposed exhibits, and the materials required by FED.R.CIV.P. 26(a)(2)(B) by **August 8, 2011**. All designations of rebuttal experts shall be FILED no later than **August 15, 2011**.<sup>1</sup>
- An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectional testimony, no later than **August 17, 2011**.
- The parties shall complete all discovery on or before **August 17, 2011**. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.
- All dispositive motions shall be filed no later than **August 17, 2011**. Dispositive motions as defined in Local Rule CV-7(h) and responses to dispositive motions shall

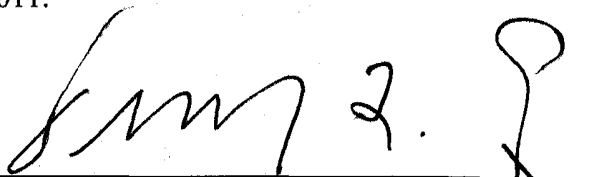
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<sup>1</sup>If the Rodriguez parties need a brief extension of time to designate their experts, they should confer with the other parties. If the other parties have no objection, the deadline may be extended by agreement (i.e., without Court order) as long as it does not interfere with the ongoing discovery process or the remaining deadlines.

be limited to 30 pages in length. Responses to dispositive motions shall be due no later than **August 24, 2011**.

- This case is set for **Pretrial Conference on Friday, September 2, 2011 at 9:30 a.m.** and **Trial before the Court on September 6, 2011 at 9:30 a.m.**, in Courtroom No. 1, First Floor of the John H. Wood, Jr. Courthouse, 655 E. Durango, San Antonio, Texas 78206. The parties shall file their pretrial submissions in the form set out in Rule CV-16(e) to the Local Rules for the Western District no later than **August 24, 2011**.

IT IS SO ORDERED this 27th day of July, 2011.

  
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ORLANDO L. GARCIA  
UNITED STATES DISTRICT JUDGE

*And on behalf of:*

Jerry E. Smith  
United States Circuit Judge  
U.S. Court of Appeals, Fifth Circuit

*-and-*

Xavier Rodriguez  
United States District Judge  
Western District of Texas