

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

TEXAS LULAC, et. al;

Plaintiffs,

v.

GREG ABBOTT, et. al.;

Defendants.

Case No. 1:20-cv-01006-RP

**PLAINTIFFS' AMENDED  
[EMERGENCY] MOTION FOR  
TEMPORARY RESTRAINING  
ORDER AND/OR PRELIMINARY  
INJUNCTION**

**PLAINTIFFS' AMENDED [EMERGENCY] MOTION FOR TEMPORARY  
RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION**

Plaintiffs Texas LULAC, at al, respectfully move for a temporary restraining order and/or preliminary injunction restraining Defendants Abbott and Hughs from enforcing, and the Defendant County Election Officials from implementing, Governor Abbott's October 1 Order limiting absentee voting drop-off locations to one per county. Because of the urgency of this matter, Plaintiffs request that the Court enter a temporary restraining order to remain in effect pending a hearing and resolution of Plaintiffs' motion for a preliminary injunction, in order to return to the status quo *ex ante*, prior to issuance of the October 1 Order.<sup>1</sup>

Plaintiffs filed their Complaint on October 1, 2020 and moved for a preliminary injunction and to set a briefing schedule on October 2, 2020. Plaintiffs filed their First Amended Complaint on October 5, 2020. Plaintiffs now file this amended motion for temporary restraining order and/or preliminary injunction with respect to their First Amended Complaint. Plaintiffs' memorandum

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<sup>1</sup> As evidenced in the Certificate of Service, Plaintiffs' counsel have provided notice to Defendants' counsel of this Motion, and have provided declarations demonstrating the immediate and irreparable harm that will result to movant if a temporary restraining order is not expeditiously entered pending resolution of Plaintiffs' motion for a preliminary injunction. *See* Fed. R. Civ. P. 65(b)(1)(A) & (B).

and evidence in support of this Motion are filed concurrently herewith, along with a proposed order.

As set forth in detail in the contemporaneously filed memorandum of law, Plaintiffs are likely to succeed on the merits of each of their moved-on claims and will suffer irreparable harm absent relief. The balance of the equities also favors Plaintiffs. For these reasons, and in light of the urgency of this matter, Plaintiffs are entitled to entry of a temporary restraining order and/or a preliminary injunction.<sup>2</sup>

Date: October 5, 2020

Respectfully submitted,

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<sup>2</sup> In light of the timing of the Governor's Order, and the need to move expeditiously towards seeking immediate relief from this Court, Plaintiffs have not had the opportunity to engage in a Local Rule CV-7(i) conference with the State Defendants' counsel regarding this Motion. In light of the public statements made by State Defendants about the Complaint, Plaintiffs are confident that they will not agree to any out-of-court resolution of Plaintiffs' claims.

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**CERTIFICATE OF SERVICE**

I certify that on October 5, 2020, the foregoing was served on all parties of record registered for CM/ECF notifications, and is also being provided by e-mail to the following counsel for Defendants.

Defendants Abbott and Hughes: Patrick Sweeten (patrick.sweeten@oag.texas.gov)

Defendant Debeauvoir: Sherine Thomas (sherine.thomas@traviscountytexas.gov)

Defendant Hollins: Susan Hays (hayslaw@me.com)

Defendant Oldham: Justin Pfeiffer (justin.pfeiffer@fortbendcountytexas.gov)

/s/ Chad W. Dunn  
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