

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF TEXAS and JOHN SCOTT, in his  
official capacity as Texas Secretary of State,

Defendants.

Civil Action No. 5:21-cv-01085 (XR)

**MOTION TO CONSOLIDATE**

Pursuant to Federal Rule of Civil Procedure 42(a), the United States respectfully moves to consolidate this action with *La Unión del Pueblo Entero v. Abbott*, No. 5:21-cv-844, which is currently pending before this Court. Defendants do not oppose this motion. The United States has also polled counsel for plaintiffs in *La Unión del Pueblo Entero* and the four other matters currently consolidated therewith, and plaintiffs' counsel similarly do not oppose this motion.

Consolidation is permissible when “actions before the court involve a common question of law or fact.” Fed. R. Civ. P. 42(a); *Hall v. Hall*, 138 S. Ct. 1118, 1124 (2018). The United States has alleged that Senate Bill 1 violates Section 208 of the Voting Rights Act of 1965 (Section 208), 52 U.S.C. § 10508, and Section 101 of the Civil Rights Act of 1964 (Section 101), 52 U.S.C. § 10101. Plaintiffs in *La Unión del Pueblo Entero* have also alleged that Senate Bill 1 violates Section 208, *see* LUPE Compl. ¶¶ 213-216, ECF No. 1, and plaintiffs in *OCA-Greater Houston v. Scott*, No. 1:21-cv-780—which has already been consolidated with *La Unión del Pueblo Entero*—have alleged that Senate Bill 1 violates Section 101, *see* OCA Compl. ¶¶ 107-111, ECF No. 1. Moreover, the United States intends to pursue this matter on the timetable

proposed by the parties to the consolidated *La Unión del Pueblo Entero* litigation and has already served initial disclosures on Defendants. Based on the presence of both common triable facts and common causes of action, consolidation would “serve the interests of judicial economy.” *Frazier v. Garrison Indep. Sch. Dist.*, 980 F.2d 1514, 1532 (5th Cir. 1993).

For the reasons set out above, the United States respectfully requests that this Court consolidate this matter with *La Unión del Pueblo Entero v. Abbott*. Pursuant to Local Rule CV-7(F), a proposed order is attached hereto.

Date: November 8, 2021

Respectfully submitted,

KRISTEN CLARKE  
Assistant Attorney General  
Civil Rights Division

PAMELA S. KARLAN  
Principal Deputy Assistant Attorney General  
Civil Rights Division

/s/ Daniel J. Freeman  
T. CHRISTIAN HERREN, JR.  
RICHARD A. DELLHEIM  
DANIEL J. FREEMAN  
DANA PAIKOWSKY  
MICHAEL E. STEWART  
JENNIFER YUN  
Attorneys, Voting Section  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

**CERTIFICATE OF CONFERRAL**

Pursuant to Local Rule CV-7(G), I hereby certify that on November 8, 2021, my co-counsel and I met and conferred with counsel for Defendants regarding this request. Defendants do not object to consolidation of this matter with *La Unión Del Pueblo Entero v. Abbott*.

/s/ Daniel J. Freeman

Daniel J. Freeman  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Ave, NW  
Washington, DC 20530  
(202) 305-4355  
daniel.freeman@usdoj.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on November 8, 2021, I electronically filed the foregoing with the Clerk of the court using the CM/ECF system, which will send notification of this filing to counsel of record.

/s/ Daniel J. Freeman

Daniel J. Freeman  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Ave, NW  
Washington, DC 20530  
(202) 305-4355  
daniel.freeman@usdoj.gov