

- Racially polarized voting not “legally significant” because partisanship, not race, explains Anglo voting in Dallas County
- Totality of circumstances, including Senate Factors and proportionality

Count II (Equal Protection Clause)

- Evidence shows no discriminatory intent or effects, representation is proportional, *Arlington Heights* factors favor defendants
- Plaintiffs’ complaint does not allege a *Shaw*-style racial gerrymandering claim
- Even if plaintiffs’ alleged racial gerrymandering claim, evidence shows race did not predominate in decisionmaking, and even if it had, defendants had “good reasons” to think compliance with Sections 2 and 5 of VRA required consideration of race

Count III (Alternative Equal Protection)

- Binding Supreme Court and Fifth Circuit precedent establish constitutionality of Section 2

ARGUMENT

For the reasons stated in the contemporaneously filed Brief in Support of Defendants’ Motion for Summary Judgment, which is incorporated herein for all purposes, the Court should grant the Motion and dismiss all of Plaintiffs’ Complaint.

Dated this 1st day of December, 2017.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of December, 2017, a true and correct copy of the foregoing was served by the Court's Electronic Case Filing System on all counsel of record.

By: /s/ Chad W. Dunn

Chad W. Dunn