UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

ANNE HARDING, RAY HUEBNER,	§	
GREGORY R. JACOBS, MORGAN	§	
MCCOMB, AND JOHANNES	§	
PETER SCHROER,	§	
Plaintiffs,	§	
	§	
V.	§	C.A. NO. 3:15-CV-00131-D
	§	
COUNTY OF DALLAS, TEXAS	§	
CLAY LEWIS JENKINS, in his official	§	
Capacity as County Judge of Dallas	§	
County, et al.,	§	
Defendants,	§	
	§	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendants, County of Dallas, Texas, Clay Lewis Jenkins, in his capacity as County Judge of Dallas County, Texas, and Theresa Daniel, Mike Cantrell, John Wiley Price, and Elba Garcia, in their capacity as County Commissioners (hereinafter collectively referred to as "Defendants"), and files this their Motion for Summary Judgment pursuant to Federal Rules of Civil Procedure 56.

SUMMARY

Pursuant to Local Rule 56.3(a)(1), defendants note that, as outlined in their accompanying brief, the elements of plaintiffs' claims upon which defendants seek summary judgment are:

Count I (Section 2 of Voting Rights Act)

• Gingles prong 2: lack of political cohesion

- 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

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: <u>/s/ Chad W. Dunn</u> Chad W. Dunn