UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS, Plaintiff, v. UNITED STATES OF AMERICA; ERIC H. HOLDER, JR., in his official capacity as Attorney General of the United States, Defendant, and SENATOR WENDY DAVIS, REPRESENTATIVE MARC VEASEY, JOHN JENKINS, VICKI BARGAS, and ROMEO MUÑEZ, Defendant-Intervenors, and GREG GONZALEZ, LISA AGUILAR, DANIEL LUCIO, VICTOR GARZA, BLANCA GARCIA, JOSEPHINE MARTINEZ, KATRINA TORRES and NINA JO BAKER, Proposed Defendant-Intervenors.	Civil Action No. 1:11-cv-01303 (RMC-TBG-BAH)

PROPOSED INTERVENORS' REPLY IN SUPPORT OF MOTION TO INTERVENE AS DEFENDANTS

The State of Texas offers no coherent reason to exclude Proposed Intervenors from participating in this case, and the State's reasons were already rejected by this Court in its prior decision to permit intervention. Order Granting Motion to Intervene, Case No. 11-1303 (August 16, 2011), Dkt. # 11. This Court has "routinely recognized intervention by persons" like Proposed Intervenors. *See County Council of Sumter County v. United States*, 555 F. Supp. 694, 696-97 (D.D.C. 1983). The Court should do the same here.

Proposed Intervenors Greg Gonzales, Lisa Aguilar, Daniel Lucio, Victor Garza, Blanca Garcia, Josephine Martinez, Nina Jo Baker, and Katrina Torres ("Proposed Intervenors") have distinct and important interests they seek to protect in this case. As outlined in more detail in their initial motion, Proposed Intervenors seek to protect their voting rights and ensure that Texas's discriminatory redistricting plan does not weaken their ability to meaningfully participate in the electoral process.

Texas nonetheless opposes Proposed Intervenors' motion, but in doing so the State simply rehashes arguments it made in opposing intervention by other intervenors. When this Court granted the prior intervenors' motion, Dkt. 11, it effectively rejected the State's arguments, and with good reason: no case remotely supports Texas's position. Indeed, the only case Texas cites in its opposition, *Georgia v. Ashcroft*, 539 U.S. 461 (2003), actually held that permissive intervention was appropriate. *Id.* at 477.

Texas suggests in passing that allowing additional intervenors will delay this litigation, but Proposed Intervenors will abide by any discovery and filing deadlines this Court sets. Texas's real complaint is simply that it will have to bear the ordinary burdens of discovery and briefing in this case, but it was Texas that chose to take on those burdens by filing this action instead of seeking pre-clearance from the Department of Justice.

In short, this Court appropriately granted the prior motion to intervene, and Texas offers no reason to change course now. Proposed Intervenors respectfully submit that this Court should allow them to protect their interests by continuing its long tradition of allowing intervention in Section 5 cases. *See, e.g.*, *Shelby County, Alabama v. Holder*, No. 1:10-cv-00651 (D.D.C., Order Granting Intervention August 25, 2010); *Georgia v. Ashcroft*, 195 F. Supp. 2d 25, 33 (D.D.C. 2002), *vacated on other grounds*, 539 U.S. 461 (2003); *North Carolina State Bd. of Elections v. United States*, 208 F. Supp. 2d 14, 17 (D.D.C. 2002) (voter allowed to intervene in Section 5 pre-clearance case).

DATED this 2nd day of September, 2011.

Respectfully submitted,

By: s/ Marc Erik Elias
Marc Erik Elias, Bar No. 442007
John M. Devaney, Bar No. 375465
Kevin J. Hamilton, Pro Hac Vice Pending,
WSBA No. 15648
PERKINS COIE LLP
700 Thirteenth Street, N.W., Suite 600
Washington, D.C. 20005-3960
Telephone: 202.654.6200
Facsimile: 202.654-6211
Email: MElias@perkinscoie.com
Email: KHamilton@perkinscoie.com

By: s/ Max Renea Hicks
Max Renea Hicks, Pro Hac Vice Pending,
Texas Bar No. 9580400
LAW OFFICES OF MAX RENEA HICKS
101 West 6th Street, Suite 504,
Austin, Texas, 78701
Telephone: (512) 480-8231
Facsimile: (512) 480-9105
Email: rhicks@renea-hicks.com

Attorneys for Proposed Defendant-Intervenors

CERTIFICATE OF SERVICE

I hereby certify that on September 2, 2011, I electronically filed the foregoing with the Clerk of the United States District Court for the District of Columbia by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

Respectfully submitted,

PERKINS COIE LLP

By: s/ John M. Devaney
John M. Devaney, Bar No. 375465
JDevaney@perkinscoie.com
PERKINS COIE LLP
700 Thirteenth Street, N.W., Suite 600
Washington, D.C. 20005-3960
Telephone: 202.654.6200
Facsimile: 202.654-6211