

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

SHANNON PEREZ, <i>et al.</i> ,)	
)	CIVIL ACTION NO.
<i>Plaintiffs,</i>)	SA-11-CA-360-OLG-JES-XR
)	[Lead case]
v.)	
)	
STATE OF TEXAS, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	
_____)	
)	
MEXICAN AMERICAN LEGISLATIVE)	CIVIL ACTION NO.
CAUCUS, TEXAS HOUSE OF)	SA-11-CA-361-OLG-JES-XR
REPRESENTATIVES (MALC),)	[Consolidated case]
)	
<i>Plaintiffs,</i>)	
)	
v.)	
)	
STATE OF TEXAS, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	
_____)	
)	
)	
TEXAS LATINO REDISTRICTING TASK)	CIVIL ACTION NO.
FORCE, <i>et al.</i> ,)	SA-11-CA-490-OLG-JES-XR
)	[Consolidated case]
)	
<i>Plaintiffs,</i>)	
)	
v.)	
)	
RICK PERRY,)	
)	
)	
<i>Defendant.</i>)	
_____)	

MARAGARITA V. QUESADA, *et al.*,) CIVIL ACTION NO.
) SA-11-CA-592-OLG-JES-XR
) [Consolidated case]

Plaintiffs,)

v.)

RICK PERRY, *et al.*,)

Defendants.)

JOHN T. MORRIS,) CIVIL ACTION NO.
) SA-11-CA-615-OLG-JES-XR
) [Consolidated case]

Plaintiff,)

v.)

STATE OF TEXAS, *et al.*,)

Defendants.)

EDDIE RODRIGUEZ, *et al.*,) CIVIL ACTION NO.
) SA-11-CA-635-OLG-JES-XR

Plaintiffs,)

v.)

RICK PERRY, *et al.*,)

Defendants.)

**DEFENDANTS' ANSWER TO QUESADA PLAINTIFFS'
FIRST AMENDED COMPLAINT**

Defendants Rick Perry, in his official capacity as Governor, and Hope Andrade, in her official capacity, as Secretary of State, (collectively, "Defendants") file their Answer to Plaintiffs Margarita V. Quesada, Romeo Munoz, Marc Veasey, Jane Hamilton, Lyman King, John Jenkins,

Kathleen Maria Shaw, Debbie Allen, Jamaal R. Smith, and Sandra Puente's (collectively, the "Quesada Plaintiffs") First Amended Complaint, and respectively show the Court the following:

I. Introduction

1. Defendants admit the allegations contained in this paragraph.

2. Defendants deny that Plaintiffs' legal claims are valid or that they are entitled to relief from the Court. Defendants otherwise deny the allegations contained in this paragraph.

3. Defendants deny the allegations contained in this paragraph.

4. Defendants deny the allegations contained in the first sentence of this paragraph.

Defendants admit that following the 2010 U.S. Census, Texas was apportioned 36 congressional districts. Defendants admit that according to the 2010 U.S. Census, approximately 89% of the total increase in population was the result of non-Anglo growth. Defendants deny the allegation that minorities only control one of the four new districts created under the State's Plan. Defendants admit that according to the 2010 U.S. Census, the Anglo population in Texas accounts for 45.3% of the state's total population. Defendants deny the allegation that Anglos control 72% of Texas' congressional districts under the newly enacted map. Defendants deny the allegations contained in the last sentence of this paragraph.

5. Defendants deny the allegations contained in this paragraph.

6. Defendants admit that the Congressional Redistricting Plan passed by the Texas Legislature was designed in part to maintain the Republican Party's existing majority in the Texas congressional delegation. Plaintiffs' allegation that the State's redistricting plan "is a blatant partisan gerrymander" purports to state a legal conclusion, which need not be admitted or denied, but to the extent admission or denial is required, the allegation is denied. Defendants deny the remaining allegations contained in this paragraph.

II. Jurisdiction and Venue

7. Defendants admit the allegations contained in this paragraph.

III. Parties

8. Defendants are without knowledge or information sufficient to form a belief about the truth of the factual allegations in this paragraph, and, therefore, deny the same.

9. Defendants are without knowledge or information sufficient to form a belief about the truth of the factual allegations in this paragraph, and, therefore, deny the same.

10. Defendants are without knowledge or information sufficient to form a belief about the truth of the factual allegations in this paragraph, and, therefore, deny the same.

11. Defendants are without knowledge or information sufficient to form a belief about the truth of the factual allegations in the first two sentences of this paragraph, and, therefore, deny the same. Defendants admit that the allegations contained in the last sentence of this paragraph.

12. Defendants are without knowledge or information sufficient to form a belief about the truth of the factual allegations in this paragraph, and, therefore, deny the same.

13. Defendants are without knowledge or information sufficient to form a belief about the truth of the factual allegations in this paragraph, and, therefore, deny the same.

14. Defendants are without knowledge or information sufficient to form a belief about the truth of the factual allegations in this paragraph, and, therefore, deny the same.

15. Defendants are without knowledge or information sufficient to form a belief about the truth of the factual allegations in this paragraph, and, therefore, deny the same.

16. Defendants are without knowledge or information sufficient to form a belief about the truth of the factual allegations in this paragraph, and, therefore, deny the same.

17. Defendants are without knowledge or information sufficient to form a belief about the truth of the factual allegations in this paragraph, and, therefore, deny the same.

18. Defendants are without knowledge or information sufficient to form a belief about the truth of the factual allegations in this paragraph, and, therefore, deny the same.

19. Defendants admit the allegations contained in this paragraph.

20. Defendants admit the allegations contained in this paragraph.

IV. Facts

Reapportionment

21. Defendants admit the allegations contained in this paragraph.

22. Defendants admit the allegations contained in this paragraph.

23. Defendants admit the allegations contained in this paragraph.

24. Defendants admit the allegations contained in this paragraph.

25. Defendants admit the allegations contained in this paragraph.

26. Defendants admit that according to U.S. Census, the Hispanic growth was 41.8% over the last 10 years and accounted for 65% of all growth in the state. Defendants admit that according to the 2010 U.S. Census, the African-American population grew by approximately 22%.

27. Defendants admit that according to the 2010 U.S. Census, the Anglo population in Texas accounts for 45.3% of the state's total population and that Texas is a majority-minority state.

The Voting Rights Act

28. The allegations contained in this paragraph state conclusions of law, which need not be admitted or denied, but to the extent they require admission or denial, they are denied.

29. The allegations contained in this paragraph state conclusions of law, which need not be admitted or denied, but to the extent they require admission or denial, they are denied.

Redistricting Procedure

30. Defendants deny the allegations contained in this paragraph.

31. Defendants deny the allegations contained in this paragraph.

32. Defendants deny the allegations contained in this paragraph.

33. Defendants deny Plaintiffs' allegations that there was no "meaningful participation for officials representing minority communities." Defendants admit that the Texas Legislative passed the congressional redistricting plan on June 15, 2011.

Current Map

34. This paragraph states legal conclusions, which need not be admitted or denied, but to the extent these allegations must be admitted or denied, Defendants deny these allegations.

35. This paragraph states legal conclusions, which need not be admitted or denied, but to the extent these allegations must be admitted or denied, Defendants deny these allegations.

36. This paragraph states legal conclusions, which need not be admitted or denied, but to the extent these allegations must be admitted or denied, Defendants deny these allegations.

37. This paragraph states legal conclusions, which need not be admitted or denied, but to the extent these allegations must be admitted or denied, Defendants deny these allegations.

38. This paragraph states legal conclusions, which need not be admitted or denied, but to the extent these allegations must be admitted or denied, Defendants deny these allegations.

The State's Proposed Map, Viewed Statewide

39. Defendants deny the allegations contained in this paragraph.

40. The first sentence of this paragraph states legal conclusions, which need not be admitted or denied, but to the extent these allegations must be admitted or denied, Defendants deny these allegations. Defendants deny the remaining allegations contained in this paragraph.

41. This paragraph states legal conclusions, which need not be admitted or denied, but to the extent these allegations must be admitted or denied, Defendants deny these allegations.

42. This paragraph states legal conclusions, which need not be admitted or denied, but to the extent these allegations must be admitted or denied, Defendants deny these allegations.

43. This paragraph states legal conclusions, which need not be admitted or denied, but to the extent these allegations must be admitted or denied, Defendants deny these allegations.

44. This paragraph states legal conclusions, which need not be admitted or denied, but to the extent these allegations must be admitted or denied, Defendants deny these allegations.

The State's Proposed Congressional Map Viewed Regionally

45. Defendants deny the allegations contained in the first two sentences of this paragraph. The remaining allegations in this paragraph state legal conclusions, which need not be admitted or denied, but to the extent these allegations must be admitted or denied, Defendants deny these allegations.

46. This paragraph states legal conclusions, which need not be admitted or denied, but to the extent these allegations must be admitted or denied, Defendants deny these allegations.

47. This paragraph states legal conclusions, which need not be admitted or denied, but to the extent these allegations must be admitted or denied, Defendants deny these allegations.

48. Defendants deny the allegations contained in the first two sentences of this paragraph. The remaining allegations in this paragraph state legal conclusions, which need not

be admitted or denied, but to the extent these allegations must be admitted or denied, Defendants deny these allegations.

49. Defendants deny the allegations contained in the first sentence of this paragraph. Defendants admit that Harris County lost 82,618 Anglos and gained 551,789 Hispanics between 2000 and 2010. Defendants are without knowledge or information sufficient to form a belief about the truth of the factual allegations regarding the population growth of African-Americans between 2000 and 2010, and, therefore, deny the same. The remaining allegations in this paragraph state legal conclusions, which need not be admitted or denied, but to the extent these allegations must be admitted or denied, Defendants deny these allegations.

50. Defendants deny the allegations contained in this paragraph.

51. This paragraph states legal conclusions, which need not be admitted or denied, but to the extent these allegations must be admitted or denied, Defendants deny these allegations.

52. This paragraph states legal conclusions, which need not be admitted or denied, but to the extent these allegations must be admitted or denied, Defendants deny these allegations.

Alternative Congressional Redistricting Plans

53. Defendants deny the allegations contained in this paragraph.

54. Defendants deny the allegations contained in this paragraph.

55. Defendants deny the allegations contained in this paragraph.

56. Defendants deny the allegations contained in this paragraph.

Count 1

57. Defendants repeat and reaffirm their answers to each and every allegation contained in the paragraphs above and incorporates the same herein as though fully set forth.

58. Defendants deny the allegations contained in this paragraph.

Count 2

59. Defendants repeat and reaffirm their answers to each and every allegation contained in the paragraphs above and incorporates the same herein as though fully set forth.

60. Defendants deny the allegations contained in this paragraph.

Count 3

61. Defendants repeat and reaffirm their answers to each and every allegation contained in the paragraphs above and incorporates the same herein as though fully set forth.

62. Defendants deny the allegations contained in this paragraph.

Count 4

63. Defendants repeat and reaffirm their answers to each and every allegation contained in the paragraphs above and incorporates the same herein as though fully set forth.

64. Defendants deny the allegations contained in this paragraph.

65. Defendants deny the allegations contained in this paragraph.

Count 5

66. Defendants repeat and reaffirm their answers to each and every allegation contained in the paragraphs above and incorporates the same herein as though fully set forth.

67. The State has filed a lawsuit in the United States District Court for the District of Columbia seeking preclearance of Plan C185, and it has submitted Plan C185 informally to the Department of Justice. The remaining allegations in this paragraph state a legal conclusion, which need not be admitted or denied, but to the extent it requires admission or denial, it is denied.

V. Prayer for Relief

Defendants need not admit or deny legal argument or legal conclusions. To the extent a response is required, Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining factual allegations in this paragraph, and, therefore, deny the same.

DEFENSES TO PLAINTIFFS' FIRST AMENDED COMPLAINT

1. Defendants assert the defense of standing to all claims to which that defense applies.

2. Defendants assert that Plaintiffs' claims under Section 5 of the Voting Rights Act are not justiciable.

3. Defendants assert that Plaintiffs have failed to state a claim upon which relief can be granted.

4. Defendants assert the right to amend these defenses to assert additional defenses as they may become known to Defendants.

AFFIRMATIVE DEFENSES TO PLAINTIFFS' FIRST AMENDED COMPLAINT

1. Defendants assert the defense of Eleventh Amendment immunity to all claims to which that defense applies.

2. Defendants assert the right to amend these affirmative defenses to assert additional affirmative defenses as they may become known to Defendants.

DEFENDANTS' PRAYER

Defendants request that the Court enter a judgment that Plaintiffs take nothing by this suit, that Plaintiffs' claims be dismissed with prejudice, and that Defendants be granted such other and further relief to which they may show themselves to be justly entitled.

Dated: August 15, 2011

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this filing was sent via the Court's electronic notification system and/or email to the following counsel of record on August 15, 2011, to:

Via CM/ECF

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