

**In the Supreme Court of the United States**

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GREG ABBOTT, in his official capacity as Governor of Texas, et al.,  
*Appellants,*

v.

SHANNON PEREZ, et al.,  
*Appellees.*

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**MOTION OF APPELLEES FOR DIVIDED ARGUMENT AND  
MOTION OF APPELLEES FOR ENLARGEMENT OF TIME FOR ORAL  
ARGUMENT**

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Pursuant to Rules 28.3 and 28.4 of the Rules of this Court, the appellees in these two consolidated cases, other than the United States,<sup>1</sup> respectfully move that the Court allow appellees to divide their time for oral argument equally between one attorney for the appellees in No. 17-586 (the “Congressional” case) and one attorney for the appellees in No. 17-626 (the “Texas House” case). Appellees further move that this Court enlarge the time for oral argument by twenty minutes, divided equally between the appellants and the appellees.

Appellees have conferred with counsel for the appellants. Appellants do not oppose divided argument for appellees but do oppose an enlargement of argument time.

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<sup>1</sup> Under this Court’s Rule 18.2, the United States is deemed a party to this case because it was a party to the proceedings in the district court. The United States, however, neither filed any documents at the jurisdictional stage nor notified the Clerk of the Court that it had no interest in the outcome of the appeal.

1. These consolidated cases concern the constitutional and statutory validity of provisions in two different Texas redistricting statutes. One statute governs the boundaries for Texas's thirty-six seats in the United States House of Representatives; the other sets the boundaries for 150 districts in the Texas House of Representatives.

2. Several appellees filed complaints challenging both the Congressional and the Texas House apportionments. Other appellees, however, challenged only one or the other of the plans. After the preliminary stages of this litigation, the three-judge court treated the two plans separately. It conducted two lengthy separate trials for each plan, one set of trials for each plan in 2014 and a second set of trials in 2017. It issued a separate series of findings and opinions with respect to each plan. Ultimately, in one set of findings and opinions, the court held that two of the Congressional districts violated federal law. In a separate set of findings and opinions, the court also held that eight of the Texas House districts violated federal law.

3. The three-judge court's resolution of the challenges to the two plans required hundreds of different findings of fact with respect to districts in different parts of the State.<sup>2</sup> The legal bases for the court's invalidation of the two Texas Congressional districts overlap only partially with those for its invalidation of the eight Texas House districts. Little about the facts applicable to one of the redistricting plans is likely to help illuminate the facts applicable to the other. Indeed, the greatest legal overlap

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<sup>2</sup> The three-judge court issued 490 pages of factual findings in the Congressional case, which formed the basis of its 116-page opinion. Its determination of the House case was based on 309 pages of factual findings and a separate 84-page opinion.

concerns the question whether this Court has jurisdiction to review the three-judge court's decisions.

4. In light of these differences, appellees believe that the Court's understanding of the two cases would be best served by hearing argument from one attorney with respect to the issues in the Congressional case and from a different attorney with respect to the issues in the Texas House case.

5. Given the complexity of the issues, appellees also urge the Court to permit each side forty minutes of argument time. When combined with the request for divided argument, the effect of allowing such an enlargement of time would be to allot a total of twenty minutes for appellees to present argument regarding the legality of the Congressional districts and twenty minutes for appellees to present argument regarding the legality of the Texas House districts.

### **CONCLUSION**

The appellees respectfully request that the Court grant both their motion for divided argument and their motion for an enlargement of time for oral argument.

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