

APPEAL

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Laredo)
CIVIL DOCKET FOR CASE #: 5:20-cv-00128**

Texas Alliance for Retired Americans et al v. Hughs
Assigned to: Judge Marina Garcia Marmolejo
Referred to: Magistrate Judge Christopher dos Santos
Related Case: 5:20-cv-00035
Cause: 42:1983 Civil Rights Act

Date Filed: 08/12/2020
Jury Demand: None
Nature of Suit: 441 Civil Rights: Voting
Jurisdiction: Federal Question

Plaintiff

Texas Alliance for Retired Americans

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V.

Defendant

Ruth Hughs
*in her official capacity as the Texas
Secretary of State*

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Date Filed	#	Docket Text
08/12/2020	<u>1</u>	COMPLAINT against Ruth Hughs (Filing fee \$ 400 receipt number 0541-25054762) filed by DCCC, Sylvia Bruni, DSCC, Texas Alliance for Retired Americans. (Attachments: # <u>1</u> Exhibit 1 - Declaration of John Oldham, # <u>2</u> Exhibit 2 - Declaration of Dr. Muer Yang, # <u>3</u> Exhibit 3 - Declaration of Dr. Catherine Troisi, # <u>4</u> Exhibit 4 - Declaration of Dr. Allan Lichtman, # <u>5</u> Exhibit 5 - Declaration of Maxwell Palmer, PhD, # <u>6</u> Civil Cover Sheet)(Howton, Skyler) (Entered: 08/12/2020)
08/12/2020	<u>2</u>	Request for Issuance of Summons as to Ruth Hughs, filed.(Howton, Skyler) (Entered: 08/12/2020)
08/12/2020	<u>3</u>	CORPORATE DISCLOSURE STATEMENT by Sylvia Bruni, DCCC, DSCC, Texas Alliance for Retired Americans, filed.(Howton, Skyler) (Entered: 08/12/2020)
08/12/2020	<u>4</u>	MOTION for Leave to File Excess Pages by Sylvia Bruni, DCCC, DSCC, Texas Alliance for Retired Americans, filed. Motion Docket Date 9/2/2020. (Attachments: # <u>1</u> Proposed Order)(Howton, Skyler) (Entered: 08/12/2020)
08/12/2020	<u>5</u>	MOTION for Preliminary Injunction by Sylvia Bruni, DCCC, DSCC, Texas Alliance for Retired Americans, filed. Motion Docket Date 9/2/2020. (Attachments: # <u>1</u> Proposed Order)(Howton, Skyler) (Entered: 08/12/2020)
08/12/2020	<u>6</u>	MEMORANDUM in Support re: <u>5</u> MOTION for Preliminary Injunction by Sylvia Bruni, DCCC, DSCC, Texas Alliance for Retired Americans, filed. (Attachments: # <u>1</u> Appendix I to Memo in Support of Motion for Preliminary Injunction, # <u>2</u> Appendix II

		to Memo in Support of Motion for Preliminary Injunction, # <u>3</u> Appendix III to Memo in Support of Motion for Preliminary Injunction, # <u>4</u> Appendix IV to Memo in Support of Motion for Preliminary Injunction, # <u>5</u> Appendix V to Memo in Support of Motion for Preliminary Injunction, # <u>6</u> Appendix VI to Memo in Support of Motion for Preliminary Injunction, # <u>7</u> Appendix VII to Memo in Support of Motion for Preliminary Injunction, # <u>8</u> Appendix VIII to Memo in Support of Motion for Preliminary Injunction, # <u>9</u> Appendix IX to Memo in Support of Motion for Preliminary Injunction, # <u>10</u> Appendix X to Memo in Support of Motion for Preliminary Injunction, # <u>11</u> Appendix XI to Memo in Support of Motion for Preliminary Injunction, # <u>12</u> Appendix XII to Memo in Support of Motion for Preliminary Injunction, # <u>13</u> Appendix XIII to Memo in Support of Motion for Preliminary Injunction, # <u>14</u> Appendix XIV to Memo in Support of Motion for Preliminary Injunction, # <u>15</u> Appendix XV to Memo in Support of Motion for Preliminary Injunction)(Howton, Skyler) (Entered: 08/12/2020)
08/13/2020		Summons Issued as to Ruth Hughs. Issued summons delivered to plaintiff by First-class mail, filed.(dmorales, 5) (Entered: 08/13/2020)
08/13/2020	<u>7</u>	ORDER Granting <u>4</u> MOTION for Leave to File Excess Pages. It is so ORDERED. (Signed by Judge Marina Garcia Marmolejo) Parties notified.(mmarquez, 5) (Entered: 08/13/2020)
08/13/2020	<u>8</u>	ORDER, Given that Plaintiffs Motion for Preliminary Injunction is time-sensitive they ask the Court for an injunction to occur before the November 2020 election the Court hereby ORDERS Plaintiffs to file an Advisory as soon as possible to apprise the Court of the status of service of process on Defendant. (Signed by Judge Marina Garcia Marmolejo) Parties notified.(atreveno, 5) Modified on 8/13/2020 (atreveno, 5). (Entered: 08/13/2020)
08/13/2020	<u>9</u>	MOTION for Marc Elias to Appear Pro Hac ViceMotions referred to John A Kazen. by Sylvia Bruni, DCCC, DSCC, Texas Alliance for Retired Americans, filed. Motion Docket Date 9/3/2020. (Attachments: # <u>1</u> Attachment A)(Elias, Marc) (Entered: 08/13/2020)
08/13/2020	<u>10</u>	MOTION for Lalitha Madduri to Appear Pro Hac ViceMotions referred to John A Kazen. by Sylvia Bruni, DCCC, DSCC, Texas Alliance for Retired Americans, filed. Motion Docket Date 9/3/2020. (Attachments: # <u>1</u> Attachment A)(Madduri, Lalitha) (Entered: 08/13/2020)
08/13/2020	<u>11</u>	MOTION for Bruce V. Spiva to Appear Pro Hac ViceMotions referred to John A Kazen. by Sylvia Bruni, DCCC, DSCC, Texas Alliance for Retired Americans, filed. Motion Docket Date 9/3/2020. (Attachments: # <u>1</u> Attachment A)(Spiva, Bruce) (Entered: 08/13/2020)
08/13/2020	<u>12</u>	MOTION for Daniel Osher to Appear Pro Hac ViceMotions referred to John A Kazen. by Sylvia Bruni, DCCC, DSCC, Texas Alliance for Retired Americans, filed. Motion Docket Date 9/3/2020. (Attachments: # <u>1</u> Attachment A)(Osher, Daniel) (Entered: 08/13/2020)
08/13/2020	<u>13</u>	MOTION for Emily Brailey to Appear Pro Hac ViceMotions referred to John A Kazen. by Sylvia Bruni, DCCC, DSCC, Texas Alliance for Retired Americans, filed. Motion Docket Date 9/3/2020. (Attachments: # <u>1</u> Attachment A)(Brailey, Emily) (Entered: 08/13/2020)
08/13/2020	<u>14</u>	ORDER OF RECUSAL. Magistrate Judge John A. Kazen hereby recuses himself in this case. Case reassigned to Magistrate Judge Diana Song Quiroga. (Signed by Magistrate Judge John A Kazen) Parties notified. (JessicaGRodriguez, 5) (Entered: 08/13/2020)
08/13/2020	<u>15</u>	ADVISORY by Sylvia Bruni, DCCC, DSCC, Texas Alliance for Retired Americans, filed.(Spiva, Bruce) (Entered: 08/13/2020)
08/18/2020	<u>16</u>	RETURN of Service of SUMMONS Executed as to Ruth Hughs served on 8/18/2020, answer due 9/8/2020, filed.(Howton, Skyler) (Entered: 08/18/2020)
08/19/2020	<u>17</u>	ORDER. Plaintiffs have filed a Motion for Preliminary Injunction (Dkt. No. 5).Defendant is ORDERED to respond to the motion by September 2, 2020. Plaintiffs may file a reply by September 7, 2020. (Signed by Judge Marina Garcia

		Marmolejo) Parties notified.(ehernandez, 5) (Entered: 08/19/2020)
08/19/2020	<u>18</u>	ORDER granting <u>9</u> Motion for Marc E. Elias to Appear Pro Hac Vice.(Signed by Judge Marina Garcia Marmolejo) Parties notified.(ehernandez, 5) (Entered: 08/19/2020)
08/19/2020	<u>19</u>	ORDER granting <u>11</u> Motion for Bruce V. Spiva to Appear Pro Hac Vice.(Signed by Judge Marina Garcia Marmolejo) Parties notified.(ehernandez, 5) (Entered: 08/19/2020)
08/19/2020	<u>20</u>	ORDER granting <u>12</u> Motion for Daniel Osher to Appear Pro Hac Vice.(Signed by Judge Marina Garcia Marmolejo) Parties notified.(ehernandez, 5) (Entered: 08/19/2020)
08/19/2020	<u>21</u>	ORDER granting <u>13</u> Motion for Emily Brailey to Appear Pro Hac Vice.(Signed by Judge Marina Garcia Marmolejo) Parties notified.(ehernandez, 5) (Entered: 08/19/2020)
08/19/2020	<u>22</u>	ORDER granting <u>10</u> Motion for Lalitha D. Madduri to Appear Pro Hac Vice.(Signed by Judge Marina Garcia Marmolejo) Parties notified.(ehernandez, 5) (Entered: 08/19/2020)
08/31/2020	<u>23</u>	NOTICE of Appearance by Todd Lawrence Disher on behalf of Ruth Hughs, filed. (Disher, Todd) (Entered: 08/31/2020)
08/31/2020	<u>24</u>	NOTICE of Appearance by William T. Thompson on behalf of Ruth Hughs, filed. (Thompson, William) (Entered: 08/31/2020)
08/31/2020	<u>25</u>	Unopposed MOTION for Leave to File Excess PagesMotions referred to Diana Song Quiroga. by Ruth Hughs, filed. Motion Docket Date 9/21/2020. (Attachments: # <u>1</u> Proposed Order)(Disher, Todd) (Entered: 08/31/2020)
08/31/2020	<u>26</u>	MOTION to Dismiss <u>1</u> Complaint, by Ruth Hughs, filed. Motion Docket Date 9/21/2020. (Attachments: # <u>1</u> Proposed Order)(Disher, Todd) (Entered: 08/31/2020)
09/02/2020	<u>27</u>	MOTION to Strike <i>Expert Declaration and Testimony of Dr. Allan Lichtman</i> Motions referred to Diana Song Quiroga. by Ruth Hughs, filed. Motion Docket Date 9/23/2020. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Proposed Order)(Disher, Todd) (Entered: 09/02/2020)
09/02/2020	<u>28</u>	MOTION for Leave to File Excess PagesMotions referred to Diana Song Quiroga. by Ruth Hughs, filed. Motion Docket Date 9/23/2020. (Attachments: # <u>1</u> Proposed Order)(Disher, Todd) (Entered: 09/02/2020)
09/02/2020	<u>29</u>	RESPONSE in Opposition to <u>5</u> MOTION for Preliminary Injunction, filed by Ruth Hughs. (Attachments: # <u>1</u> Proposed Order)(Disher, Todd) (Entered: 09/02/2020)
09/02/2020	<u>30</u>	APPENDIX re: <u>29</u> Response in Opposition to Motion by Ruth Hughs, filed. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28)(Disher, Todd) (Entered: 09/02/2020)
09/03/2020	<u>31</u>	NOTICE of Filing of Correction to Exhibit 4 of Appendix in Support re: <u>29</u> Response in Opposition to Motion by Ruth Hughs, filed. (Attachments: # <u>1</u> Corrected Exhibit 4, Part I of Appendix in Support, # <u>2</u> Corrected Exhibit 4, Part II of Appendix in Support)(Disher, Todd) (Entered: 09/03/2020)
09/07/2020	<u>32</u>	MOTION for Leave to File Excess PagesMotions referred to Diana Song Quiroga. by Sylvia Bruni, DCCC, DSCC, Texas Alliance for Retired Americans, filed. Motion Docket Date 9/28/2020. (Attachments: # <u>1</u> Proposed Order)(Howton, Skyler) (Entered: 09/07/2020)
09/07/2020	<u>33</u>	RESPONSE in Opposition to <u>26</u> MOTION to Dismiss <u>1</u> Complaint, , filed by Sylvia Bruni, DCCC, DSCC, Texas Alliance for Retired Americans. (Attachments: # <u>1</u> Appendix I to Plaintiffs' Response in Opposition to Defendant's Motion to Dismiss)(Howton, Skyler) (Entered: 09/07/2020)

09/07/2020	<u>34</u>	REPLY in Support of <u>5</u> MOTION for Preliminary Injunction, filed by Sylvia Bruni, DCCC, DSCC, Texas Alliance for Retired Americans. (Attachments: # <u>1</u> Appendix I – to Plaintiffs' Reply in Support of Plaintiffs' Motion for Preliminary Injunction, # <u>2</u> Appendix II – to Plaintiffs' Reply in Support of Plaintiffs' Motion for Preliminary Injunction)(Howton, Skyler) (Entered: 09/07/2020)
09/08/2020	<u>35</u>	RESPONSE in Opposition to <u>27</u> MOTION to Strike <i>Expert Declaration and Testimony of Dr. Allan Lichtman</i> , filed by Sylvia Bruni, DCCC, DSCC, Texas Alliance for Retired Americans. (Attachments: # <u>1</u> Exhibit Lichtman Deposition Transcript)(Howton, Skyler) (Entered: 09/08/2020)
09/11/2020	<u>36</u>	ORDER granting <u>25</u> <u>28</u> <u>32</u> Motions for Leave to File Excess Pages.(Signed by Judge Marina Garcia Marmolejo) Parties notified.(dmorales, 5) (Entered: 09/11/2020)
09/14/2020	<u>37</u>	NOTICE of Supplemental Authority by Sylvia Bruni, DCCC, DSCC, Texas Alliance for Retired Americans, filed. (Howton, Skyler) (Entered: 09/14/2020)
09/14/2020	<u>38</u>	REPLY in Support of <u>26</u> MOTION to Dismiss <u>1</u> Complaint, , filed by Ruth Hughs. (Attachments: # <u>1</u> Exhibit A)(Disher, Todd) (Entered: 09/14/2020)
09/14/2020	<u>39</u>	MOTION to Strike <i>Declaration of Dan Wallach or, in the Alternative, for Leave to File a Sur-Reply</i> Motions referred to Diana Song Quiroga. by Ruth Hughs, filed. Motion Docket Date 10/5/2020. (Attachments: # <u>1</u> Proposed Order)(Disher, Todd) (Entered: 09/14/2020)
09/16/2020	<u>40</u>	RESPONSE in Opposition to <u>39</u> MOTION to Strike <i>Declaration of Dan Wallach or, in the Alternative, for Leave to File a Sur-Reply</i> , filed by Sylvia Bruni, DCCC, DSCC, Texas Alliance for Retired Americans. (Howton, Skyler) (Entered: 09/16/2020)
09/23/2020	<u>41</u>	REPLY in Support of <u>39</u> MOTION to Strike <i>Declaration of Dan Wallach or, in the Alternative, for Leave to File a Sur-Reply</i> , filed by Ruth Hughs. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Disher, Todd) (Entered: 09/23/2020)
09/25/2020	<u>42</u>	ORDER denying Defendant's <u>27</u> Motion to Strike Dr. Lichtman's declaration and any future testimony.(Signed by Judge Marina Garcia Marmolejo) Parties notified.(dmorales, 5) (Entered: 09/25/2020)
09/25/2020	<u>43</u>	MEMORANDUM AND ORDER granting in part and denying in part Defendant's <u>26</u> MOTION to Dismiss; denying <u>39</u> MOTION to Strike the Declaration of Dan Wallach; granting Plaintiff's <u>5</u> Request for Preliminary Injunction. (Signed by Judge Marina Garcia Marmolejo) Parties notified.(dmorales, 5) (Entered: 09/25/2020)
09/26/2020	<u>44</u>	NOTICE OF APPEAL to US Court of Appeals for the Fifth Circuit re: <u>43</u> Memorandum and Order, by Ruth Hughs (Filing fee \$ 505, receipt number 0541-25264681), filed.(Disher, Todd) (Entered: 09/26/2020)
09/26/2020	<u>45</u>	Opposed MOTION to Stay <i>Preliminary Injunction</i> Motions referred to Christopher dos Santos. by Ruth Hughs, filed. Motion Docket Date 10/19/2020. (Attachments: # <u>1</u> Exhibit Bexar Co. Declaration, # <u>2</u> Exhibit Hays Co. Declaration, # <u>3</u> Exhibit Tarrant Co. Declaration, # <u>4</u> Exhibit Collin Co. Declaration, # <u>5</u> Proposed Order)(Disher, Todd) (Entered: 09/26/2020)
09/26/2020	<u>46</u>	Clerks Notice of Filing of an Appeal. The following Notice of Appeal and related motions are pending in the District Court: <u>44</u> Notice of Appeal. Fee status: Paid. Reporter(s): No Hearing Held, filed. (Attachments: # <u>1</u> Notice of Appeal, # <u>2</u> Memorandum and Order, # <u>3</u> Docket Sheet) (dmorales, 5) (Entered: 09/28/2020)
09/28/2020	<u>47</u>	RESPONSE in Opposition to <u>45</u> Opposed MOTION to Stay <i>Preliminary Injunction</i> , filed by Sylvia Bruni, DCCC, DSCC, Texas Alliance for Retired Americans. (Howton, Skyler) (Entered: 09/28/2020)
09/28/2020		Notice of Assignment of USCA No. 20-40643 re: <u>44</u> Notice of Appeal, filed.(dmorales, 5) (Entered: 09/28/2020)
10/01/2020		Electronic record on appeal certified to the Fifth Circuit Court of Appeals re: <u>44</u> Notice of Appeal USCA No. 20-40643, filed.(dmorales, 5) (Entered: 10/01/2020)

10/01/2020		Electronic Access to Record on Appeal Provided re: <u>44</u> Notice of Appeal to counsel for appellant and appellee. Attorneys of record at the Circuit may <u>download the record from the Court of Appeals</u> . (USCA No. 20-40643), filed.(dmorales, 5) (Entered: 10/01/2020)
10/23/2020	<u>48</u>	Opposed MOTION for Clarification Motions referred to Christopher dos Santos. by Sylvia Bruni, DCCC, DSCC, Texas Alliance for Retired Americans, filed. Motion Docket Date 11/13/2020. (Attachments: # <u>1</u> Proposed Order)(Howton, Skyler) (Entered: 10/23/2020)
10/26/2020	<u>49</u>	ORDER granting <u>48</u> Motion for Clarification. Plaintiffs have filed an opposed Motion for Clarification, asking that this Court clarify the scope of its order granting Plaintiffs request for a preliminary injunction (Dkt. No. 48). The Court hereby GRANTS the motion and clarifies that the preliminary injunction entered on September 25, 2020 (Dkt. No. <u>43</u>) applies only to in-person voting during the November 2020 general election.(Signed by Judge Marina Garcia Marmolejo) Parties notified.(sgonzalez, 5) (Entered: 10/26/2020)
11/03/2020	<u>50</u>	ADVISORY by Ruth Hughs, filed. (Attachments: # <u>1</u> Exhibit Fifth Circuit Order (No. 20-50774))(Disher, Todd) (Entered: 11/03/2020)