

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

SHANNON PEREZ, ET AL,

Plaintiffs,

v.

RICK PERRY, ET AL.

Defendant.

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Civ. No. SA-11-CV-360-OLG-JES-XR

ORDER

Defendants the State of Texas and Secretary of State Nandita Berry have filed a “Motion for Reconsideration by the Three-Judge Court” of the three-judge order of May 6, 2014, granting in part the “United States’ Motion To Compel the Production of Legislative Documents.” The motion for reconsideration raises legitimate and complex issues that do not need to be addressed in order for this Court to resolve the current discovery dispute. The Court, however, concludes, after due consideration, that the motion should be and is hereby denied.

The order complained of employs the “practical ability” test, though the viability of that concept is subject to future refinement by the Fifth Circuit and other courts. The application of that test in this Voting Rights Act litigation should not be, and is not, determinative of precisely what entities and persons are parties or of what precisely constitutes the “State of Texas”

