

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

CITY OF EL CENIZO, et al.,

Plaintiffs,

v.

STATE OF TEXAS, et al.,

Defendants.

No. 5:17-cv-404-OG
[Lead Case]

EL PASO COUNTY, et al.,

Plaintiffs,

v.

STATE OF TEXAS, et al.,

Defendants.

No. 5:17-cv-459-OG
[Consolidated Case]

CITY OF SAN ANTONIO, et al.,

Plaintiffs,

v.

STATE OF TEXAS, et al.,

Defendants.

No. 5:17-cv-489-OG
[Consolidated Case]

**DEFENDANTS' MOTION TO
DISMISS OR TRANSFER THE
CONSOLIDATED CASES**

Defendants, by and through the Attorney General of Texas, and pursuant to Federal Rules of Civil Procedure 7 and 12(b)(3), and 28 U.S.C. §§ 1404 and 1406, move this Court to dismiss or transfer these proceedings for consolidation with an identical matter pending in this Court's Austin Division, *Texas v. Travis County, Texas, et al.*, No. 1:17-cv-425-SS. In support of this Motion, Texas relies on the following contemporaneously filed documents:

1. Memorandum of Law in Support of Defendants' Motion to Dismiss or Transfer the Consolidated Cases; and
2. [Proposed] Order Granting Defendants' Motion to Dismiss or Transfer the Consolidated Cases.

For the reasons stated in this Motion and accompanying documents, Defendants respectfully requests that the Court grant this motion, and dismiss this action for improper venue, or transfer it to the Austin Division for consolidation with Case No. 1:17-cv-425-SS.

Respectfully submitted this the 8th day of June, 2017.

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ATTORNEYS FOR TEXAS

CERTIFICATE OF CONFERENCE

Counsel for Defendants sought conference via email on June 8, 2017 with counsel for Plaintiffs. As of the time of filing, counsel for the City of San Antonio, *El Cenizo* plaintiffs, and El Paso County et al. responded that they oppose the motion.

/s/ Darren McCarty
DARREN MCCARTY

CERTIFICATE OF SERVICE

I, Darren McCarty, hereby certify that on this the 8th day of June, 2017, a true and correct copy of the foregoing document was transmitted using the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record.

/s/ Darren McCarty
DARREN MCCARTY