

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

VIRGINIA ELIZONDO,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
vs.	§	Civil Action No. 4:21-cv-01997
	§	
SPRING BRANCH INDEPENDENT	§	
SCHOOL DISTRICT, CHRIS GONZALES,	§	
PAM GOODSON, KAREN PECK, JOSEF	§	
D. KLAM, MINDA CAESAR, CHRIS	§	
EARNEST, J. CARTER BREED, in their	§	
Official capacity as members of the Board	§	
of Trustees of Spring Branch ISD	§	
	§	
<i>Defendants.</i>	§	

**MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF**

COMES NOW Senator Paul Bettencourt and State Board of Education Member Will Hickman by and through their Attorney of Record, Gary M. Polland and respectfully moves this Court for leave to file an *amicus curiae* brief in opposition to Plaintiff’s Motion for Preliminary Injunction and in response to Defendant SBISD’s Response to Plaintiff’s Motion for Preliminary Injunction. State Senator Paul Bettencourt represents District 7 in the Texas State Senate. A large portion of Spring Branch Independent School District (“SBISD”) is included in State Senate District 7. State Board of Education Member Will Hickman represents District 6 which includes all of SBISD.

Senator Bettencourt and Member Will Hickman believe that their brief may be of assistance to the Court because it outlines the constituent concerns of the residents of SBISD.

Accordingly, Senator Bettencourt and Member Hickman respectfully request that this Court grant their motion for leave to file the accompanying brief and consider their arguments made therein during its deliberations.

Dated: February 28, 2022.

Respectfully submitted,

By: /s/Gary M. Polland

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**ATTORNEY FOR PAUL BETTENCOURT  
AND WILL HICKMAN**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for Leave to File *Amicus Curiae* Brief was delivered to all counsel of record, via CM/ECF on or before February 28, 2022, in accordance with the Federal Rules of Civil Procedure.

By: /s/Gary M. Polland

Gary M. Polland

# **EXHIBIT A**



The May 7, 2022 election has already begun and deadline for filing to be a candidate has already passed. Yet, plaintiff Elizondo has filed a motion to delay the SBISD May 7, 2022 and the Defendant SBISD has responded that they do not oppose a delay of the May 7, 2022 election. State Senator Bettencourt and Will Hickman do not support Plaintiff's motion to delay the election or Defendant SBISD's failure to oppose the delay of the May 7, 2022 election.

*Amicus Curiae*, Jenny Morace, has filed a Response to Plaintiff's Motion for Preliminary Injunction and Reply to Defendant SBISD's Response to Plaintiff's Motion for Preliminary Injunction on February 16, 2022. Senator Bettencourt and Will Hickman are in agreement with and in support of her argument that the Plaintiff's request to postpone the election should be rejected.

The Plaintiff was well aware of the scheduled election for May 7, 2022 and did not request postponement of the election until after candidates had already filed for the election, after the deadline to file. The election process has already begun. To delay the election does a huge disservice to the residents of SBISD by denying them the right to choose their representatives in a timely manner. It is also a disservice to the candidates who have already begun their campaigns, invested time, money and effort in preparation for the May 7<sup>th</sup> election date. The candidates have already attended events, reached out to voters and are very engaged in their campaigns.

Additionally, delaying the election creates confusion for voters and candidates and generates a lack of confidence in the election process.

The SBISD Board did not discuss the delay of the election publicly at its board meeting. The public was not given the opportunity to discuss the matter of delaying the election at any SBISD Board meeting. An overwhelming number of residents have expressed outside of the

SBISD Board meetings that they are not in favor of delaying the May 7, 2022 election and would have stated their opinion had they been given the opportunity.

State Senator Bettencourt and Will Hickman would like to second the significant point made in Ms. Morace's response that the election has already begun and "postponement of an election that has already begun is an impermissible intrusion into the political process. " *Amicus Curiae Jenny Morace's Response to Plaintiff's Motion for Preliminary Injunction*. p. 13.

State Senator Bettencourt and State Board of Education member Hickman respectfully request the Court to consider the arguments presented herein and by *Amicus Curiae* Jenny Morace and deny Plaintiff's request to delay the May 7, 2022 election.

Dated: February 28, 2022.

Respectfully submitted,

By: /s/Gary M. Polland  
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AND WILL HICKMAN**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing *Amicus Curiae* Brief Submitted on Behalf of State Senator Paul Bettencourt and State Board of Education Member Will Hickman was delivered to all counsel of record, via CM/ECF on or before February 28, 2022, in accordance with the Federal Rules of Civil Procedure.

By: /s/Gary M. Polland  
Gary M. Polland