

APPENDIX

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CHIP HUNT; REPUBLICAN PARTY OF
TEXAS,

Plaintiffs,

v.

Civil Action No. 2:25-cv-200

STATE OF TEXAS; ROBERT S. HOWDEN,
in his official capacity as Texas
Secretary of State,

Defendants.

DECLARATION OF MARK M. ROTHROCK IN SUPPORT OF PLAINTIFFS'
MOTION FOR LEAVE TO FILE SUPPLEMENTAL COMPLAINT

I, Mark Rothrock, hereby declare as follows:

1. Attached hereto as **Exhibit 1** is a true and correct copy in PDF format of an email sent by counsel for the Secretary of State to counsel for Plaintiffs on July 7, 2026.

I declare under penalty of perjury that the foregoing is true and correct. *See* 28 U.S.C. § 1746.

Executed on September 9, 2026, in Raleigh, North Carolina.

/s/ Mark M. Rothrock

Mark M. Rothrock*

NC Bar No. 56747

Lehotsky Cohn LLP

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Raleigh, NC 27615

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mark@lehotskycohn.com

**Admitted pro hac vice*

Attorney for Plaintiffs

Exhibit 1

Wednesday, September 9, 2026 at 10:20:31 AM Eastern Daylight Time

Subject: RE: Hunt v. Texas -- Supplemental Briefing
Date: Tuesday, July 7, 2026 at 12:36:37 PM Eastern Daylight Time
From: Philip Hammersley
To: Will Thompson, Mark Rothrock, Ryan Kercher, wade.johnson@oag.texas.gov
CC: James Xi

The Secretary agrees that ratification of Rule 46 has overtaken the ripeness arguments insofar as they are predicated on the absence of a permanent closed-primary rule. Although we agree that there are currently no longer any Article III standing problems based on the Convention's failure to adopt a closed primary rule, standing is measured based on the state of the world when the complaint was filed. "The party invoking the jurisdiction of the court cannot rely on events that unfolded after the filing of the complaint to establish its standing." *Kitty Hawk Aircargo, Inc. v. Chao*, 148 F.3d 453, 460 (5th Cir. 2005). For that reason, the Secretary's position is that the proper course of action is for the Party to amend its complaint. If you could send a draft brief by the end of the day or early tomorrow morning, that would be great. I'm happy to jump on a call to discuss further.

From: Will Thompson <will@lehotskycohn.com>
Sent: Tuesday, July 7, 2026 11:50 AM
To: Philip Hammersley <Philip.Hammersley@clementmurphy.com>; Mark Rothrock <mark@lehotskycohn.com>; Ryan Kercher <ryan.kercher@oag.texas.gov>; wade.johnson@oag.texas.gov
Cc: James Xi <james.xi@clementmurphy.com>
Subject: RE: Hunt v. Texas -- Supplemental Briefing

To confirm, I've been told that Rule 46 was adopted by the full convention without modifications compared to the version from the June 15, 2025 meeting. If it's helpful, you can look at the publicly available rules committee report here: <https://convention.texasgop.org/wp-content/themes/hub-child/documents/convention-2026/2026-permanent-committee-report-full.pdf>

Best,
Will

Will Thompson | [LEHOTSKY COHN](#) | 210.286.0806

From: Philip Hammersley <Philip.Hammersley@clementmurphy.com>
Sent: Tuesday, July 7, 2026 10:02 AM
To: Will Thompson <will@lehotskycohn.com>; Mark Rothrock <mark@lehotskycohn.com>; Ryan Kercher <ryan.kercher@oag.texas.gov>; wade.johnson@oag.texas.gov
Cc: James Xi <james.xi@clementmurphy.com>
Subject: RE: Hunt v. Texas -- Supplemental Briefing

Thanks, Will. I am talking to my client this morning. Not to split hairs, but did you receive word from your client confirming that Rule 46 was adopted by the full convention? I want to

be clear with the Secretary about what information we have at this time. Are you aware of any modifications to the language of Rule 46 from the temporary rule promulgated last year?

From: Will Thompson <will@lehotskycohn.com>
Sent: Tuesday, July 7, 2026 10:58 AM
To: Philip Hammersley <Philip.Hammersley@clementmurphy.com>; Mark Rothrock <mark@lehotskycohn.com>; Ryan Kercher <ryan.kercher@oag.texas.gov>; wade.johnson@oag.texas.gov
Cc: James Xi <james.xi@clementmurphy.com>
Subject: Re: Hunt v. Texas -- Supplemental Briefing

Philip,

Our position is that the convention ratified Rule 46 and that this should resolve the standing and ripeness issues the Secretary raised. If I can get the official document before tomorrow, I'd be happy to include it in the filing. If not, we can file it with the court as soon as it becomes available.

Will the Secretary withdraw her standing and ripeness arguments that were based on the convention having not yet happened?

Thanks,
Will

Will Thompson | [Lehotsky Cohn](#) | 210.286.0806

From: Philip Hammersley <Philip.Hammersley@clementmurphy.com>
Sent: Tuesday, July 7, 2026 7:13 AM
To: Will Thompson <will@lehotskycohn.com>; Mark Rothrock <mark@lehotskycohn.com>; Ryan Kercher <ryan.kercher@oag.texas.gov>; wade.johnson@oag.texas.gov <wade.johnson@oag.texas.gov>
Cc: James Xi <james.xi@clementmurphy.com>
Subject: RE: Hunt v. Texas -- Supplemental Briefing

Hi Will,

Just checking in with you because our brief is due tomorrow. Any word from the client?

Philip

From: Philip Hammersley
Sent: Saturday, July 4, 2026 10:52 AM
To: Will Thompson <will@lehotskycohn.com>; Mark Rothrock <mark@lehotskycohn.com>; Ryan Kercher <ryan.kercher@oag.texas.gov>; wade.johnson@oag.texas.gov

Cc: James Xi <james.xi@clementmurphy.com>

Subject: RE: Hunt v. Texas -- Supplemental Briefing

Thanks, Will. Please let me know once you get official confirmation from your client. It is not exactly clear to me from that video what the rules report is or what is being adopted. I understand that the Party is required by law to submit its updated rules to the SOS, but the deadline for that appears to be after our brief is due. So it would be helpful to have confirmation from the Party in writing about what happened at the convention and what the permanent rule is.

From: Will Thompson <will@lehotskycohn.com>

Sent: Saturday, July 4, 2026 10:40 AM

To: Philip Hammersley <Philip.Hammersley@clementmurphy.com>; Mark Rothrock

<mark@lehotskycohn.com>; Ryan Kercher <ryan.kercher@oag.texas.gov>; wade.johnson@oag.texas.gov

Cc: James Xi <james.xi@clementmurphy.com>

Subject: RE: Hunt v. Texas -- Supplemental Briefing

Philip,

Thanks for the call yesterday. My understanding is that Rule 46 was ratified by the convention. I don't yet have the official paperwork, but this YouTube link (<https://www.youtube.com/watch?v=8NicFVdrku0>) should take you to a video of the convention proceedings on June 12, 2026. At the very end of the video (the last forty-five seconds or so), you can see the vote to approve the rules. I also understand that the party will be filing a certified copy of the rules with the Secretary of State in keeping with its usual practice. When I hear that has been filed, I'll let you know. I look forward to hearing the Secretary's position on the relevance of the ratification.

I hope you're having a good Independence Day.

Best,
Will

Will Thompson | [Lehotsky Cohn](#) | 210.286.0806

From: Philip Hammersley <Philip.Hammersley@clementmurphy.com>

Sent: Thursday, July 2, 2026 1:49 PM

To: Will Thompson <will@lehotskycohn.com>; Mark Rothrock <mark@lehotskycohn.com>; Ryan Kercher <ryan.kercher@oag.texas.gov>; wade.johnson@oag.texas.gov

Cc: James Xi <james.xi@clementmurphy.com>

Subject: RE: Hunt v. Texas -- Supplemental Briefing

Thanks. That is fine with me, though we will need the state to weigh in at some point I think. And sounds good. Do you know whether Rule 46 was ratified by the convention?

From: Will Thompson <will@lehotskycohn.com>

Sent: Thursday, July 2, 2026 2:46 PM

To: Philip Hammersley <Philip.Hammersley@clementmurphy.com>; Mark Rothrock <mark@lehotskycohn.com>; Ryan Kercher <ryan.kercher@oag.texas.gov>; wade.johnson@oag.texas.gov
Cc: James Xi <james.xi@clementmurphy.com>
Subject: RE: Hunt v. Texas -- Supplemental Briefing

Philip,

I'm happy to talk tomorrow morning. How about 10:30 eastern / 9:30 central?

I've heard that OAG is closed tomorrow, but I'm happy to proceed with the two of us for now if that would be helpful. Regarding what happened at the convention, I'm looking into what official rules documents we can get and submit to the court. I don't have them yet, but I'll get them to you as soon as I can.

Thanks,
Will

Will Thompson | [Lehotsky Keller Cohn](#) | 210.286.0806

From: Philip Hammersley <Philip.Hammersley@clementmurphy.com>
Sent: Thursday, July 2, 2026 1:32 PM
To: Will Thompson <will@lehotskycohn.com>; Mark Rothrock <mark@lehotskycohn.com>; Ryan Kercher <ryan.kercher@oag.texas.gov>; wade.johnson@oag.texas.gov
Cc: James Xi <james.xi@clementmurphy.com>
Subject: RE: Hunt v. Texas -- Supplemental Briefing

Just following up on this. I know time is short and the holiday is approaching, so let me know if there's a time when we can all discuss.

From: Philip Hammersley
Sent: Wednesday, July 1, 2026 4:36 PM
To: 'Will Thompson' <will@lehotskycohn.com>; Mark Rothrock <mark@lehotskycohn.com>; Ryan Kercher <ryan.kercher@oag.texas.gov>; wade.johnson@oag.texas.gov
Cc: James Xi <james.xi@clementmurphy.com>
Subject: RE: Hunt v. Texas -- Supplemental Briefing

I'm generally available Friday morning, from 9-12 ET. Let me know if anything in that slot works for you. In advance of the call, could you share a brief synopsis of what actions the Party took at the Convention? Since the brief is due a week from today (and Friday is technically a holiday), it might help jumpstart our discussions with our client about what effect we think those developments have on the case. Then I can be more prepared to discuss substance on Friday.

From: Will Thompson <will@lehotskycohn.com>
Sent: Wednesday, July 1, 2026 4:24 PM
To: Philip Hammersley <Philip.Hammersley@clementmurphy.com>; Mark Rothrock

<mark@lehotskycohn.com>; Ryan Kercher <ryan.kercher@oag.texas.gov>; wade.johnson@oag.texas.gov
Cc: James Xi <james.xi@clementmurphy.com>
Subject: RE: Hunt v. Texas -- Supplemental Briefing

Thanks, Philip. I'm pretty open on Friday. What times work for you?

Best,
Will

Will Thompson | [Lehotsky Keller Cohn](#) | 210.286.0806

From: Philip Hammersley <Philip.Hammersley@clementmurphy.com>
Sent: Wednesday, July 1, 2026 2:21 PM
To: Will Thompson <will@lehotskycohn.com>; Mark Rothrock <mark@lehotskycohn.com>; Ryan Kercher <ryan.kercher@oag.texas.gov>; wade.johnson@oag.texas.gov
Cc: James Xi <james.xi@clementmurphy.com>
Subject: Hunt v. Texas -- Supplemental Briefing

All—

As I'm sure you've seen, the Court has ordered the parties to submit a joint brief next week explaining what effect the TX GOP's convention has on the pending motions and arguments in this case.

It would be helpful to hear from the Party what exactly happened at the convention so that the Secretary can form an opinion about what effect, if any, those developments have for this case.

Do you have time to discuss between now and Friday?

Thanks,
Philip