

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

**JOHN ROBERT SMITH, SHIRLEY HALL,
and GENE WALKER**

PLAINTIFFS

v.

NO. 3:01-cv-855 HTW-DCB

**DELBERT HOSEMANN, Secretary of State
of Mississippi; JIM HOOD, Attorney General
for the State of Mississippi; HALEY BARBOUR,
Governor of the State of Mississippi; MISSISSIPPI
REPUBLICAN PARTY EXECUTIVE COMMITTEE;
and MISSISSIPPI DEMOCRATIC EXECUTIVE
COMMITTEE**

DEFENDANTS

and

**BEATRICE BRANCH, RIMS BARBER,
L.C. DORSEY, DAVID RULE, JAMES WOODARD,
JOSEPH P. HUDSON, and ROBERT NORVEL**

INTERVENORS

CONSOLIDATED WITH

KELVIN BUCK, ET AL.

PLAINTIFFS

v.

NO. 3:11-cv-717 HTW-LRA

HALEY BARBOUR, ET AL.

DEFENDANTS

**RESPONSE OF MISSISSIPPI REPUBLICAN PARTY
EXECUTIVE COMMITTEE IN OPPOSITION TO
MOTION FOR PRELIMINARY INJUNCTION**

The *Buck* plaintiffs in No. 3:11-cv-00717 HTW-LRA have sought a preliminary injunction from this Court which would require defendants to implement the apportionment plan attached as Exhibits E and F to their amended complaint. This Court by order entered in these consolidated actions on December 19, 2011, has already proposed a different plan for implementation by defendants. However, because this Court has invited comments from the

parties to be filed by December 22, 2011, the *Buck* plaintiffs may again seek implementation of their plan. The Mississippi Republican Party opposes that requested relief.

The amended *Buck* plan is inferior to this Court's proposal in many respects.

Although the *Buck* plaintiffs assert that their plan "has a total range of population deviation of 3 persons," Amended Complaint ¶50, Exhibit F shows that they split at least eight precincts to do it. This Court's plan achieves a total deviation of 86 people without splitting any precincts. Given this Court's factual finding concerning the confusion arising from split precincts, this Court's plan is obviously superior, notwithstanding the slightly wider population deviation.

This Court's plan splits only four counties, while the amended *Buck* plan splits nine. Jackson is the only municipality split by this Court's plan. The amended *Buck* plan appears also to split Grenada.

For these reasons, this Court should overrule the *Buck* plaintiffs' motion for a preliminary injunction and decline to order their amended plan into effect.

Respectfully submitted, this the 22nd day of December, 2011.

**MISSISSIPPI REPUBLICAN PARTY
EXECUTIVE COMMITTEE**

By: /s/Michael B. Wallace
MICHAEL B. WALLACE (MB No. 6904)
C. STEVENS SEALE (MB No. 6688)
JAMES D. FINDLEY (MB No. 103649)
WISE CARTER CHILD & CARAWAY, P.A.
Post Office Box 651
Jackson MS 39201-0651
Telephone: (601) 968-5534

CERTIFICATE OF SERVICE

I, Michael B. Wallace, do hereby certify that I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent such notification of such filing to the following:

Carroll Rhodes, Esq.
Law Offices of Carroll Rhodes
Post Office Box 588
Hazlehurst, MS 39083-0588

Deborah McDonald, Esq.
Post Office Box 2038
Natchez, MS 39120

John L. Walker, Jr., Esq.
Phillip J. Brookins, Esq.
Walker Group, PC
Post Office Box 22849
Jackson, MS 39225-2849

Ellis Turnage, Esq.
Turnage Law Office
Post Office Box 216
Cleveland, MS 38732-0216

Willie Griffin, Esq.
Bailey & Griffin
Post Office Box 189
Greenville, MS 38702-0189

Precious Martin, Esq.
Precious Martin, Sr. & Associates, PLLC
Post Office Box 373
Jackson, MS 39205-0373

Letitia Johnson, Esq.
Post Office Box 588
Hazlehurst, MS 39083-0588

Samuel L. Begley
Begley Law Firm
Post Office Box 287
Jackson, MS 39205

Stephen Lee Thomas
Jack L. Wilson
Bradley Arant Boulton Cummings, LLP
Post Office Box 1789
Jackson, MS 39215-1789

Arthur F. Jernigan, Jr.
Harris, Jernigan & Geno, PLLC
Post Office Box 3380
Ridgeland, MS 39158

John G. Jones
Jones, Funderburg, Sessums, Peterson & Lee
Post Office Box 13960
Jackson, MS 39236-3960

William Trey E. Jones, III
Brunini, Grantham, Grower & Hewes, PLLC
Post Office Drawer 119
Jackson, MS 39205-0119

Herbert Lee, Jr.
Lee & Associates
2311 West Capitol Street
Jackson, MS 39209

Robert Bruce McDuff
Robert McDuff Law Office
767 N. Congress Street
Jackson, MS 39202-3009

Hon. Jim Hood
Harold Edward Pizzetta, III
Justin L. Matheny
Office of the Attorney General
Post Office Box 220
Jackson, MS 39205-0220

Jack L. Wilson
Stephen Lee Thomas
Bradley Arant Boult Cummings LLP
Post Office Box 1789
Jackson, MS 39215-1789

This the 22nd day of December, 2012.

/s/ Michael B. Wallace
MICHAEL B. WALLACE