

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

EVAN MILLIGAN, et al.,

*Plaintiffs,*

v.

WES ALLEN, et al.,

*Defendants.*

No. 2:21-cv-01530-AMM

---

**EVIDENTIARY MATERIALS AND DECLARATION  
IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**

1. Pursuant to 28 U.S.C. § 1746, I, Deuel Ross, declare that I am over the age of 18 and competent to make this declaration.

2. I am an attorney for Plaintiffs in the above-captioned matter and submit this declaration on behalf of Plaintiffs to provide true and correct copies of evidentiary materials in support of Plaintiffs' Emergency Motion for a Temporary Restraining Order, Doc. 527, and Motion for a Preliminary Injunction, Doc. 531.

3. **Exhibit A** is a true and correct copy of the unofficial results downloaded on May 22, 2026 from the Alabama Secretary of State's website for the May 19, 2026 Alabama Primary for Baldwin, Coffee, Covington, Dale, Escambia, Geneva, Henry, and Houston Counties, which are whole counties entirely within Congressional District 1 of the Special Master Plan.

4. **Exhibit B** is a true and correct copy of the unofficial results downloaded on May 22, 2026 from the Alabama Secretary of State's website for the May 19, 2026 Alabama Primary for Autauga, Bibb, Chilton, Coosa, Elmore, and Shelby Counties, which are whole counties entirely within Congressional District 6 of the Special Master Plan.

5. **Exhibit C** is a true and correct copy of the unofficial statewide results for the May 19, 2026 Alabama Primary for Congressional Districts 1 and 6 of the Special Master Plan, as downloaded from the Alabama Secretary of State's website on May 22, 2026.

6. This data is available on the Alabama Secretary of State's website at:

<https://www2.alabamavotes.gov/electionNight/statewideResultsByContest.aspx?ecode=100129>

7. **Exhibit D** is a true and correct copy of a chart that tries to summarize the unofficial results of the May 19, 2026 Republican primary elections based on the data from Exhibits A and B for the counties and districts identified *supra* at ¶¶ 3-4.

8. **Exhibit E** is a true and correct copy of a tweet posted on May 19, 2026 by “@KatieBrittforAL”, which is the verified X.com (formerly Twitter) account of U.S. Senator Katie Britt's campaign (<https://x.com/KatieBrittforAL>).

9. Plaintiffs maintain that Exhibit E is subject to judicial notice pursuant to Federal Rule of Evidence 201. The fact that Senator Britt's verified campaign account posted this message is “not subject to reasonable dispute because” it “can

be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)–(c). For this reason, “[c]ourts nationwide have taken judicial notice of publicly accessible social media posts and other website content based on this rule.” *Fla. Immigrant Coal. v. Uthmeier*, 787 F. Supp. 3d 1323, 1331 n.4 (S.D. Fla. 2025) (collecting cases); *see also United States ex rel. Jacobs v. JP Morgan Chase Bank, N.A.*, 113 F.4th 1294, 1300 (11th Cir. 2024) (affirming an order that took judicial notice of social media posts) *Ga. Ass’n of Latino Elected Officials, Inc. v. Gwinnett Cnty. Bd. of Registrars*, 36 F.4th 1100, 1123 (11th Cir. 2022) (taking judicial notice of posts on a county’s official website). Thus, Plaintiffs respectfully request that this Court take judicial notice of Exhibit E.

10. I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 24, 2026.

/s/ Deuel Ross  
Deuel Ross

Respectfully submitted this 24th of May 2026.

/s/ Deuel Ross

Deuel Ross\*  
Victor Olofin\*  
NAACP LEGAL DEFENSE &  
EDUCATIONAL FUND, INC.  
700 14th Street N.W. Ste. 600  
Washington, DC 20005  
(202) 682-1300  
dross@naacpldf.org

Stuart Naifeh\*

Kathryn Sadasivan (ASB-517-E48T)  
Brittany Carter\*  
NAACP LEGAL DEFENSE &  
EDUCATIONAL FUND, INC.  
40 Rector Street, 5th Floor  
New York, NY 10006  
(212) 965-2200

Jessica L. Ellsworth\*  
HOGAN LOVELLS US LLP  
555 Thirteenth Street, NW  
Washington, D.C. 20004  
(202) 637-5600

David Dunn\*  
HOGAN LOVELLS US LLP  
390 Madison Avenue  
New York, NY 10017  
(212) 918-3000  
david.dunn@hoganlovells.com

Michael Turrill\*  
Harmony A. Gbe\*  
HOGAN LOVELLS US LLP  
1999 Avenue of the Stars  
Suite 1400  
Los Angeles, CA 90067

/s/ Sidney Jackson

Sidney M. Jackson (ASB-1462-K40W)  
Nicki Lawsen (ASB-2602-C00K)  
WIGGINS CHILDS PANTAZIS  
FISHER & GOLDFARB, LLC  
301 19th Street North  
Birmingham, AL 35203  
Phone: (205) 341-0498  
sjackson@wigginschilds.com  
nlawsen@wigginschilds.com

Davin M. Rosborough\*  
Theresa Lee\*  
Dayton Campbell-Harris\*  
AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION  
125 Broad St.  
New York, NY 10004  
(212) 549-2500  
drosborough@aclu.org  
dcampbell-harris@aclu.org

Alison Mollman (ASB-8397-A33C)  
Paul Rand (ASB-5595-O99N)  
AMERICAN CIVIL LIBERTIES UNION  
OF ALABAMA  
P.O. Box 6179  
Montgomery, AL 36106-0179  
(334) 265-2754

Blayne R. Thompson\*  
HOGAN LOVELLS US LLP  
609 Main St., Suite 4200  
Houston, TX 77002  
(713) 632-1400  
blayne.thompson@hoganlovells.com

(310) 785-4600  
michael.turrill@hoganlovells.com  
harmony.gbe@hoganlovells.com

***Counsel for Milligan Plaintiffs***

Janette Louard\*  
Anthony Ashton\*  
NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE (NAACP)  
4805 Mount Hope Drive  
Baltimore, MD 21215  
(410) 580-5777  
jlouard@naacpnet.org

***Counsel for Plaintiff Alabama State Conference of the NAACP***  
*\* Admitted Pro Hac Vice*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 24, 2026, a copy of the foregoing has been served on all counsel of record through the Court's CF/ECF system.

/s/ Deuel Ross  
Deuel Ross  
Counsel for Milligan Plaintiffs