Exhibit H

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA

PRESS ROBINSON., *et al.* Plaintiffs, v. KYLE ARDOIN, IN HIS OFFICIAL CAPACITY AS LOUISIANA SECRETARY OF STATE, *et al* Defendant and Intervenor-Defendants,	Case No.: 3:22-cv-00211-SDD-SDJ
AND EDWARD GALMON, SR., *et al.* Plaintiffs, v. KYLE ARDOIN, IN HIS OFFICIAL CAPACITY AS LOUISIANA SECRETARY OF STATE, *et al.* Defendant and Intervenor-Defendants,	(c/w) Case No.: 3:22-cv-00214-SDD-SDJ

INTERVENOR-DEFENDANT THE STATE OF LOUISIANA'S COMBINED OPPOSITION TO PLAINTIFFS' MOTIONS FOR PRELIMINARY INJUNCTION

Intervenor-Defendant the State of Louisiana, by and through Jeff Landry, the Attorney general of Louisiana (the "State"), files this Combined Response in Opposition to Plaintiffs' Motions for Preliminary Injunction.[1]

[1] The State will refer to Plaintiffs in the following ways: if one set of Plaintiffs only, then "*Galmon*" or "*Robinson*" Plaintiffs; together it will be "Plaintiffs." Any reference to the pre-consolidation dockets will reference the specific case name with the corresponding ECF number.

INTRODUCTION

The legislative process is a machine with many moving parts. The passage of a law is not something that happens in a few weeks. Needless to say, there is give and take from both sides of the aisle as a bill passes through various committees, both legislative chambers, and the executive branch. This elaborate political process is how the Louisiana State Legislature passed HB1, the bill that determined the boundaries for Louisiana's six congressional districts. However, despite new elections being just around the corner, Plaintiffs ask this Court to override the months-long deliberative legislative process and require that new congressional boundaries be drawn. Instead of months of bicameral hearings and careful deliberation by the elected representatives of the people, Plaintiffs want this matter to be decided by a single judge in a matter of weeks.

A rushed preliminary injunction process should not replace the deliberative legislative process. That is especially true here where the facts will show just how tenuous Plaintiffs' factual and legal arguments are. This case should play out in the same deliberative and careful process as the passage of a bill—both sides should have adequate time to prepare and be heard, and witnesses and experts should be questioned after both sides have had adequate time to prepare. If the Court rushes through a new congressional map via a preliminary injunction the primary losers will be the people of Louisiana. After all, laws are established by the will of the people. This Court should deny Plaintiffs' Motions for Preliminary Injunction and allow the legal process to play out in due course.

ARGUMENT

To obtain a preliminary injunction, Plaintiffs must show: (1) a substantial likelihood of success on the merits, (2) a substantial threat that Plaintiffs will suffer irreparable injury in the absence of an injunction, (3) that Plaintiffs' threatened injury outweighs the threatened harm to the defendant, and (4) that granting the preliminary injunction is not against the public interest. *PCI Transp. Inc. v. Fort Worth & W.R.R. Co.*, 418 F.3d 535, 545 (5th Cir. 2005). The Fifth Circuit and the Supreme Court have "cautioned repeatedly that a preliminary injunction is an extraordinary remedy which should not be granted unless the party seeking it has 'clearly carried the burden of persuasion' on all four requirements." *Id*. (quoting *Lake Charles Diesel, Inc. v. General Motors Corp.,* 328 F.3d 192, 195 (5th Cir. 2003)); *Nken v. Holder*, 556 U.S. 418, 428 (2009) (calling an injunction an "extraordinary remedy." (quoting *Weinberger v. Romero-Barcelo*, 456 U.S. 305, 312 (1982)). Plaintiffs have failed to carry their burden of meeting "all four requirements" for a preliminary injunction here. *Id*.

Further, it must be noted that "the purpose of [a preliminary injunction] is *not* to conclusively determine the rights of the parties." *Trump v. Int'l Refugee Assistance Project*, 137 S. Ct. 2080, 2087 (2017). What's more, "mandatory injunctive relief, which goes well beyond simply maintaining the status quo *pendente lite*, is particularly disfavored, and should not be issued unless the facts and the law *clearly* favor the moving party." *Martinez v. Mathews*, 544 F.2d 1233, 1243 (5th Cir. 1976); *see also Miami Beach Fed. Sav. & Loan Assoc. v. Callander*, 256 F.2d 410, 415 (5th

Cir. 1958) ("A mandatory injunction, especially at the preliminary stage of proceedings, should not be granted except in rare instances in which the facts and law are clearly in favor of the moving party."); *Justin Industries, Inc. v. Choctaw Secur., L.P.,* 920 F.2d 262, 268 (5th Cir. 1990) (per curiam) (The party "seeking a mandatory injunction . . . bears the burden of showing *clear entitlement* to the relief under the facts and the law." (emphasis added)).

I. Plaintiffs Are Unlikely Succeed on the Merits of their Voting Rights Act Claims.

Louisiana is vested with the authority, under the Elections Clause, to determine the "Times, Places and Manner of holding Elections for . . . Representatives." U.S. Const. art. I, § 4, cl. 1. To that end, "reapportionment is primarily a matter for legislative consideration and determination." *White v. Weiser*, 412 U.S. 783, 794 (1973). In order to be successful on the merits of their Voting Rights Act claims, Plaintiffs must establish that the "political process leading to the nomination or election in" Louisiana is "not equally open to participation by members" of a minority group "on account of race." 52 U.S.C. § 10301(a) and (b). To that end, under the current understanding of claims under Section 2, Plaintiffs must meet the standard announced by *Thornburg v. Gingles* and its progeny.[2] 478 U.S. 30 (1986). The U.S. Supreme Court has signaled, however, that it will be reviewing vote dilution claims under Section 2 and the *Gingles* standard in the coming term in. *See*

[2] In the next term, the Supreme Court will hear a case on vote dilution claims under the Voting Rights Act. *Merrill, et al. v. Milligan, et al.*, No. 21-1086 (Mar. 21, 2022) (granting motion to amend the question presented to "Whether the State of Alabama's 2021 redistricting plan for its seven seats in the United States House of Representatives violated section 2 of the Voting Rights Act, 52 U. S. C. §10301.").

Merrill v. Milligan, 142 S. Ct. 879 (Feb. 7, 2022) (granting stay of a find of vote dilution under Section 2 and treating stay motion as a jurisdictional statement); *Merrill, et al. v. Milligan, et al.*, No. 21-1086 (2022) (consolidated with *Merrill, et al. v. Caster*, *et al.*, No. 21-1087 (2022)).

Assuming for now that *Gingles* controls, it requires that each of the following three preconditions to be met for any claim of vote dilution in districting to succeed: (1) "the minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district"; (2) "the minority group must be able to show that it is politically cohesive"; and (3) "the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it . . . usually to defeat the minority's preferred candidate." *Gingles*, 478 U.S. at 50-51. Failure to establish all three of the *Gingles* preconditions dooms a claim under Section 2. *Clark v. Calhoun County*, 21 F.3d 92, 94 (5th Cir. 1994). Once each of the three preconditions are met, Plaintiffs must then show, "under the totality of the circumstances," they do not possess the same opportunities to participate in the political process and elect representatives of their choice" as set forth in the so-called senate factors that accompanied the passage of Section 2. *League of United Latin Am. Citizens, Council No. 4434 v. Clements*, 999 F.2d 831, 849 (5th Cir. 1993) (hereinafter *LULAC, Council*); *see also id*. at 849 n.22 (listing the senate factors).

Plaintiffs here cannot meet at least two of the three preconditions, or, at the very least, they are not "substantially likely" to succeed on the merits of their claims

as to the first and third *Gingles* preconditions. As such, the Court should not grant a preliminary injunction.

A. No sufficiently numerous and geographically compact second majority-minority district can be drawn in Louisiana.

In order to prevail on their argument that a second majority-Black congressional district is required under Section 2 of the VRA, under the first *Gingles* precondition, Plaintiffs must show that it is possible to "creat[e] more than the existing number of reasonably compact districts with a sufficiently large minority population to elect candidates of its choice." *LULAC v. Perry*, 548 U.S. 399, 430 (2006) (plurality opinion). Under *Bartlett v. Strickland*, the districts must contain a majority of minority citizens of voting age population. 556 U.S. 1, 19-20 (2009). Here, despite Plaintiffs' emphatic statements to the contrary, Plaintiffs do not meet the required burden under a reasonable understanding of census race categories.

Through statistical manipulation, Plaintiffs' experts claim their illustrative plans showing two majority-minority congressional districts with Black voting age populations over ("BVAP") 50%, appear to have met the + 50% BVAP burden. In these illustrative plans, their proposed districts are over 50% BVAP by a razor's edge. *Robinson* Plaintiffs' expert BVAP percentages are as follows: 50.16%, 50.04%, 50.65%, 50.04%, 50.16%, and 51.63%. ECF No. 43 at 24-48. *Galmon* Plaintiffs' expert BVAP percentages are 50.96% and 52.05%. ECF No. 41-2 at 23. Plaintiffs' experts

state that they used "Any Part Black" to define the term "Black". ECF No. 43 at 6; and ECF No. 41-2 at 11.[3]

Why would Plaintiffs' experts use "Any Part Black" when forming their illustrative maps as opposed to "DOJ Black"? The answer is simple: if they used the "DOJ Black" then the BVAP numbers do not rise above 50%, which is required to justify the creation of two majority-minority congressional districts. For example, when looking at the three Cooper illustrative maps and using "DOJ Black" as the racial metric, the BVAP percentages are as follows: 48.41%, 49.22%, 48.92%, 49.25%, 48.41%, and 50.81%. Expert Report of Thomas Bryan (attached hereto as "Exhibit A") at 19-21. The only "DOJ Black" BVAP number above 50% was in CD5 in "Illustrative 3" at 50.81% where the "DOJ Black" BVAP in CD2 was at 48.41%—well below any required metric and proving that drawing two legally sufficient "DOJ Black" BVAP districts is not possible. *Id.* The *Galmon's* illustrative map possesses the same insufficiencies as *Robinson's* "Illustrative 3" map with "DOJ Black" percentages at 49.39% and 51.25%—again, showing that you cannot create two legally sufficient BVAP congressional districts. *Id.* at 19.[4]

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[3] "Any Part Black" is a broader census category that includes anyone that is "Black", as well as "Black" combined with any other race. "DOJ Black" is a narrower the category that includes those who are "Black" and those who are "Black and White". *See Pope v. Cty. of Albany*, No., 2014 U.S. Dist. LEXIS 10023, at *7-8 n.3 (N.D.N.Y. 2014). As Tom Bryan notes in his report, "any part" Black may include a person who had one Black grandparent. Or this may include a citizen who is Black and Hispanic and whose family might have immigrated from Haiti, and whose family may speak French at home. *See* Ex. A at ¶¶ 21-26.

[4] While using "Any Part Black" to define "Black", Plaintiffs fail to use the analogous racially expansive category to define "White". Therefore, if someone were to identify as Black and Hispanic, they would be included in Plaintiffs' "Black" number, but if someone were to identify as White and Hispanic, they would not be included in Plaintiffs' "White" number. *See* ECF No. 41-2 at 29.

To get to even those bare minimum totals, Plaintiffs had to ignore any conception of communities of interest. "All four plans are based on the presumption that African American Louisiana residents all share the same interest because of their race, regardless of where they geographically reside." Expert Report of Michael Hefner at 14 (attached hereto as "Exhibit C"). While the enacted HB1 plan generally keeps communities of interest intact, "the Plaintiffs' plans do not." Ex. C at 22. "The fact that so many communities of interest were either divided among the Congressional districts or paired with unlikely and dissimilar larger cities begs the question of whether the distribution of African Americans are truly compact enough to create a second majority-minority Congressional district." *Id.*

Though not lawyers, Plaintiffs' experts cite to a dicta footnote in *Georgia v. Ashcroft*, 539 U.S. 461 (2003), as justification for their use of "Any Part Black" as opposed to "DOJ Black". *See* ECF No. 41-2 at 11; ECF No. 43 at 6. However, a proper understanding of context surrounding *Georgia v. Ashcroft* will show that Plaintiffs' non-lawyer experts' opinions are misguided. In 2003, when *Georgia v. Ashcroft* was decided, the Secretary of State for Georgia did not have a race category that corresponded with "DOJ Black" when classifying race for the purposes of map drawing. *See Georgia*, 539 U.S. at 473 n.1. As such, when drawing proposed maps, Georgia was permitted to use "Any Part Black" because it corresponded better with the racial definitions in Georgia's voter data. *Id.* The fact the United States Supreme Court felt it needed to add a footnote to explain why it was allowing the use of "Any Part Black" as opposed to "DOJ Black" only shows how big of an exception this was.

With Louisiana, the *Georgia v. Ashcroft* exception is not applicable because Louisiana, when voluntarily providing race information, only allows voters to register as White, Black, Asian, Hispanic, American Indian, or Other.[5] *See* La. R.S. 18:104(B) (providing race information is optional). Long story short: because Georgia used racial categories that were similar to "Any Part Black" when drawing the maps at issue in *Georgia v. Ashcroft*, it made sense to use a similar racial metric when comparing proposed maps—however, this distinction does not create a reason to stray from "DOJ Black" in Louisiana. The dicta footnote in *Georgia v. Ashcroft* does not call for a *one size fits all* approach, but allows for the use of racial classifications that correspond most directly with the racial data linked to voter files in a particular state.

Often, courts have examined the question of whether a map drawer should use "DOJ Black" or "Any Part Black" contain +50% BVAP under either measure, meaning it was unnecessary for the court to make a legal determination to that regard. *See Pope v. Cty. of Albany*, 687 F.3d 565, 577 n.11 (2d Cir. 2012) ("Because plaintiffs satisfy the first *Gingles* factor for DOJ Non-Hispanic Blacks, we need not here consider whether the relevant minority group might more appropriately be identified as "Any Part Black," for which the minority VAP percentages are even higher."). However, here, the specific mix of census responses used to meet the *Bartlett* numerosity test matters because Plaintiffs are struggling to draw a second district that meets the numerosity requirements under either measure, and certainly under

[5] *See* Application to Register to Vote, *available at* https://www.sos.la.gov/ElectionsAndVoting/PublishedDocuments/ApplicationToRegisterToVote.pdf (last visited April 29, 2022).

"DOJ Black" numbers. As a result, this Court must resolve the difficult question of "who counts as black" for the purposes of Section 2 analysis. Where this court draws the demographic lines or definitions is a crucial step in determining whether Plaintiffs have any case at all—let alone one that would allow them to prevail at the preliminary injunction stage.

Additionally, as we are currently at the preliminary injunction stage, Plaintiffs must show that there is a "substantial likelihood of success on the merits" of their claims. *Speaks v. Kruse*, 445 F.3d 396, 399-400 (5th Cir. 2006). The fact that Plaintiffs' only arguable path to victory in this matter comes from the statistical manipulation of racial data shows the absurdity of this exercise. This Court should not permit a rushed analysis and map drawing process to trump the detailed legislative process that that led to the enactment of the challenged maps. After all, legislative enactments are presumed to be in good faith. *Abbott v. Perez*, 138 S. Ct. 2305, 2325 (2018).

Finally, while Plaintiffs do not directly make the claim that they are entitled to a proportional number of Black candidates elected in numbers equal to their population, both Plaintiffs, in their complaints and in their preliminary injunction motions, highlight the discrepancy in the number of elected Black candidates in proportion to the Black population in Louisiana. *See, e.g, Robinson*, ECF No. 1 at ¶ 1; *see Galmon,* ECF No. 1, at ¶ 2; *see* ECF No. 41-1 at 4; *see* ECF No. 42-1 at 2-3. However, it is well established that when a plaintiff brings a claim under Section 2, there is "nothing in [Section 2 that] establishes a right to have members of a protected

class elected in numbers equal to their proportion in the population." 52 U.S.C. § 10301(b); *Thornburg v. Gingles*, 478 U.S. 30, 43 (1986) ("[I]n evaluating an alleged violation, § 2(b) cautions that 'nothing in [§ 2] establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.'"). As such, Plaintiffs' excessive reliance on these facts is misguided.

B. The minority population in Louisiana is not compact.

In their motions for preliminary injunction, both sets of Plaintiffs only bring claims under Section 2 of the VRA. ECF No. 41 at 2; ECF No. 42 at 2. In addition to showing that the allegedly injured racial group is "sufficiently large," Plaintiffs must also show that the minority group is "geographically compact." *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986). A compactness analysis under Section 2 is different than that of an equal protection claim. *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 433 (2006) (hereinafter *LULAC v. Perry*). "In the equal protection context, compactness focuses on the contours of district lines to determine whether race was the predominant factor in drawing those lines." *Id.* (citing *Miller v. Johnson*, 515 U.S. 900, 916-917 (1995)). However, "[u]nder § 2, by contrast, the injury is vote dilution, so the compactness inquiry embraces different considerations. 'The first *Gingles* condition refers to the compactness of the minority population, not to the compactness of the contested district.'" *Id.* (citing *Bush v. Vera*, 517 U.S. 952, 997 (1996) (Kennedy, J., concurring); *Abrams v. Johnson*, 521 U.S. 74, 111 (1997) (Breyer, J., dissenting)).

"While no precise rule has emerged governing § 2 compactness, the inquiry should take into account traditional districting principles such as maintaining

communities of interest and traditional boundaries." *Id.* (cleaned up). For example, a district that "reaches out to grab small and apparently isolated minority communities" is not reasonably compact. *Id.* (quoting *Vera*, 517 U.S. at 979). "[T]here is no basis to believe a district that combines two far-flung segments of a racial group with disparate interests provides the opportunity that § 2 requires or that the first *Gingles* condition contemplates." *Id.* Plaintiffs' plans do just that. Ex. C at 14, 22-23.

Here, Plaintiffs districts are not compact as they do exactly what the Supreme Court prohibited in *LULAC v. Perry*—combining "far-flung segments of a racial group" in hopes to create a second majority minority district. 548 U.S. at 433. Louisiana's spatial analytics expert, Dr. Murray, specifically shows just how non-compact Blacks are in Plaintiffs' illustrative maps. Below is the milage chart created by Dr. Murray that shows the distance between the center of the Black populations in communities across Louisiana:

	Alexandria	Baton Rouge	New Orleans	Lafayette	Monroe	Shreveport
Alexandria	0	98	169	77	86	112
Baton Rouge	98	0	72	56	152	209
New Orleans	169	72	0	119	211	279
Lafayette	77	56	119	0	157	186
Monroe	86	152	211	157	0	99
Shreveport	112	209	279	186	99	0

Every map proposed by Plaintiffs combines Monroe's Black population with the Black population of Baton Rouge and Lafayette—despite the populations being 152 and 157 miles apart, respectively. Expert Report of Dr. Alan Murray (attached hereto as "Exhibit B") at 24. To combine Black communities from far-flung parts of Louisiana in the same district is to discount the different experiences and make-up of those communities—such as countries of origin and primary languages spoken. *See*

Ex. C at 7-23. And, in so doing, "do a disservice" to these diverse minority populations "by failing to account for the differences between people of the same race." *LULAC v. Perry*, 548 U.S. at 434. For this reason, along with many others, Plaintiffs' arguments must fail.

C. Plaintiffs' proposed exemplar maps show that no constitutional second majority-minority congressional district is possible in Louisiana.

"A federal judge cannot command what the Constitution condemns." *Thomas v. Bryant*, 938 F. 3d 134, 184 (5th Cir. 2019) (Willet, J. dissenting). The Equal Protection Clause of the Fourteenth Amendment's "central mandate is racial neutrality in governmental decisionmaking," including "a State's drawing of congressional districts." *Miller v. Johnson*, 515 U.S. 900, 904-05 (1995). This is true even when the purported purpose of the racial gerrymander is in seeking to comply with the dictates of the Voting Rights Act. "Racial gerrymandering, even for remedial purposes, may balkanize us into competing racial factions; it threatens to carry us further from the goal of a political system in which race no longer matters—a goal that the Fourteenth and Fifteenth Amendments embody, and to which the Nation continues to aspire." *Shaw v. Reno*, 509 U.S. 630, 657 (1993) (cleaned up). To put it even more simply, "[t]he way to stop discrimination on the basis of race is to stop discriminating on the basis of race." *C.f. Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701 (2007). Because Plaintiffs' exemplar maps are racial gerrymanders of the type that would make the authors of the infamous *Gomillion v. Lightfoot* plan blush, their motion for preliminary injunction should be denied.

Compare Gomillion v. Lightfoot, 364 U.S. 339, 348 app. 1 (1960) *with E.g.,* Ex. A at 82-101 (showing how Plaintiffs' maps carefully included as much urban Black voting age population in their districts as possible while avoiding urban majority white populations).

Initially, it is acknowledged that the Supreme Court has long "assumed" that the Voting Rights Act is "a compelling interest" sufficient to satisfy strict scrutiny. *Cooper v. Harris*, 137 S. Ct. 1455, 1469 (2017). That "assumption" cannot give Plaintiffs and the courts license to seek out every Black majority census block it can find in order to cobble together a *bare* majority for *Gingles* purposes. The relevant test for a racial gerrymander is that there first must be proof "that 'race was the predominant factor motivating the legislature's decision to place a significant number of voters within or without a particular district[6] [and then] *[s]econd*, if racial considerations predominated over others, the design of the district must withstand strict scrutiny."[7] *Cooper*, 137 S. Ct. at 1463-64.

Here, Plaintiffs' illustrative maps go block by block through towns and cities as diverse as Monroe, Lafayette, and Baton Rouge, attempting to pick out only those census blocks over 50% population and excluding to the extent possible blocks of less than 50% Black population. *E.g.*, Ex. A at ¶¶ 40-44 (analyzing the splits of Lafayette in the illustrative plans and showing how race was distributed unequally among the

[6] Proof of predominance is found by demonstrating that traditional districting factors were subordinated to "racial considerations." *Cooper*, 137 S. Ct. at 1463-64.

[7] The test for racial gerrymandering claims in *Cooper* presumes that plaintiffs are seeking to prove the government acted with racial motivations. However, the test is just as valuable in determining *plaintiffs'* motives for drawing a racial gerrymander for illustrative purposes.

splits). This is the exact type of evidence of racial intent that dooms legislative action. *Bethune-Hill v. Va. State Bd. Of Elections*, 137 S. Ct. 788, 799 (2017) (noting that a finding of racial predominance is usually accompanied by a showing the traditional redistricting criteria were subordinated to race based considerations). This Court cannot condone this overt use of race simply because it is under the guise of a mere "illustrative map." More to the point, if it is impossible for Plaintiffs to demonstrate that a second majority-minority district can be drawn without impermissibly resorting to mere race as a factor, as Plaintiffs did here, then Plaintiffs have not carried their burden "of showing *clear entitlement* to the relief under the facts and the law." *Justin Industries, Inc. v. Choctaw Secur., L.P.*, 920 F.2d 262, 268 (5th Cir. 1990) (per curiam) (emphasis added).

The Fifth Circuit's holding in *Clark v. Calhoun County* does not necessitate a different result. In *Clark* the Fifth Circuit found after a trial on the merits that the Supreme Court's holding in *Miller v. Johnson* does not limit the scope of the first *Gingles* precondition. *Clark v. Calhoun County*, 88 F.3d 1393, 1406 (5th Cir. 1996). The posture of this case is demonstrably different as this case is in the preliminary injunction stage of the proceedings. The issue with Plaintiffs' proposed illustrative maps is that they cannot demonstrate to the Court that a remedy is even possible, let alone make the required showing of a clear entitlement to relief. Put another way, if the only relief that can be afforded Plaintiffs is itself unconstitutional, there can be no relief at all. Therefore, Plaintiffs' request for a preliminary injunction should be denied.

be in the public interest to disallow a robust defense of a law where "the good faith of the legislature is presumed." *Abbott v. Perez*, 138 S. Ct. 2305, 2324 (2018). A motion prior to the State filing its response was impossible as both the counsel and the experts necessarily had to devote all their attention to responding to the preliminary injunction motions. As will be fully detailed in the future motion, the following are just some of the issues that are prejudicial to the Defendants because of the current schedule: (1) Defendants' experts had insufficient time to fully analyze and respond to Plaintiffs' experts; (2) there was insufficient time to retrieve and review documents and other factual information residing within the State's agencies; and (3) certain fact witnesses have had limited availability. The State looks forward to providing evidence as to why a new schedule should issue,[12] but for now it ought to be sufficient to say that a rushed proceeding does nothing but harm the public.

CONCLUSION

For the aforementioned reasons, the Court should deny Plaintiffs' motion for preliminary injunction.

Dated: April 29, 2022,

Respectfully Submitted,

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[12] "[A] party arguing that time limits are unfair must show prejudice." *Laster v. District of Columbia*, 499 F. Supp. 2d 93, 100-01 (D.D.C. 2006).

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