**IN THE UNITED STATES DISTRICT COURT**
**FOR THE MIDDLE DISTRICT OF LOUISIANA**

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| PRESS ROBINSON, EDGAR CAGE, DOROTHY NAIRNE, EDWIN RENÉ SOULÉ, ALICE WASHINGTON, CLEE EARNEST LOWE, DAVANTE LEWIS, MARTHA DAVIS, AMBROSE SIMS, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ("NAACP") LOUISIANA STATE CONFERENCE, and POWER COALITION FOR EQUITY AND JUSTICE,<br><br>Plaintiffs,<br><br>v.<br><br>KYLE ARDOIN, in his official capacity as Secretary of State for Louisiana,<br><br>Defendant. | Case No. 3:22-cv-00211-SDD-SDJ c/w |
| EDWARD GALMON, SR., CIARA HART, NORRIS HENDERSON, and TRAMELLE HOWARD,<br><br>Plaintiffs,<br><br>v.<br><br>R. KYLE ARDOIN, in his official capacity as Louisiana Secretary of State,<br><br>Defendant. | Case No. 3:22-cv-00214-SDD-SDJ |

***GALMON* PLAINTIFFS' OPPOSITION TO**
**DEFENDANTS' JOINT MOTION FOR STAY PENDING APPEAL**

Plaintiffs Edward Galmon, Sr., Ciara Hart, Norris Henderson, and Tramelle Howard, by and through undersigned counsel, oppose Defendants' joint motion for a stay pending appeal.

Simply put, this Court got it right. In a thorough, thoughtful order, the Court carefully considered the legal and factual issues in these consolidated matters and reached a conclusion

consistent with both the evidence in the record and decades of Section 2 precedent. The result is a decision that will not only withstand appellate scrutiny, but also vindicate the fundamental voting rights of Plaintiffs and all Black Louisianians.

In response, Defendants—once again—rely on red herrings and distractions, mischaracterizing Plaintiffs' burden and rewriting the applicable legal standards. But—once again—the law governing the Voting Rights Act is what the U.S. Supreme Court and Fifth Circuit have said it is and what this Court properly applied, not what Defendants might wish it were. Ultimately, nothing in Defendants' motion provides a basis to stay the Court's ruling or otherwise question its conclusions. The motion should be denied, and a remedial map adopted.

## LEGAL STANDARD

"A stay is an intrusion into the ordinary processes of administration and judicial review, and accordingly is not a matter of right, even if irreparable injury might otherwise result to the appellant." *Nken v. Holder*, 556 U.S. 418, 427 (2009) (cleaned up). Consequently, "a stay of a preliminary injunction is 'extraordinary relief' for which the moving party bears a 'heavy burden.'" *Schultz v. Alabama*, No. 5:17-cv-00270-MHH, 2018 WL 9786086, at *3 (N.D. Ala. Nov. 8, 2018) (quoting *Winston-Salem/Forsyth Cnty. Bd. of Educ. v. Scott*, 404 U.S. 1221, 1231 (1971) (Burger, C.J., in chambers)). And, "[a]s with a motion for reconsideration, a motion to stay should not be used to relitigate matters" already decided by the Court. *ODonnell v. Harris County*, 260 F. Supp. 3d 810, 815 (S.D. Tex. 2017).

## ARGUMENT

While Defendants articulate the proper legal standard, *see* Defs.' Mem. in Supp. of Joint Mot. for Stay Pending Appeal ("Mem.") 3, Rec. Doc. No. 177-1, they make no effort to grapple with any of the Court's extensive findings or conclusions. Instead, their motion primarily consists

of novel interpretations of settled law and mischaracterizations of the evidentiary record. None of these arguments is compelling, let alone justifies the extraordinary relief of a stay pending appeal.

## I. The Court thoroughly addressed—and correctly refuted—Defendants' legal arguments.

Notwithstanding Defendants' contention that they "are likely to succeed on the merits," Mem. 4, the Court properly applied governing law to the facts in this case. The merits are thus "clear-cut in Plaintiffs' favor," *id.*, and a stay would not be appropriate.

**Plaintiffs' illustrative plans are not racial gerrymanders.** Defendants have resumed the drumbeat of racial gerrymandering, despite the Court's detailed exploration and rejection of this argument in its order granting Plaintiffs' motions for preliminary injunction. *See* Ruling & Order ("Order") 106–19, Rec. Doc. No. 173. Once more, these arguments fall flat.

Contrary to Defendants' motion, the illustrative plans presented by William Cooper and Anthony Fairfax do not "link[] 'distinct locations' on the basis of race." Mem. 4 (quoting *Sensley v. Albritton*, 385 F.3d 591, 597 (5th Cir. 2004)). Instead—as the Court found and the evidence overwhelmingly showed—"Plaintiffs made a strong showing that their maps respect [communities of interest] and even unite communities of interest that are not drawn together in the enacted map," which "Defendants have not meaningfully disputed." Order 103.

Defendants also reinvoke *Cooper v. Harris*, 137 S. Ct. 1455 (2017), to suggest that satisfying the first *Gingles* precondition necessarily causes a racial gerrymander, *see* Mem. 4–5. But as Plaintiffs explained in their post-trial briefing, that case is readily distinguishable from this one. *See* Rec. Doc. No. 163 at 10. Moreover, the *Cooper* Court found a racial gerrymander where the evidence "show[ed] an announced racial target *that subordinated other districting criteria and produced boundaries amplifying divisions between blacks and whites*," 137 S. Ct. at 1469 (emphasis added)—a far cry from the evidence here, which established that Messrs. Cooper and

Fairfax "balanced all of the relevant principles . . . without letting any one of the criteria dominate their drawing process," Order 106. Indeed, *Cooper* reiterated that racial gerrymandering claims are based primarily on a challenged district's failure to "conform[] to traditional districting principles, such as compactness and respect for county lines." 137 S. Ct. at 1473. Here, where Plaintiffs' illustrative plans perform as well as or better than the enacted plan on every relevant traditional districting criterion, *see* Order 105–06, Defendants' baseless attempt to shoehorn this case into *Cooper*'s racial gerrymandering framework becomes all the more indefensible.[1]

Next, in response to the Court's thoughtful treatment of the binding opinion in *Clark v. Calhoun County*, 88 F.3d 1393 (5th Cir. 1996)—which held that the racial gerrymandering doctrine should not be cavalierly applied to the *Gingles* liability inquiry, *see* Order 112–14—Defendants' best argument is a blanket assertion that "*Clark*'s discussion of racial predominance is unlikely to withstand scrutiny in the appellate courts empowered to interpret, modify, or overrule it," Mem. 5. But modifying *Clark* is the prerogative of the Fifth Circuit and the Supreme Court, not Defendants. Their anticipatory rewriting of the law—the sort of "speculation over future . . . deliberations" that this Court already rejected, Rec. Doc. No. 135 at 3–4—certainly does not justify a stay.

[1] The other Supreme Court decisions on which Defendants rely, *see* Mem. 5, similarly provide no reason to question this Court's ruling. In *Bethune-Hill v. Virginia State Board of Elections*, the Court struck down a racial gerrymander where race "provided the essential basis for the lines drawn" and was "the overriding reason for choosing one map over others." 137 S. Ct. 788, 799 (2017). Here, by contrast, race was *not* the overriding consideration behind Mr. Cooper's and Mr. Fairfax's illustrative maps; it was merely one factor balanced with others. And while Defendants suggest that the evidence at issue in *Alabama Legislative Black Caucus v. Alabama*, 575 U.S. 254 (2015), was "materially identical" to the evidence at issue here, Mem. 5, they are incorrect about that too. There, the traditional redistricting factor that primarily justified the challenged districts was population equality. *See Ala. Legis. Black Caucus*, 575 U.S. at 271–72. The Court concluded that "once the legislature's 'equal population' objectives are put to the side—*i.e.*, seen as a background principle—then there is strong, perhaps overwhelming, evidence that race did predominate as a factor." *Id.* at 273. Here, again by contrast, Plaintiffs' experts drew their illustrative plans to achieve compliance with a host of traditional districting principles, with no one consideration predominating over others.

Finally, Defendants suggest that the Court's proposed remedy would require the drawing of a new congressional district "replete with Plaintiffs' demographers' predominantly racial goals." Mem. 5. But the Court found, consistent with the evidence, that race *did not predominate* in the drawing of Plaintiffs' illustrative maps. As the Court recognized, decades of precedent indicate that mere consideration of race is not unconstitutional—and that compliance with the Voting Rights Act is a compelling state interest in any event. *See* Order 111–12.

Moreover, to the extent the Legislature does not like Plaintiffs' illustrative maps, they are free to draw a remedial map in a different way. What is required is "a new map that is compliant with Section 2 of the Voting Rights Act," Order 152—that is, a second district where Black voters would "have an opportunity to elect a representative of their choice," *Baltimore Cnty. Branch of NAACP v. Baltimore County*, No. 21-cv-03232-LKG, 2022 WL 888419, at *4 (D. Md. Mar. 25, 2022); *see also Singleton v. Merrill*, Nos. 2:21-cv-1291-AMM, 2:21-cv-1530-AMM, 2022 WL 265001, at *2 (N.D. Ala. Jan. 24, 2022) (three-judge court) ("Because the [] plaintiffs are substantially likely to prevail on their claim under the Voting Rights Act, . . . the appropriate remedy is a congressional redistricting plan that includes either an additional majority-Black congressional district, or an additional district in which Black voters otherwise have an opportunity to elect a representative of their choice." (citing *Bartlett v. Strickland*, 556 U.S. 1, 24 (2009) (plurality opinion); *Cooper*, 137 S. Ct. at 1470, 1472)). As Plaintiffs explained in their post-trial briefing, a remedial map serves to cure a Section 2 violation by providing minority voters with a meaningful opportunity to elect their candidates of choice and does not serve the same purpose as an illustrative map used to establish the first *Gingles* precondition. *See* Rec. Doc. No. 163 at 9; *see also* Order 148 (noting that "the maps submitted by the *amici*" in this case, which did not include two majority-Black districts but did include two Black-opportunity districts, might "provide a

starting point" for legislative remedy). Accordingly, "[t]he State may elect to use one of Plaintiffs' illustrative plans, but is not required to do so, nor must it 'draw the precise compact district that a court would impose in a successful § 2 challenge.'" Order 151 (quoting *Bush v. Vera*, 517 U.S. 952, 978 (1996) (plurality opinion)). Indeed, as the Court observed, "the States retain a flexibility that federal courts enforcing § 2 lack, both insofar as they may avoid strict scrutiny altogether by respecting their own traditional districting principles, and insofar as deference is due to their reasonable fears of, and to their reasonable efforts to avoid, § 2 liability." *Id.* (quoting *Vera*, 517 U.S. at 978). There are, in short, many ways to remedy the Section 2 violation in this case; Plaintiffs' illustrative maps are only some of them.

**Plaintiffs' illustrative plans unite communities of common interest.** Defendants argue that Plaintiffs' illustrative plans "combine 'farflung segments of a racial group with disparate interests'" that share no similar characteristics beyond race. Mem. 6–7 (quoting *LULAC v. Perry*, 548 U.S. 399, 433 (2006) (plurality opinion)). This is a blatant mischaracterization of both Plaintiffs' (unrebutted) evidence and the Court's factual findings.

As the Court noted in its order, "Plaintiffs' experts employed different approaches to identifying communities of interests and considering them in their illustrative maps," with Mr. Cooper analyzing Core Based Statistical Areas and Mr. Fairfax examining socioeconomic data and the U.S. Census Bureau's Community Resilience Estimate. Order 34–36, 101. "Plaintiffs also presented several lay witnesses who spoke to the shared interests, history, and connections between East Baton Rouge Parish and two areas included together with it in Plaintiffs' illustrative CD 5." *Id.* at 37. In particular, Christopher Tyson described "the strong historical connection between East Baton Rouge and the Delta parishes," including the "pattern of migration from the Mississippi Delta to Baton Rouge" and "educational ties between the Delta parishes and Baton Rouge." *Id.* at

37–38. Charles Cravins, in turn, testified that "St. Landry and Baton Rouge share common policy concerns" stemming from educational and economic ties. *Id.* at 38–40. The Court noted that this "citizen viewpoint testimony . . . contributed meaningfully to an understanding of communities of interest." *Id.* at 101. Defendants, by striking contrast, "did not call any witnesses to testify about communities of interest"—"a glaring omission, given that Joint Rule 21 requires communities of interest to be prioritized over and above preservation of political subdivisions." *Id.* Defendants can repeat the word "farflung" as much as they like, but this term is inaccurate; they ignore the unrefuted expert and lay witness evidence proving that Plaintiffs' illustrative districts unite communities with deep historical, cultural, and economic ties.

Ultimately, Defendants emphasize that it was Plaintiffs' burden "to identify the communities allegedly subject to vote dilution, and not to rely on statewide concepts of proportionality." Mem. 6–7. Plaintiffs did that—handily. They demonstrated that their illustrative districts are compact in terms of both statistical metrics *and* the communities that comprise them, and thus satisfied their burden. And while Defendants can continue to raise the specter of *Hays*, this Court already correctly rejected that gambit as "a red herring." Order 106–11.

**The existence of white crossover voting does not change the *Gingles* analysis.** Defendants once more advance a theory of crossover voting wholly divorced from governing caselaw and the facts in the record.

Quoting *Bartlett*, Defendants suggest that "[t]he third *Gingles* precondition cannot be shown '[i]n areas with substantial crossover voting.'" Mem. 7 (alteration in original) (quoting *Bartlett*, 556 U.S. at 24). What *Bartlett actually* said is that "[i]n areas with substantial crossover voting it is *unlikely* that the plaintiffs would be able to establish the third *Gingles* precondition—bloc voting by majority voters." 556 U.S. at 24 (emphasis added). This observation was merely a

logical application of *Gingles*—after all, if enough white voters support a Black-preferred candidate, then they would not vote as a bloc to defeat that candidate—and certainly did not constitute a sea-change in Section 2 jurisprudence. And here, Drs. Maxwell Palmer and Lisa Handley demonstrated that the third *Gingles* precondition is satisfied because, in the area where Plaintiffs' additional majority-Black districts would be drawn, white voters would usually vote as a bloc to defeat Black-preferred candidates. *See* Order 123. Indeed, as the Court noted, "[w]hite crossover voting was inherently included in the analysis performed by Dr. Palmer and Dr. Handley, and the levels they found were insufficient to swing the election for the Black-preferred candidate in any of the contests they examined." *Id.* at 126. These conclusions are consistent with both *Gingles* and *Bartlett*. And because the *Gingles* preconditions are satisfied—thus demonstrating legally significant racially polarized voting, *see Covington v. North Carolina*, 316 F.R.D. 117, 170 (M.D.N.C. 2016) (three-judge court)—Plaintiffs have proved their Section 2 claim, necessitating "a VRA remedy." Mem. 7 (quoting *Covington*, 316 F.R.D. at 168).

Defendants, in short, have "generated a theoretical factual issue," Order 126—not one actually implicated by any binding precedent. Their misguided preoccupation with crossover voting provides no ground for a stay.[2]

## II. The equities clearly support preliminary relief.

Accepting Defendants' renewed equities arguments would require a wholesale disregard of the evidentiary record. As this Court already found, "[g]iven the timing of Louisiana's election and election deadlines, the representations made by Defendants in related litigation, and the lack of evidence demonstrating that it would be administratively impossible to do so, . . . the State has

[2] Plaintiffs further addressed Defendants' erroneous theory of crossover voting in their post-trial briefing, *see* Rec. Doc. No. 163 at 9–11, and the Court also addressed Defendants' misguided reliance on *Covington* in its order, *see* Order 123–27.

sufficient time to implement a new congressional map without risk of chaos." Order 149. This conclusion should not be disturbed.

**There is no evidence that a remedial congressional map cannot be feasibly implemented.** On one point, Defendants, Plaintiffs, and this Court all agree: The adoption of a congressional districting map in the summer of 2022 will not harm voters. As the Court noted, in March of this year,

> President Cortez and Speaker Schexnayder asserted that: "the candidate qualification period could be moved back, if necessary, as other states have done this cycle, without impacting voters." They further represented that: "[t]he election deadlines that actually impact voters do not occur until October 2022. . . Therefore, there remains several months on Louisiana's election calendar to complete the process." There was no rush, they assured the court, because Louisiana's "election calendar is one of the latest in the nation."

*Id*. at 146 (alterations in original) (footnotes omitted) (quoting GX-32 at 5, 8). Plaintiffs provided evidence that confirmed Defendants' prior representations: Governor John Bel Edwards's executive counsel explained that Louisiana has a responsive elections apparatus that is not only capable of implementing last-minute adjustments to election dates and deadlines, but has done so several times in just the past decade. *See id.* at 79. "He stated that he was unaware of any electoral chaos that ensued, and that he has heard nothing to dispute that the Secretary of State was able to successfully administer these elections." *Id.* The Court thus concluded that "the implementation of a remedial congressional map is realistically attainable well before the 2022 November elections in Louisiana." *Id.* at 142. Considering *Purcell v. Gonzalez*, 549 U.S. 1 (2006) (per curiam), and related cases that provide guidance for election-related injunctions, the Court recognized that *more time* remains between the entry of its order in this case and Louisiana's primary election than the Supreme Court recently regarded as "sufficient" to order remapping in a similar context. Order 148 (quoting *Wis. Legislature v. Wis. Elections Comm'n*, 142 S. Ct. 1245, 1248 (2022) (per curiam)).

Defendants' position has now apparently changed. But the calendar remains the same: The October deadlines Defendants cited in March remain October deadlines today. The Legislature could postpone the July candidate-qualification period now just as it could have months ago—though under this Court's injunction, that will not even be necessary. *See id.* at 3. The only material difference between March and now is that previously the Legislature anticipated that it could use the summer to draw a map with a single district where Black voters could elect their candidates of choice, and now the Court has ordered it to draw two such districts. If June is not too late to adopt an unlawful map, surely it is not too late to adopt a map that adheres to the Voting Rights Act.[3]

Defendants' sole evidence of the administrative burden that a new map might impose is the testimony of Sherri Hadskey, the Commissioner of Elections. But as the Court recognized, Ms. Hadskey's testimony merely *confirmed* that ample time remains to implement a new map. For example, despite "demonstrat[ing] general concern about the prospect of having to issue a new round of notices to voters, she did not provide any specific reasons why this task cannot be completed in sufficient time for November elections." *Id.* at 144. In fact, Ms. Hadskey testified that voter records could be updated and mailed in a matter of weeks; that voters can access up-to-date information on the Secretary of State's award-winning mobile app and website; and that it is "extremely rare" for candidates to qualify by nominating petition, which is the only deadline affected by the Court's injunction. *Id.* at 144–45. The few administrative burdens that Ms. Hadskey did mention are entirely unrelated to district boundaries. *See, e.g.*, *id.* (questioning, in response to

[3] Defendants attribute their shifting position to the fact that, in the state court impasse case, there would have been "no need to adjudicate liability, meaning the judicial map-drawing can occur immediately." Mem. 10. Far from a distinction, this is another *similarity* between then and now. Because the Court has already concluded that Plaintiffs are likely to prove liability, "map-drawing can occur immediately." *Id.*

Ms. Hadskey's concerns about "the national paper shortage," "how paper usage is affected by the shape of Louisiana's congressional districts").

The Legislature could have avoided any inconvenience for election administrators by adopting a congressional map in the first instance that complied with Section 2. It chose not to—despite being alerted to the unlawfulness of the enacted map by Governor Edwards's veto. *See id.* at 80. Louisiana is well positioned to ensure that this violation of federal law is remedied without imposing any meaningful burdens on voters, election administrators, or anyone else. As the Court credited, "Hadskey testified that she would rely upon her 30 years of experience and work to fulfill her responsibility to administer the election on schedule." *Id.* at 145. Plenty of time remains for that work to occur in advance of the primary elections in November.[4]

**Preliminary relief would not violate the U.S. Constitution.** As discussed above, Defendants' racial gerrymandering argument is without merit. And they give no other explanation as to how vindication of Plaintiffs' Section 2 rights would somehow violate the U.S. Constitution.

**An unlawful status quo should not be maintained.** As this Court explained in its ruling, the Fifth Circuit has long recognized that the preservation of the "status quo" cannot be a justification for inaction where the status quo itself is what causes the challenged harm to plaintiffs. Order 149–50; *see also Canal Auth. v. Callaway*, 489 F.2d 567, 576 (5th Cir. 1974) ("If the currently existing status quo itself is causing one of the parties irreparable injury, it is necessary to

[4] The issue of feasibility provides a clear distinction between this case and *Merrill v. Milligan*, 142 S. Ct. 879 (2022). Although Defendants suggest that this Court's injunction is destined for the same fate, *see, e.g.*, Mem. 1, at least two of the justices who concurred with that decision emphasized that it "is wrong to claim that the [U.S. Supreme] Court's stay order makes any new law regarding the Voting Rights Act," explaining instead that the stay was primarily motivated by *Purcell* and administrability concerns, *Merrill*, 142 S. Ct. at 879–82 (Kavanaugh, J., concurring). Here, as this Court already noted, "Defendants have not pointed to a single piece of evidence that an order from this Court would require the type of 'heroic efforts' that Justice Kavanaugh warns about." Order 147. Accordingly, this case presents a materially different scenario.

alter the situation so as to prevent the injury[.]"). In affording relief, "the focus always must be on prevention of injury by a proper order, not merely on preservation of the status quo." *Callaway*, 489 F.2d at 576. Louisiana's new congressional map dilutes the electoral strength of Black voters, and so disruption of the status quo is required to prevent irreparable harm to Plaintiffs' fundamental rights. This Court's injunction ably heeds the Fifth Circuit's guidance and is thus a "proper order" that should not be stayed.

**A legislative remedy is not unworkable**. Finally, Defendants suggest that the Legislature is unable to comply with the Court's 14-day deadline to enact a new map. Setting aside the fact that this is ultimately a problem of the Legislature's own making—the need to expeditiously adopt a lawful map would have been obviated by passage of a Section 2-compliant map in the first instance—these concerns ring hollow.

First, the Court "accommodated Defendants' request to re-set the preliminary injunction hearing after they complained that the timeline was too tight." Order 126 n. 350. The leaders of both legislative chambers are among the Defendants in this case; they should not be heard to complain about a schedule that was delayed *at their request*.

Second, the Legislature does not need to craft a remedial plan "from scratch." *Id.* at 148. As the Court observed, the need to adopt a new congressional map should not come as a surprise to the Legislature; "[i]t had been widely known and reported on at least six months before the *Complaints* were filed in these cases that the enacted maps would likely be the subject of litigation," and Governor Edwards vetoed the enacted map precisely because it violates the Voting Rights Act. *Id.* at 126 n.350. The redistricting process does not need to begin anew in the next two weeks; it is already well underway. Moreover, in crafting a new map, the Legislature has the benefit of *six* Section 2-compliant illustrative maps submitted in this case, along with the maps

offered by *amici* and the various proposed maps containing two Black-opportunity districts that were proposed by legislators during the redistricting process. To the extent the Legislature declines to adopt any of these alternative plans wholesale, it can at the very least use one or more of them as a baseline to draw its own preferred remedial map. Illustrative plans are, after all, just that—*illustrative*, not prescriptive.[5]

Third, 14 days is sufficient time to adopt a new map even with Louisiana's statutorily mandated notice requirements and other procedural imperatives. *See* La. Const. art. III, §§ 2(B), 15(D). Governor Edwards has already called an extraordinary legislative session to commence on June 15, 2022—six calendar days before the Court's June 20 deadline. *See Proclamation Number 89 JBE 2022*, Office of Governor (June 7, 2022), https://gov.louisiana.gov/assets/Proclamations/2022/89JBE2022CallSpecialSession.pdf. Even with the three-day reading requirement and the need for a public hearing, *see* Mem. 11, there is time to enact a new, lawful congressional map during the six-day extraordinary session. Defendants conceded as much, explaining that the Court's "timeline assumes one proposed bill and no amendments." *Id.* Although they suggest that this is "unlikely to occur," *id.*, given the groundwork that was already laid during the redistricting process and in this litigation, the Legislature has certainly been given a reasonable opportunity to craft a new map in the time provided. It is simply untrue to claim that "the Legislature has *no* ability to meet that deadline." *Id.* (emphasis added). Defendants cannot hide behind hyperbole to evade their obligations under federal law.

To the extent necessary, the Court can modify its injunction to give the Legislature additional days to enact a remedial map. But Defendants' protestations do not justify a wholesale

[5] The availability of these illustrative plans, and the time and effort the Legislature has already expended on the redistricting process, will certainly mitigate the need for "[a]mendments, multiple bills or negotiation—in other words, the act of legislating." Mem. 11–12.

stay of an injunction needed to prevent irreparable harm to Plaintiffs and other Black Louisianians, especially where a new map can indeed be adopted in the time provided.

## CONCLUSION

This is not a case where the Court has "ruled on an admittedly difficult legal question," Mem. 2 (quoting *Wash. Metro. Area Transit Comm'n v. Holiday Tours, Inc.*, 559 F.2d 841, 844 (D.C. Cir. 1977)); the requirements of a Section 2 claim have been well established for nearly four decades, and Plaintiffs' evidence satisfying them in this case is overwhelming and almost entirely unrebutted. Nor is this an instance where "the equities of the case suggest that the status quo should be maintained," *id.* (quoting *Holiday Tours*, 559 F.2d at 845); Plaintiffs are indisputably at risk of irreparable harm, and a remedial congressional plan can be readily implemented ahead of the 2022 midterm elections given Louisiana's unique election calendar. Accordingly, a stay of the Court's preliminary injunction order would not be proper. Defendants' motion should therefore be denied.[6]

[6] For these same reasons, Defendants alternative request for an administrative stay, *see* Mem. 2, should also be denied.

Dated: June 8, 2022

Respectfully submitted,

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## CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that on this 8th day of June, 2022, a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent through the Court's electronic filing system to all counsel of record.

*s/Darrel J. Papillion*
Darrel J. Papillion