

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

PRESS ROBINSON et al.,

Plaintiffs,

v.

KYLE ARDOIN, in his official capacity as
Secretary of State for Louisiana,

Defendant.

Case No. 3:22-cv-00211-SDD-SDJ c/w

EDWARD GALMON, SR. et al.,

Plaintiffs,

v.

R. KYLE ARDOIN, in his official capacity as
Louisiana Secretary of State,

Defendant.

Case No. 3:22-cv-00214-SDD-SDJ

**PLAINTIFFS' JOINT RESPONSE TO ORDER
FOR BRIEFING ON REMEDIAL PROCESS**

Plaintiffs in both the *Robinson* and *Galmon* actions, by and through undersigned counsel, submit this response in compliance with the Court's order of June 16, 2022, in which the Court requested briefing on "the nature and timeline of the judicial redistricting process in the event the Legislature fails to enact a remedial map" by the Court-ordered deadline of June 20, 2022. Rec. Doc. No. 196. Plaintiffs are confident an efficient process can be adopted that will allow the Court to adopt a remedial map as early as the week of July 4. *See* Rec. Doc. No. 192.

- **Wednesday, June 22, 2022:** Deadline for submission of proposed remedial maps and memoranda in support.

- **Monday, June 27, 2022:** Deadline for responses to proposed remedial maps.
- **Wednesday, June 29, 2022:** Deadline for replies in support of proposed remedial maps.
- **Thursday, June 30 or Friday, July 1:** Hearing on proposed remedial maps.

Additional discovery is neither necessary nor appropriate. The parties' task is straightforward: submit a remedial map that complies with the Voting Rights Act by including two districts where Black voters have a meaningful opportunity to elect their representatives of choice, and that otherwise complies with traditional redistricting principles. All parties have already had five days during the hearing on Plaintiffs' preliminary injunction motions to submit evidence, including through live testimony and cross-examination, on the meaning and scope of these requirements. Among other things, the defendants had the opportunity to cross-examine plaintiffs' demographic experts, including the map drawers and the experts responsible for conducting performance analysis and racially polarized voting. The Court is fully familiar with those witnesses and made detailed findings about the reliability and credibility of their opinions. Defendants also had the opportunity to seek discovery prior to the hearing but chose not to do so. And the merits stage of these proceedings will provide parties an additional opportunity to request any further discovery. Deferring a resolution of the judicial remedial process for discovery would merely introduce delay, while Defendants insist that they need to have a map in place imminently. Instead, the proposed maps' compliance with objective legal requirements can be evaluated through regular briefing and expert affidavits, with any remaining disputes resolved during the one-day hearing. Indeed, it is common for courts to adopt congressional redistricting maps without any live testimony—let alone discovery—at the remedial stage. *See, e.g., Johnson v. Wis. Elections Comm'n*, 971 N.W.2d 402 (Wis. 2022); *NC League of Conservation Voters v. Hall*, No. 21 CVS

015426 (N.C. Super. Ct. Feb. 23, 2022);¹ *Harkenrider v. Hochul*, No. E2022-0116CV, NYSCEF Doc. No. 670 (Steuben Cnty. Sup. Ct. May 21, 2022);² *Norelli v. Sec’y of State*, No. 2022-0184, 2022 WL 1747769 (N.H. May 31, 2022).³

¹ Available at <https://www.nccourts.gov/assets/inline-files/22.02.23%20-%20Order%20on%20Remedial%20Plans.pdf?E9mkhJLRatLIbqax0vvfwDCYgiunTgIB>.

² Available at https://vhdshf2oms2wcnsvk7sdv3so.blob.core.windows.net/thearp-media/documents/Decision_and_Order_SM_Report_5.21.22.pdf.

³ Counsel for Legislative Intervenors indicated at the June 16th hearing that case law exists requiring that discovery be permitted as part of the remedial phase of the preliminary injunction proceeding in this matter. Plaintiffs asked the Legislative Intervenors’ counsel for these citations after the hearing. At the time of filing, however, Legislative Intervenors have failed to respond to this request. Plaintiffs have not been able to identify any such cases but will be prepared to address any authority the Legislative Intervenors may cite.

Dated: June 16, 2022

By: Darrel J. Papillion
Darrel J. Papillion (Bar Roll No. 23243)
Renee C. Crasto (Bar Roll No. 31657)
Jennifer Wise Moroux (Bar Roll No. 31368)
**WALTERS, PAPILLION,
THOMAS, CULLENS, LLC**
12345 Perkins Road, Building One
Baton Rouge, Louisiana 70810
Phone: (225) 236-3636
Fax: (225) 236-3650
Email: papillion@lawbr.net
Email: crasto@lawbr.net
Email: jmoroux@lawbr.net

Respectfully submitted,

Abha Khanna*
Jonathan P. Hawley*
ELIAS LAW GROUP LLP
1700 Seventh Avenue, Suite 2100
Seattle, Washington 98101
Phone: (206) 656-0177
Facsimile: (206) 656-0180
Email: akhanna@elias.law
Email: jhawley@elias.law

Lalitha D. Madduri*
Olivia N. Sedwick*
Jacob D. Shelly*
ELIAS LAW GROUP LLP
10 G Street NE, Suite 600
Washington, D.C. 20002
Phone: (202) 968-4490
Facsimile: (202) 968-4498
Email: lmadduri@elias.law
Email: osedwick@elias.law
Email: jshelly@elias.law

Counsel for Galmon Plaintiffs

*Admitted *pro hac vice*

/s/ John Adcock

John Adcock
Adcock Law LLC
L.A. Bar No. 30372
3110 Canal Street
New Orleans, LA 70119
Tel: (504) 233-3125
Fax: (504) 308-1266
jnadcock@gmail.com

Leah Aden (admitted *pro hac vice*)
Stuart Naifeh (admitted *pro hac vice*)
Kathryn Sadasivan (admitted *pro hac vice*)
Victoria Wenger (admitted *pro hac vice*)
NAACP Legal Defense and Educational
Fund, Inc.
40 Rector Street, 5th Floor
New York, NY 10006
Tel: (212) 965-2200
laden@naacplef.org
snaifeh@naacpldf.org
ksadasivan@naacpldf.org
vwenger@naacpldf.org

R. Jared Evans (admitted *pro hac vice*)
Sara Rohani (admitted *pro hac vice*)[†]
NAACP Legal Defense and Educational
Fund, Inc.
700 14th Street N.W. Ste. 600
Washington, DC 20005
Tel: (202) 682-1300
jevans@naacpldf.org
srohani@naacpldf.org

Nora Ahmed (admitted *pro hac vice*)
Stephanie Willis
LA. Bar No. 31834
ACLU Foundation of Louisiana
1340 Poydras St, Ste. 2160
New Orleans, LA 70112
Tel: (504) 522-0628
nahmed@laaclu.org
swillis@laaclu.org

Tracie Washington
LA. Bar No. 25925
Louisiana Justice Institute
Suite 132
3157 Gentilly Blvd
New Orleans LA, 70122
Tel: (504) 872-9134
tracie.washington.esq@gmail.com

Robert A. Atkins (admitted *pro hac vice*)
Yahonnes Cleary (admitted *pro hac vice*)
Jonathan H. Hurwitz (admitted *pro hac vice*)
Amitav Chakraborty (admitted *pro hac vice*)
Adam P. Savitt (admitted *pro hac vice*)
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP
1285 Avenue of The Americas, New York,
NY 10019
Tel.: (212) 373-3000
Fax: (212) 757-3990
ratkins@paulweiss.com
ycleary@paulweiss.com
jhurwitz@paulweiss.com
achakraborty@paulweiss.com
asavitt@paulweiss.com

T. Alora Thomas (admitted *pro hac vice*)
Sophia Lin Lakin (admitted *pro hac vice*)
Samantha Osaki (admitted *pro hac vice*)
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
athomas@aclu.org
slakin@aclu.org
sosaki@aclu.org

Sarah Brannon (admitted *pro hac vice*)
American Civil Liberties Union Foundation
915 15th St., NW
Washington, DC 20005
sbrannon@aclu.org

† Admitted in California only. Practice limited to matters in United States federal courts.

Counsel for Robinson Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been filed electronically with the Clerk of Court using the CM/ECF filing system. Notice of this filing will be sent to all counsel of record via operation of the Court's electronic filing system.

Baton Rouge, Louisiana, this 16th day of June, 2022.

s/ Darrel J. Papillion
Darrel J. Papillion