

**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 HOSEMAN, 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
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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:

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This the 22nd day of December, 2012.

/s/ Michael B. Wallace
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