

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

EVAN MILLIGAN, *et al.*,
Plaintiffs,

v.

**WES ALLEN, in his official
capacity as Alabama Secretary of
State, *et al.*,**
Defendants.

Case No. 2:21-cv-01530-AMM

THREE-JUDGE COURT

Before MARCUS, Circuit Judge, MANASCO and MOORER, District Judges.

BY THE COURT:

ORDER TO SHOW CAUSE

This congressional redistricting case is before the Court on the Nonparty Legislators' Objections and Motion To Quash Subpoena Directed to Red State Strategies, LLC. Doc. 346. That motion was signed and filed by attorneys Christopher W. Weller and J. Mitchell Sikes of Capell & Howard, P.C. *Id.* at 23.

On January 24, 2022, this Court preliminarily enjoined the Alabama Secretary of State from conducting elections using Alabama's 2021 congressional districting plan on the grounds that the plan likely violated Section 2 of the Voting Rights Act of 1965. *See* Doc. 107 at 5. On February 7, 2022, the Court appointed Richard Allen as a Special Master in the event that the Court was required to create its own remedial districting plan. *See* Doc. 130 at 6–7.

The Supreme Court later affirmed this Court’s preliminary injunction in all respects. *Allen v. Milligan*, 599 U.S. 1, 9–10 (2023). We then delayed remedial proceedings to afford the Alabama Legislature an opportunity to enact a remedial plan, which the Legislature enacted and the Governor signed into law on July 21, 2023. Doc. 272 at 4.

On September 5, 2023, the Court ultimately found that the Legislature’s 2023 Plan did not remedy the likely Section 2 violation and preliminarily enjoined that plan as well. *Id.* at 6. On the same day, we ordered Mr. Allen and the Special Master team to file with the Court three proposed remedial plans to remedy the likely Section 2 violation identified in our preliminary injunction order. Doc. 273 at 6. The Special Master and his team timely conducted proceedings and filed their report with this Court. Doc. 295.

On October 5, 2023, the Court ordered the Secretary to conduct Alabama’s 2024 congressional elections according to one of the plans the Special Master recommended. Doc. 311 at 7. On December 5, 2023, this Court ordered that the State of Alabama pay the Special Master. Doc. 321.

Mr. Allen is associated with the law firm Capell & Howard, P.C. He is listed on the firm website as “retired” and is listed first on the website letterhead, along with his photo. The firm website lists his contact information as including an office at Capell & Howard’s Montgomery address, as well as a Capell & Howard phone

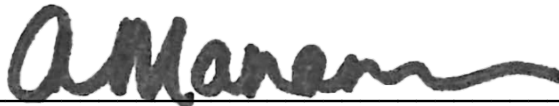
number, fax number, and email address. The website also lists that he has a legal assistant at Capell & Howard.

Mr. Weller, Mr. Sikes, and the Capell & Howard law firm are **ORDERED TO SHOW CAUSE** in writing within fourteen days as to why they should not be disqualified as counsel in this case due to a conflict of interest. *See* Ala. Rules of Pro. Conduct rr. 1.7, 1.10, 1.12; N.D. Ala. Local Rule 83.1; Model Rules of Pro. Conduct (Am. Bar Ass'n 2024) rr. 1.7, 1.10, 1.12. All parties are **ORDERED** to respond within seven days of the date that Mr. Weller, Mr. Sikes, and the law firm file their answer to this Order to Show Cause. Any reply from Mr. Weller, Mr. Sikes, and the law firm shall be filed within five days of the date the responses are filed.

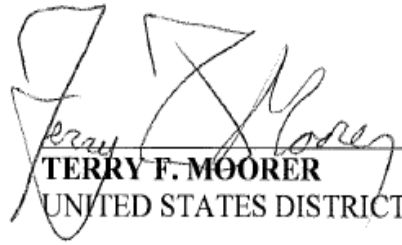
DONE and **ORDERED** this 30th day of April, 2024.



STANLEY MARCUS
UNITED STATES CIRCUIT JUDGE



ANNA M. MANASCO
UNITED STATES DISTRICT JUDGE



TERRY F. MOORER
UNITED STATES DISTRICT JUDGE