

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

<p>RASHEED WALTERS, et al.,</p> <p style="padding-left: 40px;">Plaintiffs,</p> <p style="padding-left: 40px;">v.</p> <p>THE BOSTON CITY COUNCIL, et al.</p> <p style="padding-left: 40px;">Defendants.</p>
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C.A. No.: 1:22-cv-12048-PBS

**MOTION BY THE NAACP BOSTON BRANCH, MASSVOTE, MASSACHUSETTS
VOTER TABLE, LA COLABORATIVA, AND NEW ENGLAND UNITED FOR
JUSTICE FOR LEAVE TO FILE A REPLY BRIEF**

Pursuant to Local Rule 7.1(b)(3), the NAACP Boston Branch, MassVOTE, the Massachusetts Voter Table, La Colaborativa, and New England United for Justice (the “Proposed Intervenor”) respectfully move this Court for leave to file a reply brief in support of their Motion to Intervene. Counsel for Proposed Intervenor have conferred with Counsel for Plaintiffs and Defendants. Plaintiffs oppose the Motion and Defendants state that they take no position.

On May 17, 2023, Proposed Intervenor filed a Motion to Intervene in this action (ECF No. 83). Defendants filed a Response taking no position as to intervention (ECF No. 85) and Plaintiffs filed an Opposition on May 24, 2023 (ECF No. 87). Following these filings, as detailed in the parties’ Status Reports (ECF Nos. 88, 89), the Boston City Council passed a new redistricting map (the “New Map”), which the Mayor signed into law on May 26, 2023.

The events and filings that postdate Proposed Intervenor’s Motion to Intervene have altered the posture of this case in ways that further highlight the need for intervention. Not only is the New Map in place, but Plaintiffs are now ostensibly seeking relief from this Court as to that Map. (See ECF No. 89). Plaintiffs’ Status Report states that Plaintiffs are “largely pleased with the new

redistricting map” but requests that the Court review it “for constitutional sufficiency.” (*Id.* at 1, 2). In particular, Plaintiffs ask the Court to review the placement of precincts 14-14 and 15-1 to determine if racial considerations predominated and, upon such a finding, to order that 14-14 be placed in District 4 and 15-1 be placed in District 3. (*See id.* at 3).

Proposed Intervenors seek leave to file a short reply brief, not to exceed five pages, to assist the Court in evaluating Proposed Intervenors’ Motion to Intervene in light of these newly presented issues. The brief would highlight how the changed circumstances bolster Proposed Intervenors’ argument for intervention. For example, although Plaintiffs state in their Opposition that Proposed Intervenors’ concerns about the disposition of this case are “entirely speculative,” those concerns are now heightened by the fact that Plaintiffs have asked the Court for additional relief. (ECF No. 87 at 4). Moreover, the requested relief would raise even more significant issues under the Voting Rights Act, strengthening Proposed Intervenors’ argument for intervention under F.R.C.P. 24.

WHEREFORE, Proposed Intervenors respectfully request that the Court grant them leave to file a reply brief not to exceed five pages. If leave is granted, Proposed Intervenors ask that they be allowed to file within five days from the date of the order granting leave.

Dated: June 5, 2023

Respectfully submitted,

/s/ Jacob M. Love
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CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

The undersigned counsel for Proposed Intervenors hereby certifies that they have conferred in good faith with counsel for the Plaintiffs and Defendants by email on June 5, 2023, to narrow or resolve the issues raised in this motion, specifically relating to the request to file a reply brief. Plaintiffs oppose the Motion and Defendants have stated that they take no position.

/s/ Jacob M. Love

CERTIFICATION OF SERVICE

I hereby certify that, on June 5, 2023, a copy of the foregoing document was filed electronically. Notice of this filing will be sent by email to all parties by operation of this Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

/s/ Jacob M. Love