

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

DAVID B. MEANS, ET AL.

CIVIL ACTION NO. 5:23-cv-00669

VERSUS

JUDGE DAVID C. JOSEPH

DESOTO PARISH, ET AL.

MAGISTRATE JUDGE HORNSBY

**REPLY IN SUPPORT OF PLAINTIFFS' AMENDED MOTION
FOR PRELIMINARY INJUNCTION**

Plaintiffs¹ submit this Reply in Support of their Amended Motion for Preliminary Injunction (“Reply”). For the reasons set forth below, the motion should be granted.

ARGUMENT

I. Defendants’ Sparse Evidence Confirms That Race Predominated in Drawing the Enacted Plan, Bolstering Plaintiffs’ Likelihood of Success on the Merits.

In response to Plaintiffs’ ample direct and circumstantial evidence that race predominated in drawing the Enacted Plan, DeSoto Parish and the Police Jury (collectively “Defendants”) offer conclusory, unsubstantiated assertions that traditional districting principles “were utilized and predominated in directing the instant redistricting” instead of race. Rec. Doc. 32 at 23. And while Defendants wrongly accuse Plaintiffs of “cherry-picking” from Police Jury meetings, it is Defendants who cherry-pick, quoting from a single December 15, 2022 presentation Defendants’ demographer Mike Hefner made to the Jury as the sole public record evidence for their position. Rec. Doc. 32 at 23–26.

The totality of Defendants’ evidence consists of those portions of Mr. Hefner’s December 15 presentation and a conclusory, post-hoc declaration (also from Hefner), without a single reference to statements or evidence from the governing body itself. Defendants fail to respond to (1) record evidence² of numerous admissions of racial predominance across multiple Police Jury meetings, *see* Ex. 4 (Table of Defs.’ Public Meeting Statements);³ (2) the adoption of the

¹ Plaintiffs are residents of DeSoto Parish; each resides in the respective Police Jury district identified in the Amended Complaint. *See* Ex. 5 (Declarations of Plaintiffs).

² In their Motion for Preliminary Injunction, Plaintiffs identified video recordings from an official Parish YouTube webpage that include many of the key Parish redistricting meetings, *see* DeSoto Parish Police Jury, Live Stream Videos, available at <https://www.youtube.com/@desotoparishpolicejury3588/videos>, and included transcriptions from these videos as exhibits. For the Court’s convenience, Plaintiffs will also manually attach to this Reply some of these same video recordings as exhibits, *see* Exs. 1–3, which will be delivered to the Court on a USB flash drive. Plaintiffs also include video timestamps for such record evidence cited in this brief.

³ *See, e.g.*, Rec. Doc. 12-3 at 8–9, (Ex. 1, 36:00–36:50) (asserting that “eliminat[ing] some of the black districts that have already been in existence, that have already been approved by the Justice Department” would “put the Jury in

predecessor Plan C with its stark racially-targeted population deviations, Rec. Doc. 12 at 12; and (3) evidence from the Enacted Plan’s boundaries themselves with many brazen departures from traditional districting criteria in favor of race, Rec. Doc. 12 at 29–37. Instead, Defendants essentially throw their hands up and invite the Court to scour the voluminous record itself. Rec. Doc. 32 at 24. This is inadequate.

In fact, the evidence Defendants cite demonstrates that racial considerations predominated. For instance, immediately after Mr. Hefner assures the Police Jury that the redistricting plans under consideration were “not driven by race,” he admits that “[w]e’re not having a problem *maintaining* your five majority minority districts.” Rec. Doc. 12-3 at 12–13, (Ex. 1, 48:19–48:28). If that statement leaves any room for doubt, Mr. Hefner also stated that the Parish’s purported obligations under the Voting Rights Act—specifically and inexplicably the “obligation” to protect incumbents—drove the placement of district lines. Rec. Doc. 12 at 25. By referring to the Police Jury’s “obligation” under the Voting Rights Act (“VRA”), he was plainly not referring to protecting *all* incumbents in the Parish; rather, he believed the VRA imposed a particular duty to protect the five Black incumbents by preserving five majority-Black districts anchored in Mansfield.⁴

legal jeopardy”); Rec. Doc. 12-13 at 26, (Ex. 2, 1:32:09–1:32:21) (“[W]e have to keep our majority district. I represent white. I represent black. I represent whoever is in my district. It’s not about that, but because we’re a minority district, we have to keep that.”); Rec. Doc. 12-13 at 8, (Ex. 2, 49:32–50:00) (“These are your 2020 numbers for your current districts. So in your district, you had a 73% minority population. So yes, you’re correct. It is down. But it was at a supermajority percentages [sic] back then. 60% is still considered well within the viable majority minority.”); Rec. Doc. 12-13 at 9, (Ex. 2, 51:19–51:52) (“The problem that is driving your minority numbers is that all of you all are having to expand now basically up north to help share that overpopulation on the north end of the parish. And most of that population is not dark, mostly white. So, you’re picking up population that is mostly white as we rebalance the numbers. All of your minority, all your districts here in the Mansfield area, you see they’re all running into the 60% to 62%, 63% range.”); Rec. Doc. 12-13 at 10 (Ex. 2, 55:30–55:38) (“Your minority numbers, you’re at 60.53%, and then Ernel’s at 62.69%”); Rec. Doc. 12-13 at 13, (Ex. 2, 1:03:04–1:03:25) (“Okay, put [Precinct 44-A] back in your district. That puts you [Ms. Burrell] at a 4.8% deviation at 63% minority. Ms. Trina is at -4.35%, 68.9% minority. So . . . they all balance out on that. So . . . that’s an acceptable move from a demographer’s standpoint.”).

⁴ See Rec. Doc. 12-3 at 12, (Ex. 1, 50:10–50:41) (Hefner affirmed that the Parish was “bound by law to protect each one” of the incumbent majority-Black Juror’s districts because “[i]f you deliberately put incumbents in different

Mr. Hefner’s own public statements throughout the redistricting process confirm this was his intent.⁵ During that same December 15, 2022 presentation, Hefner instructed the Police Jury that “the safest thing for the Jury” is to “*maintain your existing majority minority districts, [and] don’t dilute your minority representation on the Jury by eliminating one purposely To me that is your safe harbor – maintain your existing majority minority districts, and then bringing in with a plus-or-minus 5%, and doing so in a plan that’s as compact as we can get it, given the geography that we have to work with.*” Rec. Doc. 12-3 at 15, (Ex. 1, 1:01:02–1:01:40) (emphasis added). Accordingly, Mr. Hefner’s highest priority was to maintain five majority-Black districts (and their incumbents), and then from there, as a secondary consideration, adjust the boundaries to fit traditional districting criteria as best as he could within acceptable population deviation limits. This public admission from a map drawer is the essence of racial predominance.

Relying on the misunderstanding that he was obligated to prevent minority retrogression, it is clear that Mr. Hefner determined (and convinced the Police Jury) that maintaining the existing five majority-Black districts and protecting their incumbents (through bizarrely-shaped boundaries if necessary) was a higher priority than addressing the significant population changes in the northern and southern areas of the Parish. This mistaken belief, even if well-intentioned, does not shield Defendants from liability for racial gerrymandering. *See Cooper v. Harris*, 581 U.S. 285, 310–316 (2017) (holding that plaintiffs proved race predominated in drawing of state

districts . . . I think you would open yourself up to a challenge on that . . . based on historical use of redistricting to try to redistrict minority representation out of their districts.”).

⁵ *See, e.g.*, Vickie Welborn, *Voters Allege DeSoto Reapportionment Plan Gerrymandered Based on Race*, KTBS (Nov. 28, 2022), <https://tinyurl.com/mrxht43c> (noting that Hefner indicated that “[t]he parish historically has had five majority black districts and according to the Voting Rights Act a new plan can’t put minority representation in a worse position”); *DeSoto Police Jury to Consider Rescinding Reapportionment Plan* (Nov. 30, 2022), <https://tinyurl.com/2ubwuuy9> (noting that Hefner indicated that redistricting plans must be drawn to “follow[] requirements of the Voting Rights Act by not putting minority representation in a worse position” even if “some of the districts are overpopulated on the north end to compensate for the growth”).

congressional districts in part because legislators stated that compliance with Section 5 of the VRA required increasing the number of African Americans in certain districts to satisfy a target, and thus the legislature deliberately drew majority-minority districts); *Jacksonville Branch of the NAACP v. City of Jacksonville*, 2022 U.S. Dist. LEXIS 186736, at *139 (M.D. Fla. Oct. 12, 2022) (“[R]acial sorting—even when done with good intention—violates the Constitutional mandate of the Equal Protection Clause if it cannot survive strict scrutiny.”).

II. Defendants Have Waived Arguments Regarding Satisfying Strict Scrutiny, Irreparable Harm, the Balance of the Equities, and the Public Interest.

Because race was the predominant consideration, the Enacted Plan must be subject to strict scrutiny where the burden flips to the Parish to make the requisite showing. *Cooper*, 581 U.S. at 292; *see also* Rec. Doc. 32 at 19 (Defendants concede that if race predominated, strict scrutiny applies). Oddly though, Defendants never attempt to satisfy strict scrutiny. The most they say is that the redistricting plan “complies with the Voter’s [sic] Rights Act,” *id.* at 23, and that “[w]hile race was appropriately considered to avoid violations under the Voter’s [sic] Rights Act, it was not the predominate factor in drawing the map,” *id.* at 6. But this says nothing about whether their *predominant* use of race was necessary to comply with the VRA, much less if it was narrowly tailored. By failing to do so, they have waived that argument for purposes of Plaintiffs’ motion.⁶

But even if Defendants have not waived this argument, supporting evidence that can be gleaned from their brief and the record is paltry at best. Mr. Hefner, in his declaration, offers conclusory assertions that the Enacted Plan complies with the VRA because it “makes no changes to the number of majority-minority districts the previous 2010 Jury plan contained which had

⁶ *See Padgett v. Fieldwood Energy, LLC*, 2020 U.S. Dist. LEXIS 20986, *14 (W.D. La. 2020) (“[F]ailure to brief an argument in the district court waives that argument in that court.” (citation omitted)); *JMCB, LLC v. Bd. of Commerce & Indus.*, 336 F. Supp. 3d 620, 634 (M.D. La. 2018) (“Generally, the failure to respond to arguments constitutes abandonment or waiver of the issue.” (citations omitted)).

received Department of Justice Pre-Clearance under Section 5.” Rec. Doc. 32-1 at 3–4. From their cited public record evidence, Hefner asserted without support that the minority community within these five majority-minority districts are sufficiently compact. Rec. Doc. 32 at 21 (citing Doc 12-3 at 12–13). These assertions are the extent of the evidence Defendants can now rely on, and they fall woefully short of Section 2’s exacting standard. There is no indication that Hefner or Defendants conducted the necessary careful and robust district-specific analysis of whether a plaintiff could satisfy the *Gingles* preconditions to show a “strong basis in evidence” for concluding that Section 2 of the VRA required preserving each of the five majority-Black districts, much less that Hefner has the requisite qualifications and expertise to make that assessment. *See Cooper*, 581 U.S. at 304. Generalized conclusions that do not analyze whether plaintiffs could establish the *Gingles* preconditions are insufficient. *See id.* at 304 n.5.⁷

Regarding irreparable harm, the balance of the equities, and the public interest in an injunction, Defendants’ Opposition fails to address Plaintiffs’ arguments on these factors at all. Defendants have thus also waived these arguments for purposes of the instant motion.⁸ Consequently, the Court should not allow them to present arguments on these factors at the preliminary injunction hearing. Because Plaintiffs are likely to succeed on the merits of their claim, and the other three factors have been waived, Plaintiffs are entitled to a preliminary injunction.

III. Defendants, Not Plaintiffs, Caused the Delay in Enacting a Final Map and Thereby Constructively Waived Any Defense Under *Purcell*.

For the last eight months, Plaintiffs have moved quickly to give Defendants adequate notice of constitutional issues; any delay in litigating those issues is attributable solely to Defendants’

⁷ Post-hoc rationalizations offered at the preliminary injunction hearing will not suffice. *See Hays v. Louisiana*, 936 F. Supp. 360, 369 (W.D. La. 1996) (rejecting “patently post-hoc rationalizations” offered as alleged race-neutral explanations for a district’s racially-motivated design).

⁸ *See Deep S. Commc’ns, LLC v. Fellegly*, 2023 U.S. Dist. LEXIS 45948, at *12 (M.D. La. 2023) (holding that the defendant “failed to brief this issue and thus waived any argument to the contrary for purposes of resolving the instant [TRO and preliminary injunction] motions”).

delay in enacting a final map. Defendants delayed for five months after first being informed of the constitutional issues in their originally enacted map before finally adopting a map that failed to address many of those problems. Defendants have therefore constructively waived a *Purcell* defense by delaying the enactment of an unconstitutional map with full knowledge of the consequences, and cannot wield the rule as both a sword and a shield against plaintiffs who have diligently sought to vindicate their constitutional rights.

To summarize, Plaintiffs notified Defendants in November 2022 of three separate constitutional problems with their original map; Defendants proceeded to fix one with their revised map; Plaintiffs notified Defendants in early February 2023 that there were still constitutional issues remaining and proposed a plan that would rectify them; Defendants then sat on Plaintiffs' recommendation for ten weeks before finally adopting the same constitutionally flawed map. Although Defendants announced at a February public meeting they would hold a separate public workshop to review proposed alternative maps (including Plaintiffs'), the workshop never occurred despite Plaintiffs' best efforts to schedule one. Rec. Doc. 12 at 17. Instead, Defendants waited until March 20, 2023, before meeting in a non-public session, and then, without making *any* further changes, adopted Plan H (Revised) on April 10, 2023. *Id.* In short, five months after Plaintiffs notified Defendants of constitutional problems with their map, Defendants enacted a plan with many of the same issues.

Federal district courts analyzing redistricting cases have consistently held that foreclosing relief because of a delay produced by defendants cannot itself work a harm on plaintiffs. *See, e.g., Baltimore Cnty. Branch of the NAACP v. Baltimore Cnty.*, 2022 U.S. Dist. LEXIS 39265, at *38–39 (D. Md. Feb. 22, 2022); *Brule v. Lyman Cnty. Bd. of Comm'rs*, 2022 U.S. Dist. LEXIS 159739, at *82–83 (D.S.D. Sept. 2, 2022) (finding that “the Defendants were responsible for delaying the

adoption of a new redistricting plan” even though they “were on notice” that the plan “potentially violated the VRA”). Likewise, Defendants here were on notice that Plan H (Revised) presented serious constitutional concerns; rather than using those warnings to address the underlying problems, Defendants made no changes for ten weeks and then passed it anyway.

Defendants’ actions, as described above, amount to constructive waiver. Even “fundamental constitutional rights” can be waived if accomplished by “knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences.” *Mata v. Johnson*, 210 F.3d 324, 329 (5th Cir. 2020) (citation omitted). Like other defenses, the *Purcell* rule is waivable. *See Rose v. Raffensperger*, 143 S. Ct. 58 (2022) (vacating stay order that relied on the application of *Purcell*, a defense that “respondent could not fairly have advanced himself in light of his previous representations to the district court that the schedule on which the district court proceeded was sufficient to enable effectual relief”); *see also Jacksonville Branch of the NAACP v. City of Jacksonville*, 2022 U.S. App. LEXIS 30883, at *16-17 (11th Cir. Nov. 7, 2022) (Lagoa, J., concurring). And at every step of the recent redistricting process, Defendants acted (or failed to act) while having “sufficient awareness of the relevant circumstances and likely consequences.” *Mata*, 210 F.3d at 329. Defendants knew that the next primary election was scheduled for October 14, 2023; they knew that some of the Plaintiffs (and others similarly situated) had threatened to sue if the constitutional violations they identified were not addressed; and they knew that waiting to enact a map until April 2023 would shrink the window within which the aggrieved voters could mount a challenge.

If Defendants had immediately enacted Plan H (Revised) in February 2023, the parties could have litigated these issues in mid-April rather than late June. If there is now insufficient time remaining to adopt and implement a new map before statutory qualifying deadlines, Defendants

have only themselves to blame; Plaintiffs' rights should not continue to be violated as a result.

It is also important to note that Police Jurors are elected to four-year terms, and that all eleven members are up for election in 2023. *See* La. R.S. § 33:1221(A); La. Sec'y of State, <https://voterportal.sos.la.gov/static/2019-10-12/resultsRace/16>. Therefore, if the 2023 elections proceed under Plan H (Revised), the citizens of DeSoto Parish will be forced to live in districts that have been unconstitutionally constructed for *at least* four years.⁹ There is no guarantee relief will be forthcoming in four years' time either. Denying preliminary injunctive relief in this case simply because Defendants successfully ran out the clock will not only result in harm to DeSoto Parish voters in the 2023 police jury elections, but "would also provide the [Parish] an incentive to delay the adoption of its redistricting plans in the future, in the hopes of avoiding an immediate challenge under the Voting Rights Act." *Baltimore Cnty. Branch of the NAACP*, 2022 U.S. Dist. LEXIS 39265, at *39. Affirming Defendants' actions will give them license to execute the same strategy—and inflict the same constitutional harms—in perpetuity.

Nevertheless, there remains sufficient time for the Court to issue an opinion on the preliminary injunction and for Defendants to implement a remedy without delaying the primary election. The Louisiana Commissioner of Elections has provided a declaration stating that the primary election can still feasibly be held on October 14, 2023, with the candidate qualifying period occurring as late as August 14–16, 2023, so long as the Secretary of State and Registrar have 7–10 business days to implement the Court-ordered plan into the ERIN system and assign voters to new districts. Rec. Doc. 32-3 ¶ 31. Plaintiffs propose one potential schedule that could

⁹ Importantly, delayed relief here would subject Plaintiffs to at least four years of ongoing "special" representational harms from racial gerrymandering that "are not present in . . . vote dilution cases," including "signaling to elected officials that they represent a particular racial group rather than their constituency as a whole." *Shaw v. Reno*, 509 U.S. 630, 649–650 (1993). Accordingly, unlike the injury arising from "dilution of the weight of a citizen's vote" that is experienced at the time a ballot is cast, *see Reynolds v. Sims*, 377 U.S. 533, 555 (1964), the unique harms of racial gerrymandering would persist each day Plaintiffs are subject to this racial classification for over four years.

satisfy the Commissioner’s deadlines, while acknowledging that those deadlines are not sacrosanct, and this Court has the power to change them.¹⁰

IV. This Court Has the Equitable Power to Modify State Law Election Deadlines.

If this Court determines that it is unable to rectify the Enacted Plan’s constitutional violation within the time remaining before Louisiana’s candidate qualifying period, then it has a broad array of remedies to alter the relevant deadlines. Plaintiffs have pleaded a violation of the Fourteenth Amendment and demanded injunctive relief to remedy that harm. “Once a right and a violation have been shown, the scope of a district court’s equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies,” and the Court’s primary “task is to correct . . . the condition that offends the Constitution.” *Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 15 (1971). This equitable principle extends to the redistricting context, where the Fifth Circuit recently reminded a federal district court within this State that “[i]f time presses too seriously, the District Court has the power appropriately to extend’ . . . deadline[s] and other ‘time limitations imposed by state law.’” *Robinson v. Ardoin*, 37 F.4th 208, 230 (5th Cir. 2022) (quoting *Sixty-Seventh Minn. State Senate v. Beens*, 406 U.S. 187, 201 n.11 (1972)).

The *Purcell* principle is real, but is it not insurmountable, and “it would be the unusual case in which a court would be justified in not taking appropriate action to insure that no further elections are conducted under [an] invalid plan.” *Reynolds*, 377 U.S. at 585. The extension of candidate qualifying deadlines and the implementation of a revised map would inevitably entail some degree of “bureaucratic strain” on election officials, but this is insufficient to invoke *Purcell*

¹⁰ Plaintiffs propose the following schedule consistent with the Commissioner’s recommendations: (1) preliminary injunction opinion issued by July 21, 2023; (2) maps and brief in support of Police Jury and judicial remedy (running concurrently) due on July 28, 2023; (3) opposition briefs due on July 31, 2023; and (4) order on remedy released by August 4, 2023. This schedule would result in a remedy being ordered a full 71 days before the October 14, 2023, primary election, and seven business days before the start of the Commissioner’s specified candidate qualifying period.

unless such strain is “more than ordinary.” *Robinson*, 37 F.4th at 230. “It is axiomatic that injunctions in voting-rights cases burden the defendants. But the question, under *Purcell*, is not whether an injunction would burden the defendants, but whether that burden is *intolerable*—that is, whether the defendants can bear it ‘without significant cost, confusion, or hardship.’” *Id.* (quoting *Merrill v. Milligan*, 142 S. Ct. 879, 881 (2022) (Kavanaugh, J., concurring)) (emphasis added). As the Fifth Circuit has recognized, “the *Purcell* doctrine is about voter confusion and infeasibility, not administrative convenience.” *Id.*

Furthermore, this Court has the authority to order special elections if necessary. *See, e.g., Navajo Nation v. San Juan Cnty.*, 2017 U.S. Dist. LEXIS 211230, at *49–50 (D. Utah Dec. 21, 2017), *aff’d*, 929 F.3d 1270 (10th Cir. 2019) (holding that racial gerrymandering violations were “severe and longstanding” enough to warrant special elections); *United States v. Osceola Cnty.*, 474 F. Supp. 2d 1254, 1255 (M.D. Fla. 2006) (similar).

Awarding Plaintiffs’ requested relief will require administrators to assign voters to new districts, but that task is part and parcel of election administration. Moreover, according to the declaration of the DeSoto Parish Registrar of Voters, “the prework on paper for the police jury assignments in Plan H has not yet been completed by my office.” Rec. Doc. 32-4 ¶ 13. Hence, the burden is more manageable because the relevant work is ongoing. For these reasons, *Purcell* does not pose an insurmountable barrier to the relief that Plaintiffs seek. The schedule can still feasibly be adjusted to preserve the date of the October 2023 primary election and, if a special election ultimately needs to be scheduled, the sole responsibility for the delay belongs to Defendants.

CONCLUSION

For the reasons set out above, the Court should grant Plaintiffs’ Motion for Preliminary Injunction.

Dated: July 3, 2023

/s/ Reid A. Jones

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2023, I served the foregoing via email on all counsel of record by operation of the Court's CM/ECF filing system.

/s/ Reid A. Jones
Reid A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

DAVID B. MEANS, ET AL.

Civil Action No. 5:23-CV-00669

Plaintiff

VS.

Judge David C. Joseph

DESOTO PARISH, ET AL.

Magistrate Judge Hornsby

Defendant

NOTICE OF MANUAL ATTACHMENT

ATTACHMENTS TO: Reply in Support of Plaintiffs' Amd Mtn for Preliminary Injunction
DESCRIPTION: DeSoto Parish Police Jury Meeting December 15, 2022
FILED BY: Reid A. Jones
FILE DATE: 7/3/23

***** NOTICE*****

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Prepared by: Reid A. Jones

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

DAVID B. MEANS, ET AL.

Civil Action No. 5:23-CV-00669

Plaintiff

VS.

Judge (David C. Joseph

DESOTO PARISH, ET AL.

Magistrate Judge Hornsby

Defendant

NOTICE OF MANUAL ATTACHMENT

ATTACHMENTS TO:	<u>Reply in Support of Plaintiffs' Amd Mtn for Preliminary Injunction</u>
DESCRIPTION:	<u>DeSoto Parish Police Jury Meeting January 19, 2023</u>
FILED BY:	<u>Reid A. Jones</u>
FILE DATE:	<u>7/3/23</u>

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

DAVID B. MEANS, ET AL.

Civil Action No. 5:23-CV-00669

Plaintiff

VS.

Judge David C. Joseph

DESOTO PARISH, ET AL.

Magistrate Judge Hornsby

Defendant

NOTICE OF MANUAL ATTACHMENT

ATTACHMENTS TO:	<u>Reply in Support of Plaintiffs' Amd Mtn for Preliminary Injunction</u>
DESCRIPTION:	<u>DeSoto Parish Police Jury Meeting February 21, 2023</u>
FILED BY:	<u>Reid A. Jones</u>
FILE DATE:	<u>7/3/23</u>

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Examples of Defendants' Public Meeting Statements Showing Racial Predominance

Meeting Date	Doc. No. and Page(s)	Reply Exh. and Timestamp	Statement/Description
Dec. 15, 2022	Doc. 12-3 at 8-9	Ex. 1, 36:00-36:50	“[E]liminat[ing] some of the black districts that have already been in existence, that have already been approved by the Justice Department” would “put the Jury in legal jeopardy.”
Dec. 15, 2022	Doc. 12-3 at 9	Ex. 1, 39:15-39:35	“[W]hen all these people migrated to the northern end of this parish, and let’s be honest about it, predominately white, so as far as I’m concerned, they created a segregated thing.”
Dec. 15, 2022	Doc. 12-3 at 12	Ex. 1, 50:10-50:12	The Parish is “bound by law to protect each one” of the incumbent majority-Black Juror’s districts because “[i]f you deliberately put incumbents in different districts . . . I think you would open yourself up to a challenge on that . . . based on historical use of redistricting to try to redistrict minority representation out of their districts.”
Dec. 15, 2022	Doc. 12-3 at 14-15	Ex. 1, 1:00:49-1:01:02	Dismissing caselaw presented by Parish District Attorney Charles Adams to warn about racial gerrymandering as “not applicable, but it’s applicable when you’re trying to create an additional minority district, not when you’re trying to maintain.”
Dec. 15, 2022	Doc. 12-3 at 15	Ex. 1, 1:01:02-1:01:32	“[T]he safest thing for the Jury is to . . . maintain your existing majority minority districts, [and] don’t dilute your minority representation on the Jury by eliminating one purposely To me that is your safe harbor – maintain your existing majority minority districts, and then bringing in with a plus-or-minus 5%, and doing so in a plan that’s as compact as we can get it, given the geography that we have to work with.”
Dec. 15, 2022	Doc. 12-3 at 40	Ex. 1, 2:01:03-2:01:23	“[O]ne thing we do want to do is try to avoid – any plan that we adopt needs to try to maintain your minority representation, and not weaken it.”
Jan. 19, 2023	Doc. 12-13 at 8	Ex. 2, 49:32-50:01	“These are your 2020 numbers for your current districts. So in your district, you had a 73% minority population. So yes, you’re correct. It is down. But it was at a supermajority percentages back then. 60% is still considered well within the viable majority minority.”
Jan. 19, 2023	Doc. 12-13 at 9	Ex. 2, 51:19-51:52	“The problem that is driving your minority numbers is that all of you all are having to expand now basically up north to help share that overpopulation on the north end of the parish. And most of that population is not dark, mostly white. So, you’re picking up population that is mostly white as we rebalance the numbers. All of your minority, all your districts here in the Mansfield area, you see they’re all running into the 60% to 62%, 63% range.”
Jan. 19, 2023	Doc. 12-13 at 10	Ex. 2, 55:31-55:38	“Your minority numbers, you’re at 60.53%, and then Ernel’s at 62.69%.”
Jan. 19, 2023	Doc. 12-13 at 13	Ex. 2, 1:03:04-1:03:25	“Okay, put [Precinct 44-A] back in your district. That puts you [Ms. Burrell] at a 4.8% deviation at 63% minority. Ms. Trina is at -4.35%, 68.9% minority. So they all balance out on that. So . . . that’s an acceptable move from a demographer’s standpoint.”

Examples of Defendants' Public Meeting Statements Showing Racial Predominance

Meeting Date	Doc. No. and Page(s)	Reply Exh. and Timestamp	Statement/Description
Jan. 19, 2023	Doc 12-13 at 26	Ex. 2, 1:32:09-1:32:22	“[W]e have to keep our majority district. I represent white. I represent black. I represent whoever is in my district. It’s not about that, but because we’re a minority district, we have to keep that.”
Feb. 21, 2023	Doc. 12-4 at 26-27	Ex. 3, 1:26:33-1:30:36	Dismissing Mr. Adams’ warning to the Police Jury that drawing based on race requires a “compelling reason” under the VRA because he allegedly was “pushing for the people with the complaint.”

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

DAVID B. MEANS, ET AL.

CIVIL ACTION NO. 5:23-cv-00669

VERSUS

JUDGE DAVID C. JOSEPH

DESOTO PARISH, ET AL.

MAGISTRATE JUDGE MARK L. HORNSBY

DECLARATION OF DONALD BARBER

DONALD BARBER declares as follows:

1. I am over 18 years of age and competent to make this declaration.
2. I am a U.S. citizen and am lawfully registered to vote in Louisiana.
3. I regularly vote in federal, state, and local elections in Louisiana. I intend to vote in the 2023 DeSoto Parish Police Jury elections and in future elections.
4. I live in the City of Converse, Louisiana. I reside in Police Jury District 1-C in DeSoto Parish.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 6/30/2023

DocuSigned by:

B682FC9475094A6...
DONALD BARBER

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

DAVID B. MEANS, ET AL.

CIVIL ACTION NO. 5:23-cv-00669

VERSUS

JUDGE DAVID C. JOSEPH

DESOTO PARISH, ET AL.

MAGISTRATE JUDGE MARK L. HORNSBY

DECLARATION OF JACK E. BARRON

JACK E. BARRON declares as follows:

1. I am over 18 years of age and competent to make this declaration.

2. I am a U.S. citizen and am lawfully registered to vote in Louisiana.

3. I regularly vote in federal, state, and local elections in Louisiana. I intend to vote in the 2023 DeSoto Parish Police Jury elections and in future elections.

4. I live in the City of Mansfield, Louisiana. I reside in Police Jury District 4-C in DeSoto Parish.

5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 6/30/2023

DocuSigned by:

01C4345D5891489
JACK E. BARRON

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

DAVID B. MEANS, ET AL.

CIVIL ACTION NO. 5:23-cv-00669

VERSUS

JUDGE DAVID C. JOSEPH

DESOTO PARISH, ET AL.

MAGISTRATE JUDGE MARK L. HORNSBY

DECLARATION OF BILLY DWAYNE BRUMLEY

BILLY DWAYNE BRUMLEY declares as follows:

1. I am over 18 years of age and competent to make this declaration.
2. I am a U.S. citizen and am lawfully registered to vote in Louisiana.
3. I regularly vote in federal, state, and local elections in Louisiana. I intend to vote in the 2023 DeSoto Parish Police Jury elections and in future elections.
4. I live in the City of Mansfield, Louisiana. I reside in Police Jury District 4-D in DeSoto Parish.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 6/30/2023

DocuSigned by:

Billy Dwayne Brumley

03373458CF54408
BILLY DWAYNE BRUMLEY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

DAVID B. MEANS, ET AL.

CIVIL ACTION NO. 5:23-cv-00669

VERSUS

JUDGE DAVID C. JOSEPH

DESOTO PARISH, ET AL.

MAGISTRATE JUDGE MARK L. HORNSBY

DECLARATION OF SHERRY BRUMLEY

SHERRY BRUMLEY declares as follows:

1. I am over 18 years of age and competent to make this declaration.
2. I am a U.S. citizen and am lawfully registered to vote in Louisiana.
3. I regularly vote in federal, state, and local elections in Louisiana. I intend to vote in the 2023 DeSoto Parish Police Jury elections and in future elections.
4. I live in the City of Mansfield, Louisiana. I reside in Police Jury District 4-D in DeSoto Parish.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 6/30/2023

DocuSigned by:

03373A58CF54408
SHERRY BRUMLEY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

DAVID B. MEANS, ET AL.

CIVIL ACTION NO. 5:23-cv-00669

VERSUS

JUDGE DAVID C. JOSEPH

DESOTO PARISH, ET AL.

MAGISTRATE JUDGE MARK L. HORNSBY

DECLARATION OF JACK L. BURFORD

JACK L. BURFORD declares as follows:

1. I am over 18 years of age and competent to make this declaration.
2. I am a U.S. citizen and am lawfully registered to vote in Louisiana.
3. I regularly vote in federal, state, and local elections in Louisiana. I intend to vote

in the 2023 DeSoto Parish Police Jury elections and in future elections.

4. I live in Gloster, Louisiana. I reside in Police Jury District 4-B in DeSoto Parish.

5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing

is true and correct.

Dated: 6/29/2023

DocuSigned by:

Jack Burford

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JACK L. BURFORD

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

DAVID B. MEANS, ET AL.

CIVIL ACTION NO. 5:23-cv-00669

VERSUS

JUDGE DAVID C. JOSEPH

DESOTO PARISH, ET AL.

MAGISTRATE JUDGE MARK L. HORNSBY

DECLARATION OF ROBERT G. BURFORD

ROBERT G. BURFORD declares as follows:

1. I am over 18 years of age and competent to make this declaration.
2. I am a U.S. citizen and am lawfully registered to vote in Louisiana.
3. I regularly vote in federal, state, and local elections in Louisiana. I intend to vote in the 2023 DeSoto Parish Police Jury elections and in future elections.
4. I live in Gloster, Louisiana. I reside in Police Jury District 4-A in DeSoto Parish.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 6/29/2023

DocuSigned by:

ROBERT BURFORD

F77B7580354649F...
ROBERT G. BURFORD

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

DAVID B. MEANS, ET AL.

CIVIL ACTION NO. 5:23-cv-00669

VERSUS

JUDGE DAVID C. JOSEPH

DESOTO PARISH, ET AL.

MAGISTRATE JUDGE MARK L. HORNSBY

DECLARATION OF JOE COBB

JOE COBB declares as follows:

1. I am over 18 years of age and competent to make this declaration.
2. I am a U.S. citizen and am lawfully registered to vote in Louisiana.
3. I regularly vote in federal, state, and local elections in Louisiana. I intend to vote in the 2023 DeSoto Parish Police Jury elections and in future elections.
4. I live in Frierson, Louisiana. I reside in Police Jury District 5 in DeSoto Parish.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 6/30/2023

DocuSigned by:

Joe Cobb

40ED3F23F25E434...

JOE COBB

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

DAVID B. MEANS, ET AL.

CIVIL ACTION NO. 5:23-cv-00669

VERSUS

JUDGE DAVID C. JOSEPH

DESOTO PARISH, ET AL.

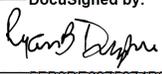
MAGISTRATE JUDGE MARK L. HORNSBY

DECLARATION OF RYAN DUPREE

RYAN DUPREE declares as follows:

1. I am over 18 years of age and competent to make this declaration.
2. I am a U.S. citizen and am lawfully registered to vote in Louisiana.
3. I regularly vote in federal, state, and local elections in Louisiana. I intend to vote in the 2023 DeSoto Parish Police Jury elections and in future elections.
4. I live in Gloster, Louisiana. I reside in Police Jury District 4-B in DeSoto Parish.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 6/30/2023

DocuSigned by:

SEB3DE6975974B2
RYAN DUPREE

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

DAVID B. MEANS, ET AL.

CIVIL ACTION NO. 5:23-cv-00669

VERSUS

JUDGE DAVID C. JOSEPH

DESOTO PARISH, ET AL.

MAGISTRATE JUDGE MARK L. HORNSBY

DECLARATION OF W. BRUCE GARLINGTON

W. BRUCE GARLINGTON declares as follows:

1. I am over 18 years of age and competent to make this declaration.
2. I am a U.S. citizen and am lawfully registered to vote in Louisiana.
3. I regularly vote in federal, state, and local elections in Louisiana. I intend to vote in the 2023 DeSoto Parish Police Jury elections and in future elections.
4. I live in Pelican, Louisiana. I reside in Police Jury District 6 in DeSoto Parish.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 6/29/2023

DocuSigned by:

W. Bruce Garlington

1719ACF928764F2
W. BRUCE GARLINGTON

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

DAVID B. MEANS, ET AL.

CIVIL ACTION NO. 5:23-cv-00669

VERSUS

JUDGE DAVID C. JOSEPH

DESOTO PARISH, ET AL.

MAGISTRATE JUDGE MARK L. HORNSBY

DECLARATION OF ROBERT GROSS

ROBERT GROSS declares as follows:

1. I am over 18 years of age and competent to make this declaration.
2. I am a U.S. citizen and am lawfully registered to vote in Louisiana.
3. I regularly vote in federal, state, and local elections in Louisiana. I intend to vote in the 2023 DeSoto Parish Police Jury elections and in future elections.

4. I live in the City of Stonewall, Louisiana. I reside in Police Jury District 2 in DeSoto Parish.

5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 6/30/2023

DocuSigned by:

 682C0F3D9D1F49D
ROBERT GROSS

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

DAVID B. MEANS, ET AL.

CIVIL ACTION NO. 5:23-cv-00669

VERSUS

JUDGE DAVID C. JOSEPH

DESOTO PARISH, ET AL.

MAGISTRATE JUDGE MARK L. HORNSBY

DECLARATION OF DAVID B. MEANS

DAVID B. MEANS declares as follows:

1. I am over 18 years of age and competent to make this declaration.
2. I am a U.S. citizen and am lawfully registered to vote in Louisiana.
3. I regularly vote in federal, state, and local elections in Louisiana. I intend to vote in the 2023 DeSoto Parish Police Jury elections and in future elections.
4. I live in Gloster, Louisiana. I reside in Police Jury District 4-A in DeSoto Parish.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 6/29/2023

DocuSigned by:

David B. Means

BFE1AB6997AA445...

DAVID B. MEANS

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

DAVID B. MEANS, ET AL.

CIVIL ACTION NO. 5:23-cv-00669

VERSUS

JUDGE DAVID C. JOSEPH

DESOTO PARISH, ET AL.

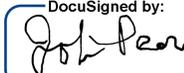
MAGISTRATE JUDGE MARK L. HORNSBY

DECLARATION OF JOHN F. PEARCE

JOHN F. PEARCE declares as follows:

1. I am over 18 years of age and competent to make this declaration.
2. I am a U.S. citizen and am lawfully registered to vote in Louisiana.
3. I regularly vote in federal, state, and local elections in Louisiana. I intend to vote in the 2023 DeSoto Parish Police Jury elections and in future elections.
4. I live in Frierson, Louisiana. I reside Police Jury District 5 in DeSoto Parish.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 6/30/2023

DocuSigned by:

30384395E7E444E...
JOHN F. PEARCE

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

DAVID B. MEANS, ET AL.

CIVIL ACTION NO. 5:23-cv-00669

VERSUS

JUDGE DAVID C. JOSEPH

DESOTO PARISH, ET AL.

MAGISTRATE JUDGE MARK L. HORNSBY

DECLARATION OF MARY L. SALLEY

MARY L. SALLEY declares as follows:

1. I am over 18 years of age and competent to make this declaration.

2. I am a U.S. citizen and am lawfully registered to vote in Louisiana.

3. I regularly vote in federal, state, and local elections in Louisiana. I intend to vote in the 2023 DeSoto Parish Police Jury elections and in future elections.

4. I live in the City of Converse, Louisiana. I reside in Police Jury District 1-C in DeSoto Parish.

5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 6/30/2023

DocuSigned by:

ED5C297B5FDD4FC...
MARY L. SALLEY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

DAVID B. MEANS, ET AL.

CIVIL ACTION NO. 5:23-cv-00669

VERSUS

JUDGE DAVID C. JOSEPH

DESOTO PARISH, ET AL.

MAGISTRATE JUDGE MARK L. HORNSBY

DECLARATION OF MARTHA TRISLER

MARTHA TRISLER declares as follows:

1. I am over 18 years of age and competent to make this declaration.
2. I am a U.S. citizen and am lawfully registered to vote in Louisiana.
3. I regularly vote in federal, state, and local elections in Louisiana. I intend to vote in the 2023 DeSoto Parish Police Jury elections and in future elections.
4. I live in Pelican, Louisiana. I reside in Police Jury District 6 in DeSoto Parish.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 6/29/2023

DocuSigned by:

martha trisler

8F4E804A416D478...

MARTHA TRISLER