

# Holtzman Vogel

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK PLLC

July 21, 2023

Honorable Lyle W. Cayce  
Office of the Clerk  
United States Court of Appeals for the Fifth Circuit  
600 S. Maestri Place,  
Suite 115  
New Orleans, LA 70130

Re: No. 22-30333      *Robinson v. Ardoin*

USDC No. 3:22-CV-211; USDC No. 3:22-CV-214

Dear Mr. Cayce:

Appellant the State of Louisiana, by and through its Attorney General Jeff Landry, respectfully submits this supplemental letter in response to the district court’s “pertinent and significant” order—entered July 17, 2023—scheduling a preliminary injunction hearing to establish a remedial map for Louisiana’s congressional districts. *See* FRAP 28(j); 5th Cir. R. 28.4.

This week, the district court ordered that the preliminary injunction hearing—stayed by the U.S. Supreme Court in June of 2022—is now scheduled for October 3–5, 2023. Order, No. 3:22-cv-211 (ECF No. 250). This decision is counter to both the Supreme Court’s directive in this matter and common sense, as the elections that were preliminarily enjoined occurred eight months ago, and time remains for a full trial on the merits before the next congressional elections. *See Ardoin v. Robinson*, No. 21-1596 (U.S.) (June 26, 2023) (vacating stay thereby “allow[ing] the matter to proceed before [this Court] for review in the ordinary course and in advance of the 2024 congressional elections in Louisiana”).

Delaying trial will significantly impact the duration of this litigation. It is in the interests of all parties to have a final adjudication of the merits well before the November 2024 congressional elections—less than sixteen months away. To do so will require not only that the trial in this matter be held and a final judgment issue from the district court, but that sufficient time remain for this Court and the U.S. Supreme Court to adjudicate any appeals arising from that final judgment.<sup>1</sup>

For the forgoing reasons and those reasons outlined in Appellants’ July 6, 2023 Letter Brief, Louisiana requests the remedies outlined in Appellants’ July 6, 2023 Letter Brief.

Respectfully submitted,

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<sup>1</sup> Notably, the lower court has simultaneously scheduled a bench trial in a separate challenge to Louisiana’s state legislative district maps to begin on November 27, 2023, although that litigation is both less time-sensitive (state legislators will not compete for election again until 2027) and less advanced procedurally (as there was never a preliminary injunction hearing) than the instant action. *See* Scheduling Order, *Nairne v. Ardoin*, No. 3:22-cv-178 (ECF No. 110).

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