

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

PRESS ROBINSON, EDGAR CAGE,
DOROTHY NAIRNE, EDWIN RENE
SOULE, ALICE WASHINGTON, CLEE
EARNEST LOWE, DAVANTE LEWIS,
MARTHA DAVIS, AMBROSE SIMS,
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE
("NAACP") LOUISIANA STATE
CONFERENCE, AND POWER COALITION
FOR EQUITY AND JUSTICE,

Plaintiffs,

v.

KYLE ARDOIN, in his official capacity as
Secretary of State for Louisiana.

Defendant.

Civil Action No. 3:22-cv-00211-SDD-RLB

EDWARD GALMON, SR., CIARA HART,
NORRIS HENDERSON, TRAMELLE
HOWARD,

Plaintiffs,

v.

KYLE ARDOIN, in his official capacity as
Secretary of State for Louisiana.

Defendant.

Civil Action No. 3:22-cv-00214-SDD-RLB

NOTICE OF ROBINSON AND GALMON PLAINTIFFS' PROPOSED PREHEARING SCHEDULE

Pursuant to this Court's order dated September 1, 2023, [ECF 272] Plaintiffs in the above captioned cases hereby notify the Court of their proposed discovery and briefing schedule in advance of the remedial hearing scheduled for October 3-5, 2023.

1. On August 25, 2023, Defendants filed an emergency motion to cancel the remedial hearing. Plaintiffs objected to Defendants' motion in part on the ground that deferring adoption of a remedy would risk that Louisiana voters would again be forced to endure an election under an unlawful map. The Court denied Defendants' motion on August 29, 2023.

2. The Court held scheduling conferences on August 30 and September 1, 2023, during which the parties shared their proposals for a pre-hearing schedule. ECF Nos. 271-72. The parties have since exchanged communications and failed to reach consensus on a pre-hearing scheduling order.

3. At the September 1 conference, the Court offered to hold the remedial hearing the week of October 16, 2023, or the week of November 6, 2023, if the parties so stipulated. Plaintiffs now renew their objection to deferring the remedial hearing and ask that it go forward as scheduled on October 3-5, 2023. Plaintiffs reiterate that time is of the essence in this case, as Defendants have never conceded any date before which a new map could be implemented without disruption to the November 2024 election.

4. "This case has been extensively litigated." Order, ECF No. 267. Before the Supreme Court stayed the action last year, the "preparation necessary for the remedial hearing was essentially complete" in June 2022. *Id.* at 2 ("The Defendants elected not to prepare any remedial maps. The Plaintiffs disclosed proposed remedial maps; witnesses and exhibits were disclosed; expert reports were disclosed; and Defendants deposed Plaintiffs' identified experts."). The

purpose of the remedial hearing is not to relitigate the first *Gingles* precondition or any other element of Plaintiffs’ Section 2 claims that were determined at the liability phase of the preliminary injunction. As the Court has recognized, the “only remaining issue is the selection of a congressional district map” that cures the likely violation of the Voting Rights Act identified by the Court in its June 6, 2022 Opinion and Order. *Id.*; *see also* ECF No. 173. That “limited inquiry,” *id.*, is all the Court should consider at the remedial hearing. *See Milligan v. Allen*, Case No. 2:210cv01530-AMM, Order (N.D. Ala., Aug. 6, 2023), at 10-11 (purpose of “remedial proceeding is to determine whether [the proposed remedial plan] remediates that likely violation of Section Two that we found,” “not [to] relitigate the findings we made in connection with that liability determination”).

5. As time is of the essence, Plaintiffs are willing to forego the opportunity to submit a new map, and instead rest on the previous submission to the Court. *See* ECF No. 225. The Plaintiffs propose the following pre-hearing schedule for discovery, briefing, and exchange of witness and exhibit lists.

Event	Plaintiffs’ Proposed Deadline
Parties Serve Fact Witness Disclosures	September 14, 2023
Parties Serve Expert Reports (Supplemental and New)	September 15, 2023
Parties Disclose Rebuttal Expert Witnesses	September 18, 2023
Parties Serve Rebuttal Expert Reports	September 28, 2023
Parties File Witness and Exhibit Lists	September 29, 2023
Parties File Pre-Hearing Briefs (30 pages per side)	September 29, 2023
Remedial Hearing	October 3, 2023- October 5, 2023

6. This proposed schedule is similar to the schedule proposed by the Defendants. The dates match exactly. The only difference is that Plaintiffs' proposed schedule provides a reciprocal opportunity for both sides to supplement the remedial record, while Defendants' schedule provides that opportunity only to the Defendants, precluding plaintiffs from offering supplemental analysis of the proposed remedial plan, including analysis of the results of the 2022 mid-term elections. Plaintiffs believe providing all parties the opportunity to supplement the record will aid the court in its determination of the remedial issues.

7. In proposing this schedule, Plaintiffs do not waive the right to object to the scope of Defendants' expert reports and any testimony or other evidence Defendants offer to the extent that evidence addresses issues beyond the limited scope of the remedial hearing.

Date: September 6, 2023

Respectfully submitted,

By: /s/ Abha Khanna

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