

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

PRESS ROBINSON, et al.,

Plaintiffs,

v.

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

Defendant.

consolidated with

EDWARD GALMON, SR., et al.,

Plaintiffs,

v.

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

Defendant.

CIVIL ACTION

NO. 3:22-CV-00211-SDD-SDJ

consolidated with

NO. 3:22-CV-00214-SDD-SDJ

DEFENDANTS' MOTION FOR SCHEDULING ORDER

NOW COMES Defendant R. Kyle Ardoin, in his official capacity as Secretary of State for the State of Louisiana, Defendant Intervenors Patrick Page Cortez and Clay Schexnayder in their respective official capacities as President of the Louisiana Senate and Speaker of the Louisiana House of Representatives; and Intervenor-Defendant the State of Louisiana, through Louisiana Attorney General Jeff Landry (collectively, "Defendants"), by and through undersigned counsel and, pursuant to Local Civil Rule 7 and this Court's October 19, 2023, Order [Doc. 301], respectfully moves this Court to enter the Scheduling Order attached as Exhibit 1 as the pre-hearing schedule for the February 5-9, 2024, hearing on the remedy phase of

the preliminary injunction. Counsel for Defendants met and conferred with Counsel for Plaintiffs on October 19, 2023, and October 20, 2023. Counsel for Defendants provided a final proposed schedule at approximately 1:00 PM EST to counsel for Plaintiffs. Counsel for Defendants followed up with counsel for Plaintiffs at approximately 3:10 PM EST. Having heard nothing from counsel for Plaintiffs, and in respect for the Court's deadline, Defendants respectfully request that the Court enter the Scheduling Order attached as Exhibit 1. This is the last proposal made by Defendants. In requesting that the Court enter this Scheduling Order no party waives argument on any issues remaining on appeal before the Fifth Circuit, including but not limited to those pertaining to the underlying preliminary injunction in this matter.

Respectfully submitted, this the 20th day of October, 2023.

/s/ Phillip J. Strach

Phillip J. Strach*

Lead Counsel

Thomas A. Farr*

John E. Branch, III*

Alyssa M. Riggins*

Cassie A. Holt*

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

301 Hillsborough Street, Suite 1400

Raleigh, North Carolina 27603

Ph: (919) 329-3800

phil.strach@nelsonmullins.com

tom.farr@nelsonmullins.com

john.branch@nelsonmullins.com

alyssa.riggins@nelsonmullins.com

cassie.holt@nelsonmullins.com

/s/ John C. Walsh

John C. Walsh, LA Bar Roll No. 24903

John C. Conine, Jr., LA Bar Roll No. 36834

SHOWS, CALL & WALSH, L.L.P.

628 St. Louis St. (70802)

P.O. Box 4425

Baton Rouge, LA 70821
Ph: (225) 346-1461
Fax: (225) 346-1467
john@scwillp.com
coninej@scwillp.com

** Admitted pro hac vice*

*Counsel for Defendant R. KYLE ARDOIN, in his
official capacity as Secretary of State of Louisiana*

By: /s/Michael W. Mengis
LA Bar No. 17994
BAKERHOSTETLER LLP
811 Main Street, Suite 1100
Houston, Texas 77002
Phone: (713) 751-1600
Fax: (713) 751-1717
Email: mmengis@bakerlaw.com

E. Mark Braden*
Katherine L. McKnight*
Richard B. Raile*
BAKERHOSTETLER LLP
1050 Connecticut Ave., N.W., Ste. 1100
Washington, D.C. 20036
(202) 861-1500
mbraden@bakerlaw.com
kmcknight@bakerlaw.com
rraile@bakerlaw.com

Patrick T. Lewis*
BAKERHOSTETLER LLP
127 Public Square, Ste. 2000
Cleveland, Ohio 44114
(216) 621-0200
plewis@bakerlaw.com

Erika Dackin Prouty*
BAKERHOSTETLER LLP
200 Civic Center Dr., Ste. 1200
Columbus, Ohio 43215
(614) 228-1541
eprouty@bakerlaw.com

Jeff Landry
Louisiana Attorney General
By: /s/ Jeffrey M. Wale
Elizabeth B. Murrill (LSBA No. 20685)
Solicitor General
Shae McPhee (LSBA No. 38565)
Angelique Duhon Freel (LSBA No. 28561)
Carey Tom Jones (LSBA No. 07474)
Amanda M. LaGroue (LSBA No. 35509)
Jeffrey M. Wale (LSBA No. 36070)
OFFICE OF THE ATTORNEY GENERAL
LOUISIANA DEPARTMENT OF JUSTICE
1885 N. Third St.
Baton Rouge, LA 70804
(225) 326-6000 phone
(225) 326-6098 fax
murrille@ag.louisiana.gov
mcphees@ag.louisiana.gov
freela@ag.louisiana.gov
jonescar@ag.louisiana.gov
lagrouea@ag.louisiana.gov
walej@ag.louisiana.gov

Jason B. Torchinsky* (DC Bar No 976033)*
HOLTZMAN VOGEL BARAN
TORCHINSKY & JOSEFIK, PLLC
2300 N Street, NW
Suite 643A
Washington, DC 20037
Tel: 202-737-8808
Email: jtorchinsky@holtzmanvogel.com

Phillip M. Gordon* (DC Bar No. 1531277)*

** Admitted pro hac vice*

Counsel for Legislative Intervenors, Clay Schexnayder, in his Official Capacity as Speaker of the Louisiana House of Representatives, and of Patrick Page Cortez, in his Official Capacity as President of the Louisiana Senate

HOLTZMAN VOGEL BARAN
TORCHINSKY & JOSEFIK, PLLC
15405 John Marshall Hwy.
Haymarket, VA 20169
Telephone: (540) 341-8808
Facsimile: (540) 341-8809
Email: pgordon@holtzmanvogel.com

**Admitted pro hac vice*

Exhibit 1

**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

[PROPOSED] SCHEDULING ORDER

The Court having heard from the parties at a status conference held on October 17, 2023, and having issued a minute order on October 19, 2023, ECF No. 301,

IT IS HEREBY ORDERED as follows:

1. The hearing on the remedy phase of the preliminary injunction is set for February 5-9, 2024, commencing at 9:00 a.m. in Courtroom 3.
2. By agreement of the parties, each side shall be limited to the presentation of one proposed remedial map.
3. The following schedule shall govern prehearing discovery, briefing, and exchange of expert and exhibit lists;
 - a. December 15, 2023– deadline to identify experts performing RPV or Election Analysis on 2023 Elections and any Fact Witnesses
 - b. January 12, 2024 – deadline for parties to exchange Expert Reports on RPV or Election Analysis on 2023 Elections
 - c. January 22, 2024 – close of discovery
 - d. January 26, 2024 – parties to exchange exhibit lists for remedial hearing
 - e. January 30, 2024 – parties to file witness and exhibit lists, with objections
 - f. January 31, 2024 – parties to file prehearing briefs
4. Defendants represent that the map they intend to offer this court as a remedial plan for this remedial phase of the preliminary injunction hearing is any map that the State of Louisiana enacts.
5. In the event that the State of Louisiana enacts a map close in time to February 5, 2024, the parties shall meet and confer regarding any adjustment to the pre-hearing schedule to afford the parties an opportunity to take discovery and submit expert reports and testimony concerning any such map, as time allows before the start of the remedial hearing on February 5, 2024.

6. Any proposed remedial map to be considered at the hearing shall comply with the Court's preliminary injunction Ruling and Order, ECF No. 173, except to the extent that the Ruling and Order may be reversed or modified on appeal. *See* Ruling and Order at 2 ("The appropriate remedy in this context is a remedial congressional redistricting plan that includes an additional majority-Black congressional district.").

Signed in Baton Rouge, Louisiana, this ____ day of _____, 2023.

Chief Judge Shelly D. Dick