

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

DR. DOROTHY NAIRNE, JARRETT  
LOFTON, REV. CLEE EARNEST LOWE,  
DR. ALICE WASHINGTON, STEVEN  
HARRIS, ALEXIS CALHOUN, BLACK  
VOTERS MATTER CAPACITY BUILDING  
INSTITUTE, and THE LOUISIANA STATE  
CONFERENCE OF THE NAACP,

*Plaintiffs,*

v.

R. KYLE ARDOIN, in his official capacity as  
Secretary of State of Louisiana, *et al.*

*Defendants.*

Case No. 3:22-cv-00178-SDD-SDJ

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

**DEFENDANTS' JOINT REPLY NOTICE TO PLAINTIFFS' OPPOSITION TO  
DEFENDANTS' JOINT SUPPLEMENTAL NOTICE OF PROPOSED PRE-TRIAL  
SCHEDULE, AND REQUEST FOR SUPPLEMENTAL SCHEDULING CONFERENCE**

Plaintiffs frame the pretrial schedule dispute as a fight over whether Defendants should have “six weeks” to prepare expert reports, Doc. 102 at 2, or three weeks, as Plaintiffs demand. Doc. 100-1 at 2. They do not contend six weeks would disrupt the trial schedule—they simply argue six weeks is “not needed nor appropriate” because Defendants allegedly already had a “year” to study Plaintiffs’ July 22, 2022, expert reports. Doc. 102 at 2. But Plaintiffs no longer rely on their July 22, 2022, expert reports for four of their experts, and have served new reports that *replace* those July 22, 2022, reports and require Defendants’ experts to re-do much of their analysis.

Defendants respectfully request a supplemental scheduling conference to further address these points. Defendants will discuss at least the following points rebutting Plaintiffs’ notice:

1. Plaintiffs did not comply with the schedule they proposed. Plaintiffs’ proposed schedule emphasized that Plaintiffs served their “Expert Reports” on July 22, 2022, and that only “Supplemental Expert Reports” would be served on June 30, 2023. Doc. 100-1 at 2. Plaintiffs do not dispute that four of their five experts did not serve a “Supplemental Expert Report”—a separate document that supplements the original Expert Report—but instead served replacement expert reports that entirely supplant the original reports. Plaintiffs appear to try to erase the difference by attaching a revised proposed “schedule” to their Opposition, Doc. 102-1, that eliminates all dates prior to July 6, 2023, including the “Expert Reports” vs. “Supplemental Expert Reports” distinction in their original proposed schedule.

2. The scope of Mr. Cooper’s changes to his illustrative plans are significant in both volume and import to the lawsuit. Plaintiffs’ characterization of these changes as “minor” (Doc. 102 at 3) because 80% of the districts were allegedly unchanged, and because the number of people moved is small compared to the overall State’s population, *id.*, is misleading.

For one thing, a change of 20% in the new illustrative plans requires significant time and effort by Defendants’ experts to conduct new analysis. This reality is illustrated by the fact that Plaintiffs’ own experts produced new expert analyses (*see, e.g.*, Dr. Handley’s new analyses) with Mr. Cooper’s new plans.

Moreover, the parts of Mr. Cooper’s plans that he changed drive Plaintiffs’ Section 2 claims. Over 40% of the population Mr. Cooper reassigned in his new illustrative plans were Any Part Black, and most of the districts Mr. Cooper identifies as changed are central to Plaintiffs’ Section 2 claim (five of the seven Senate Districts Mr. Cooper identifies as changed were majority-minority (SD7, 14, 15, 17, and 19), as well as nine of 19 House districts (HD29, 57, 58, 60, 63,

65, 72, 96, and 101)). Plaintiffs' focus on the raw number of changed districts is misleading in that nearly all the changes to Mr. Cooper's plans are to districts and regions at issue in this lawsuit.

Given the change in Plaintiffs' position (submitting replacement rather than supplemental expert reports), Defendants respectfully ask the Court to schedule a supplemental telephonic status conference or simply enter Defendants' proposed schedule.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on July 5, 2023, this document was filed electronically on the Court's electronic case filing system. Notice of the filing will be served on all counsel of record through the Court's system. Copies of the filing are available on the Court's system.

*/s/ Erika Dackin Prouty*

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