

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

**MOTION FOR EXPEDITED CONSIDERATION AND ACCELERATED
BRIEFING SCHEDULE ON MOTION FOR CONTINUANCE AND
MODIFICATION OF SCHEDULING ORDER**

NOW INTO COURT, through undersigned counsel, comes Attorney General Jeff Landry, Intervenor-Defendant herein, who has moved to continue the trial and modify the Scheduling Order in the case R.Doc. 112 and in order to have the motion determined timely respectfully moves for expedited consideration and acceleration of the briefing schedule on the motion.

Intervenor-Defendant further moves for expedited consideration and accelerated briefing on *Defendants' Joint Motion for Continuance of the November 27, 2023, Trial Date* (R.Doc. 107) filed on July 12, 2023.

The Plaintiffs oppose both motions to continue the trial. Plaintiffs have indicated no opposition to the request for expedited consideration and accelerated briefing.

REASON FOR EXPEDITED CONSIDERATION AND BRIEFING

While LR 7(f) provides 21 days for a response memorandum on motions, 28 USC § 1657 gives the Court authority to determine the order in which matters are heard and determined. The district court cannot abuse the discretion granted under the statute, but where circumstances so warrant, the court can modify the local rules for good cause. In this case, good cause exists to expedite consideration and accelerate the briefing schedule for the referenced motions to continue the trial in the *Nairne* case. The case is set for a 7 day trial on November 27, 2023. Another redistricting case, *Robinson/Galmon*, challenging U.S. congressional districts has now been set for a remedial hearing on an even shorter schedule for October 3-5, 2023. The result is a compressed pretrial schedule in both matters in litigation that is regarded as complex litigation.

The case involves out of state experts whose depositions and trial appearances must be scheduled with the associated travel plans, etc. In the interim, witnesses must be identified and interviewed. Asking lay witnesses to attend a trial a few days after the Thanksgiving Holiday is an imposition that requires notice well in advance. If the trial is to be continued, making that determination as soon as practicable is imperative such that expedited consideration of the motion is warranted under the circumstances.

The Attorney General suggests the following adjustment in the briefing schedule:

- Plaintiffs response to the motions due by July 31, 2023;
- Defendants' and Intervenor's reply, if any, due by August 4, 2023.

WHEREFORE, the Attorney General prays that both the *Intervenor-Defendant's Motion to Continue the November 27, 2023 Trial Date and for Modification of Scheduling Order* (R.Doc.

112) and the *Defendants' Joint Motion for Continuance of the November 27, 2023, Trial Date* (R.Doc. 107) be given expedited consideration and an accelerated briefing schedule be set.

**JEFF LANDRY
ATTORNEY GENERAL**

BY: /s/ Angelique Duhon Freel

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CERTIFICATE OF SERVICE

I do hereby certify that, on this 19th day of July, 2023, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which gives notice of filing to all counsel of record.

/s/ Carey T. Jones
CAREY T. JONES

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ORDER

Considering the foregoing motions to continue:

IT IS ORDERED that the motions to expedite consideration and accelerate the briefing schedule (R.Docs 107 and 112) are GRANTED and accordingly, the Court orders briefing on the following schedule:

Plaintiffs response to the motions due by July 31, 2023;

Defendants' and Intervenors' reply, if any, due by August 4, 2023.

SIGNED this ____ day of _____, 2023 at Baton Rouge, Louisiana.

HONORABLE SHELLY D. DICK
MIDDLE DISTRICT OF LOUISIANA