

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

LOUISIANA STATE CONFERENCE, OF
THE NATIONAL ASSOCIATION FOR
THE ADVANCEMENT OF COLORED
PEOPLE; ANTHONY ALLEN; AND
STEPHANIE ANTHONY

Plaintiffs,

v.

STATE OF LOUISIANA; and R. KYLE
ARDOIN, in his capacity as Secretary of
State of Louisiana,
Defendants.

Civil Action No. 3:19-cv-00479-JWD-EWD

**JOINT MOTION TO SUBSTITUTE
MOTION FOR EXTENSION OF DEADLINES**

NOW INTO COURT, through undersigned counsel, comes the Louisiana State Conference of the NAACP, Anthony Allen, and Stephanie Anthony (together “Plaintiffs”), and Nancy Landry, in her official capacity as Secretary of State of Louisiana (“Secretary of State Landry”), and the State of Louisiana by and through Attorney General Liz Murrill (“the State”) (together “Defendants”) (collectively the “Parties”), who respectfully move this Honorable Court to substitute the pending Motion for Extension of Deadlines (ECF 199) with the motion herein, which seeks an extension of deadlines for fact and expert discovery and an extension of the briefing schedule on the State’s Motion to Dismiss (ECF 193), as follows:

1. According to the Court’s Order dated August 28, 2023 (ECF 174), all fact discovery is to be completed by February 29, 2024. Additionally, expert witness lists, reports, and discovery must be completed by the following deadlines:

- Plaintiffs’ Expert Witness List and Reports: April 30, 2024
- Defendants’ Expert Witness List and Reports: June 28, 2024

- Discovery from Experts: October 15, 2024

2. On January 17, 2024, the State filed a modified Motion to Dismiss the First Amended Complaint (ECF 193). The Court's briefing Order (ECF 192) provides Plaintiffs with 21 days to file an opposition and the State 14 days thereafter to file a reply. Currently, Plaintiffs' opposition brief is due on February 7, 2024.

3. As this Court is aware, Secretary of State Ardoin's term recently expired, and Secretary Landry recently took office.

4. As this Court is similarly aware, Attorney General Jeff Landry's term of office also recently expired, and Attorney General Liz Murrill recently took office.

5. To enable Secretary Landry and Attorney General Murrill enough time to consider the proper course for this litigation since assuming their respective offices, a brief extension of the discovery deadlines is warranted.

6. Additionally, the Parties are aware that the Louisiana Legislature recently considered the adoption of a new Supreme Court map during the First Extraordinary Session ordered by the Governor. Though the Legislature did not adopt a new Supreme Court map, the Parties are engaged in discussions to consider the maps proposed during the First Extraordinary Session in efforts to negotiate a settlement of this case.

7. To provide the Parties an opportunity to work toward a settlement, a brief extension of the Motion to Dismiss briefing schedule is warranted.

8. The Parties previously filed a Joint Motion for Extension of Deadlines (ECF 199), which is now pending before this Court and for which the Parties respectfully seek to substitute with these requests for extensions of time as the first such requests of their kind.

9. Granting these requests for extensions should not slow the progress of this matter

inasmuch as all Parties will need to complete discovery and the remaining deadlines from the Court's scheduling order will not be impacted.

10. Therefore, for the reasons set forth in this motion and believing there exists good cause for extensions pursuant to Local Rule 7, the Parties respectfully request that the deadline for fact discovery completion and for expert witness lists, expert reports, and expert discovery be extended sixty (60) days, and that all deadlines for the Motion to Dismiss briefing be extended thirty (30) days.

WHEREFORE, all Parties respectfully request that the deadline for the completion of fact discovery be extended sixty (60) days from February 29, 2024 to April 29, 2024. Additionally, all Parties request that the deadlines for expert witness lists, reports, and discovery be extended sixty (60) days to the following dates:

- Plaintiffs' Expert Witness List and Reports: July 1, 2024¹
- Defendants' Expert Witness List and Reports: August 28, 2024
- Rebuttal Expert Reports: September 30, 2024
- Sur-Rebuttal Expert Reports: October 30, 2024
- Discovery from Experts: December 16, 2024²

Finally, all Parties request that the deadlines for briefing the State's Motion to Dismiss be extended thirty (30) days with Plaintiffs' opposition brief due on March 7, 2024 and the State's reply brief due fourteen (14) days after the filing of the opposition.

¹ A sixty-day extension falls on a Sunday, therefore the Parties are requesting an additional day such that the deadline falls on a Monday.

² A sixty-day extension falls on a Sunday, therefore the Parties are requesting an additional day such that the deadline falls on a Monday.

Dated: February 5, 2024

Respectfully submitted:

**ATTORNEY GENERAL ELIZABETH
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/s/Carey Tom Jones

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CERTIFICATE OF SERVICE

I do hereby certify that, on this 5th day of February 2024, 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/ Meryl Macklin
Meryl Macklin

*Counsel for Plaintiffs Louisiana State Conference of
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COURT FOR THE MIDDLE DISTRICT OF
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LOUISIANA STATE CONFERENCE, OF
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[PROPOSED] ORDER

Considering the foregoing *Joint Motion to Substitute Motion for Extension of Deadlines* by the Parties,

IT IS HEREBY ORDERED that the motion is **GRANTED** and that Defendants' deadline for completion of Fact Discovery is extended sixty (60) days from February 29, 2024 to April 29, 2024.

IT IS FURTHER ORDERED that the Parties' deadlines for expert witness lists, reports, and discovery are extended sixty (60) days to the following dates:

- Plaintiffs' Expert Witness List and Reports: July 1, 2024
- Defendants' Expert Witness List and Reports: August 28, 2024
- Rebuttal Expert Reports: September 30, 2024
- Sur-Rebuttal Expert Reports: October 30, 2024
- Discovery from Experts: December 16, 2024

IT IS FURTHER ORDERED that the Parties' deadlines for briefing the State's Motion to Dismiss are extended thirty (30) days with Plaintiffs' opposition brief due on March

7, 2024 and the State's reply brief due fourteen (14) days after the filing of the opposition.

IT IS FURTHER ORDERED that the Parties' *Motion for Extension of Deadlines* (ECF 199) is substituted.

Baton Rouge, Louisiana, this ____ day of February, 2024.

The Honorable Judge John W. DeGravelles
U.S. District Judge