

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

DAVID B. MEANS, ET AL.,	§	CIVIL ACTION NO. 5:23-cv-00669
	§	
VERSUS	§	JUDGE DAVID C. JOSEPH
	§	
DESOTO PARISH, ET AL.	§	MAGISTRATE JUDGE HORNSBY

MOTION FOR EXPEDITED CONSIDERATION

NOW INTO COURT, through undersigned counsel, come Defendants, DeSoto Parish and the DeSoto Parish Police Jury (collectively referred to as the “**Police Jury**”), who respectfully move this Honorable Court to consider their Motion for Partial Judgment on the Pleadings on an expedited basis.

I.

The Motion for Preliminary Injunction filed by Plaintiffs, David B. Means, Ryan Dupree, Robert G. Burford, Robert Gross, Mary L. Salley, Martha Trisler, John F. Pearce, Joe Cobb, Jack L. Barron, W. Bruce Garlington, and Donald Barber’s (collectively referred to as the “**Plaintiffs**”), is currently set to be heard July 11-13, 2023. The motion to seeks to enjoin the October 14, 2023 election of DeSoto Parish Police Jurors and/or order the Police Jury to go back to the drawing board to come up with a new redistricting plan that meets their approval.

II.

The Police Jury filed its Answer and Affirmative Defenses (Doc. 31), as well as its opposition to the Motion for Preliminary Injunction (Doc. 32), primarily based on the *Purcell* principle. The principle strongly discourages federal court from issuing injunctions concerning elections scheduled to take place in close proximity (four months) of the injunction.

III.

Because the October 14, 2023 election will be only 93-95 days after the July 11-13, 2023 injunction hearing, the Police Jury has contemporaneously filed a Motion for Partial Judgment on the Pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure (“**FRCP**”).

IV.

From the undisputed facts presented in the pleadings alone, the Police Jury submits there is no need for an injunction hearing because the *Purcell* principle applies here to defeat the issuance of an injunction concerning the October 14, 2023 election in this short time frame.

V.

In addition, FRCP Rule 12(i) provides that a 12(c) motion should be “heard and decided before trial unless this court defers the motion until trial.” In this case, deferral until July 11-13, 2023 is unnecessary, inefficient, and unnecessarily costly, because the only issue for the Court’s consideration is a question of law: Does the *Purcell* principle apply in this instance to defeat the Plaintiffs’ Motion for Preliminary Injunction?

VI.

As Judge John deGravelles from the Middle District did in a similar election/injunction case, this Court should likewise cancel the July 11-13, 2023 injunction hearing while denying the Plaintiffs’ Motion for Preliminary Injunction on *Purcell* principle grounds alone, without having to consider the merits of the Plaintiffs’ case, which will be preserved for another day.

WHEREFORE, DeSoto Parish and the DeSoto Parish Police Jury respectfully request that this Honorable Court consider and decide their Motion for Partial Judgment on the Pleadings on an expedited basis and before the July 11-13, 2023 injunction hearing on Plaintiffs’ Motion for Preliminary Injunction.

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 5, 2023, a copy of the foregoing pleading was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the court's electronic filing system.

/s/ Jeanne C. Comeaux

Jeanne C. Comeaux

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MEMORANDUM IN SUPPORT OF
MOTION FOR EXPEDITED CONSIDERATION

MAY IT PLEASE THE COURT:

Defendants, DeSoto Parish and the DeSoto Parish Police Jury (collectively referred to as the “**Police Jury**”), file this brief memorandum in support of their Motion for Expedited Consideration of the contemporaneously filed Motion for Partial Judgment on the Pleadings pursuant to Rule 12 (c) of the Federal Rules of Civil Procedure (“**FRCP.**”)

The Motion for Preliminary Injunction filed by Plaintiffs, David B. Means, Ryan Dupree, Robert G. Burford, Robert Gross, Mary L. Salley, Martha Trisler, John F. Pearce, Joe Cobb, Jack L. Barron, W. Bruce Garlington, and Donald Barber’s (collectively referred to as the “**Plaintiffs**”), is currently set to be heard July 11-13, 2023. The motion seeks to enjoin the October 14, 2023 election of DeSoto Parish Police Jurors and/or order the Police Jury to go back to the drawing board to come up with a new redistricting plan that meets with their approval. Both of these requests are ill-advised, and run afoul of United States Supreme Court’s guidance on election and injunction matters, such as the one before the Court now.

On June 26, 2023, the Police Jury filed its Answer and Affirmative Defenses (Doc. 31), as well as its opposition to the Motion for Preliminary Injunction (Doc. 32), primarily based on the “*Purcell* principle.” *Purcell v. Gonzales*, 549 U.S. 1 (2006) The principle strongly discourages

federal courts from issuing injunctions concerning elections scheduled to take place in close proximity to the issuance of the injunction. *Purcell* and its progeny indicate that an injunction is improper if it is requested within 4 months of an upcoming election.

Because the October 14, 2023 election will be only 93-95 days after the July 11-13, 2023 injunction hearing, the Police Jury has contemporaneously filed a Motion for Partial Judgment on the Pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure (“**FRCP**”). From the undisputed facts presented in the pleadings alone, the Police Jury submits there is no need for an injunction hearing because the *Purcell* principle applies here to defeat the issuance of an injunction concerning the October 14, 2023 election in this short time frame.

In addition, FRCP Rule 12(i) provides that a 12(c) motion should be “heard and decided before trial unless this court defers the motion until trial.” In this case, deferral until July 11-13, 2023 is unnecessary, inefficient, and unnecessarily costly, because the only issue for the Court’s consideration is a question of law: Does the *Purcell* principle apply in this instance to defeat the Plaintiffs’ Motion for Preliminary Injunction?

As Judge John deGravelles from the Middle District recently did in a similar election/injunction case (*Singleton v. East Baton Rouge Parish School Board*, 621 F. Supp 3d 618 (M.D. La. 2022)), this Court should likewise cancel the July 11-13, 2023 injunction hearing, while denying the Plaintiffs’ Motion for Preliminary Injunction on *Purcell* principle grounds alone, without having to consider the merits of the Plaintiffs’ case, which will be preserved for another day.

DeSoto Parish and the DeSoto Parish Police Jury respectfully requests that this Motion for Expedited Consideration of be granted, and that their Motion for Partial Judgment on the Pleadings be considered and granted in an expedited fashion, prior to July 11-13, 2023.

RESPECTFULLY SUBMITTED,

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ORDER

Considering the foregoing Motion for Expedited Consideration filed by Defendants, DeSoto Parish and DeSoto Parish Police Jury:

IT IS ORDERED that Defendants' Motion for Expedited Consideration is hereby GRANTED.

SIGNED this _____ day of _____, 2023.

HON. DAVID C. JOSEPH
JUDGE, UNITED STATES DISTRICT COURT