

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MARCUS CASTER, et al., <i>Plaintiffs,</i> vs. WES ALLEN, et al., <i>Defendants.</i>	No. 2:21-cv-01536-AMM
EVAN MILLIGAN, et al., <i>Plaintiffs,</i> vs. WES ALLEN, et al., <i>Defendants.</i>	No. 2:21-cv-01530-AMM
BOBBY SINGLETON, et al., <i>Plaintiffs,</i> vs. WES ALLEN, et al., <i>Defendants.</i>	No. 2:21-cv-01291-AMM

PARTIES' JOINT PROPOSED SCHEDULING ORDER

Pursuant to the Court's June 20, 2023 Order, and in light of the Plaintiffs' intention to object to Alabama's proposed remedial plan, Plaintiffs and Defendants in the above-captioned cases, by and through their attorneys, respectfully submit the

attached “Proposed Scheduling Order.”¹ The parties also jointly request a status conference at the Court’s earliest convenience to discuss their Proposed Scheduling Order and the upcoming August 14, 2023 hearing. Among other things, the parties wish to discuss whether the August 14, 2023 hearing will occur virtually or in-person.

By joining this submission and agreeing to the proposed dates, Defendants do not concede that the filing of an “objection” is sufficient to challenge Alabama’s new Congressional districts, and they do not take a position at this time whether the August 14, 2023 hearing should include live testimony.

Respectfully submitted this 26th day of July 2023.

¹ As set forth in their motion for clarification, ECF No. 188, *Milligan* and *Caster* Plaintiffs’ maintain that *Singleton* Plaintiffs are not a party to the Court’s remedial process. *Singleton* Plaintiffs are included in the parties’ proposed scheduling order pending resolution of that motion.

By: /s/ Abha Khanna

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***Counsel for Sen. Livingston and
Rep. Pringle***

Counsel for Secretary Allen

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2023, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Richard P. Ruoco
Richard P. Rouco
Counsel for Plaintiffs

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[PROPOSED] SCHEDULING ORDER

1. Plaintiffs must file their objections to the Legislature's new plan, including data, documents, and reports, by Friday, **July 28, 2023**. Defendants are directed to file their responses—including any data, documents, and reports relied upon or

referenced—to any such filing no later than Friday, **August 4, 2023**. Plaintiffs shall have until the close of business on Monday, **August 7, 2023**, to file any reply and supporting materials.

2. The parties shall disclose hearing witnesses, if any, by Monday, **July 31, 2023**.

3. The parties shall serve any discovery requests by Wednesday, **August 2, 2023**.

4. Discovery shall close on Thursday, **August 10, 2023**.

5. Parties shall file final witness lists, exhibit lists, and stipulated facts, if any, for the hearing by Thursday, **August 10, 2023**.

6. The hearing shall be conducted on Monday, **August 14, 2023**.

7. In the event that the Court rejects the Legislature's new map (SB5), the parties propose the following scheduling order:

- a) Plaintiffs' and *amici*'s proposed plans and supporting arguments (including mapmaking criteria), data, and reports will be due 3 days after the Court's order.
- b) Parties' oppositions to proposed plans and supporting data and reports will be due 8 days after the Court's order.
- c) The special master and expert cartographer's recommendation will be due 14 days after the Court's order.

d) Any objections to the special master and expert cartographer's recommendation will be due 17 days after the Court's order.

DONE and **ORDERED** this ____ day of July 2023.

STANLEY MARCUS
UNITED STATES CIRCUIT JUDGE

ANNA A. MANASCO
UNITED STATES DISTRICT JUDGE

TERRY F. MOORER
UNITED STATES DISTRICT JUDGE