

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

EVAN MILLIGAN, et al.,
Plaintiffs,

v.

WES ALLEN, et al.,
Defendants.

No. 2:21-cv-01530-AMM

MARCUS CASTER, et al.,
Plaintiffs,

v.

WES ALLEN, et al.,
Defendants.

No. 2:21-cv-01536-AMM

***MILLIGAN AND CASTER* PLAINTIFFS' RESPONSE TO COURT
INQUIRY REGARDING REMEDIAL PROCEEDINGS**

In its August 2 Order, the Court found David R. Ely to be “well qualified to serve as the Court’s expert cartographer.” ECF 204 at 4. The Court also offered the parties the opportunity to “submit any comments or objections to the appointment of Mr. David Ely as an expert cartographer.” *Id.* The *Milligan* and *Caster* Plaintiffs recommended Mr. Ely and, therefore, agree that he is a well-qualified expert. ECF 198.

Mr. Ely has served as special master for a federal court in a Voting Rights Act case against the State of Louisiana. *See Terrebonne Branch NAACP v. Jindal*, No. 3:14-CV-69-JJB-EWD, 2019 WL 4398509 (M.D. La. Apr. 29, 2019), *report and recommendation adopted* 399 F. Supp. 3d 608 (M.D. La. 2019). Furthermore, Mr. Ely has worked for both Plaintiffs and Defendants in civil rights litigation. *See, e.g., Luna v. Cnty. of Kern*, 291 F. Supp. 3d 1088, 1117 (E.D. Cal. 2018) (expert for Plaintiffs); *San Francisco NAACP v. San Francisco Unified School Dist.*, 59 F. Supp. 2d 1021, 1034 (N.D. Cal. 1999) (Defendants). Additionally, in a recent case, Mr. Ely offered map drawing and demographic expertise to support the § 2 claims brought by one group of Plaintiffs in a case that also included § 2 claims brought by the Republican Party. *See McConchie v. Scholz*, 577 F. Supp. 3d 842, 858 (N.D. Ill. 2021) (3-judge court).

Accordingly, the *Milligan* and *Caster* Plaintiffs support the appointment of Mr. Ely as a cartographer or joint special master with Mr. Allen to aid the Court in these remedial proceedings. Mr. Ely's experience will complement the experience of Mr. Allen and the pairing is well suited to a co-equal relationship and partnership in making recommendations to this Court.

Respectfully submitted,

/s/ Deuel Ross

Deuel Ross*
Tanner Lockhead*
NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.
700 14th Street N.W. Ste. 600
Washington, DC 20005
(202) 682-1300
dross@naacpldf.org
tlockhead@naacpldf.org

Leah Aden*
Stuart Naifeh*
Ashley Burrell*
Kathryn Sadasivan (ASB-517-E48T)
Brittany Carter*
NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.
40 Rector Street, 5th Floor
New York, NY 10006
(212) 965-2200
Shelita M. Stewart*
Jessica L. Ellsworth*
HOGAN LOVELLS US LLP
555 Thirteenth Street, NW
Washington, D.C. 20004
(202) 637-5600
shelita.stewart@hoganlovells.com
David Dunn*
HOGAN LOVELLS US LLP
390 Madison Avenue
New York, NY 10017
(212) 918-3000
david.dunn@hoganlovells.com

Michael Turrill*
Harmony A. Gbe*
HOGAN LOVELLS US LLP

Sidney M. Jackson (ASB-1462-K40W)
Nicki Lawsen (ASB-2602-C00K)
WIGGINS CHILDS PANTAZIS
FISHER & GOLDFARB, LLC
301 19th Street North
Birmingham, AL 35203
Phone: (205) 341-0498
sjackson@wigginschilds.com
nlawsen@wigginschilds.com

Davin M. Rosborough*
Julie Ebenstein*
Dayton Campbell-Harris*
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
125 Broad St.
New York, NY 10004
(212) 549-2500
drosborough@aclu.org
jebenstein@aclu.org
dcampbell-harris@aclu.org

LaTisha Gotell Faulks (ASB-1279-I63J)
AMERICAN CIVIL LIBERTIES UNION
OF ALABAMA
P.O. Box 6179
Montgomery, AL 36106-0179
(334) 265-2754
tgfaulks@aclualabama.org
kwelborn@aclualabama.org

Blayne R. Thompson*
HOGAN LOVELLS US LLP
609 Main St., Suite 4200
Houston, TX 77002
(713) 632-1400
blayne.thompson@hoganlovells.com

1999 Avenue of the Stars
Suite 1400
Los Angeles, CA 90067
(310) 785-4600
michael.turrill@hoganlovells.com
harmony.gbe@hoganlovells.com

Counsel for Milligan Plaintiffs

Respectfully submitted,

By /s/ Abha Khanna

Abha Khanna*

Elias Law Group LLP

1700 Seventh Ave, Suite 2100

Seattle, WA 98101

Phone: (206) 656-0177

Email: AKhanna@elias.law

Lalitha D. Madduri*

Joseph N. Posimato*

Jyoti Jasrasaria*

Elias Law Group LLP

250 Massachusetts Ave. NW, Suite 400

Washington, D.C. 20001

Phone: (202) 968-4518

Email: LMadduri@elias.law

Email: JPosimato@elias.law

Email: JJasrasaria@elias.law

Counsel for Caster Plaintiffs

**Admitted Pro Hac Vice*

Richard P. Rouco
(AL Bar. No. 6182-R76R)
**Quinn, Connor, Weaver, Davies
& Rouco LLP**
Two North Twentieth
2-20th Street North, Suite 930
Birmingham, AL 35203
Phone: (205) 870-9989
Fax: (205) 803-4143
Email: rrouco@qcwdr.com