

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

PRESS ROBINSON, et al.,

Plaintiffs,

v.

KYLE ARDOIN, in his official capacity as
Secretary of State for Louisiana,

Defendant.

Civil Action No. 3:22-cv-00211-SDD-SDJ

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

EDWARD GALMON, SR., et al.,

Plaintiffs,

v.

R. KYLE ARDOIN, in his official capacity as
Secretary of State for Louisiana,

Defendant.

Consolidated with

Civil Action No. 3:22-cv-00214-SDD-SDJ

**MOTION FOR EXPEDITED CONSIDERATION OF EMERGENCY MOTION TO
RESET DEADLINES AND SET THIS MATTER FOR TRIAL ON THE MERITS**

Attorney General Jeff Landry, on behalf of the State of Louisiana, Secretary of State Kyle Ardoin, Clay Schexnayder, Speaker of the Louisiana House of Representatives, and Patrick Page Cortez, President of the Louisiana Senate, each in their respective official capacities (collectively “Defendants”) move for expedited consideration of their Emergency Motion to Reset Deadlines and Request that this Matter be Set for Trial (hereinafter, “Emergency Motion”).

1.

The Emergency Motion primarily relates to this Court’s: (1) failure to set appropriate deadlines for the currently scheduled remedial hearing on Plaintiff’s motion for preliminary

injunction; (2) failure to set a date or scheduling order for a prompt trial on the merits; and, (3) lack of jurisdiction to commence a remedial proceeding.

2.

Defendants require a prompt decision given the impending remedial proceeding.

3.

Defendants sought consent from Plaintiffs for the relief sought herein. Plaintiffs oppose such relief.

4.

Therefore, given the compressed timeline laid out in the accompanying Memorandums, Defendants respectfully request the Court require a response by Plaintiffs by Wednesday, August 30, and issue an opinion respecting the Emergency Motion by Friday, September 8th.

Dated: August 25, 2023

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Counsel for Defendant, State of Louisiana

CERTIFICATE OF SERVICE

I hereby certify that, on this 25th day of August 2023, the foregoing has been filed with the Clerk via the CM/ECF system that has sent a Notice of Electronic filing to all counsel of record.

/s/ Jeffrey M. Wale
Jeffrey M. Wale

**UNITED STATES DISTRICT COURT
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Consolidated with

Civil Action No. 3:22-cv-00214-SDD-SDJ

DEFENDANTS' MEMORANDUM IN SUPPORT OF THEIR MOTION TO EXPEDITE

Pursuant to this Court's inherent authority to manage the cases on its docket, *see Woodson v. Surgitek*, 57 F.3d 1406, 1417 (5th Cir. 1995), Attorney General Jeff Landry, on behalf of the State of Louisiana, Secretary of State Kyle Ardoin, Clay Schexnayder, Speaker of the Louisiana House of Representatives, and Patrick Page Cortez, President of the Louisiana Senate, each in their respective official capacities (collectively "Defendants") move this Court to expedite its decision on Defendants' contemporaneously-filed Emergency Motion to Cancel Hearing and to Enter a Scheduling Order for Trial on the Merits. Due to the fast-approaching remedial hearing on Plaintiffs' Motion for Preliminary Injunction, a response by Plaintiffs is respectfully requested by Wednesday, August 30th, and a decision is respectfully requested by Friday, September 8th.

BACKGROUND

On July 17, 2023, the Court ordered “that the preliminary injunction hearing stayed by the United States Supreme Court, and which stay has been lifted, be and is hereby reset to October 3-5, 2023, at 9:00 a.m.” (ECF No. 250). The Court further directed that “[t]he parties shall meet and confer and jointly submit a proposed pre-hearing scheduling order on or before Friday July 21, 2023.” *Id.* The parties met and conferred in good faith and were unable to reach complete agreement with respect to a schedule to govern the remedial proceedings and, therefore, the Plaintiffs and the Defendants each filed their own proposed scheduling orders. *See* (ECF Nos. 255 & 256). Although there was not complete agreement between the parties, the dates were, in many respects, similar. *Compare* (ECF No. 256 at 2) *with* (ECF No. 255-1 at 1). The primary disagreement between the parties was, and still is, Plaintiff’s assertion that they are permitted, and therefore intend, to submit a *new* remedial plan for the Court’s consideration. *See* (ECF No. 255 at 3-7). Many, but not all, of the divergent dates and deadlines stem from that fundamental disagreement.

On August 22, 2023, the United States Court of Appeals for the Fifth Circuit set Defendants’ appeal of the underlying preliminary injunction order for oral argument on October 6, 2023. *Robinson v. Ardoin*, No. 22-30333 (5th Cir.). It is now August 24, 2023, and, at the time of this filing, this Court has yet to issue a scheduling order in this matter. Furthermore, many of the deadlines in Plaintiffs’ and Defendants’ schedules have passed. Plaintiffs’ proposed schedule had August 11th as the date the parties would submit “any proposed plans” and as the deadline to exchange witness lists. (ECF No. 255 at 5). Defendants, jointly, proposed August 4th as the deadline for Plaintiffs’ supplemental expert reports and disclosures and August 18 as the date to exchange fact and witness lists. (ECF No. 255-2 at 1).

Therefore, as outlined in Defendants' Emergency Motion, there is no longer sufficient time to conduct a remedial hearing while properly protecting the rights of Defendants to offer a robust defense.

I. The Court Should Grant this Motion and Issue an Opinion on the Contemporaneously Filed Emergency Motion Forthwith.

This Court has the inherent power "to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for the litigants." *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *Woodson*, 57 F.3d at 1417. Although Defendants are mindful of the Court's substantial docket, a swift ruling on the Emergency Motion is necessary for Defendants to protect their rights. Therefore, the Court should invoke its power to control its docket by expediting a decision on the Emergency Motion.

Currently, the underlying order granting a preliminary injunction is on appeal and oral argument is just over 6 weeks away. Similarly, the scheduled remedial proceeding is itself only 6 weeks away. Given the compressed timeline, Defendants respectfully maintain a prompt ruling by this Court is warranted and necessary.

CONCLUSION

For the aforementioned reasons, Defendants respectfully request that the Court grant the motion, order Plaintiffs to file a response by close of business by Wednesday, August 30th, and issue an opinion on the Defendants' Emergency Motion by close of business on Friday, September 8th.

Respectfully submitted,

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ORDER

Before the Court is Defendants' Motion for Expedited Consideration of Emergency Motion. After considering the motion, the Court is of the opinion it should be GRANTED.

IT IS THEREFORE ORDERED that Plaintiffs will file a response to Defendants' Emergency Motion by Wednesday, August 30, 2023, and an opinion on Defendants' Emergency Motion will be issued by Friday, September 8th, 2023.

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

Honorable Judge Shelly D. Dick
UNITED STATES DISTRICT JUDGE
Middle District of Louisiana