

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

DR. DOROTHY NAIRNE, *et al.*,

Plaintiffs,

v.

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

Defendant.

Civil Action No. 3:22-cv-00178-SDD-SDJ

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

DEFENDANT'S MOTION TO COMPEL

NOW COMES Defendant R. Kyle Ardoin, in his official capacity as Secretary of State of Louisiana ("Defendant"), by and through undersigned counsel, and pursuant to Rules 26 and 37 of the Federal Rules of Civil Procedure, hereby moves this Court to compel Plaintiff NAACP Louisiana State Conference ("Louisiana NAACP") to supplement its response to a written interrogatory related to identification of certain membership information (Interrogatory No. 3). As of the date of this filing, Louisiana NAACP has failed to identify any personally identifiable membership information for members it intends to rely upon for associational standing at trial in this matter. In fact, Louisiana NAACP has refused to identify such members even under confidentiality designation. As set forth in the attached memorandum in support, Louisiana NAACP has an affirmative duty to prove associational standing and, as such, the membership information it seeks to rely on for standing is pertinent and necessary for Defendant to defend this case.

Pursuant to Fed. R. Civ. P. 37(a)(2)(B), Defendant certifies that attempts to resolve the issue were made, as detailed in the attached memorandum, including an additional meet and

confer on September 1, 2023, pursuant to D.E. 131. With regret, the parties are simply not able to reach an agreement on this issue.

For the reasons set forth in the attached memorandum in support, Defendant respectfully requests that this Court order Plaintiff Louisiana NAACP to complete Interrogatory No. 3 and properly identify the membership information requested therein. Defendant further respectfully requests consideration of this motion at the earliest possible date so as to not further disrupt the discovery schedule in this case, including the 30(b)(6) deposition of the Louisiana NAACP scheduled for September 8, 2023.

Respectfully submitted, this the 1st day of September, 2023.

/s/ Phillip J. Strach

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official capacity as Secretary of State of
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FOR THE MIDDLE DISTRICT OF LOUISIANA

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Plaintiffs,

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Civil Action No. 3:22-cv-00178-SDD-SDJ

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

DEFENDANT’S MEMORANDUM IN SUPPORT OF MOTION TO COMPEL

Defendant R. Kyle Ardoin, in his official capacity as Secretary of State of Louisiana (“Defendant”), pursuant to Rules 26 and 37 of the Federal Rules of Civil Procedure and Local Civil Rule 7, files this Memorandum in Support of Defendant’s Motion to Compel the identification of Plaintiff the National Association for the Advancement of Colored People Louisiana State Conference’s (“Louisiana NAACP”) members which Louisiana NAACP intends to rely upon for associational standing in this matter. Defendant’s written interrogatories propounded to Plaintiffs on July 22, 2022¹, included an interrogatory seeking identification of certain membership information that Louisiana NAACP intended to rely upon to establish associational standing in this matter. Although the parties agreed in principle to a compromise on August 30, 2023, that the Louisiana NAACP would supplement its interrogatory response and then “stipulate not to submit any other evidence than the supplemented interrogatory response to establish that their members would have standing...” (Exhibit 1), Plaintiffs waited until the eleventh hour then reneged on that agreement. In hashing out what Defendant believed was the

¹ This matter was stayed before the original discovery deadline was due. Once the stay was lifted, the parties agreed to a short extension of time for Plaintiffs to respond to Defendant Ardoin’s First Set of Discovery up to and including July 2, 2023.

fine print, the Louisiana NAACP demanded the right to put on hearsay testimony through its President Michael McClanahan about the districts where members reside. This position is irreconcilable with the Louisiana NAACP's written communications amongst counsel, the agreement in principle between the parties, and basic notions of equity and fairness. Either the Louisiana NAACP may shield the identity of its members in discovery and forego the ability to use that information later, regardless of the potential legal ramifications of that decision, or it may respond to Defendant's discovery, and put on testimony and evidence regarding the identity of individual members and their residences. But, as explained in Defendant's Response to Louisiana NAACP's Motion for Protective Order, D.E. 121, and on today's status conference, the Louisiana NAACP simply cannot have its cake and eat it too.

Having engaged in many good-faith efforts to resolve this matter through meeting and conferring with Plaintiffs, including an additional meet and confer pursuant to D.E. 131, Defendant now respectfully requests that this Court order the Louisiana NAACP to supplement Interrogatory No. 3 and identify membership information requested therein.² A Proposed Order to this effect is attached as Exhibit 2.

FACTS SINCE MOTION FOR PROTECTIVE ORDER BRIEFING

Defendant refers to the factual background set forth in Defendant's Response to Louisiana NAACP's Motion for Protective Order, D.E. 121, as if fully set forth herein.

On August 17, 2023, this Court denied Plaintiff's Motion for Protective Order without prejudice as Plaintiff failed to sufficiently confer with its opponents in good faith. (D.E. 123). The Court further ordered the parties to meet and confer by 5:00 p.m. CST on Monday, August 21, 2023 to "resolve the issues raised in the Motion for Protective Order." (*Id.*). Pursuant to the

² As originally offered to Plaintiffs, Defendant is willing to accept this information under a confidentiality designation and, to the extent it need to be submitted to the court, file any such information under seal.

order, the parties met and conferred on Monday, August 21, 2023. Shortly thereafter, due to failed negotiations, the parties filed a Notice of Request for Joint Status Conference on August 23, 2023. (D.E. 126). The Request was granted and a Status Conference was set for Wednesday, August 30, 2023. (D.E. 127). The parties were also ordered to continue to meet and confer (*Id.*) Pursuant to the Court's order, counsel for Defendant emailed counsel for Plaintiff seeking a time to meet and confer. (Exhibit 1). In response, on Tuesday, August 29, 2023, Plaintiff's counsel offered a compromise that would prohibit all parties from seeking, using, or disclosing Louisiana NAACP's personally identifiable membership information, in exchange for a supplemented interrogatory response. (Exhibit 1). The parties agreed in principle to the stipulation outlined in this correspondence and represented as much to Magistrate Judge Johnson at Status Conference on Wednesday, August 30, 2023. Later that evening, counsel for the Louisiana NAACP circulated a proposed written stipulation, to which counsel for Defendant and Intervenor-Defendants provided proposed redlines the next day. In response, counsel for Louisiana NAACP stated that the redlines were "non-starters" and without revealing any specific issues, demanded a phone call conference to discuss the issues.

At 9:15 a.m. on Friday, September 1, 2023, the parties again met and conferred. In that conference, counsel for Louisiana NAACP insisted that despite the agreement in principle to the contrary, the President of the Louisiana NAACP could testify at trial regarding the personally identifiable membership information of any Louisiana NAACP that waived their privilege between now and trial. Such a carve-out which would allow Mr. McClanahan to testify about information shielded from Defendant gutted the agreement between the parties on the very last day of fact discovery in this case. Now, to have access to the same crucial information as

Plaintiffs, Defendant must file this Motion to Compel despite the numerous attempts to reach an agreement, including as late as this afternoon.

I. Legal standard.

If a party fails to respond fully to discovery requests in the time allowed by the Federal Rules of Civil Procedure, the party seeking discovery may move to compel responses under Rule 37 of the Federal Rules of Civil Procedure. An “evasive or incomplete disclosure, answer, or response must be treated as a failure to disclose, answer or respond.” Fed. R. Civ. P. 37(a)(4). “In sum, a party served with written discovery must fully answer each interrogatory or document request to the full extent that it is not objectionable and affirmatively explain what portion of an interrogatory or document request is objectionable and why, affirmatively explain what portion of the interrogatory or document request is not objectionable and the subject of the answer or response, and affirmatively explain whether any responsive information or documents have been withheld.” *Lopez v. Don Herring Ltd.*, 327 F.R.D. 567, 580 (N.D. Tex. 2018) (internal quotations and citation omitted).

The party filing the motion to compel “bears the burden of showing that the materials and information sought are relevant to the action or will lead to the discovery of admissible evidence.” *Tingle v. Hebert*, No. 15-626, 2016 WL 7230499, at *2 (M.D. La. Dec. 14, 2016) (quotation omitted). “Once a party moving to compel discovery establishes that the materials and information it seeks are relevant or will lead to the discovery of admissible evidence, the burden rests upon the party resisting discovery to substantiate its objections.” *Wymore v. Nail*, No. 14-3493, 2016 WL 1452437, at *1 (W.D. La. Apr. 13, 2016). Further, “[a] trial court enjoys wide discretion in determining the scope and effect of discovery.” *Sanders v. Shell Oil Co.*, 678 F.2d 614, 618 (5th Cir. 1982) (citation omitted).

II. By bringing a vote dilution claim, Louisiana NAACP has an affirmative duty to prove associational standing by identifying, at a minimum, members in each district challenged.

Louisiana NAACP's sworn interrogatory responses served on July 3, 2023, affirmatively states that NAACP asserts associational standing on behalf of its members who purportedly "reside in the challenged districts resulting from the enacted maps and their votes are diluted." (D.E. 119-4, p. 11). It is noteworthy that Louisiana NAACP's proposed supplemental interrogatory response reveals otherwise—that their members reside only in a third of the challenged districts in Louisiana. (Exhibit 1). "An association has standing to bring suit on behalf of its members when its members would have standing to sue in their own right, the interests at stake are germane to the organization's purpose, and neither the claim asserted nor the relief requested requires the individual members' participation in the lawsuit." *Friends of the Earth, Inc. v. Laidlaw Environ. Servs. (TOC), Inc.*, 528 U.S. 167, 1871 (2000). The United States Supreme Court has repeatedly held that proof of associational standing in redistricting cases with vote dilution claims requires an organizational plaintiff to prove that individual members live in each challenged district. *Alabama Legis. Black Caucus v. Alabama*, 575 U.S. 254, 263 (2015) (reaffirming *United States v. Hays*, 515 U.S. 737, 744–745 (1995)); see *Gill v. Whitford*, 138 S. Ct. 1916, 1931–32 (2018) (providing that a plaintiff must reside in a challenged district in order to have standing to challenge it as dilutive). As set forth in Defendant's Response in Opposition to Louisiana NAACP's Motion for Protective Order, D.E. 121, the cases

cited by Louisiana NAACP in support of its Motion for Protective Order do not recognize these nuances.³

Moreover, Plaintiffs' Amended Complaint alleges that Louisiana's legislative maps "dilute votes of members of the Louisiana NAACP[;]" that Louisiana NAACP's "members have been and, if the State Maps are not enjoined, will continue to be harmed by the State Maps as the State Maps impermissibly dilute their votes[;]" and that S.B. 1 and H.B. 14 "den[y] or abridge[] the Plaintiffs' and/or their members' right to vote on account of their race and color[.]" (D.E. 14, ¶¶ 42–45). Given the claims in the complaint, Louisiana NAACP has an affirmative duty to prove it has standing to bring this action on behalf of its members. *See United States v. Hays*, 515 U.S. 737, 744–745 (1995); *N.A.A.C.P. v. City of Kyle, Tex.*, 626 F.3d 233, 237 (5th Cir. 2010). Accordingly, Plaintiffs must produce membership information to prove that Louisiana NAACP actually has members in each challenged district or Defendant Ardoin cannot properly defend this case. *See Alabama Legis. Black Caucus*, 575 U.S. at 263.

III. Louisiana NAACP's First Amendment protections cannot be used as both a sword and a shield.

Louisiana NAACP's purported rationale for refusing to identify its members, even under a confidentiality designation, is implication of its First Amendment associational rights. However, courts have found "good cause" to protect First Amendment associational rights only in certain fact-specific scenarios when a discovery order "entail[s] the likelihood of a substantial restraint upon the . . . right to freedom of association." *NAACP v. Alabama*, 357 U.S. 449, 462 (1958). Determining whether a substantial restraint exists to prevent disclosure requires a balancing of certain factors, including "(1) the importance of the information sought to the issues

³ Defendant refers the Court to the arguments made in Defendant's Response and Legislative Intervenor's Response in Opposition to Louisiana NAACP's Motion for Protective Order and Legislative Intervenor's Opposition to Louisiana NAACP's as if fully set forth herein. (D.E. 121, 122).

in the case, (2) the availability of the information from alternative sources, (3) the substantiality of the First Amendment interests at stake, and (4) whether the request is carefully tailored to avoid unnecessary interference with protected activities.” *Young Conservatives of Texas Found. v. Univ. of N. Texas*, No. 4:20-CV-973-SDJ, 2022 WL 2901007, *3 (E.D. Tex. Jan. 11, 2022) (internal citations omitted). A balancing of the interests here shows that production of membership information—at the very least, identification of members residing in each state House and state Senate district challenged in the Amended Complaint, D.E. 14—is crucial for Defendant to properly defend this vote dilution case.

Specifically, the information sought here is clearly vital to Defendant’s defense and Defendant cannot obtain the information from other sources. Defendant would be prejudiced at trial if Plaintiffs were allowed to present evidence regarding Louisiana NAACP’s members that Defendant does not have access to because Plaintiffs themselves shielded Defendant’s access.

IV. Courts in routinely require disclosure of the NAACP’s membership information under some confidentiality designation.

Defendant’s position has remained unchanged throughout the course of this costly discovery dispute. *See* D.E. 121, 122. The most equitable pathways forward to balance the interests of the parties were (1) a mutually-agreeable stipulation to not seek or put on evidence regarding Louisiana NAACP’s membership to respect the assertion of its First Amendment privileges; or (2) in the alternative, require Louisiana NAACP to produce its membership under a confidentiality designation via protective order and require the filing of the same to be done under seal. As the first pathway has failed, Defendant is forced to now seek an order from this Court to compel the second.

Courts routinely require disclosure of the NAACP’s membership information under some confidentiality designation. *See, e.g., Young Conservatives of Texas Found. v. Univ. of N. Texas,*

No. 4:20-CV-973-SDJ, 2022 WL 2901007, *4 (E.D. Tex. Jan. 11, 2022) (requiring identification of members for standing purposes under protective order notwithstanding Plaintiff's First Amendment objections); *Terrebonne Parish Branch NAACP v. Jindal*, No. 14-49-JBB-SCR, 2015 WL 1930454 (M.D. La. Apr. 28, 2015). Particularly on point, is *League of United Latin Am. Citizens v. Abbott*, No. 21-CV-00259, 2022 WL2806850, *8 (W.D. Tex. July 18, 2022), which was cited in Magistrate Judge Johnson in the Order Denying Plaintiffs' Motion for Protective Order. (D.E. 123). In that case, the court required the Texas NAACP to actually identify its members to opposing counsel. Specifically, when the Texas NAACP filed a motion to file an amended complaint under seal after its original complaint was dismissed for lack of standing, the court denied that motion. *Id.* Instead, the Court required the amended complaint to be filed using pseudonyms and ordered the Texas NAACP to "separately file the appropriate identifying information under seal as an exhibit to their amended complaint." *Id.*

Similarly, here Defendant has repeatedly offered to keep Louisiana NAACP's membership list confidential under a protective order. Plaintiffs have denied these offers of compromise while simultaneously maintaining they should be allowed to shield Defendant from all discovery into member identities but pierce that shield at any time they so choose. But the law, and basic principles of fairness in discovery require an equitable solution.

CONCLUSION

For the foregoing reasons, Plaintiffs' respectfully request that its Motion to Compel be granted and the Court award any further relief as it deems fair and just.

Respectfully submitted, this the 1st day of September, 2023.

/s/ Phillip J. Strach

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official capacity as Secretary of State of
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Exhibit 1

From: Stuart Naifeh <snaifeh@naacpldf.org>
Sent: Tuesday, August 29, 2023 6:43 PM
To: Prouty, Erika Dackin; Alyssa Riggins; Sarah Brannon; Megan Keenan; Jones, Carey; Amanda Giglio; Tucker, Robert J.; Cassie Holt; Tom Farr; Phil Strach; Wale, Jeffrey M.; john@scwillp.com; Freel, Angelique; kimk@scwillp.com; Jason Torchinsky; Andrew Pardue; Phil Gordon; Braden, E. Mark; Raile, Richard; Lewis, Patrick T.; Saucedo, Carol; Mengis, Michael W.; McKnight, Katherine L.; Alora Thomas-Lundborg; David Margulis; Dayle Chung; Dayton Campbell-Harris; Jared Evans; Josephine Bahn; Luis M. Rico Roman; Molly Garyantes; Michael De Leeuw; Nora Ahmed; Robert Clark; Ron Wilson; Ruth Greenwood; Sara Rohani; John Adcock; Victoria Wenger; John Conine
Subject: Re: Meet and Confer

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Plaintiffs are also available between 10 and Noon Eastern. We understand the Legislators and the Secretary are not amenable to the compromise we proposed, but we believe it may be possible to resolve the dispute with a modified version of your proposal. Legislative Intervenors and, as we understand it, the Secretary have previously expressed a willingness to stipulate that they would not seek any discovery about the identity of the Louisiana NAACP's members if the Louisiana NAACP would stipulate that it would not seek to submit any further evidence regarding its membership other than what is already stated in their interrogatory responses.

Plaintiffs propose supplementing their response to interrogatory number 3, and then would be willing to stipulate not to submit any other evidence than the supplemented interrogatory response to establish that their members would have standing in their own right for purposes of proving associational standing if the defendants and intervenors are willing to stipulate that a) the interrogatory responses can be admitted into evidence at trial without objection, and b) defendants and intervenors will not seek further discovery concerning the NAACP's members.

Our proposed supplemental response would be as follows:

Supplemental Response to Interrogatory No. 3

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds:

- (a) Based on a review of NAACP membership records, Plaintiff has identified at least one member who resides in each of the following Louisiana Senate Districts: 2, 5, 7, 8, 10, 14, 15, 17, 19, 31, 36, 38 and 39.

Based on a review of NAACP membership records, Plaintiff has identified at least one member who lives in each of the following Louisiana House Districts: 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 22, 25, 29, 34, 35, 36, 37, 47, 57, 58, 59, 60, 61, 62, 63, 65, 66, 67, 68, 69, 70, 81, 88, and 101.

Based on a review of NAACP membership records, Plaintiff has identified at least one member who would reside in each of the newly created majority-Black districts or the newly unpacked majority-Black districts in Mr. Cooper's June 2023 illustrative plans, including illustrative House Districts 1, 3, 4, 29, 34, 38, 57, 58, 60, 61, 63, 65, 68, 69, and 101, and illustrative Senate Districts 2, 7, 15, 17, 19, 38, 39.

We look forward to speaking with you further about this proposal.

Stuart C. Naifeh (he/him/él)
Manager, Redistricting Project



40 Rector Street, 5th Floor, New York, NY 10006
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From: Prouty, Erika Dackin <eprouthy@bakerlaw.com>

Date: Tuesday, August 29, 2023 at 5:33 PM

To: Alyssa Riggins <alyssa.riggins@nelsonmullins.com>, Sarah Brannon <sbrannon@aclu.org>, Megan Keenan <MKeenan@aclu.org>, Jones, Carey <JonesCar@ag.louisiana.gov>, Amanda Giglio <AGiglio@cozen.com>, Tucker, Robert J. <rtucker@bakerlaw.com>, Cassie Holt <cassie.holt@nelsonmullins.com>, Tom Farr <tom.farr@nelsonmullins.com>, Phil Strach <phil.strach@nelsonmullins.com>, Wale, Jeffrey M. <WaleJ@ag.louisiana.gov>, john@scwllp.com <john@scwllp.com>, Freel, Angelique <FreelA@ag.louisiana.gov>, kimk@scwllp.com <kimk@scwllp.com>, Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>, Andrew Pardue <apardue@HoltzmanVogel.com>, Phil Gordon <pgordon@HoltzmanVogel.com>, Braden, E. Mark <MBraden@bakerlaw.com>, Raile, Richard <rraile@bakerlaw.com>, Lewis, Patrick T. <plewis@bakerlaw.com>, Saucedo, Carol <csauceda@bakerlaw.com>, Mengis, Michael W. <mmengis@bakerlaw.com>, McKnight, Katherine L. <kmcknight@bakerlaw.com>, Alora Thomas-Lundborg <tthomaslundborg@law.harvard.edu>, David Margulis <dmargulis@cozen.com>, Dayle Chung <dchung@naacpldf.org>, Dayton Campbell-Harris <DCampbell-Harris@aclu.org>, Jared Evans <jevans@naacpldf.org>, Josephine Bahn <jbahn@cozen.com>, Luis M. Rico Roman <LRoman@aclu.org>, Molly Garyantes <MGaryantes@aclu.org>, Michael De Leeuw <MdeLeeuw@cozen.com>, Nora Ahmed <Nahmed@laaclu.org>, Robert Clark <RobertClark@cozen.com>, Ron Wilson <cabral2@aol.com>, Ruth Greenwood <rgreenwood@law.harvard.edu>, Sara Rohani <Srohani@naacpldf.org>, Stuart Naifeh <snaifeh@naacpldf.org>, John Adcock <jnadcock@gmail.com>, Victoria Wenger <vwenger@naacpldf.org>, John Conine <coninej@scwllp.com>

Subject: RE: Meet and Confer

[Caution: EXTERNAL EMAIL]

Counsel for Legislative Intervenors are also available to meet and confer between 10am and 12pm ET tomorrow.

Sincerely,

Erika Prouty
Associate

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From: Alyssa Riggins <alyssa.riggins@nelsonmullins.com>

Sent: Tuesday, August 29, 2023 4:27 PM

To: Sarah Brannon <sbrannon@aclu.org>; Megan Keenan <MKeenan@aclu.org>; Jones, Carey <JonesCar@ag.louisiana.gov>; Giglio, Amanda <agiglio@cozen.com>; Tucker, Robert J. <rtucker@bakerlaw.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Tom Farr <tom.farr@nelsonmullins.com>; Phil Strach <phil.strach@nelsonmullins.com>; Wale, Jeffrey M. <WaleJ@ag.louisiana.gov>; John@scwllp.com; Freel, Angelique <FreelA@ag.louisiana.gov>; kimk@scwllp.com; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; Andrew Pardue <apardue@HoltzmanVogel.com>; Prouty, Erika Dackin <eprouy@bakerlaw.com>; Phil Gordon <pgordon@HoltzmanVogel.com>; Braden, E. Mark <MBraden@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; Saucedo, Carol <csauceda@bakerlaw.com>; Mengis, Michael W. <mmengis@bakerlaw.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Thomas-Lundborg, Alora <tthomaslundborg@law.harvard.edu>; Margulis, David <dmargulis@cozen.com>; Dayle Chung <dchung@naacpldf.org>; Dayton Campbell-Harris <DCampbell-Harris@aclu.org>; Jared Evans <jevans@naacpldf.org>; Bahn, Josephine M. <jbahn@cozen.com>; Luis Manuel Rico Román <LRoman@aclu.org>; Molly Garyantes <MGaryantes@aclu.org>; mdeleeuw@cozen.com; Nora Ahmed <Nahmed@laaclu.org>; Robert Clark <RobertClark@cozen.com>; Ron Wilson <cabral2@aol.com>; Greenwood, Ruth <rgreenwood@law.harvard.edu>; Sara Rohani <srohani@naacpldf.org>; Stuart Naifeh <snaifeh@naacpldf.org>; John Adcock <jnadcock@gmail.com>; Victoria Wenger <vwenger@naacpldf.org>; John Conine <coninej@scwllp.com>

Subject: Meet and Confer

[External Email: Use caution when clicking on links or opening attachments.]

Dear Counsel,

We are writing pursuant to Judge Johnson's order this afternoon to see if you are available to meet and confer between 10:00-12:00 EST tomorrow morning.

With regard to the current dispute it is our understanding that the Louisiana NAACP still does not consent to the offers of compromise made by Legislative Intervenors or the Secretary. If your position has changed on that please let us know. Alternatively, if the Louisiana NAACP has an offer of compromise to resolve this dispute, please let us know and we are happy to discuss on a meet and confer.

Best,
Alyssa



ALYSSA RIGGINS SENIOR ASSOCIATE

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Exhibit 2

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

DR. DOROTHY NAIRNE, *et al.*,

Plaintiffs,

v.

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

Defendant.

Civil Action No. 3:22-cv-00178-SDD-SDJ

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

[PROPOSED] **ORDER GRANTING DEFENDANT’S MOTION TO COMPEL**

This matter comes before the Court on Defendant’s Motion to Compel. Defendant asserts that Plaintiff NAACP Louisiana State Conference (“Louisiana NAACP”) must identify certain personally identifiable information of the members it intends to rely on to assert associational standing in this matter. In consideration of the filings of the parties and arguments of counsel, this Court, in its discretion under Rule 37 of the Federal Rules of Civil Procedure, hereby ORDERS that Louisiana NAACP supplement its response to Interrogatory No. 3 in Defendant’s First Set of Interrogatories and First Set of Requests for Production of Documents to the Organizational Plaintiffs, D.E. 119-3, on or before Wednesday, September 6, 2023 such that Defendant has an opportunity to review the supplementation before the Rule 30(b)(6) Deposition of Louisiana NAACP currently noticed for Friday, September 8, 2023.

SO ORDERED.

This the ____ day of _____, 2023.
