

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

DR. DOROTHY NAIRNE, JARRETT  
LOFTON, REV. CLEE EARNEST LOWE,  
DR. ALICE WASHINGTON, STEVEN  
HARRIS, ALEXIS CALHOUN, BLACK  
VOTERS MATTER CAPACITY  
BUILDING INSTITUTE, and THE  
LOUISIANA STATE CONFERENCE OF  
THE NAACP, *et al.*,

*Plaintiffs,*

v.

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

*Defendants.*

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

**CONSENT MOTION TO DISMISS PLAINTIFFS JARRETT LOFTON  
AND ALEXIS CALHOUN**

Plaintiffs respectfully move this Court pursuant to Rules 21 and 41(a)(2) of the Federal Rules of Civil Procedure, to allow Mr. Jarrett Lofton and Ms. Alexis Calhoun to withdraw as plaintiffs in this action without prejudice. This motion is made *only* as to those two individual plaintiffs. A memorandum in support is provided.

Plaintiffs respectfully request that the Court enter an order dismissing Jarrett Lofton and Alexis Calhoun from this case pursuant to Rule 21 and/or 41(a)(2) without prejudice, and removing them from the caption of this case.

Date: September 1, 2023

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that, on the date set forth below, I caused a true and correct copy of the foregoing Consent Motion to Dismiss Plaintiffs Jarrett Lofton and Alexis Calhoun to be served via electronic mail to all counsel of record.

Dated: September 1, 2023

/s/ Sarah Brannon  
Sarah Brannon

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**MEMORANDUM IN SUPPORT OF CONSENT MOTION TO DISMISS  
PLAINTIFFS JARRETT LOFTON AND ALEXIS CALHOUN**

Plaintiffs respectfully move this Court pursuant to Rules 21 and 41(a)(2) of the Federal Rules of Civil Procedure, to allow Mr. Jarrett Lofton and Ms. Alexis Calhoun to withdraw as plaintiffs in this action without prejudice. This motion is made *only* as to those two individual plaintiffs. In support of this Motion, Plaintiffs state as follows:

1. Plaintiffs Jarrett Lofton and Alexis Calhoun wish to voluntarily withdraw as plaintiffs in this case.
2. Federal Rule of Civil Procedure 21 provides that “the court may at

any time, on just terms, add or drop a party.” Fed. R. Civ. P. 21.<sup>1</sup> The trial judge’s discretionary authority to dismiss a party from the case under Rule 21 shall be exercised on “just terms.” *Acevedo v. Allsup’s Convenience Stores, Inc.*, 600 F.3d 516, 521 (5th Cir. 2010). *See also Bibbs v. Early*, 541 F.3d 267, 274 (5th Cir. 2008). The court may accordingly allow parties to withdrawal so long as they are not indispensable under Rule 19, and upon finding that its actions “avoid prejudice and delay.” *Acevedo*, 600 F.3d at 521.

3. There is no time limitation on the district court’s ability to drop a party under Rule 21. *Avenatti v. Fox News Network LLC*, 41 F.4th 125, 134 (3d Cir. 2022). “When there are several plaintiffs in a single suit and one is dismissed out, whether under Rule 21 or any other rule or doctrine, it is as if he had brought a separate suit that was dismissed.” *Elmore v. Henderson*, 227 F.3d 1009, 1011–12 (7th Cir. 2000).

4. The Court also has discretion to dismiss a party’s claims under Rule 41(a)(2) at the Plaintiff’s request “on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2). The dismissal of a plaintiff’s action is typically without prejudice. *Id.*

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<sup>1</sup> “The courts have properly concluded that they may issue orders under Rule 21 even in the absence of misjoinder and non-joinder of parties, to construct a case for the efficient administration of justice.” 4 Moore’s Federal Practice § 21.02(1).

5. Plaintiffs Jarrett Lofton and Alexis Calhoun are among the six individuals who joined as plaintiffs in this lawsuit and whose claims for relief were included in the Amended Complaint filed on April 4, 2022. Each individual joined this lawsuit as a Louisiana voter whose voting power would be diluted under the State's new Legislative Maps, denying them an opportunity for equal representation. All individual plaintiffs are seeking declaratory and injunctive relief, as well as nominal damages for the violation of their legal right to vote under Section 2 of the Voting Rights Act.

6. Mr. Lofton and Ms. Calhoun no longer wish to participate as Plaintiffs in this case, and respectfully request the voluntary dismissal of their individual actions.

7. None of these individual plaintiffs' allegations or claims are necessary to, or indispensable in, adjudicating the claims of the remaining plaintiffs; dropping them as plaintiffs and removing them from the case will not cause prejudice to any parties in this case. The claims for declaratory and injunctive relief of the remaining individual and organizational Plaintiffs will proceed, and Defendants will not be prejudiced, nor affected in any meaningful way, because Plaintiffs are all seeking identical claims for relief in this case. Granting the Plaintiffs' motion at this stage will not cause prejudice to any of the parties, nor would it lead to delays in the litigation.

8. Plaintiffs have notified all counsel of record for all Defendants that Mr. Lofton and Ms. Calhoun wish to withdraw from this case. Defendants consent to Mr. Lofton and Ms. Calhoun withdrawing as plaintiffs from this case.

WHEREFORE, Plaintiffs respectfully request that the Court enter an order dismissing Jarrett Lofton and Alexis Calhoun from this case pursuant to Rule 21 and/or 41(a)(2) without prejudice, and removing them from the caption of this case.

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**[PROPOSED] ORDER**

AND NOW, this \_\_\_\_ day of September, 2023, upon consideration of Plaintiffs' Motion to Drop Parties Jarrett Lofton and Alexis Calhoun and any responses thereto, it is hereby ORDERED that the Motion is GRANTED. Jarrett Lofton and Alexis Calhoun are hereby removed as Plaintiffs in this action, without prejudice.

BY THE COURT

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Hon. Shelly D. Dick  
United States District Judge