

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ALPHA PHI ALPHA FRATERNITY INC.
et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as Secretary of State of Georgia,

Defendant.

CIVIL ACTION FILE
NO. 1:21-CV-5337-SCJ

COAKLEY PENDERGRASS et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as the Georgia Secretary of State,

Defendant.

CIVIL ACTION FILE
NO. 1:21-CV-5339-SCJ

ANNIE LOIS GRANT et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as the Georgia Secretary of State,

Defendant.

CIVIL ACTION FILE
NO. 1:22-CV-122-SCJ

**PLAINTIFFS' JOINT MOTION FOR ENTRY OF REMEDIAL
SCHEDULING ORDER**

Plaintiffs in the above-captioned cases, by and through their attorneys, respectfully move the Court to enter the attached proposed order establishing a briefing schedule for the remedial phase of these proceedings. Plaintiffs' counsel has conferred with Defendant's counsel, and Defendant Raffensperger takes no position on this motion at the time of filing, but indicated that he plans to file a response to this motion. In support of the motion, Plaintiffs state the following:

1. On October 26, 2023, this Court entered judgment in favor of Plaintiffs and against Defendant Raffensperger, finding that SB 2EX, SB 1EX, and HB 1EX (2021) violate Section 2 of the Voting Rights Act, specifically as it relates to the following districts / areas: Enacted Congressional Districts 3, 6, 11, 13, and 14; Enacted Senate Districts 10, 16, 17, 25, 28, 30, 34, 35, 43, 44; Enacted House Districts 61, 64, 74, 78, 117, 133, 142, 143, 145, 147, and 149. *Pendergrass*, Dkt. 286 at 514; *Alpha Phi Alpha*, Dkt. 333 at 514. The Court permanently enjoined Secretary Raffensperger and his agents and successors in office from using the maps in any future election. *Id.*

2. The Court found that an appropriate "remedy involves an additional majority-Black congressional district in west-metro Atlanta; two additional majority-Black Senate districts in south-metro Atlanta; two additional majority-Black House districts in south-metro Atlanta, one additional majority-Black House district in west-metro Atlanta, and two additional majority-Black House districts in

and around Macon-Bibb.” *Id.* at 509. The Court further instructed that the “State cannot remedy the Section 2 violations described herein by eliminating minority opportunity districts elsewhere in the plans.” *Id.* at 510.

3. The Court gave the General Assembly until December 8, 2023 to adopt new plans consistent with its order and retained jurisdiction to determine whether the remedial plans adopted by the Assembly adequately remedy the Section 2 violations. *Id.*

4. On Wednesday, November 29, 2023, the General Assembly convened a special legislative session proclaimed by the Governor and introduced legislation enacting proposed remedial state legislative plans and placeholder legislation to enact a congressional plan.

5. On Friday, December 1, 2023, the General Assembly released a proposed congressional plan.

6. In anticipation of the General Assembly’s enactment of remedial state legislative and congressional plans, Plaintiffs respectfully request that the Court enter the following proposed remedial schedule:

- a. Plaintiffs shall file their objections (if any) to the remedial maps enacted by the General Assembly on or before **December 15, 2023**, including any supporting data, documents, or reports.

- b. Defendant is directed to file his response to any objections, including any supporting data, documents, and reports, no later than **December 22, 2023**.
- c. Plaintiffs shall have until **December 29, 2023** to file any reply and supporting materials.
- d. If necessary, the Court will set an evidentiary hearing and/or argument to take place **January 3 and/or 4**.¹
- e. In the event that the Court enjoins any of the remedial maps as unlawful, Plaintiffs shall submit any proposed remedial plans and supporting documents within 5 calendar days of the injunction. The parties may also propose a procedure for special master consideration, along with a list of special master candidates, by that deadline.
- f. Defendant shall file his responses and supporting documents to the remedial maps proposed by Plaintiffs within 5 calendar days of Plaintiffs' filings.
- g. In the event it falls to the Court to adopt remedial maps (either maps proposed by the Plaintiffs or maps drawn by the Court or a special

¹ To the extent the Court schedules an evidentiary hearing, Plaintiffs request that the Court allow for remote witness participation to work around holiday travel.

master), the Court will endeavor to order such maps no later than

January 31, 2024.

Dated: December 4, 2023

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**Admitted pro hac vice*

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing **PLAINTIFFS' JOINT MOTION FOR ENTRY OF REMEDIAL SCHEDULING ORDER** has been prepared in accordance with the font type and margin requirements of LR 5.1, N.D. Ga., using font types of Times New Roman, point size of 14, and Century Schoolbook, point size of 13.

Dated: December 4, 2023

/s/ Adam M. Sparks
Adam M. Sparks
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I have on this date caused to be electronically filed a copy of the foregoing **PLAINTIFFS' JOINT MOTION FOR ENTRY OF REMEDIAL SCHEDULING ORDER** with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to counsel of record.

Dated: December 4, 2023

/s/ Adam M. Sparks
Adam M. Sparks
Counsel for Plaintiffs

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Defendant.

CIVIL ACTION FILE
NO. 1:22-CV-122-SCJ

**[PROPOSED] ORDER GRANTING PLAINTIFFS' JOINT MOTION FOR
REMEDIAL SCHEDULING ORDER**

At the motions of the *Alpha Phi Alpha* Plaintiffs, the *Pendergrass* Plaintiffs, and the *Grant* Plaintiffs in the above-styled actions, and for good cause shown, it is hereby **ORDERED** that:

- Plaintiffs shall file their objections (if any) to the remedial maps enacted by the General Assembly on or before **December 15, 2023**, including any supporting data, documents, or reports.
- Defendant is directed to file his response to any objections, including any supporting data, documents, and reports, no later than **December 22, 2023**.
- Plaintiffs shall have until **December 29, 2023** to file any reply and supporting materials.
- If necessary, the Court will set an evidentiary hearing and/or argument to take place **January 3 and/or 4, 2024**.¹
- In the event that the Court enjoins any of the remedial maps as unlawful, Plaintiffs shall submit any proposed remedial plans and supporting documents within 5 calendar days of the injunction. The parties may also propose a procedure for special master

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consideration, along with a list of special master candidates, by that deadline.

- Defendant shall file his responses and supporting documents to the remedial maps proposed by Plaintiffs within 5 calendar days of Plaintiffs' filings.
- In the event it falls to the Court to adopt remedial maps (either maps proposed by the Plaintiffs or maps drawn by the Court or a special master), the Court will endeavor to order such maps no later than **January 31, 2024**.

IT IS SO ORDERED this ___ day of December, 2023.

HONORABLE STEVE C. JONES
UNITED STATES DISTRICT COURT JUDGE