

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA—MONROE DIVISION**

PHILIP CALLAIS, LLOYD PRICE,)	
BRUCE ODELL, ELIZABETH ERSOFF,)	
ALBERT CAISSIE, DANIEL WEIR,)	
JOYCE LACOUR, CANDY CARROLL)	
PEAVY, TANYA WHITNEY, MIKE)	
JOHNSON, GROVER JOSEPH REES,)	
ROLFE MCCOLLISTER,)	
)	Case No. 3:24-cv-00122-DCJ-CES-RRS
Plaintiffs,)	
)	
v.)	District Judge David C. Joseph
)	Circuit Judge Carl E. Stewart
NANCY LANDRY, IN HER OFFICIAL)	District Judge Robert R. Summerhays
CAPACITY AS LOUISIANA)	
SECRETARY OF STATE,)	Magistrate Judge Kayla D. McClusky
)	
Defendant.)	

PLAINTIFFS’ RESPONSE IN OPPOSITION TO MOTION TO CONTINUE

At 7:30 p.m. on Saturday, April 6, 2024, as counsel and witnesses had begun travel for trial on Monday, April 8, 2024, the Robinson Intervenors (the “Intervenors”) filed a Motion for Continuance or, in the Alternative, to Deconsolidate Preliminary Injunction Hearing from the Merits Trial (Doc. 161). Such a request on the eve of trial is usually reserved for emergencies, natural disasters, or personal tragedy. Intervenors’ filing, in contrast, is a litany of grievances they have apparently been nursing since joining this action as limited-purpose parties under this Court’s Order (Doc. 114) on March 15, 2024. Whatever the reason for the delay in Intervenors’ filing, the substance of their motion should not move this Court. The Intervenors’ factual recitation is misleading and certainly does not require delay of this trial.

The Intervenors’ claims of unfairness due to sharp dealing by the Plaintiffs and quick, but necessary, scheduling by the Court are, regrettably, based on a series of half-truths and outright fabrications. Intervenors first complain that they were unfairly excluded from the Court’s decision

to set trial for April 8 and 9. Doc. 161-1, at 3-4. But the Intervenor were not yet in the case. Doc. 114. And the trial schedule was a fact of which Intervenor were well aware when they intervened. In fact, Intervenor represented to the Court in their Motion for Reconsideration of their Motion to Intervene, Doc 112, that they would be able to meet all deadlines, including the trial deadline, when Plaintiffs raised a concern about undue delay. Doc. 112-1, at 9 (“Plaintiffs raise the unfounded specter of intervention delaying or prejudicing the adjudication of the action. Pls. Opp. at 9-10. The facts demonstrate otherwise. . . . Nor is the number of lawyers is a proxy for calendar delay. Pls. Opp. at 9. If intervention is permitted, Movants will swiftly take any document discovery and meet the remaining deadlines in the case.”). Based on those representations, the Court granted their intervention. Doc. 114.

Intervenor claim deep experience in redistricting cases (fairly so, having just completed one), but upon their entry, they did not lodge complaints about the timing or length of trial. After their intervention, in a pre-conference meeting with the parties or at the March 22 initial conference with the Court, the Robinson Intervenor did not push for a later trial date or more trial time. Edward D. Greim Declaration (“Greim Dec.”), ¶ 1. Nor did they complain that they were being treated unfairly or couldn’t participate in discovery. *Id.*

Indeed, after the Robinson Intervenor were admitted to the case on March 15 (Doc. 114), they served no additional written discovery on any party. Greim Dec. ¶2. This is surprising, given that as non-parties, they had improperly served requests for production of documents to Plaintiffs on March 14, demanding a response by March 22, 2024. *Id.* The Plaintiffs nonetheless complied, made a complete and on-time production, and worked in good faith with all parties to define discovery deadlines in the absence of a formal Rule 26 conference. *Id.* Plaintiffs stood ready to engage in other written discovery. None was forthcoming. Greim Dec. ¶3. Even after the Plaintiffs

served written discovery on the Intervenors on March 20, seeking responses by March 27 under the parties' agreement, the Intervenors declined to issue additional written discovery. Greim Dec. ¶4.

Indeed, the Intervenors never requested any other written discovery, formally or informally, either from the Plaintiffs or the State. Greim Dec. ¶5.

The Intervenors' one and only pursuit of factual discovery was a blind notice, issued Friday night, March 22, 2024, for the deposition of Plaintiff Rolph McCollister on Thursday, March 28, 2024. Greim Dec. ¶6. No pleading, brief, or party's Rule 26 disclosures identified McCollister, who is not a legislator, lobbyist, or expert, as having any particular knowledge on the legislature's intent or any other fact issue. *Id.* Intervenors would not disclose and have never disclosed why the deposition was necessary, but claimed to want to designate his testimony rather than live questioning at trial—something the Court has repeatedly stated is disfavored. *See, e.g.*, Doc. 63, at 3 (“Deposition testimony is disfavored by the Court and will only be authorized for good cause shown.”). Though Plaintiffs attempted to draw the Intervenors' attention to this Court instruction, they did not relent. *Id.*

Neither McCollister nor Plaintiff's counsel was available until Monday, April 1. Greim Dec. ¶7. Given the press of time and the Court's instructions, Plaintiffs offered an alternative: to ensure his attendance at trial. *Id.* Plaintiffs further offered to answer interrogatories or other written discovery probing McCollister's knowledge on 36 hours' notice so that Intervenors could decide whether McCollister was truly worth the time. *Id.* Intervenors declined both offers, claiming it would reveal their strategy. Greim Dec. ¶8. They withdrew their notice after deciding they did not want to offer his testimony as a mere designation. *Id.* From the parties' discussions to the present

motion, Intervenor's have never articulated what particularly useful information McCollister is supposed to have. *Id.*

Next, Intervenor's claim Plaintiff's misled them regarding the sharing of discovery. *See* Doc. 161-1, at 4-5; Doc. 162, at ¶¶ 4-5. In truth, Intervenor's requested the parties share discovery with them before they were even parties to this portion of the case on March 7. Greim Dec. ¶9. Plaintiff's counsel responded on March 12, still before Intervenor's were parties to this portion of the case, thanking the Intervenor's for reaching out and stating, "Plaintiff's will share discovery with the Robinson Intervenor's once it has been produced." *Id.*, Ex. A. The Intervenor's complaint seems to be that *before they became parties on the merits*, they did not receive *copies of requests* that had been served but not yet answered—a promise they incorrectly believed had been made. Instead, when non-parties, Plaintiff's gratuitously promised Intervenor's that they would receive all productions. Within days of being made parties, Intervenor's received all requests that had been made at that point. Greim Dec. ¶10. They received all of the existing parties' productions, and engaged in all discovery conferences on all matters, including serious disputes between the Plaintiff's and the State. *Id.* They participated fully and on equal footing with all other parties. *Id.*

Intervenor's and Plaintiff's negotiated timing for the receipt and exchange of expert reports, deals which Plaintiff's believed were satisfactory and which they hardly expected to later find cited as a form of oppression. Greim Dec. ¶11. It is true that Dr. Voss' data was not ready when his report was issued, but to account for this, Plaintiff's gave and Intervenor's accepted an extra day for the expert—McCartan—they had designated as responding to the technical part of Dr. Voss's report. Such give-and-take is common in trial preparation. *Id.* Finally, Intervenor's complaints regarding Dr. Benjamin Overholt's allegedly improper rebuttal of Mr. Fairfax, and their Friday night attempt to add Dr. Lisa Handley as a sur-rebuttal witness, are addressed in Plaintiff's opposition, Doc. 158.

Intervenors also complain that Plaintiffs would not agree to much of their stipulations. Plaintiffs communicated expeditiously with the parties, including Intervenors, regarding stipulations and joint exhibits on March 21. Greim Dec. ¶12, Ex. B, C. The Robinson Intervenors gave no response, not even to suggest redlines, until March 28. *Id.* That same day, Plaintiffs reviewed Intervenors' redlines and began responding. Intervenors had inserted many disputed facts to which Plaintiffs simply could not agree. *Id.* In the end, the parties agreed to basic party facts and no more. *Id.* Similarly, Plaintiffs attempted several times to rouse the Robinson Intervenors regarding joint exhibits, even circulating a draft joint exhibit list multiple times, beginning on March 21, 2024. Greim Dec. ¶13. Such attempts to work together to lessen the parties' burden were not well received. *Id.* It was not until after this Court's final pre-trial conference on Thursday, April 4 that the Robinson Intervenors decided to work with Plaintiffs. *Id.* Plaintiffs again circulated the exhibit list that same day—the same list Plaintiffs had originally circulated two weeks earlier, with no response. *Id.*

Intervenors' claim that this case is exceptionally complex is belied by their actual conduct in seeking almost no fact discovery from any party. Indeed, Intervenors claim that their earlier case is preclusive now, so that no party should be permitted to introduce evidence or argue the issue of strict scrutiny. If this position is serious, it eliminates the majority of the case. Intervenors must have genuinely held this position, for when it was time to submit reports, Intervenors' experts assiduously avoided (with one exception in a portion of Mr. Fairfax's report) doing anything other than critiquing the analysis of Plaintiffs' experts. Intervenors claimed to have involvement in securing SB8's passage, experience litigating in Louisiana for years, deep connections with the Legislature, and a bevy of top Democratic experts that they used in their prior litigation. Their

decision to bring none of this to bear was strategic. It is not the fault of the other parties or the Court.

The Intervenors also make much of the State and Secretary’s strategy in this case. Doc. 161-1, at 7-8. But this is not a new complaint. They made this same argument in their Motion to Reconsider their Motion to Intervene, Doc. 18, 112-1. Under this reasoning, the Motion for Continuance was ripe weeks ago, not 36 hours before trial. Moreover, different party strategies are part of litigation; and in fact, this is why Intervenors pressed to enter the litigation in the first place. Ironically, the litigating position of the Robinson Intervenors and the State has since become virtually identical.

Moreover, the Intervenors’ attempt to extend this case could potentially create a *Purcell* problem—a problem they accused *Plaintiffs* of potentially creating in their Amicus Brief in Opposition to Plaintiffs’ Motion for Preliminary Injunction. Doc. 94, at 39 (“Given the timing of the litigation, there is also a concern that the court could adequately litigate both a liability and remedial phase in time to prevent the type of voter confusion that *Purcell* and its progeny warn courts against. *See generally Purcell v. Gonzalez*, 549 U.S. 1 (2006) (per curiam).”). Now, Intervenors have seemingly seized upon a strategy of nightly motion practice, hoping the frenzy of paper clogs the litigation and makes their early “warning” of delay into a reality. Plaintiffs would be deeply prejudiced by further delay and would potentially be deprived of their constitutional rights if forced to vote under this unconstitutional map in November 2024.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully ask the Court deny the Motion for Continuance.

Dated this 7th day of April, 2024

Respectfully submitted,

PAUL LOY HURD, APLC

/s/ Paul Loy Hurd

Paul Loy Hurd

Louisiana Bar No. 13909

Paul Loy Hurd, APLC

1896 Hudson Circle, Suite 5

Monroe, Louisiana 71201

Tel.: (318) 323-3838

paul@paulhurdlawoffice.com

Attorney for Plaintiffs

GRAVES GARRETT GREIM LLC

/s/ Edward D. Greim

Edward D. Greim,* Missouri Bar No. 54034

A. Bradley Bodamer,* Missouri Bar No.

28676

Matthew Mueller,* Missouri Bar No. 70263

Jackson Tyler,* Missouri Bar No. 73115

Katherine Graves,* Missouri Bar No. 74671

**Admitted Pro Hac Vice*

GRAVES GARRETT GREIM LLC

1100 Main Street, Suite 2700

Kansas City, Missouri 64105

Tel.: (816) 256-3181

Fax: (816) 256-5958

edgreim@gravesgarrett.com

bbodamer@gravesgarrett.com

mmueller@gravesgarrett.com

jtyler@gravesgarrett.com

kgraves@gravesgarrett.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I do hereby certify that, on this 7th day of April, 2024, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which gives notice of filing to all counsel of record.

/s/ Edward D. Greim
Edward D. Greim

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA—MONROE DIVISION**

PHILIP CALLAIS, LLOYD PRICE,)
BRUCE ODELL, ELIZABETH ERSOFF,)
ALBERT CAISSIE, DANIEL WEIR,)
JOYCE LACOUR, CANDY CARROLL)
PEAVY, TANYA WHITNEY, MIKE)
JOHNSON, GROVER JOSEPH REES,)
ROLFE MCCOLLISTER,)

Plaintiffs,)

v.)

NANCY LANDRY, IN HER OFFICIAL)
CAPACITY AS LOUISIANA)
SECRETARY OF STATE,)

Defendant.)

Case No. 3:24-cv-00122-DCJ-CES-RRS

District Judge David C. Joseph
Circuit Judge Carl E. Stewart
District Judge Robert R. Summerhays
Magistrate Judge Kayla D. McClusky

DECLARATION OF EDWARD D. GREIM

I, Edward D. Greim, pursuant to 28 U.S.C. § 1746, declare as follows:

1. The parties, including Intervenors, held a joint meeting convened by Plaintiffs on March 21, 2024, at 2:00 p.m., before the March 22 initial conference with the Court. At that conference, the Robinson Intervenors did not push for a later trial date or more trial time. Nor did they complain that they were being treated unfairly or couldn't participate in discovery.

2. After the Robinson Intervenors were admitted to the case on March 15 (Doc. 114), they served no additional written discovery on any party. As non-parties, the Robinson Intervenors had served requests for production of documents to Plaintiffs on March 14, demanding a response by March 22, 2024. The Plaintiffs complied, made a complete and on-time production, and worked in good faith with all parties to define discovery deadlines in the absence of a formal Rule 26 conference.

3. Plaintiffs stood ready to engage in other written discovery. None was forthcoming.

4. Even after the Plaintiffs served written discovery on the Intervenor on March 20, seeking responses by March 27 under the parties' agreement, the Intervenor declined to issue additional written discovery.

5. Indeed, the Intervenor never requested any other written discovery, formally or informally, either from the Plaintiffs or the State.

6. The Intervenor's one and only pursuit of factual discovery was a blind notice, issued Friday night, March 22, 2024, for the deposition of Plaintiff Rolph McCollister on Thursday, March 28, 2024. No pleading, brief, or party's Rule 26 disclosures identified McCollister, who is not a legislator, lobbyist, or expert, as having any particular knowledge on the legislature's intent or any other fact issue. Intervenor would not disclose and have never disclosed why the deposition was necessary, but claimed to want to designate his testimony rather than live questioning at trial—something the Court has repeatedly stated is disfavored. *See, e.g.*, Doc. 63, at 3 (“Deposition testimony is disfavored by the Court and will only be authorized for good cause shown.”). Though Plaintiffs attempted to draw the Intervenor's attention to this Court instruction, they did not relent.

7. Due to business meetings and certain religious holidays, McCollister and Plaintiff's counsel were unavailable until Monday, April 1. Given the press of time and the Court's instructions, Plaintiffs offered an alternative: to ensure his attendance at trial. Plaintiffs further offered to answer interrogatories or other written discovery probing McCollister's knowledge on 36 hours' notice so that Intervenor could decide whether McCollister was truly worth the time.

8. Intervenor declined both offers, claiming it would reveal their strategy. They withdrew their notice after deciding they did not want to offer his testimony as a mere designation. From the parties' discussions to the present motion, Intervenor has never articulated what particularly useful information McCollister is supposed to have.

9. Intervenor requested the parties share discovery with them before they were even parties to this portion of the case on March 7. Plaintiffs' counsel responded on March 12, still before Intervenor were parties to this portion of the case, thanking the Intervenor for reaching out and stating, "Plaintiffs will share discovery with the Robinson Intervenor once it has been produced." See Ex. A.

10. Within days of being made parties, Intervenor received copies of all requests that had been made at that point. They received all of the existing parties' productions, and engaged in all discovery conferences on all matters, including serious disputes between the Plaintiffs and the State. They participated fully and on equal footing with all other parties.

11. Intervenor and Plaintiffs negotiated timing for the receipt and exchange of expert reports, deals which Plaintiffs believed were satisfactory and which they hardly expected to later find cited as a form of oppression. It is true that Dr. Voss' data was not ready when his report was issued, but to account for this, Plaintiffs gave and Intervenor accepted an extra day for the expert—McCartan—they had designated as responding to the technical part of Dr. Voss's report. Such give-and-take is common in trial preparation.

12. Intervenor also complain that Plaintiffs would not agree to much of their stipulations. Plaintiffs communicated expeditiously with the parties, including Intervenor, regarding stipulations and joint exhibits on March 21. See Ex. B, C. The Robinson Intervenor gave no response to Plaintiffs' draft, not even to suggest redlines, until March 28. That same day, Plaintiffs reviewed Intervenor's redlines and began responding. Intervenor had inserted many disputed facts to which Plaintiffs simply could not agree. In the end, the parties agreed to basic party facts and no more.

13. Similarly, Plaintiffs attempted several times to rouse the Robinson Intervenors regarding joint exhibits, even circulating a draft joint exhibit list multiple times, beginning on March 21, 2024. Such attempts to work together to lessen the parties' burden were not well received. It was not until after this Court's final pre-trial conference on Thursday, April 4, that the Robinson Intervenors decided to work with Plaintiffs. Plaintiffs again circulated the exhibit list that same day—the same list Plaintiffs had originally circulated two weeks earlier, with no response.

Under penalty of perjury, I declare that the foregoing is true.

April 7, 2024

s/Edward D. Greim

Edward D. Greim

From: [Tyler, Jackson](#)
To: [Stuart Naifeh](#); [Greim, Edward D.](#); [phil.strach@nelsonmullins.com](#); [john@scwillp.com](#); [cullens@lawbr.net](#); [krojas@lawbr.net](#); [paul@paulhurdlawoffice.com](#); [brungardm@ag.louisiana.gov](#); [Jason Torchinsky](#); [Phil Gordon](#)
Cc: [Kathryn Sadasivan](#); [Sara Rohani](#); [Victoria Wenger](#); [Jonathan Hurwitz](#); [John Adcock](#); [Amitav Chakraborty](#); [Adam Savitt](#); [arielle McTootle](#); [Sarah Brannon](#); [Megan Keenan](#); [Nora Ahmed](#); [Tracie Washington](#)
Subject: RE: Callais v. Landry -- discovery
Date: Tuesday, March 12, 2024 12:34:00 PM
Attachments: [image001.png](#)

Counsel,

Thank you for reaching out. Plaintiffs will share discovery with the Robinson Intervenors once it has been produced. Plaintiffs will share the map data files at that time as well.

Thank you,
Jackson Tyler

From: Stuart Naifeh <snaifeh@naacpldf.org>
Sent: Thursday, March 7, 2024 8:14 PM
To: Greim, Edward D. <EDGreim@gravesgarrett.com>; phil.strach@nelsonmullins.com; john@scwillp.com; cullens@lawbr.net; krojas@lawbr.net; paul@paulhurdlawoffice.com; brungardm@ag.louisiana.gov; Tyler, Jackson <jttyler@gravesgarrett.com>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; Phil Gordon <pgordon@HoltzmanVogel.com>
Cc: Kathryn Sadasivan <ksadasivan@naacpldf.org>; Sara Rohani <Srohani@naacpldf.org>; Victoria Wenger <vwenger@naacpldf.org>; Jonathan Hurwitz <jhurwitz@paulweiss.com>; John Adcock <jnadcock@gmail.com>; Amitav Chakraborty <achakraborty@paulweiss.com>; Adam Savitt <asavitt@paulweiss.com>; arielle McTootle <amctootle@paulweiss.com>; Sarah Brannon <sbrannon@aclu.org>; Megan Keenan <MKeenan@aclu.org>; Nora Ahmed <Nahmed@laaclu.org>; Tracie Washington <tracie.washington.esq@gmail.com>
Subject: Callais v. Landry -- discovery

Counsel,

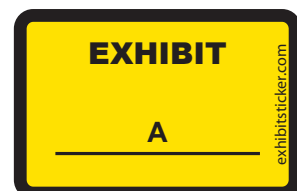
As you know, the court granted in part the Robinson intervenors' motion to intervene. Please provide us with any initial disclosures and/or discovery requests and responses that have been exchanged among the parties to date.

In particular, we request that plaintiffs' counsel provide any backup materials for Mr. Hefner's expert report, and specifically, census block equivalency files for the map included with the report and any information or data Mr. Hefner relied on in creating the map.

Thank you.

Kind regards,

Stuart C. Naifeh (he/him/él)



Manager, Redistricting Project



40 Rector Street, 5th Floor, New York, NY 10006

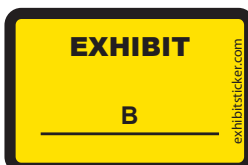
o: [212.217.1669](tel:212.217.1669) | c: [917.574.5846](tel:917.574.5846) | snaifeh@naacpldf.org
naacpldf.org

PRIVILEGE AND CONFIDENTIALITY NOTICE: This email and any attachments may contain privileged or confidential information and is/are for the sole use of the intended recipient(s). Any unauthorized use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

From: [Greim, Edward D.](#)
To: [Stuart Naifeh](#); [Alyssa Riggins](#); [Tyler, Jackson](#); [Brennan Bowen](#); [Phil Gordon](#); [Jason Torchinsky](#); [Paul@paulhurdawoffice.Com](#); [Mueller, Matthew](#); [Jones, Carey](#); [Aguinaga, Ben](#); [Brungard, Morgan](#); [Graves, Katie](#); [Badell, Rebekah](#); [Kathryn Sadasivan](#); [Sara Rohani](#); [Victoria Wenger](#); [Jonathan Hurwitz](#); [John Adcock](#); [Amitav Chakraborty](#); [Adam Savitt](#); [arielle McTootle](#); [Sarah Brannon](#); [Megan Keenan](#); [Nora Ahmed](#); [Alora Thomas-Lundborg](#); [D Hessel](#)
Cc: [John Walsh](#); [Phil Strach](#); [Tom Farr](#); [Cassie Holt](#)
Subject: RE: Callais v. Landry; Defendant's Objections and Responses to Plaintiffs' RFPDs
Date: Thursday, March 21, 2024 9:54:55 PM
Attachments: [image001.png](#)

Counsel, this email is to keep us moving forward on our discussion of earlier today. Feel free to reply to all with thoughts/responses.

- I. Pretrial disclosure deadlines
 - a. We propose a uniform discovery response deadline of Weds., March 27. All seem to agree, with a few exceptions:
 - i. The Robinsons would like a few more days, potentially, depending on the size of their document productions. We're ok with this if necessary.
 - ii. We'll be producing our plaintiff information tomorrow morning before our conference, even though you will also get on Weds. as part of rog responses.
 - b. We propose exchange of witness/exhibit lists on Friday, March 29, say by noon.
 - c. The Robinsons will disclose expert reports on Weds., March 27, which will include any rebuttal to our reports to be disclosed tomorrow. We will disclose rebuttal reports, if any, on Friday, March 29.
 - d. We will all ask the court tomorrow about possibly moving back bench books by 2 days to Weds., April 3. If we get that, we could move some of the disclosures back a bit (although we are not likely to press our folks to work strenuously on Good Friday or Easter weekend).
- II. Stips and joint exhibits
 - a. We'll compare notes on our two sets of transcripts from legislative hearings, and come to some agreement on a joint set of transcripts.
 - b. We invite redlines/additions to the stips and joint exhibit list.
 - c. It is especially pressing for our team that we reach agreement on plaintiffs, as a failure there has the strongest chance of curtailing our trial time. The relevant info is going out tomorrow AM.
- III. Witnesses/order of trial
 - a. We propose that we'd first play relevant transcript sections (not all of them, but 20 minutes, perhaps, agreed by the parties). Then, we have at most 1-2 expert witnesses who would go before Hefner, who cannot go until Tuesday morning. He would address Shaw part 1, but also the defendants' anticipated effort to claim the map was reasonably required by the VRA.
 - b. We're ok with one (or maybe 2) of the Robinsons' experts testifying remotely. Perhaps that could happen in the window that may open up on Monday afternoon.
 - c. We may have a rebuttal witness to address the Robinsons' anticipated effort to claim the map was reasonably required by the VRA.
 - d. We may also have a fact witness to rebut any claims that the map was drawn for



predominantly political, not racial, reasons. We understand that the Robinsons may bring 2-4 witnesses in this area. We respectfully suggest that those may be appropriate for Mon. afternoon.

- e. Very, very tentatively, and reserving all rights given that we are in advance of our disclosure deadlines, the SOS and State may not call their own witnesses.

IV. Opening/closing statements

- a. No party had strong thoughts. Plaintiffs suggested that time might be at a premium on Tuesday, so brief opening statements may make more sense than closing arguments. If the time available were equal and we had to choose just one, the parties might prefer closing arguments to opening statements.

Eddie

Edward D. Greim

Office: (816) 256-3181 | **Direct:** (816) 256-4144



www.gravesgarrett.com

1100 Main Street, Suite 2700
Kansas City, MO 64105

From: Greim, Edward D.

Sent: Wednesday, March 20, 2024 11:30 PM

To: Stuart Naifeh <snaifeh@naacpldf.org>; Alyssa Riggins <alyssa.riggins@nelsonmullins.com>; Tyler, Jackson <jtyler@gravesgarrett.com>; Brennan Bowen <bbowen@HoltzmanVogel.com>; Phil Gordon <pgordon@HoltzmanVogel.com>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; Paul@paulhurdlawoffice.Com; Mueller, Matthew <mmueller@gravesgarrett.com>; Jones, Carey <JonesCar@ag.louisiana.gov>; Aguinaga, Ben <AguinagaJ@ag.louisiana.gov>; Brungard, Morgan <BrungardM@ag.louisiana.gov>; Graves, Katie <kgraves@gravesgarrett.com>; Badell, Rebekah <RBadell@gravesgarrett.com>; Kathryn Sadasivan <ksadasivan@naacpldf.org>; Sara Rohani <Srohani@naacpldf.org>; Victoria Wenger <vwenger@naacpldf.org>; Jonathan Hurwitz <jhurwitz@paulweiss.com>; John Adcock <jnadcock@gmail.com>; Amitav Chakraborty <achakraborty@paulweiss.com>; Adam Savitt <asavitt@paulweiss.com>; arielle McTootle <amctootle@paulweiss.com>; Sarah Brannon <sbrannon@aclu.org>; Megan Keenan <MKeenan@aclu.org>; Nora Ahmed <Nahmed@laaclu.org>; Alora Thomas-Lundborg <tthomaslundborg@law.harvard.edu>; D Hessel <dhessel@law.harvard.edu>

Cc: John Walsh <john@scwllp.com>; Phil Strach <phil.strach@nelsonmullins.com>; Tom Farr <tom.farr@nelsonmullins.com>; Cassie Holt <cassie.holt@nelsonmullins.com>

Subject: RE: Callais v. Landry; Defendant's Objections and Responses to Plaintiffs' RFPDs

Counsel:

It probably makes sense for us to confer on the order of trial, stipulations, logistics, etc., in advance of Friday's status conference. We have one witness, for example, who isn't available until Tuesday morning—something we raised a few weeks ago with the state defendants before the Robinson parties were admitted. Can each party have someone available at 2PM CT/ 3PM ET tomorrow? In addition to anything else others want to raise, the topics would be:

1. Stipulations
2. Joint exhibits
3. Witnesses/order of trial
4. Opening or closing statements

Eddie Greim

From: Stuart Naifeh <snaifeh@naacpldf.org>

Sent: Tuesday, March 19, 2024 6:28 PM

To: Alyssa Riggins <alyssa.riggins@nelsonmullins.com>; Tyler, Jackson <jtyler@gravesgarrett.com>; Brennan Bowen <bbowen@HoltzmanVogel.com>; Greim, Edward D.

<EDGreim@gravesgarrett.com>; Phil Gordon <pgordon@HoltzmanVogel.com>; Jason Torchinsky

<jtorchinsky@HoltzmanVogel.com>; Paul <Paul@paulhurdlawoffice.Com>; Mueller, Matthew

<mmueller@gravesgarrett.com>; Jones, Carey <JonesCar@ag.louisiana.gov>; Aguinaga, Ben

<AguinagaJ@ag.louisiana.gov>; Brungard, Morgan <BrungardM@ag.louisiana.gov>; Graves, Katie

<kgraves@gravesgarrett.com>; Badell, Rebekah <RBadell@gravesgarrett.com>; Kathryn Sadasivan

<ksadasivan@naacpldf.org>; Sara Rohani <Srohani@naacpldf.org>; Victoria Wenger

<vwenger@naacpldf.org>; Jonathan Hurwitz <jhurwitz@paulweiss.com>; John Adcock

<jnadcock@gmail.com>; Amitav Chakraborty <achakraborty@paulweiss.com>; Adam Savitt

<asavitt@paulweiss.com>; arielle McTootle <amctootle@paulweiss.com>; Sarah Brannon

<sbrannon@aclu.org>; Megan Keenan <MKeenan@aclu.org>; Nora Ahmed <Nahmed@laaclu.org>;

Alora Thomas-Lundborg <tthomaslundborg@law.harvard.edu>; D Hessel

<dhessel@law.harvard.edu>

Cc: John Walsh <john@scwillp.com>; Phil Strach <phil.strach@nelsonmullins.com>; Tom Farr

<tom.farr@nelsonmullins.com>; Cassie Holt <cassie.holt@nelsonmullins.com>

Subject: Re: Callais v. Landry; Defendant's Objections and Responses to Plaintiffs' RFPDs

Plaintiffs' Counsel,

Yesterday, we received the email below from the Secretary's counsel attaching responses to document requests you propounded. We never received a copy of the original requests. Under FRCP 5, you are required to serve all discovery documents on all parties, and the *Robinson* intervenors have been parties to this litigation since February 26, when the court first granted our motion to intervene in part. In addition, on March 7, we contacted you and asked to be provided with copies of all discovery requests and responses that had been served to date, and you responded that you would serve those documents on us when they were provided to other parties, leaving the misleading impression that no discovery had yet been conducted.

Please immediately provide us with a copy of the discovery requests that were directed to the Secretary as well as any other discovery that has been exchanged, including any initial disclosures pursuant to FRCP 26(a).

Kind regards,

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



40 Rector Street, 5th Floor, New York, NY 10006
o: [212.217.1669](tel:212.217.1669) | c: [917.574.5846](tel:917.574.5846) | снаifeh@naacpldf.org
naacpldf.org

PRIVILEGE AND CONFIDENTIALITY NOTICE: This email and any attachments may contain privileged or confidential information and is/are for the sole use of the intended recipient(s). Any unauthorized use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

From: Alyssa Riggins <alyssa.riggins@nelsonmullins.com>
Date: Monday, March 18, 2024 at 4:43 PM
To: Tyler, Jackson <jtyler@gravesgarrett.com>, Brennan Bowen <bbowen@HoltzmanVogel.com>, Greim, Edward D. <EDGreim@gravesgarrett.com>, Phil Gordon <pgordon@HoltzmanVogel.com>, Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>, Paul@paulhurdlawoffice.Com <Paul@paulhurdlawoffice.Com>, Mueller, Matthew <mmueller@gravesgarrett.com>, Jones, Carey <JonesCar@ag.louisiana.gov>, Aguinaga, Ben <AguinagaJ@ag.louisiana.gov>, Brungard, Morgan <BrungardM@ag.louisiana.gov>, Graves, Katie <kgraves@gravesgarrett.com>, Badell, Rebekah <RBadell@gravesgarrett.com>, Kathryn Sadasivan <ksadasivan@naacpldf.org>, Sara Rohani <Srohani@naacpldf.org>, Victoria Wenger <vwenger@naacpldf.org>, Stuart Naifeh <снаifeh@naacpldf.org>, Jonathan Hurwitz <jhurwitz@paulweiss.com>, John Adcock <jnadcock@gmail.com>, Amitav Chakraborty <achakraborty@paulweiss.com>, Adam Savitt <asavitt@paulweiss.com>, arielle McTootle <amctootle@paulweiss.com>, Sarah Brannon <sbrannon@aclu.org>, Megan Keenan <MKeenan@aclu.org>, Nora Ahmed <Nahmed@laaclu.org>, Alora Thomas-Lundborg <tthomaslundborg@law.harvard.edu>, D Hessel <dhessel@law.harvard.edu>, Mueller, Matthew <mmueller@gravesgarrett.com>
Cc: John Walsh <john@scwllp.com>, Phil Strach <phil.strach@nelsonmullins.com>,

Tom Farr <tom.farr@nelsonmullins.com>, Cassie Holt
<cassie.holt@nelsonmullins.com>

Subject: Callais v. Landry; Defendant's Objections and Responses to Plaintiffs' RFPDs

[Caution: EXTERNAL EMAIL]

Dear Counsel,

Please find attached Defendant Landry's Objections and Responses to Plaintiffs' Requests for Production of Documents.

Best,
Alyssa



ALYSSA RIGGINS SENIOR ASSOCIATE

alyssa.riggins@nelsonmullins.com

301 HILLSBOROUGH STREET | SUITE 1400

RALEIGH, NC 27603

T 919.329.3810 F 919.329.3799

NELSONMULLINS.COM [VCARD](#) [VIEW BIO](#)

Confidentiality Notice

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (800-237-2000) or reply to this e-mail and delete all copies of this message.

From: [Greim, Edward D.](#)
To: [Stuart Naifeh](#); [Alyssa Riggins](#); [Tyler, Jackson](#); [Brennan Bowen](#); [Phil Gordon](#); [Jason Torchinsky](#); [Paul@paulhurdlawoffice.Com](#); [Mueller, Matthew](#); [Jones, Carey](#); [Aguinaga, Ben](#); [Brungard, Morgan](#); [Graves, Katie](#); [Badell, Rebekah](#); [Kathryn Sadasivan](#); [Sara Rohani](#); [Victoria Wenger](#); [Jonathan Hurwitz](#); [John Adcock](#); [Amitav Chakraborty](#); [Adam Savitt](#); [arielle McTootle](#); [Sarah Brannon](#); [Megan Keenan](#); [Nora Ahmed](#); [Alora Thomas-Lundborg](#); [D Hessel](#)
Cc: [John Walsh](#); [Phil Strach](#); [Tom Farr](#); [Cassie Holt](#)
Subject: RE: Callais v. Landry; Defendant's Objections and Responses to Plaintiffs' RFPDs
Date: Wednesday, March 20, 2024 8:57:17 AM
Attachments: [image001.png](#)

Dear Stuart:

The first discovery to be produced is what you received Monday. The complete requests Plaintiffs made of the Secretary of State are included in the Secretary's response, which was timely made. As a courtesy, we'll send you the requests themselves, which were propounded before the Court ruled that you would be a provisional party in the event of any proceeding, post-trial, to take up remedial issues. As you can see, the discovery had nothing to do with that issue. The parties have fully complied with their obligations under the FRCPs.

We recognize that the court has now admitted your clients as parties to the liability phase for a limited purpose. You will receive our required disclosures on Friday—including the map files you requested informally and (we believe, improperly at that time) via discovery. We will expect to receive from you your own reports and materials on Friday.

Finally, you claim that our communication to you last week left a "misleading impression." We don't understand this complaint, as our promise was to provide you with each production when made, even though at that time, that wasn't our obligation under the rules. That's what you have received so far. You will continue to get productions at the time they are exchanged, and now you will also get the requests when made. We have one outstanding request that isn't yet due, and we will send that to you later today.

Eddie

Edward D. Greim

Office: (816) 256-3181 | **Direct:** (816) 256-4144



www.gravesgarrett.com

1100 Main Street, Suite 2700
Kansas City, MO 64105

EXHIBIT

C

exhibitsticker.com

From: Stuart Naifeh <snaifeh@naacpldf.org>

Sent: Tuesday, March 19, 2024 6:28 PM

To: Alyssa Riggins <alyssa.riggins@nelsonmullins.com>; Tyler, Jackson <jtyler@gravesgarrett.com>; Brennan Bowen <bbowen@HoltzmanVogel.com>; Greim, Edward D.

<EDGreim@gravesgarrett.com>; Phil Gordon <pgordon@HoltzmanVogel.com>; Jason Torchinsky

<jtorchinsky@HoltzmanVogel.com>; Paul@paulhurdlawoffice.Com; Mueller, Matthew

<mmueller@gravesgarrett.com>; Jones, Carey <JonesCar@ag.louisiana.gov>; Aguinaga, Ben

<AguinagaJ@ag.louisiana.gov>; Brungard, Morgan <BrungardM@ag.louisiana.gov>; Graves, Katie

<kgraves@gravesgarrett.com>; Badell, Rebekah <RBadell@gravesgarrett.com>; Kathryn Sadasivan

<ksadasivan@naacpldf.org>; Sara Rohani <Srohani@naacpldf.org>; Victoria Wenger

<vwenger@naacpldf.org>; Jonathan Hurwitz <jhurwitz@paulweiss.com>; John Adcock

<jnadcock@gmail.com>; Amitav Chakraborty <achakraborty@paulweiss.com>; Adam Savitt

<asavitt@paulweiss.com>; arielle McTootle <amctootle@paulweiss.com>; Sarah Brannon

<sbrannon@aclu.org>; Megan Keenan <MKeenan@aclu.org>; Nora Ahmed <Nahmed@laaclu.org>;

Alora Thomas-Lundborg <tthomaslundborg@law.harvard.edu>; D Hessel

<dhessel@law.harvard.edu>

Cc: John Walsh <john@scwillp.com>; Phil Strach <phil.strach@nelsonmullins.com>; Tom Farr

<tom.farr@nelsonmullins.com>; Cassie Holt <cassie.holt@nelsonmullins.com>

Subject: Re: Callais v. Landry; Defendant's Objections and Responses to Plaintiffs' RFPDs

Plaintiffs' Counsel,

Yesterday, we received the email below from the Secretary's counsel attaching responses to document requests you propounded. We never received a copy of the original requests. Under FRCP 5, you are required to serve all discovery documents on all parties, and the *Robinson* intervenors have been parties to this litigation since February 26, when the court first granted our motion to intervene in part. In addition, on March 7, we contacted you and asked to be provided with copies of all discovery requests and responses that had been served to date, and you responded that you would serve those documents on us when they were provided to other parties, leaving the misleading impression that no discovery had yet been conducted. Please immediately provide us with a copy of the discovery requests that were directed to the Secretary as well as any other discovery that has been exchanged, including any initial disclosures pursuant to FRCP 26(a).

Kind regards,

Stuart C. Naifeh (he/him/él)

Manager, Redistricting Project



40 Rector Street, 5th Floor, New York, NY 10006

o: [212.217.1669](tel:212.217.1669) | c: [917.574.5846](tel:917.574.5846) | snaifeh@naacpldf.org

naacpldf.org

PRIVILEGE AND CONFIDENTIALITY NOTICE: This email and any attachments may contain privileged or confidential information and is/are for the sole use of the intended recipient(s). Any unauthorized use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

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

Date: Monday, March 18, 2024 at 4:43 PM

To: Tyler, Jackson <jtyler@gravesgarrett.com>, Brennan Bowen <bbowen@HoltzmanVogel.com>, Greim, Edward D. <EDGreim@gravesgarrett.com>, Phil Gordon <pgordon@HoltzmanVogel.com>, Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>, Paul@paulhurdlawoffice.Com <Paul@paulhurdlawoffice.Com>, Mueller, Matthew <mmueller@gravesgarrett.com>, Jones, Carey <JonesCar@ag.louisiana.gov>, Aguinaga, Ben <AguinagaJ@ag.louisiana.gov>, Brungard, Morgan <BrungardM@ag.louisiana.gov>, Graves, Katie <kgraves@gravesgarrett.com>, Badell, Rebekah <RBadell@gravesgarrett.com>, Kathryn Sadasivan <ksadasivan@naacpldf.org>, Sara Rohani <Srohani@naacpldf.org>, Victoria Wenger <vwenger@naacpldf.org>, Stuart Naifeh <snaifeh@naacpldf.org>, Jonathan Hurwitz <jhurwitz@paulweiss.com>, John Adcock <jnadcock@gmail.com>, Amitav Chakraborty <achakraborty@paulweiss.com>, Adam Savitt <asavitt@paulweiss.com>, arielle McTootle <amctootle@paulweiss.com>, Sarah Brannon <sbrannon@aclu.org>, Megan Keenan <MKeenan@aclu.org>, Nora Ahmed <Nahmed@laaclu.org>, Alora Thomas-Lundborg <tthomaslundborg@law.harvard.edu>, D Hessel <dhessel@law.harvard.edu>, Mueller, Matthew <mmueller@gravesgarrett.com>

Cc: John Walsh <john@scwllp.com>, Phil Strach <phil.strach@nelsonmullins.com>, Tom Farr <tom.farr@nelsonmullins.com>, Cassie Holt <cassie.holt@nelsonmullins.com>

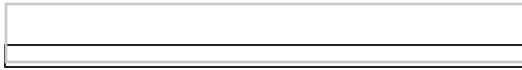
Subject: Callais v. Landry; Defendant's Objections and Responses to Plaintiffs' RFPDs

[Caution: EXTERNAL EMAIL]

Dear Counsel,

Please find attached Defendant Landry's Objections and Responses to Plaintiffs' Requests for Production of Documents.

Best,
Alyssa



ALYSSA RIGGINS **SENIOR ASSOCIATE**

alyssa.riggins@nelsonmullins.com

301 HILLSBOROUGH STREET | SUITE 1400

RALEIGH, NC 27603

T 919.329.3810 F 919.329.3799

NELSONMULLINS.COM [VCARD](#) [VIEW BIO](#)

Confidentiality Notice

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (800-237-2000) or reply to this e-mail and delete all copies of this message.