

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BOBBY SINGLETON, et al.,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case No.: 2:21-cv-1291-AMM
)	
WES ALLEN, in his official)	THREE-JUDGE COURT
capacity as Alabama Secretary of)	
State, et al.,)	Unopposed Motion
)	
<i>Defendants.</i>)	

EVAN MILLIGAN, et al.,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case No.: 2:21-cv-01530-AMM
)	
WES ALLEN, in his official)	THREE-JUDGE COURT
capacity as Secretary of State of)	
Alabama, et al.,)	Unopposed Motion
)	
<i>Defendants.</i>)	

MARCUS CASTER, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No.: 2:21-cv-01536-AMM
)	
WES ALLEN, in his official)	
Capacity as Alabama Secretary of)	Unopposed Motion
State, et al.,)	
)	
Defendants.)	

**STATE DEFENDANTS' UNOPPOSED MOTION FOR
LEAVE TO FILE CORRECTED EXHIBITS AND EXHIBIT LIST – AND –
TO STRIKE TWO ORIGINALLY FILED EXHIBITS**

Come now the State Defendants and move the Court for leave to file six corrected exhibits—DX010, DX027, DX051, DX054, DX161(b), and DX263—along with a corrected exhibit list and to strike two previously filed exhibits which should have been redacted—DX051 and DX054.

The State Defendants filed their exhibits for the forthcoming trial in these three cases on December 18, 2024. *Milligan*, docs. 409 – 412; *see also Milligan*, doc. 408 (deeming exhibits filed by the State Defendants in one of these three Congressional cases to be filed in all three of them). To correct issues with the presentation of the following three exhibits, the State Defendants seek leave to re-file them as replacements for the originally filed exhibits:

- DX010, an expert report, would be filed in two parts to achieve a file size under the CM/ECF limit without impacting the integrity of the report. As originally filed, Figures 1, 2, and 3 appear redacted, possibly due to optimizing the report to reduce the size for filing. Filing the report in two parts avoids the need to optimize the file and corrects this issue. The full report was timely served on the Plaintiffs on June 28, 2024.

- DX027, a four-page declaration, would be re-filed because three pages were missing and the remaining page altered in the December 2024 filing. This exhibit was previously filed correctly during the 2021 preliminary injunction proceedings. *Milligan*, doc. 82-8.
- DX263 would be re-filed to correct for portions of the news article obscured by irrelevant notices from the news outlet. The State Defendants' exhibit list contained an internet address reflecting where the original, unobscured article is publicly available.

The State Defendants additionally seek leave to file DX161(b). The State Defendants' original exhibit list described DX161 as: "Hispanic Voters Now Evenly Split Between Parties, WSJ Poll Finds Sentencing Project, The Color of Justice Racial and Ethnic Disparity in Prison." This description addresses two different documents that inadvertently listed together. *Hispanic Voters Now Evenly Split Between Parties, WSJ Poll Finds* is DX161 and has been filed. Sentencing Project, *The Color of Justice Racial and Ethnic Disparity in Prison* is DX161(b), which the State Defendants seek leave to file. DX161(b) was cited by the State Defendants' expert, Wilfred Reilly, Ph.D., in his June 28, 2024 report. *Milligan* doc. 384-4 at 5 n.10. It is publicly available at

<https://www.sentencingproject.org/app/uploads/2022/08/The-Color-of-Justice->

[Racial-and-Ethnic-Disparity-in-State-Prisons.pdf](#) and easily found by searching for its title.

The State Defendants seek leave to re-file DX051 and DX054, and to strike the originally filed exhibits, *Milligan*, docs. 409-51 and 409-54. These exhibits are supplemental disclosures. They contain addresses and telephone numbers for potential witnesses. The State Defendants seek to re-file these exhibits with that information redacted. Pursuant this Court's Administrative Procedures, "[i]f the address of an individual is relevant, only the city and state should be used."¹ Here, the addresses are not relevant. The proposed filing redacts the addresses in full as well as phone numbers, all in the interest of protecting the privacy of potential witnesses. Because the redacted information is not relevant to the case, the State Defendants do not move to file unredacted copies under seal.

Finally, the State Defendants seek leave to file a corrected exhibit list which would reflect that DX010 is filed in two parts and to better convey the existence of DX161(b).

Should this motion be granted, the State Defendants would provide three courtesy copies of DX010, DX027, DX051, DX054, DX161(b), and DX263 to the

¹ Civil Cases: Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents in the District Court under the Case Management/ Electronic Case Files System in the United States District Court for the Northern District of Alabama, *available at* <https://www.alnd.uscourts.gov/sites/alnd/files/AL-N%20Civil%20Administrative%20Procedures%20Manual.Revision.05-18-2021.pdf> at 13 (last visited Jan. 7, 2025).

addresses set out in the Court's Order of December 18, 2024, *Milligan*, doc. 408 along with a corrected exhibit list.

The *Singleton*, *Milligan*, and *Caster* Plaintiffs do not oppose this motion.

* * *

For the foregoing reasons, the State Defendants respectfully move the Court for leave to file six corrected exhibits—DX010, DX027, DX051, DX054, DX161(b), and DX263—along with a corrected exhibit list and to strike two previously filed exhibits which should have been redacted—DX051 and DX054.

Respectfully submitted,

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