

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

BOBBY SINGLETON, *et al.*,

Plaintiffs,

v.

WES ALLEN, *et al.*,

Defendants.

Case No.: 2:21-cv-1291-AMM

THREE-JUDGE COURT

EVAN MILLIGAN, *et al.*,

Plaintiffs,

v.

WES ALLEN, *et al.*,

Defendants.

Case No. 2:21-cv-01530-AMM

THREE-JUDGE COURT

MARCUS CASTER, *et al.*,

Plaintiffs,

v.

WES ALLEN, *et al.*,

Defendants.

Case No.: 2:21-cv-1536-AMM

**JOINT MOTION TO APPROVE STIPULATION REGARDING  
PRIOR TESTIMONY AND STIPULATED EXHIBITS**

The *Milligan* Plaintiffs, *Caster* Plaintiffs, *Singleton* Plaintiffs, and State Defendants Secretary Allen, Senator Livingston, and Representative Pringle (the “Parties”) in the above-captioned cases submit the following joint motion regarding prior testimony and stipulated exhibits.

The Parties wish to stipulate that the Court in all the above-captioned Congressional cases may consider trial transcript testimony as well as the impressions of Judge Manasco regarding the live in-court testimony of the following witnesses from *Alabama State Conference of the NAACP v. Allen*, Case No. 2:21-cv-1531-AMM (N.D. Ala, pending):

1. Col. Jon Archer (State Defendants’ fact witness), Tr. 889:2-922:11
2. Valerie Branyon (State Defendants’ fact witness), Tr. 848:11-888:21
3. Cedric Coley (State Defendants’ fact witness), Tr. 1308:9-1353:6
4. Scott Douglas (Plaintiffs’ fact witness), Tr. 484:9-522:13
5. Karen Landers, M.D. (State Defendants’ fact witness), Tr. 1265:25-1308:5
6. Bill McCollum (State Defendants’ fact witness), Tr. 1353:7-1384:13
7. Benard Simelton (Plaintiffs’ fact witness), Tr. 151:17-215:16
8. Tari Williams (Plaintiffs’ fact witness), Tr. 636:21-657:1

If this stipulation is approved, the Parties will not call these witnesses live at trial. The Parties agree that the testimony is judicially noticeable, and they can, if the Court wishes, file this testimony into the record. If the testimony is to be filed, the Parties move the Court to deem that any such testimony filed by any of the Parties in one of these three Congressional redistricting cases is deemed filed in the other two cases as well.

The Parties also agree that the following exhibits related to these witnesses and to some other witnesses, for whom deposition designations have been made, can come into evidence at trial without objection:

State Defendants' Exhibits: DX027 – 33, DX222 (DX128 in the *Alabama NAACP* case), DX223 (DX131 in the *Alabama NAACP* case), DX224 (DX256 in the *Alabama NAACP* case), and DX225.

Plaintiffs' Exhibits: MX28 - 31, MX41 - 50, MX54 - 56, MX60 (which the Parties agree to admit with the stipulation that MX60 is not being offered for the truth of the matters asserted therein), MX63, MX65, MX67, MX71 - 73, MX170, MX173 - 175, and MX179 - 184.

\* \* \*

Accordingly, the Parties respectfully request that the Court approve the above stipulations as to witness testimony and admit the identified exhibits. *See, e.g., Georgia v. Reno*, 881 F. Supp. 7, 8 n.1 (D.D.C. 1995) (three-judge court) (noting

that, per the stipulation of the parties, a single judge heard all live testimony); *City of Port Arthur, Tex. v. United States*, 517 F. Supp. 987, 991 (D.D.C. 1981) (three-judge court) (same), *aff'd* 459 U.S. 159 (1982); *Hale County, Ala. v. United States*, 496 F. Supp. 1206, 1207 (D.D.C. 1980) (three-judge court) (same).

Respectfully submitted this 17th day of January 2025.

*/s/ Deuel Ross*

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***Counsel for Singleton Plaintiffs***

### **CERTIFICATE OF SERVICE**

I hereby certify that I have electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system which provides electronic notice of filing to all counsel of record. This the 17th day of January 2025.

/s/ Deuel Ross

Deuel Ross

*Counsel for the Milligan Plaintiffs*

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Case No.: 2:21-cv-1536-AMM

**[PROPOSED] ORDER**

The *Milligan* Plaintiffs, *Caster* Plaintiffs, *Singleton* Plaintiffs, and State Defendants Secretary Allen, Senator Livingston, and Representative Pringle (the “Parties”) in the above-captioned cases have moved the Court to stipulate that the Court may consider trial transcript testimony as well as the impressions of Judge Manasco regarding the live in-court testimony of the following witnesses from *Alabama State Conference of the NAACP v. Allen*, Case No. 2:21-cv-1531-AMM (N.D. Ala, pending):

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7. Benard Simelton (Plaintiffs’ fact witness), Tr. 151:17-215:16
8. Tari Williams (Plaintiffs’ fact witness), Tr. 636:21-657:1

The Court finds that the testimony is judicially noticeable and hereby admits the testimony pursuant to the terms of the Parties’ stipulation.

Pursuant to the Parties’ further stipulation, the Court preadmits the following exhibits:

State Defendants' Exhibits: DX027 – 33, DX222, DX223, DX224, and DX225.

Plaintiffs' Exhibits: MX28 - 31, MX41 - 50, MX54 - 56, MX60 (which is not being offered for the truth of the matters asserted therein), MX63, MX65, MX67, MX71 - 73, MX170, MX173 - 175, and MX179 - 184.

For good cause shown, the motion is GRANTED.

DONE and ORDERED this \_\_\_\_ day of January 2025.

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Stanley Marcus  
United States Circuit Judge

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Anna M. Manasco  
United States District Judge

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Terry F. Moorer  
United States District Judge