

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

THE CHRISTIAN MINISTERIAL ALLIANCE,  
PATRICIA BREWER, CAROLYN BRIGGS,  
LYNETTE BROWN, MABLE BYNUM, and  
VELMA SMITH on behalf of themselves and all  
other similarly situated persons,

Plaintiffs,

v.

JOHN THURSTON, in his official capacity as the  
Secretary of State of Arkansas,

Defendant.

Civil Action

Case No. 4:23-cv-00471-DPM-DRS-JM  
(Three-Judge Court)

**JOINT FED. R. CIV. P. 26(f) REPORT**

The parties, by and through their respective counsel, submit the following information in compliance with Federal Rule of Civil Procedure 26(f) and Local Rule 26.1.

(1) Any changes in timing, form, or requirements of mandatory disclosures under Fed. R. Civ. P. 26 (a).

**RESPONSE: The parties request an extension of the deadline for initial disclosures due to the holidays.**

(2) Date when mandatory disclosures were or will be made.

**RESPONSE: January 31, 2024.**

(3) Subjects on which discovery may be needed.

**RESPONSE: Plaintiffs anticipate conducting discovery regarding (1) the motivations of the proponents of the 2021 Redistricting Plan; (2) demographic data showing the racial composition of the Congressional Districts at the time of the 2011 redistricting and the 2021**

redistricting; (3) precinct-level demographic data available at the time of the 2021 redistricting; (4) precinct-level data showing the changes in congressional districts in the 2021 redistricting as compared to the 2011 redistricting; and (5) any other aspects of the claims and allegations in Plaintiffs' Complaint and the Defendant's defenses.

**Defendant anticipates conducting discovery regarding all aspects of the claims and allegations in Plaintiffs' Complaint, and Defendant's defenses, including without limitation witnesses, liability, requested relief, and any matters for which the need may arise during discovery.**

(4) Whether any party will likely be requested to disclose or produce information from electronic or computer-based media. If so:

**RESPONSE: The parties will seek discovery of computer-based information.**

(a) whether disclosure or production will be limited to data reasonably available to the parties in the ordinary course of business;

**RESPONSE: The parties currently anticipate that the materials for which they will seek discovery will be reasonably available within the ordinary course of business.**

(b) the anticipated scope, cost and time required for disclosure or production of data beyond what is reasonably available to the parties in the ordinary course of business;

**RESPONSE: If a production of data beyond what is reasonably available in the ordinary course of business becomes necessary, the parties will promptly meet and confer in good faith, and will timely inform the Court if they cannot agree on the cost allocation of any such production.**

(c) the format and media agreed to by the parties for the production of such data as well as agreed procedures for such production;

**RESPONSE: If a production of data beyond what is reasonably available in the ordinary course of business becomes necessary, the parties will promptly meet and confer in good faith, and will timely inform the Court if they cannot agree on the format and media of any such production.**

(d) whether reasonable measures have been taken to preserve potentially discoverable data from alteration or destruction in the ordinary course of business or otherwise;

**RESPONSE: The parties represent that they have taken reasonable measures to preserve potentially discoverable data from alteration or destruction in the ordinary course of business or otherwise.**

(e) other problems which the parties anticipate may arise in connection with electronic or computer-based discovery.

**RESPONSE: None at this time.**

(5) Date by which discovery should be completed.

**RESPONSE: August 12, 2024.**

(6) Any needed changes in limitations imposed by the Federal Rules of Civil Procedure.

**RESPONSE: The parties consent to the electronic service of Initial Disclosures, Interrogatories, Requests for Production of Documents, Requests for Admissions, and Notices of Deposition, as well as Responses to Interrogatories, Requests for Production of Documents, and Requests for Admission, at the e-mail addresses at which counsel receive ECF filings in this case.**

(7) Any orders, e.g. protective orders, which should be entered.

**RESPONSE: None at this time.**

(8) Any objections to initial disclosures on the ground that mandatory disclosures are not

appropriate in the circumstances of the action.

**RESPONSE: None at this time.**

(9) Any objections to the proposed trial date.

**RESPONSE: Although the Court has not proposed a trial date in this matter, the parties have agreed upon a proposed schedule that would allow for trial to be schedule for on or after February 18, 2025 at the convenience of the Court. The parties' proposed schedule is included as Exhibit A.**

(10) Proposed deadline for joining other parties and amending the pleadings.

**RESPONSE: May 13, 2024.**

(11) Proposed deadline for completing discovery. (Note: In the typical case, the deadline for completing discovery should be no later than sixty (60) days before trial.)

**RESPONSE: August 12, 2024**

(12) Proposed deadline for filing motions other than motions for class certification. (Note: In the typical case, the deadline for filing motions should be no later than sixty (60) days before trial.)

**RESPONSE: Motions should be filed to permit a hearing on or before October 2, 2024.**

(13) Class certification: In the case of a class action complaint, the proposed deadline for the parties to file a motion for class certification. (Note: In the typical case, the deadline for filing motions for class certification should be no later than ninety (90) days after the Fed. R. Civ. P. 26.(f) conference.)

**RESPONSE: Plaintiffs are not bringing their claims on behalf of a class.**

Dated: January 5, 2024

Arkie Byrd, Arkansas Bar No. 80020  
MAYS, BYRD & ASSOCIATES, P.A.  
212 Center Street, Suite 700  
Little Rock, AR 72201  
Tel.: (501) 372-6303  
Fax: (501) 399-9280  
abyrd@maysbyrdlaw.com

Leah C. Aden\*  
John S. Cusick  
NAACP LEGAL DEFENSE &  
EDUCATIONAL FUND, INC.  
40 Rector St, 5th Fl.  
New York, NY 10006  
Tel.: (212) 965-7715  
laden@naacpldf.org  
jcusick@naacpldf.org

Michael Skocpol\*  
Joseph Wong\*  
NAACP LEGAL DEFENSE &  
EDUCATIONAL FUND, INC.  
700 14th St, Ste. 600  
Washington, D.C. 20005  
Tel.: (202) 682-1300  
mskocpol@naacpldf.org  
jwong@naacpldf.org

Respectfully Submitted,

/s/ Daniel Bookin

Daniel Bookin\*  
O'MELVENY & MYERS LLP  
Two Embarcadero Center, 28th Fl.  
San Francisco, CA 94111  
Tel.: (415) 984-8786  
dbookin@omm.com

Ashley Pavel\*  
O'MELVENY & MYERS LLP  
610 Newport Center Dr., 17th Fl.  
Newport Beach, California 92660  
Tel.: (949) 823-7138  
apavel@omm.com

\* *Admitted Pro Hac Vice*

*Counsel for Plaintiffs The Christian Ministerial  
Alliance, Patricia Brewer, Carolyn Briggs,  
Lynette Brown, Mable Bynum, and Velma Smith*

Dated: January 5, 2024

/s/ Dylan L. Jacobs

TIM GRIFFIN

Arkansas Attorney General

NICHOLAS J. BRONNI (2016097)

Solicitor General

DYLAN L. JACOBS (2016167)

Deputy Solicitor General

ASHER STEINBERG (2019058)

Senior Assistant Solicitor General

OFFICE OF THE ARKANSAS

ATTORNEY GENERAL

323 Center Street, Suite 200

Little Rock, Arkansas 72201

(501) 682-2007

(501) 682-2591 (fax)

Dylan.Jacobs@arkansasag.gov

*Counsel for Defendant John Thurston in his  
official capacity as the Secretary of State of  
Arkansas*

**Appendix A**

<b>Event</b>	<b>Schedule</b>
Rule 26(f) conference	December 21, 2023
Discovery schedule to be filed with the Court	January 5, 2024
Initial disclosures	January 31, 2024
Deadline to amend pleadings	May 13, 2024
Fact Discovery Cutoff	July 8, 2024
Service of opening expert reports (Simultaneous)	July 15, 2024
Service of rebuttal expert reports (Simultaneous)	July 29, 2024
Close of Expert discovery	August 12, 2024
Dispositive Motion Hearing Deadline	October 2, 2024
Pretrial Disclosures	November 8, 2024
Objections to pretrial disclosures and depo counter-designations	November 22, 2024
Motions in Limine	December 6, 2024
Responses to Motions in Limine	December 20, 2024
Pretrial Conference	TBD
Start of Bench Trial	On or after February 18, 2025 at the convenience of the Court
Proposed Finding of Fact and Conclusions of Law	TBD