

**IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

**O. JOHN BENISEK, et. al.**

v.

No.: 14-1417

**BOBBIE S. MACK, Chair,  
Maryland State Board of Elections, et. al.,  
in their official capacities**

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**APPELLANT SHAPIRO’S MOTION TO SCHEDULE ORAL ARGUMENT**

As permitted by Rule 34(a)(1), I respectfully move that the Court order oral argument to be scheduled for the above captioned case.

The Court’s decisional process may be significantly aided by oral argument in light of the complexity of some aspects of this case. These aspects would include details of how our case relates to and compares with case law cited in our pleadings, as well as the details of our proposed standard for judging the adequacy or abridgement of representational rights under Article 1 § 2 and of voting rights under Article 1 § 2 and the 14th Amendment § 2, as well as whether the legislature has exceeded its authority to regulate Congressional elections under Article 1 § 4 by unduly influencing their

outcomes. Such details on elements of the proposed standard would focus on how they have taken prior case law into account and how they are distinguished from proposed standards rejected by other Courts in prior decisions.

The Court may also be aided by argument on the relative substantiality of this case and other cases challenging the constitutionality of Congressional districts that have originated within the Fourth Circuit and within other Circuits.

While these elements and details are covered in our Opening and Reply briefs and in prior pleadings filed in the District Court, my appearance before this Court could provide further clarity on these aspects and any others the Court might find helpful to be addressed. No hearing was held by the District Court, and it may be that our written pleadings alone did not adequately lay out these distinctions—at least to the extent that they do not appear to be fully reflected in the District Court’s Memorandum (District Court Docket, ECF 21).

I have consulted with Counsel for the Appellees, as required by Local Rule 27(a), who advised that they do not concur with this motion.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I certify that I have served, through the CM/ECF system on July 18, 2014, copies of the foregoing motion on the attorneys for the Appellees:

Dan Friedman  
Assistant Attorney General

Jennifer L. Katz  
Assistant Attorney General

I certify that I have also served, through first class mail on July 18, 2014, copies of the foregoing motion on the other Appellants:

O. John Benisek  
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\_\_\_\_\_/s/\_\_\_\_\_  
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