

No. 21-1533

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

LATASHA HOLLOWAY, *et al.*,

Plaintiffs/Appellees,

v.

CITY OF VIRGINIA BEACH, *et al.*,

Defendants/Appellants.

On Appeal from the United States District Court
for the Eastern District of Virginia, Norfolk Division

APPELLEES' STATUS REPORT

Mark P. Gaber
J. Gerald Hebert
Robert N. Weiner
CAMPAIGN LEGAL CENER
1101 14th St. NW, Ste. 400
Washington, DC 20005
Phone: (202) 736-2200
Facsimile: (202) 736-2222
mgaber@campaignlegal.org
ghebert@campaignlegal.org
rweiner@campaignlegal.org

Counsel for Plaintiffs/Appellees

APPELLEES' STATUS REPORT

Pursuant to the Court's July 12, 2021 Order, the parties submit this Status Report regarding the remedial proceedings in the district court. On August 9, 2021, following the submission of the parties' proposed remedial plans and accompanying briefing and evidence, the district court conditionally appointed¹ Dr. Bernard N. Grofman as a special master to review the parties' submissions and prepare a remedial plan for the Court's consideration and approval. *See* Doc. 275 (Aug. 9 District Court Order). As the August 9 order indicates, the district court has set November 15, 2021 as the deadline for the special master to submit his proposed remedial plan, and the parties have 20 days thereafter to file any response or objections, after which the district court will enter an order approving or rejecting the special master's proposal. *Id.* at 4.

Appellees sought to submit the foregoing as a joint status report with Appellants, but Appellants declined. Instead, Appellants have filed their own status report, asking this Court again to vacate its decision to hold their appeal in abeyance until the district court concludes remedial proceedings and the record is complete. But Appellants' latest—and, in this instance, procedurally improper—effort to expedite their appeal in this case should be disregarded.

¹ The appointment is conditioned upon Dr. Grofman completing an affidavit that he has no conflict of interest.

The district court's order presents a remedial timeline that is precisely what the parties expected, and that is consistent with the remedial timeline that was presented to this Court when it granted Appellees' motion for an abeyance. *See* ECF No. 27 (noting Plaintiffs-Appellees expected the remedial briefing to conclude no earlier than "early November," while Defendants-Appellants expect it to take longer). The district court's proposed timeline also provides a more expedient remedial process than that which Defendants-Appellants initially requested. *See* Doc. 257 (Defendants' Response to Plaintiffs' Motion to Modify Remedial Briefing Schedule, requesting remedial briefing conclude by December 21, 2021). The facts bearing on the timeline of this appeal remain unchanged since this Court last considered Appellants' request to expedite. Thus, this Court should again deny Appellants' renewed objection to the abeyance and motion to expedite.

August 11, 2021

Respectfully submitted,

/s/ Mark P. Gaber

Mark P. Gaber

J. Gerald Hebert

Robert N. Weiner

CAMPAIGN LEGAL CENTER

1101 14th St. NW, Ste. 400

Washington, DC 20005

Phone: (202) 736-2200

Facsimile: (202) 736-2222

mgaber@campaignlegal.org

ghebert@campaignlegal.org

rweiner@campaignlegal.org

Counsel for Plaintiffs/Appellees

CERTIFICATE OF SERVICE

I certify that on this 11th day of August 2021, the foregoing document was served on all parties and counsel of record through the CM/ECF system.

/s/ Mark P. Gaber

Mark P. Gaber

Counsel for Plaintiffs/Appellees