

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF LOUISIANA

JAMILA JOHNSON, *et al.*

Plaintiffs,

v.

KYLE ARDOIN, IN HIS OFFICIAL
CAPACITY AS LOUISIANA SECRETARY
OF STATE,

Defendant.

Case No.: 3:18-cv-00625-SDD-EWD

**DEFENDANT SECRETARY OF STATE'S
RESPONSE TO PLAINTIFFS' NOTICE OF ADDITIONAL AUTHORITY**

On September 9, 2019, Plaintiffs filed a Notice of Additional Authority purporting to provide “dispositive authority warranting the denial of Defendant’s Motion for Certification of Interlocutory Appeal.” *See* (ECF No. 98 at 1). Plaintiffs are correct that *Thomas v. Bryant*, No. 19-60133 (5th Cir. Sept. 3, 2019)¹ is dispositive but only in that it requires dismissal of Plaintiffs’ claims.

In light of the dispositive nature of *Thomas* with respect to the entire matter, Defendant Secretary of State intends to promptly file a Motion for Reconsideration pursuant to Federal Rule of Civil Procedure 60(b) requesting that this Court Dismiss Plaintiffs’ Amended Complaint.² In light of subsequent binding Circuit authority in *Thomas*, Defendant requests this court withhold judgement on Defendant’s Motion for Certification of Interlocutory Appeal pursuant to the Court’s

¹ The opinion is also available at *Thomas v. Bryant*, 2019 U.S. App. LEXIS 26575 (5th Cir. 2019).

² Defendant currently intends to file the Motion to Reconsider under Rule 60 by Friday September 13th or Monday September 16th.

full consideration of the forthcoming Motion for Reconsideration of this Court's Denial of Defendant's Motion to Dismiss the Amended Complaint.³

CONCLUSION

For the aforementioned reasons, this Court should hold any decision regarding the impact of *Thomas v. Bryant* in abeyance pending Defendants forthcoming Motion for Reconsideration.

Dated: September 10, 2019

Respectfully Submitted,

/s/Celia R. Cangelosi

Celia R. Cangelosi
Bar Roll No. 12140
5551 Corporate Blvd., Suite 101
Baton Rouge, LA 70808
Telephone: (225) 231-1453
Facsimile: (225) 231-1456
Email: celiacan@bellsouth.net

Jeff Landry
Louisiana Attorney General

/s/ Angelique Duhon Freel

Angelique Duhon Freel
Carey Tom Jones
David Jeddie Smith
Jeffery M. Wale
OFFICE OF THE ATTORNEY GENERAL
LOUISIANA DEPARTMENT OF JUSTICE
1885 N. Third St.
Baton Rouge, LA 70804
(225) 326-6766
freela@ag.louisiana.gov
walej@ag.louisiana.gov
jonescar@ag.louisiana.gov
smithda@ag.louisiana.gov

Jason Torchinsky (VSB 47481)*
Phillip M. Gordon (TX 24096085)*
HOLTZMAN VOGEL JOSEFIK
TORCHINSKY PLLC
45 N. Hill Drive, Suite 100
Warrenton, VA 20186
Telephone: (540) 341-8808
Facsimile: (540) 341-8809
Email: jtorchinsky@hvjt.law
pgordon@hvjt.law
*admitted *pro hac vice*
Counsel for the Defendant

³ The Secretary, in his forthcoming Motion for Reconsideration, will be asking the Court to treat the Motion alternatively as additional and updated briefing on the merits of the Motion for Certification.

CERTIFICATE OF SERVICE

I do hereby certify that, on this 10th day of September 2019, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which gives notice of filing to all counsel of record.

/s/ Jason Torchinsky

Counsel for the Defendant