

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

Latasha Holloway, et al.,

Plaintiffs,

v.

City of Virginia Beach, et al.,

Defendants.

Case No. 2:18-cv-0069

**DEFENDANTS' REPLY IN SUPPORT OF
EMERGENCY MOTION FOR STAY OF INJUNCTION**

The avenue before the Court is plain. The parties agree that the Court can and should permit the City to utilize the at-large system for a November 2021 election, given that “the City’s concerns regarding election administration, timing, and ensuring a full complement of Council members can be addressed in a manner that is unlikely to harm Plaintiffs’ remedial rights.” (ECF No. 263 at 2.) That is another way of saying that the City is harmed by the injunction, Plaintiffs would not be harmed by a stay or modification, and the balance of equities favors Defendants’ proposed relief.

The remainder of Plaintiffs’ brief is confusing and error laden (errors which will be corrected in due course). Despite Plaintiffs’ effort to suggest disagreement, the Court finds itself in the happy position of agreement between the parties on what matters. The motion should be granted.

DATE: July 8, 2021

Mark D. Stiles (VSB No. 30683)
City Attorney
Christopher S. Boynton (VSB No. 38501)
Deputy City Attorney
Gerald L. Harris (VSB No. 80446)
Senior City Attorney
Joseph M. Kurt (VSB No. 90854)
Assistant City Attorney
OFFICE OF THE CITY ATTORNEY
Municipal Center, Building One, Room 260
2401 Courthouse Drive
Virginia Beach, Virginia 23456
Telephone: (757) 385-4531
Facsimile: (757) 385-5687
mstiles@vbgov.com
cboynton@vbgov.com
glharris@vbgov.com
jkurt@vbgov.com

Respectfully submitted,

/s/ Katherine L. McKnight
Katherine L. McKnight (VSB No. 81482)
Richard B. Raile (VSB No. 84340)
BAKER & HOSTETLER, LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
Telephone: (202) 861-1500
Facsimile: (202) 861-1783
kmcknight@bakerlaw.com
rraile@bakerlaw.com

Patrick T. Lewis (*pro hac vice*)
BAKER & HOSTETLER, LLP
127 Public Square, Suite 2000
Cleveland, OH 44114
Telephone: (216) 621-0200
Facsimile: (216) 696-0740
plewis@bakerlaw.com

Erika Dackin Prouty (*pro hac vice*)
BAKER & HOSTETLER, LLP
200 Civic Centre Drive, Suite 1200
Columbus, OH 43215
(614) 462-4710
eprouty@bakerlaw.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of the filing to all parties of record.

/s/ Katherine L. McKnight
Katherine L. McKnight (VSB No. 81482)
Counsel for Defendants