



a reversal of the liability judgment by the Supreme Court would invalidate any remedial plan adopted by this Court and reinstate the Legislature's Enacted Plan.

Moreover, given the timing of the Supreme Court's action and the lead time for implementing a remedy that both Plaintiffs and Defendants have insisted upon, it is impossible to adopt any judicial remedy in this case in time for the 2016 elections. Thus, it simply makes no sense to force the taxpayers of Virginia to continue to pay the special master—and to require the Court to expend its limited judicial resources and the parties to incur the expense of further litigation—to create a judicial remedy now. Instead, “the interest[s] of all,” including “the interest of the public, the interest of judicial efficiency, and the interest in the orderly administration of justice,” “make it appropriate that the Court respond to this uncertainty” by suspending proceedings pending Supreme Court review and modifying the injunction to allow the Commonwealth to conduct the 2016 elections under the Enacted Plan. 2/23/15 Mem. Op. 5.

Given the upcoming deadlines for parties and non-parties to submit briefs regarding the special master's proposal and the upcoming hearing on that proposal, the Court should also expedite this Motion and shorten the time for Plaintiffs and Defendants to file any briefs in opposition to this Motion.

Counsel for Intervenor-Defendants has conferred with counsel for Plaintiffs and Defendants. Plaintiffs and Defendants oppose the relief requested.

WHEREFORE, the Court should suspend further proceedings in this case pending Supreme Court review and modify its injunction to allow Virginia to conduct the 2016 congressional elections under the Enacted Plan.

Dated: November 16, 2015

Respectfully submitted,

/s/ Mark R. Lentz

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**CERTIFICATE OF SERVICE**

I certify that on November 16, 2015, a copy of the foregoing was filed electronically with the Clerk of Court using the ECF system, which will send notification to the following ECF participants:

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# **EXHIBIT A**

(ORDER LIST: 577 U. S.)

FRIDAY, NOVEMBER 13, 2015

**APPEAL - JURISDICTION POSTPONED**

14-1504 WITTMAN, ROBERT J., ET AL. V. PERSONHUBALLAH, GLORIA, ET AL.

Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits. In addition to the questions presented by the jurisdictional statement, the parties are directed to brief and argue the following question: Whether appellants lack standing because none reside in or represent the only congressional district whose constitutionality is at issue in this case.

**CERTIORARI GRANTED**

15-274 WHOLE WOMAN'S HEALTH, ET AL. V. COLE, COMM'R, TX DHS, ET AL.

The petition for a writ of certiorari is granted.