

**UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF LOUISIANA**

LOUISIANA STATE CONFERENCE  
OF THE NATIONAL ASSOCIATION  
FOR THE ADVANCEMENT OF  
COLORED PEOPLE, *et. al.*,

Plaintiffs,

v.

Case No. 3:19-cv-00479-JWD-SDJ

STATE OF LOUISIANA, *et al.*,

Defendants.

**INTERVENORS' EMERGENCY REQUEST FOR EXPEDITED ZOOM  
HEARING ON AMENDED MOTION TO INTERVENE AND FOR TEMPORARY  
RESTRAINING ORDER TO PRESERVE THE STATUS QUO FOR DISTRICT  
SIX CANDIDATE QUALIFYING AND NOVEMBER ELECTION WITHIN 72 HOURS**

John L. Weimer, Greg Champagne, Mike Tregre, and Craig Webre (collectively “Intervenors”), through undersigned counsel, respectfully move the Court the set an immediate hearing via zoom on their Amended Motion to Intervene and their request for a Temporary Restraining Order within 72 hours.

As detailed in the Amended Motion to Intervene, (Rec. Doc. 114) the Intervenors are voters within Louisiana Supreme Court District Six (“District Six”) and also a candidate for the upcoming election in District Six. The Intervenor Voters are entitled to vote in the election currently set for November 8, 2022, and the Intervenor Candidate is entitled to qualify for that election on July 20, 2022. The Complaint in this case seeks relief under the Voting Rights Act to redraw District Five, generally in the Baton Rouge area. *See Allen v. Louisiana*, 14 F.4th 366, 369 (5th Cir. 2021) (“Plaintiffs thus seek to create a second majority-black district, alleging it could be drawn in

District 5, which includes East Baton Rouge Parish and surrounding parishes.”).<sup>1</sup> The Court, with the consent of the parties to this litigation, has ordered that *all* Louisiana Supreme Court elections be stayed indefinitely, without regard to whether any affected District was at issue in the operative complaint. Rec. Doc. 101 (the “Consent Stay Order”). Without modification, the Consent Stay Order as written will result in the indefinite postponement of the election in District Six and improperly restrict, without any prior adjudication of the merits of the complaint, the Intervenors’ right and ability to vote freely for the candidate of their choice in District Six, or the right of the Intervenor Candidate to qualify for election as Justice for District Six on July 20, 2022. Qualifying for the November 8, 2022 election is set to occur between July 20–22, 2022, which warrants expedited consideration of these issues. Accordingly, the Intervenors, in their Amended Motion to Intervene, also request immediate injunctive relief in the form of a temporary restraining order and/or preliminary injunction to preserve the status quo under state election laws that will allow qualifications and the election for District Six to proceed under existing state law.

Due to the approaching deadlines, and for the reasons more fully detailed in the accompanying memorandum in support, the Intervenors request an immediate hearing within 72 hours via Zoom on their request for a temporary restraining order.

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<sup>1</sup> The Intervenors takes no position on the parties’ arguments relative to District Five, or on the merits of their claims and defenses in this litigation.

Dated: July 5, 2022.

Respectfully submitted,

/s/ John P. D'Avello

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*Attorneys for John L. Weimer, Greg Champagne, Mike Tregre, and Craig Webre, in their individual capacities as voters from Louisiana Supreme Court District Six, and John L. Weimer, in his capacity as a candidate for Louisiana Supreme Court Justice from District Six*

**CERTIFICATE OF SERVICE**

I certify that on July 5, 2022, the foregoing was filed using the Court's ECF System, which constitutes services on all counsel having appeared of record in this proceeding.

/s/ John P. D'Avello  
John P. D'Avello

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**INTERVENORS' MEMORANDUM IN SUPPORT  
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John L. Weimer, Greg Champagne, Mike Tregre, and Craig Webre (collectively, “Intervenors”), through undersigned counsel, respectfully move the Court to set an immediate hearing via zoom on their Amended Motion to Intervene and their request for a Temporary Restraining Order within 72 hours.

As detailed in the Amended Motion to Intervene, the Intervenors are voters within Louisiana Supreme Court District Six (“District Six”) and also a candidate for the upcoming election in District Six. The Intervenor Voters are entitled to vote in the election currently set for November 8, 2022, and the Intervenor Candidate is entitled to qualify for that election on July 20, 2022. The Complaint in this case seeks relief under the Voting Rights Act to redraw District Five, generally in the Baton Rouge area. *See Allen v. Louisiana*, 14 F.4th 366, 369 (5th Cir. 2021) (“Plaintiffs thus seek to create a second majority-black district, alleging it could be drawn in

District 5, which includes East Baton Rouge Parish and surrounding parishes.”).<sup>1</sup> The Court, with the consent of the parties to this litigation, has ordered that *all* Louisiana Supreme Court elections be stayed indefinitely, without regard to whether any affected District was at issue in the operative complaint. Rec. Doc. 101 (the “Consent Stay Order”). Without modification, the Consent Stay Order as written will result in the indefinite postponement of the election in District Six and improperly restrict, without any prior adjudication of the merits of the complaint, the Intervenors’ right and ability to vote freely for the candidate of their choice in District Six, or the right of the Intervenor Candidate to qualify for election as Justice for District Six on July 20, 2022. Qualifying for the November 8, 2022 election is set to occur between July 20–22, 2022, which warrants expedited consideration of these issues. Accordingly, the Intervenors, in their Amended Motion to Intervene, also request immediate injunctive relief in the form of a temporary restraining order and/or preliminary injunction to preserve the status quo under state election laws that will allow qualifications and the election for District Six to proceed under existing state law.

The qualifying period for candidates for the District Six seat will begin on July 20, 2022. The status quo will be the maintenance of the election as scheduled. Voters and candidates have a right to vote and to have access to the ballot, and no compelling state interest exists to infringe on those fundamental important rights. Precedent directs that the status quo should be maintained where, as here, an election is fast approaching. See *Merrill v. Milligan*, 142 S.Ct. 879, 880–81 (Mem) (2022) (Kavanaugh, J, concurring) (“When an election is close at hand, the rules of the road must be clear and settled. Late judicial tinkering with election laws can lead to disruption and to unanticipated and unfair consequences for candidates, political parties, and voters, among others.”); see also *Republican Nat’l Comm. v. Democratic Nat’l Comm*, 140 S.Ct 1205, 1207

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<sup>1</sup> The Intervenors takes no position on the parties’ arguments relative to District Five, or on the merits of their claims and defenses in this litigation.

(2020) (stating that the Court “has repeatedly emphasized that lower federal courts should ordinarily not alter the election rules on the eve of an election”); *Purcell v. Gonzalez*, 549 U.S. 1, 127 S.Ct. 5, 166 L.Ed.2d 1 (2006) (per curiam) (establishing that federal district courts ordinarily should not enjoin state election laws in the period close to an election, and that federal appellate courts should stay injunctions when lower federal courts contravene that principle).

Accordingly, the Intervenors respectfully submit that expedited consideration and relief is appropriate and request an immediate hearing within 72 hours via Zoom on their request for a temporary restraining order.

Dated: July 5, 2022.

Respectfully submitted,

/s/ John P. D'Avello

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I certify that on July 5, 2022, the foregoing was filed using the Court's ECF System, which constitutes services on all counsel having appeared of record in this proceeding.

/s/ John P. D'Avello  
John P. D'Avello

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**[PROPOSED] ORDER GRANTING INTERVENORS'  
EMERGENCY REQUEST FOR EXPEDITED ZOOM  
HEARING ON AMENDED MOTION TO INTERVENE AND FOR TEMPORARY  
RESTRAINING ORDER TO PRESERVE THE STATUS QUO FOR DISTRICT  
SIX CANDIDATE QUALIFYING AND NOVEMBER ELECTION WITHIN 72 HOURS**

Considering the Emergency Request for Expedited Zoom Hearing on Amended Motion to Intervene and for Temporary Restraining Order to Preserve the Status Quo for District Six Candidate Qualifying and November Election Within 72 Hours filed in this matter,

**IT IS ORDERED** that the Emergency Request for Expedited Zoom Hearing on Amended Motion to Intervene and for Temporary Restraining Order to Preserve the Status Quo for District Six Candidate Qualifying and November Election Within 72 Hours filed by Intervenors John L. Weimer, Greg Champagne, Mike Tregre, and Craig Webre, is **GRANTED**.

**IT IS FURTHER ORDERED** that the Amended Motion to Intervene and for Temporary Restraining Order (Rec. Doc. 114), is set for hearing on July \_\_\_\_, 2022. Any opposition memorandum is to be filed on or before July \_\_\_\_, 2022, and any reply memorandum on or before July \_\_\_\_, 2022. The Court will hear the motion on July \_\_\_\_, 2022 [by Zoom] [on the briefs] [with oral argument on that date at \_\_\_\_ AM / PM].

Signed in Baton Rouge, Louisiana, on \_\_\_\_\_.

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**JUDGE JOHN W. deGRAVELLES  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**