

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

JOINT STATUS REPORT

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Pursuant to the Court's July 12, 2021 Order, the parties submit this Joint Status Report¹ regarding the remedial proceedings in the district court. On August 24, 2021, the district court confirmed Dr. Bernard N. Grofman as a special master and gave parties 10 days to submit certain supplementary materials to allow Dr. Grofman to assess the remedial plans, specifically shapefiles of each proposed remedial map, spreadsheets containing district block population equivalences for each proposed remedial map and the existing map, and election results by VTD for certain elections. *See* Ex. 1 (Aug. 24 District Court Order, Doc. 277). The parties provided the requested information.

Dated: September 10, 2021

Respectfully submitted,

/s/ Mark P. Gaber

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¹ Appellants reiterate their objection to the abeyance ordered by this Court on July 12, 2021, but see no need to file a separate status report at this time.

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CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2021, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing to the following:

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EXHIBIT 1
August 24, 2021 District Court Order

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**LATASHA HOLLOWAY et. al.,
Plaintiff,**

v.

CIVIL ACTION NO. 2:18-cv-69

CITY OF VIRGINIA BEACH, et. al.,

Defendant.

ORDER

On August 9, 2021, the Court entered an ordered conditionally appointing Dr. Bernard N. Grofman as Special Master for the purpose of submitting a Report and Recommendation of a legally sound remedial plan that addresses the violations in Virginia Beach's at-large election system, that the Court enjoined in its ruling of March 31, 2021. ECF Nos. 275, 242. On August 16, 2021, Dr. Grofman filed an affidavit pursuant to rule 53(b) stating that there are no grounds for his disqualification. ECF No. 276. Therefore, having satisfied all requirements, Dr. Grofman was appointed as Special Master.

Pursuant to Rule 53(c), the Special Master has the authority to perform his duties fairly and efficiently, including: reviewing and requesting evidence on the record; evaluating the Parties respective proposed remedies; setting a date, time, and place for hearings; presiding over hearings; conducting telephone conferences; reviewing/drafting remedial plans; and making recommendations. Pursuant to the Court's Order, filed on August 9, 2021, the Court instructed the Parties to comply with all reasonable requests of the Special Master, including making each party's expert witnesses, reports, and data available for the Special Master to review.

Accordingly, to facilitate the review of the parties proposed remedial plans and to craft a remedial plan, if necessary, **IT IS ORDERED** that the Parties provide the following data to Dr.

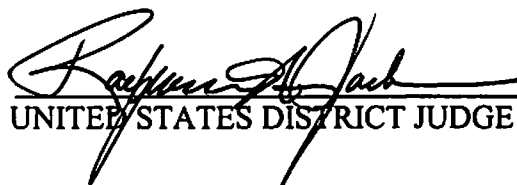
Grofman within **TEN (10) days** from this order and **no later than September 3, 2021**:

- 1) Provide in electronic form a shape file for each proposed remedial map;
- 2) Provide in EXCEL format in electronic form a spreadsheet that gives the block equivalences for each proposed remedial map and for the seven districts in the enacted map; AND
- 3) Provide in EXCEL format in electronic form a spreadsheet that gives the election results by VTD for each of the City Council elections that either an expert for the Plaintiffs or an expert for the Defendants has analyzed, along with similar data on the Sherriff election in 2017.

The Clerk is **DIRECTED** to electronically provide this Order to all parties.

IT IS SO ORDERED

Norfolk, Virginia
August 24, 2021


UNITED STATES DISTRICT JUDGE