

In the Supreme Court of the United States

STATE OF LOUISIANA,

Appellant,

v.

PHILLIP CALLAIS, ET AL.,

Appellees.

PRESS ROBINSON, ET AL.,

Appellants,

v.

PHILLIP CALLAIS, ET AL.,

Appellees.

ROBINSON APPELLANTS' MOTION TO STRIKE

STUART NAIFEH

Counsel of Record

NAACP LEGAL DEFENSE FUND

& EDUCATIONAL FUND, INC.

40 Rector St., 5th Fl.

New York, NY 10006

(212) 965-2200

snaifeh@naacpldf.org

Counsel for Appellants in No. 24-110

(additional counsel listed in signature block)

RULE 29.6 DISCLOSURE STATEMENT

The Louisiana State Conference of the NAACP is a non-profit membership organization. There are no parents, subsidiaries or affiliates of the Louisiana State Conference of the NAACP that have issued shares or debt securities to the public.

Power Coalition for Equity and Justice is a non-profit coalition of community organizations. There are no parents, subsidiaries or affiliates of the Power Coalition for Equity and Justice that have issued shares or debt securities to the public.

MOTION

Under Rules 18.2 and 24.6 and the Court's August 1, 2025 Order on supplemental briefing, Appellants in No. 24-110, Press Robinson, Edgar Cage, Dorothy Nairne, Edwin René Soulé, Alice Washington, Clee Earnest Lowe, Martha Davis, Ambrose Sims, Davante Lewis, NAACP Louisiana State Conference, and Power Coalition for Equity and Justice (collectively, the "*Robinson* Appellants") move to strike the untimely and improper Supplemental Brief filed by Louisiana Secretary of State, which was filed on September 17, 2025. Appellant the State of Louisiana consents to this motion to strike. Appellees oppose this motion, and the Louisiana Secretary of State also opposes and intends to file a response.

In support of the motion, *Robinson* Appellants state:

1. In the court below, the Secretary was the nominal defendant and adopted Louisiana's position in its defense of S.B. 8. ECF No. 193. The district court order enjoins both the Secretary and Louisiana from conducting any elections under S.B. 8. J.S.A.68a.

2. After the district court ruled against them, the Secretary and Louisiana jointly filed a notice of appeal of the district court's order. J.S.A.147a-150a. On July 18, 2024, the Secretary and Louisiana also jointly moved for an emergency stay and to extend the time to file a jurisdictional statement. Accordingly, the Secretary is an Appellant in case No. 24-109, which has been consolidated with case No. 24-110.

3. On August 1, 2024, the Secretary notified the Court and the parties that she had "no interest in the outcome of this appeal." Consistent with that notice, she

did not participate in the merits briefing or oral argument during the October 2024 Term.

4. On August 1, 2025, the Court ordered the parties to file supplemental briefs concerning: “Whether the State’s intentional creation of a second majority-minority congressional district violates the Fourteenth or Fifteenth Amendments to the U. S. Constitution.” The Court required Appellants to file their briefs by August 27. Appellees’ brief was due by September 17.

5. Despite switching its position on the constitutionality of S.B. 8, Louisiana filed its brief by that August 27 deadline. Amici in support of Appellants (including those in support of Louisiana) or neither party also met the amicus deadline of September 3.

6. Nonetheless, over a year after the Secretary’s Letter disclaiming any interest in the appeal, more than a month after the Court’s Order for supplemental briefing, and over two weeks after the Appellants’ deadline for filing their supplemental briefs, the Secretary informed the parties on September 12, 2025 that she will be “filing an Appellee brief.” App’x 1.

7. In the Secretary’s brief, she states that the Court’s Order on supplemental briefing makes the posture of this case “unquestionably different” for her. *See* Sec’y Supp. Br. at 2. If this were true, under Rule 18.2, the Secretary should have notified the Court and parties that she withdrew her prior Letter, and that she planned to participate in the supplemental briefing. Had the Secretary done so, the Court and the parties could have taken the necessary steps to account for her

participation in the appeal. Thus, even if the Secretary's brief had been timely, her failure to serve notice of her intent to rejoin the appeal as a party still would make her brief procedurally improper.

8. The Secretary states that she filed her brief on the deadline for Appellees because that "is how the Secretary is classified on the Court docket." Sec'y Supp. Br. at 2 n.2. The Secretary's designation on the case docket merely reflects her non-participation in the appeal to this point, *cf.* Supr. Ct. R. 12.6, and does not reflect a realignment of the parties. Indeed, the Secretary has been listed on the docket as a respondent since long before the Court ordered supplemental briefing. Regardless of the Secretary's designation on the docket, she is an Appellant because she was a defendant below who filed a notice of appeal of the district court's injunction against her. The Court's Order for supplemental briefing did not alter the relevant deadlines for the Secretary, realign the Secretary as an Appellee, or otherwise change the understanding among the Court and the parties of the Secretary's role in this appeal.

9. If the Secretary wished to participate in the supplemental briefing, she should have notified the Court and the parties that she wished to reenter the case and then filed her own brief on the August 27 deadline for Appellants. The Secretary's failure to abide by her own prior disclaimer and the Court's Order and deadline serves to circumvent the Court's supplemental briefing schedule.

10. It also prejudices *Robinson* Appellants. The Secretary, for example, makes several claims beyond the supplemental briefing question. *See generally* Sec'y Supp. Br. at 14-40. Because the Secretary "agrees" with Louisiana's brief, Sec'y Supp.

Br. at 2, the Secretary's gambit functionally provides the Secretary and Louisiana two opportunities to respond to *Robinson* Appellants' supplemental brief—first, the Secretary's submitted brief and, second, Louisiana's forthcoming reply brief.

11. The Secretary should not be allowed to engage in such gamesmanship. Her brief is untimely and improper and, therefore, should be struck from the docket.

Accordingly, *Robinson* Appellants request that the Court strike the Secretary's brief as improper and untimely.

Respectfully submitted,

Sarah Brannon
Megan C. Keenan
Adriel I. Cepeda Derieux
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
915 15th St. NW
Washington, DC 20005

Sophia Lin Lakin
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004

Cecillia D. Wang
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
425 California Street, Suite 700
San Francisco, CA 94104

Nora Ahmed
ACLU FOUNDATION
OF LOUISIANA
1340 Poydras St., Suite 2160
New Orleans, LA 70112

T. Alora Thomas-Lundborg
Daniel Hessel
ELECTION LAW CLINIC
HARVARD LAW SCHOOL
6 Everett St., Suite 4105
Cambridge, MA 02138

John Adcock
ADCOCK LAW LLC
3110 Canal St.
New Orleans, LA 70119

/s/ Stuart Naifeh

Janai Nelson
President & Director Counsel
Samuel Spital
Stuart Naifeh
Counsel of Record
Victoria Wenger
John S. Cusick
Colin Burke
NAACP LEGAL DEFENSE
& EDUCATIONAL FUND, INC.
40 Rector St., 5th Floor
New York, NY 10006
(212) 965-2200
snaifeh@naacpldf.org

Deuel Ross
I. Sara Rohani
Kameron Johnston
NAACP LEGAL DEFENSE
& EDUCATIONAL FUND, INC.
700 14th St. NW, Suite 600
Washington, DC 20005

Robert A. Atkins
Yahonnes Cleary
Pietro J. Signoracci
Amitav Chakraborty
Adam P. Savitt
Arielle B. McTootle
Robert Klein
Neil Chitrao
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019

Counsel for Appellants in No. 24-110

Tracie Washington
LOUISIANA JUSTICE INSTITUTE
3157 Gentilly Blvd., Suite 132
New Orleans, LA 70122

*Counsel for Appellants Dorothy Nairne, Martha Davis,
Clee Earnest Lowe, and Rene Soule in No. 24-110*

In the Supreme Court of the United States

STATE OF LOUISIANA,

Appellant,

v.

PHILLIP CALLAIS, ET AL.,

Appellees.

PRESS ROBINSON, ET AL.,

Appellants,

v.

PHILLIP CALLAIS, ET AL.,

Appellees.

CERTIFICATE OF SERVICE

STUART NAIFEH

Counsel of Record

NAACP LEGAL DEFENSE FUND

& EDUCATIONAL FUND, INC.

40 Rector St., 5th Fl.

New York, NY 10006

(212) 965-2200

snaifeh@naacpldf.org

Counsel for Appellants in No. 24-110

I, Stuart Naifeh, counsel for the Appellants in No. 24-110 and a member of the Bar of this Court, certify that on September 23, 2025, a copy of the Motion was sent by electronic mail to all parties' counsel, and an identical copy will be mailed overnight to all parties' counsel, to the following counsel:

Edward D. Greim
GRAVES GARRETT GREIM LLC
1100 Main Street, Suite 2700
Kansas City, MO 64105
(816) 256-3181
edgreim@gravesgarrett.com

Counsel for Callais Appellees

J. Benjamin Aguiñaga
Solicitor General
LOUISIANA DEPARTMENT OF JUSTICE
1885 N. Third St.
Baton Rouge, LA 70802
(225) 506-3746
aguinagaj@ag.louisiana.gov

Counsel for Appellant State of Louisiana

Phillip J. Strach
Nelson Mullins Riley & Scarborough LLP
301 Hillsborough Street, Suite 1400
Raleigh, NC 27603
(919) 329-3800
phil.strach@nelsonmullins.com

*Counsel for Appellant Nancy Landry, in her official capacity
as Louisiana Secretary of State*

/s/ Stuart Naifeh

Stuart Naifeh

Counsel of Record

NAACP Legal Defense

& Educational Fund, Inc.

40 Rector St., 5th Floor

New York, NY 10006

(212) 965-2200

снаifeh@naacpldf.org

Counsel for Appellants in No. 24-110

APPENDIX 1

From: Alyssa Riggins <alyssa.riggins@nelsonmullins.com>

Sent: Friday, September 12, 2025 1:25 PM

To: Aguinaga, Ben <aguinagaj@ag.louisiana.gov>; Stuart Naifeh <snaifeh@naacpldf.org>; Greim, Edward D. <edgreim@gravesgarrett.com>

Cc: Phil Strach <phil.strach@nelsonmullins.com>

Subject: Louisiana v. Callais

[Caution: EXTERNAL EMAIL]

Dear Counsel,

Given that the posture of this case has changed, the Secretary will be filing an Appellee brief on 9/17 answering the question posed in the Court's 8/1 order and discussing related election administration issues. The Clerk is aware that this brief is being filed, and no objections were posed. We write to inquire about the division of oral argument time in the hopes that we can all reach an agreement on divided argument. It is also our understanding that the Clerk would like us to try to come to an agreement on time, if possible. We are happy to arrange for a call to discuss the division of time if that would be helpful. We can be available on the afternoon of 9/18 or most any time on 9/19.

Please let us know what works for you and we are happy to circulate an invitation. Additionally, please let us know if there are other counsel from your respective teams who should be on the call, and we are happy to include them.

Best,
Alyssa

ALYSSA RIGGINS PARTNER

alyssa.riggins@nelsonmullins.com

301 HILLSBOROUGH STREET | SUITE 1400

RALEIGH, NC 27603

T 919.329.3810 F 919.329.3799

NELSONMULLINS.COM [VCARD](#) [VIEW BIO](#)

Confidentiality Notice

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (800-237-2000) or reply to this e-mail and delete all copies of this message.