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

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JOINT MOTION TO ENTER AGREED PROPOSED ORDER

Plaintiffs and Defendants hereby jointly request that the Court enter the attached Agreed Proposed Order.

Dated: April 22, 2024

Respectfully submitted:

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*admitted pro hac vice

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2024, I electronically filed the foregoing Joint Motion to Enter Agreed Proposed Order with the Clerk of the Court using the CM/ECF system,which will send a Notice of Electronic Filing to all counsel of record identified below.

/s/ Meryl Macklin
Meryl Macklin

IN THE 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.*	Case No. 3:19-cv-00479-JWD-EWD
Plaintiffs,	Judge John W. deGravelles
v.	Magistrate Judge Scott D. Johnson
STATE OF LOUISIANA, *et al.*	
Defendants.	

ORDER

Whereas the State of Louisiana, Secretary Nancy Landry, in her official capacity as Louisiana Secretary of State, and Plaintiffs (collectively, the "Parties") come before this Court for an amicable settlement that would (1) adequately protect the electoral process, (2) serve the public interest, and (3) resolve the pending issue while avoiding further unnecessary expense, and say as follows:

1. In their First Amended Complaint (ECF No. 178), Plaintiffs alleged Defendants violated Section 2 of the Voting Rights Act with respect to Louisiana's State Supreme Court districts. Section 2 of the Voting Right Act prohibits any "standard, practice, or procedure" that "results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color." 52 U.S.C. § 10301(a).

2. In the proposed Second Amended Complaint, Plaintiffs additionally allege that Defendants violated the Louisiana Constitution, in that District 5 of the current district map governing the elections of Justices to the Louisiana Supreme Court is overpopulated in violation of

Article I, § 10 of the Louisiana Constitution, which states, "[e]very citizen of the state, upon reaching eighteen years of age, shall have the right to register and vote." The Parties agree that Plaintiffs' claim under Article I, Section 10 of the Louisiana Constitution is directed only to District 5 of Louisiana's State Supreme Court map.

3. The Parties agree that the right to vote in the Louisiana Constitution inherently entails the right for that vote not to be diluted by significant overpopulation of an electoral district as compared to the ideal population based on most recent Census figures.

4. The Parties agree that there is limited time to adjudicate the claims brought by Plaintiffs, and if a remedy is required, limited time to implement a remedy before the November 2024 elections while allowing the Secretary of State adequate time to implement a remedy.

5. The Parties agree that entry of this order ("Order") does not, by way of any doctrine of estoppel or res judicata or otherwise, impact the viability of Plaintiffs' claims under Section 2 of the Voting Rights Act with respect to the current map for Louisiana's Supreme Court districts or any new map for Louisiana's Supreme Court districts, drawn except as expressly set forth herein.

6. Plaintiffs agree to a waiver of any entitlement to damages, fees, including attorneys' fees, expenses, and costs, that have accrued as of the date of the entry of this Order, with respect to the claims raised by Plaintiffs in this action. However, Plaintiffs reserve their right to seek appropriate fees and expenses in the event of material non-compliance by Defendants or if this case is not dismissed as a result of this Order.

7. Defendants expressly deny liability under Section 2 of the Voting Rights Act with respect to Louisiana's Supreme Court districts.

8. The Parties agree that entry of this Order does not impose any liability on Defendants regarding Plaintiffs' claim under Section 2 of the Voting Rights Act.

9. The Parties agree that Plaintiffs have made a sufficiently strong showing on the merits of the claim that District 5 is overpopulated.

10. The Parties agree that the December 2023 map approved by all of the currently sitting Louisiana Supreme Court's sitting Justices eligible to seek re-election (attached hereto as Appendix 1, which includes a .pdf containing an image of the proposed map)[1] (hereinafter, the "Agreed Map"), remedies the overpopulation of District 5, as alleged in the proposed Second Amended Complaint, and does not otherwise render other districts overpopulated or underpopulated.

11. The Parties agree that the Agreed Map remedies any alleged violation of Section 2 of the Voting Rights Act as to District 5, in that it creates a performing Black majority district anchored in Baton Rouge and preserves a performing Black majority district anchored in New Orleans.

12. The Parties agree that a condition of consenting to this Order is that an election for a Supreme Court Justice from the new District 2, anchored in Baton Rouge (*see* Appendix 1), created in the Agreed Map be held in November 2024.

13. The Parties agree that the relief contained in this Order will ensure that the upcoming Louisiana Supreme Court elections will comply with both the United States Constitution and the Louisiana Constitution as to the overpopulation of District 5, while at the same time resolving Plaintiffs' claim under Section 2 of the Voting Rights Act, by creating a performing Black majority district anchored in Baton Rouge, and at the same time maintaining a performing Black majority district anchored in New Orleans.

[1] The Parties will submit the shape files for the .pdf map via email to the Court.

Therefore, considering the foregoing *Joint Motion for Entry of an Order* by the Parties, and for good cause shown,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

i. Plaintiffs' Motion to File a Second Amended Complaint, ECF No. 204, is GRANTED, and the Second Amended Complaint is hereby filed with the consent of all Defendants in this action.

ii. This Court has original jurisdiction over the Parties and claims in this complaint under 28 U.S.C. §§ 1331 and 1343(a).

iii. This Court has supplemental pendent jurisdiction under Section 28 U.S.C. § 1367 over Plaintiffs' state law claim under the Louisiana State Constitution, Article 1, § 10 pled in the proposed Second Amended Complaint, because the state law claim arises from the same common nucleus of operative facts that gives rise to the federal claim over which this Court has original jurisdiction.

iv. The Legislature is given until April 29, 2024, to enact a map to be signed by the Governor within the same deadline, that remedies the overpopulation of District 5.

v. If the Legislature enacts and the Governor signs the Agreed Map, that map will apply to elections held in November 2024 and thereafter, unless and until the Legislature enacts another map that complies with the United States and Louisiana Constitutions and applicable federal and state law. This litigation will be stayed until such time as it is certain that an election of a Justice from the newly enacted District 2 anchored in Baton Rouge (*see* Appendix 1) has taken place in November 2024, at which time the Court will issue a Judgment dismissing the Second Amended Complaint.

vi. If the Legislature fails to adopt or the Governor vetoes any map by April 29, 2024, then the Agreed Map will apply to the 2024 election and thereafter, unless and until the Legislature enacts another map that complies with the United States and Louisiana Constitutions and applicable

federal and state law. This litigation will be stayed until such time as it is certain that an election of a Justice from the newly enacted District 2 anchored in Baton Rouge has taken place in November 2024, at which time the Court will issue a Judgment dismissing the Second Amended Complaint.

vii. If the Legislature enacts and the Governor signs a map other than the Agreed Map, the Parties will advise the Court by May 3, 2024, whether they consent to the newly enacted map. If so, that map will apply to elections held in November 2024 and thereafter, unless and until the Legislature enacts another map that complies with the United States and Louisiana Constitutions and applicable federal and state law. This litigation will be stayed until such time as it is certain that an election of a Justice from the newly enacted District 2 anchored in Baton Rouge has taken place in November 2024, at which time the Court will issue a Judgment dismissing the Second Amended Complaint.

viii. If the Legislature enacts and the Governor signs a map other than the Agreed Map, and one or both of either party does not consent to the newly enacted map, then the Court will hold a hearing on May 6, 2024, on whether the newly enacted map should apply to the November 2024 election. If this Court rejects the newly enacted map, this Court will approve the Agreed Map, and that map will apply to elections held in November 2024 and thereafter, unless and until the Legislature enacts and the Governor signs another map that complies with the United States and Louisiana Constitutions and applicable federal and state law. This litigation will be stayed until such time as it is certain that an election of a Justice from the newly enacted District 2 anchored in Baton Rouge has taken place in November 2024, at which time the Court will issue a Judgment dismissing the Second Amended Complaint.

ix. If this Court approves any map other than the Agreed Map over Plaintiffs' objection, this litigation will continue as to Plaintiffs' claim under Section 2 of the Voting Rights Act, and

Plaintiffs will not be deemed to have waived any claim for fees or expenses as to its Section 2 claim.

x. The Court will issue its order approving or rejecting any map as contemplated in this Order no later than May 15, 2024.

xi. If no map is approved by this Court or if this Court approves a map over Plaintiffs' objection, the Court will set a scheduling conference to set the schedule for the resumed litigation.

xii. Plaintiffs maintain their rights and have not waived any right to challenge the map currently in effect under the laws or constitution of the United States, or to challenge any map other than the Agreed Map or other than any map, to which they consent in accordance with the terms of this Order, that is enacted by the Legislature and signed into law by the Governor. Defendants have not admitted liability in any capacity related to Section 2 of the Voting Rights Act and maintain their right to defend any future map enacted by the Legislature.

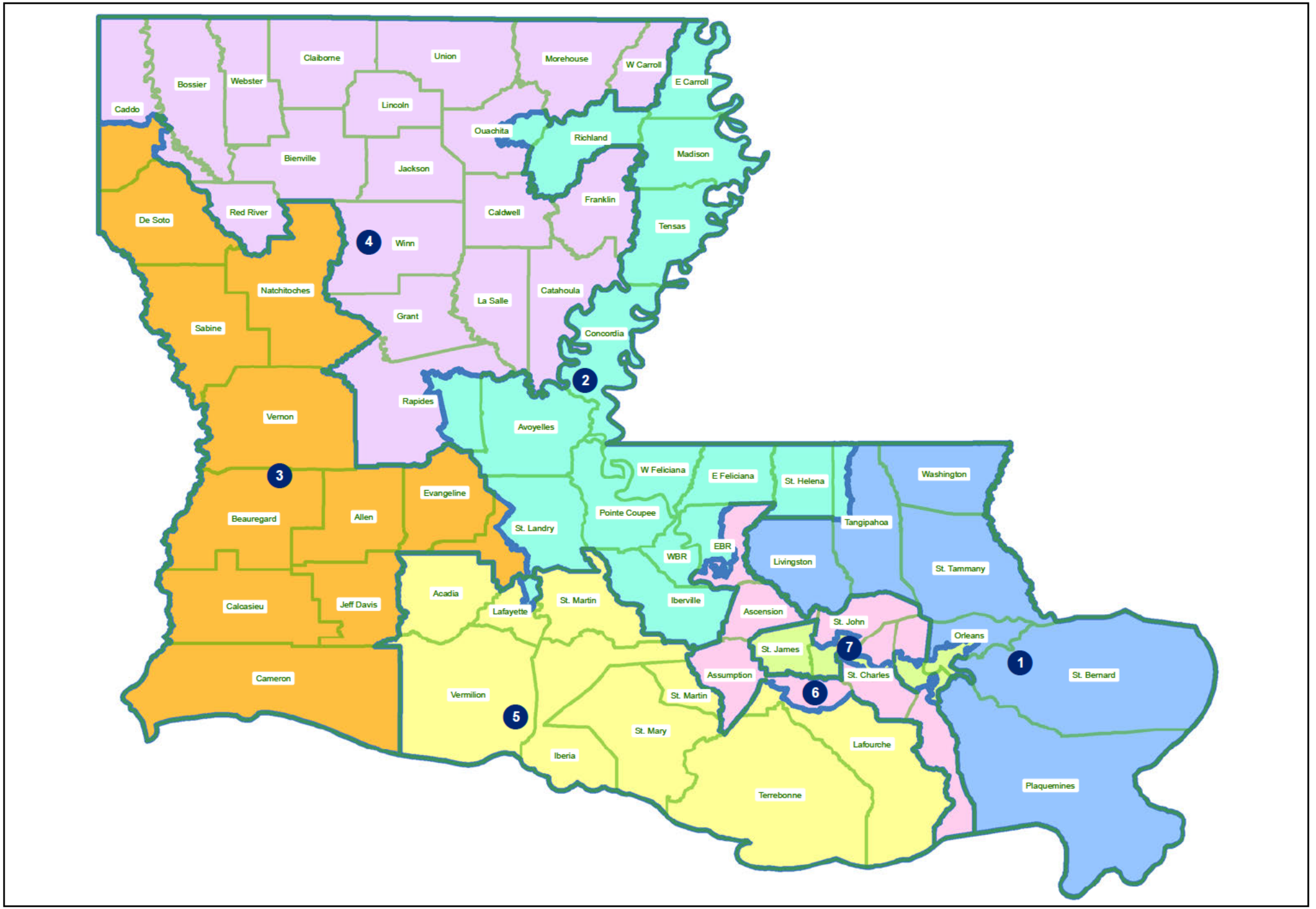
xiii. The Parties agree to take all necessary steps to effectuate this Order.

xiv. This Court will not retain jurisdiction, implied or otherwise, with respect to Louisiana's State Supreme Court districts, other than as set forth in this Order, specifically for the purposes of determining whether to accept or reject a map, to enforce any orders issued pursuant to this Order, and for the purposes of a continuation of this litigation should the Court not approve any map or should the Court approve a map over Plaintiffs' objections. Judgment issued after the May 6, 2024, hearing.

This Order is approved and entered this ___ day of _____, 2024.

_____
United States District Judge

APPENDIX 1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La Salle
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Concordia
Sabine
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Washington
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Evangeline
Pointe Coupee
Beauregard
Allen
St. Landry
Tangipahoa
EBR
WBR
Livingston
St. Tammany
Acadia
Iberville
Calcasieu
Jeff Davis
St. Martin
Ascension
St. John
Lafayette
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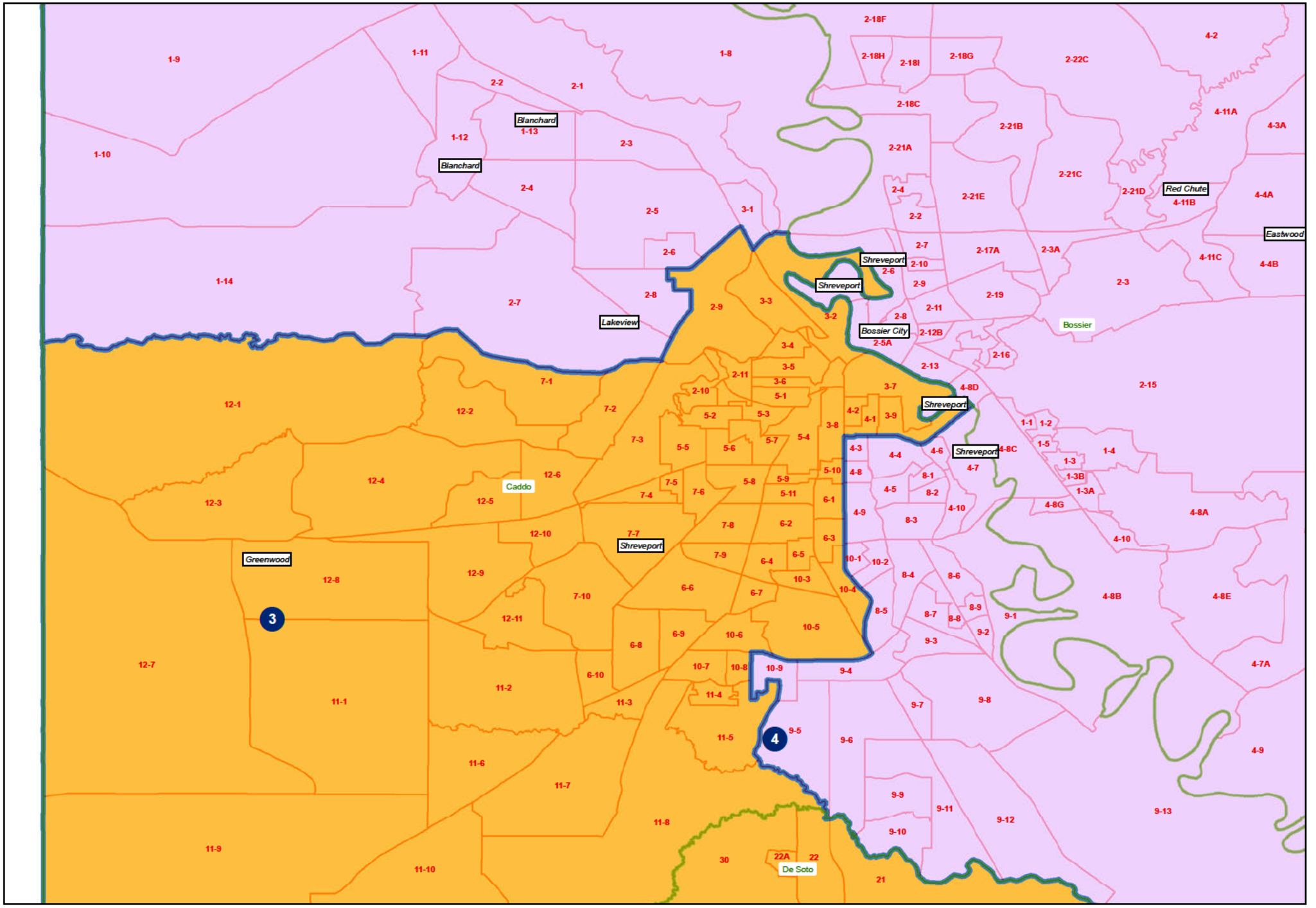
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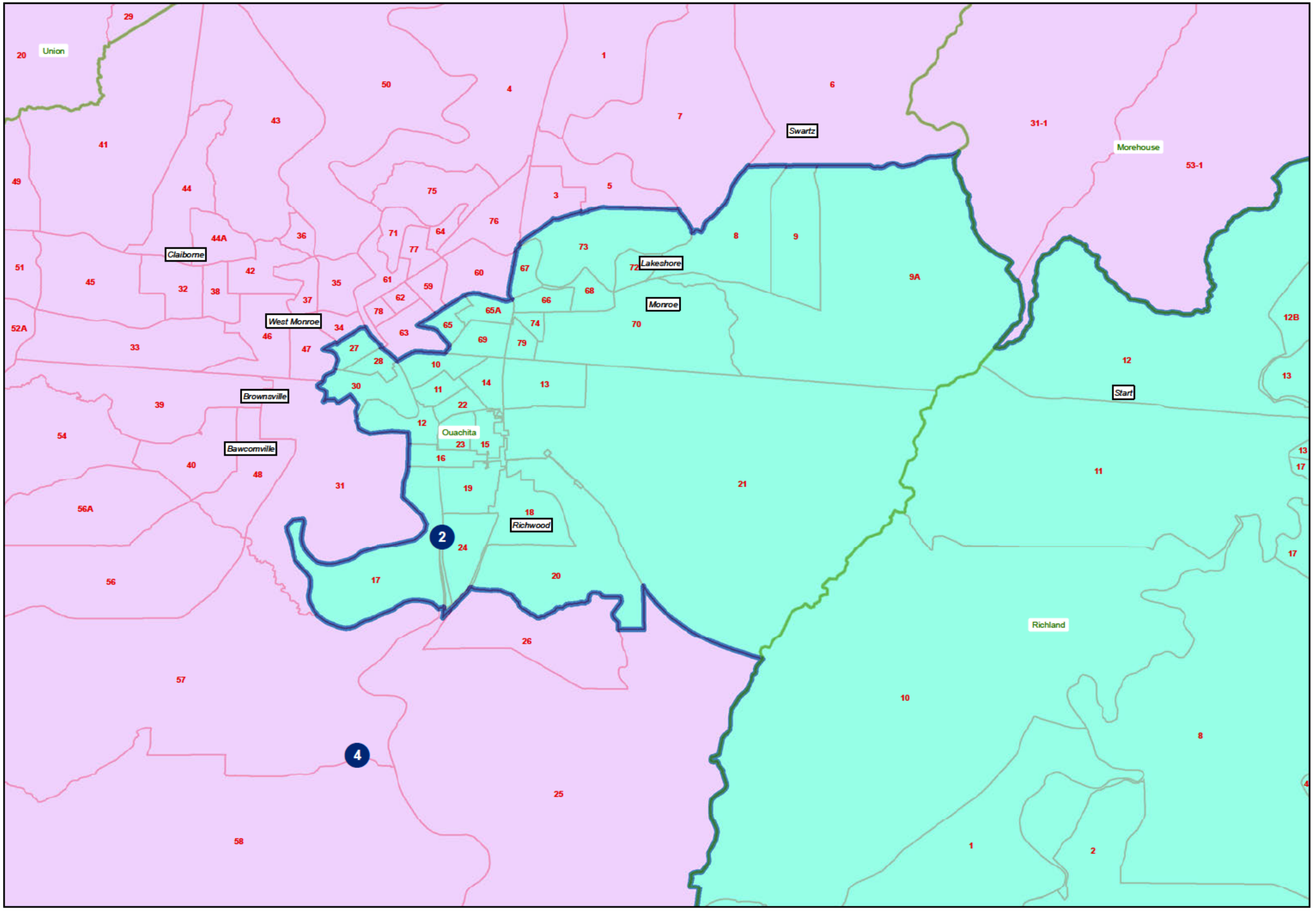
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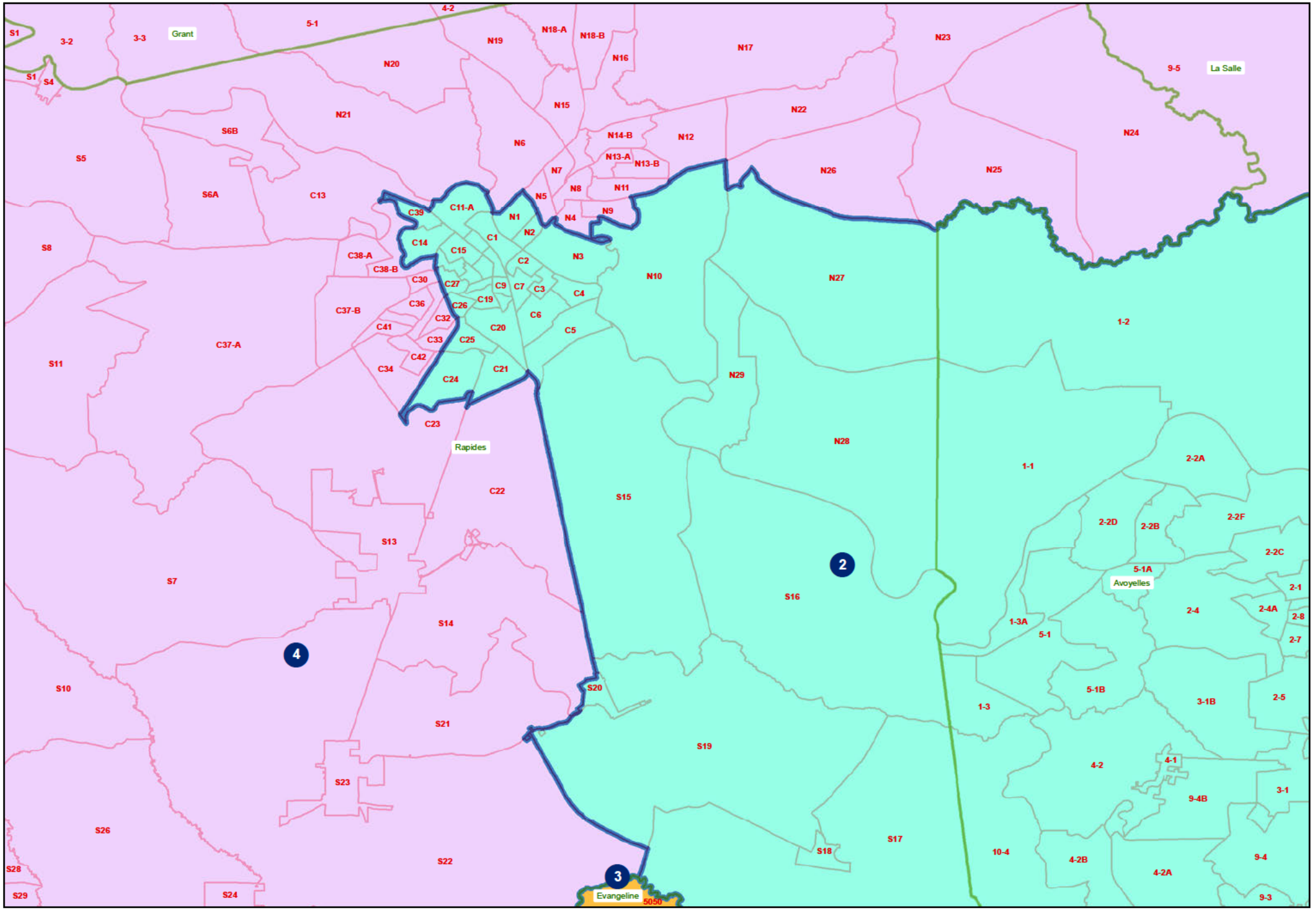
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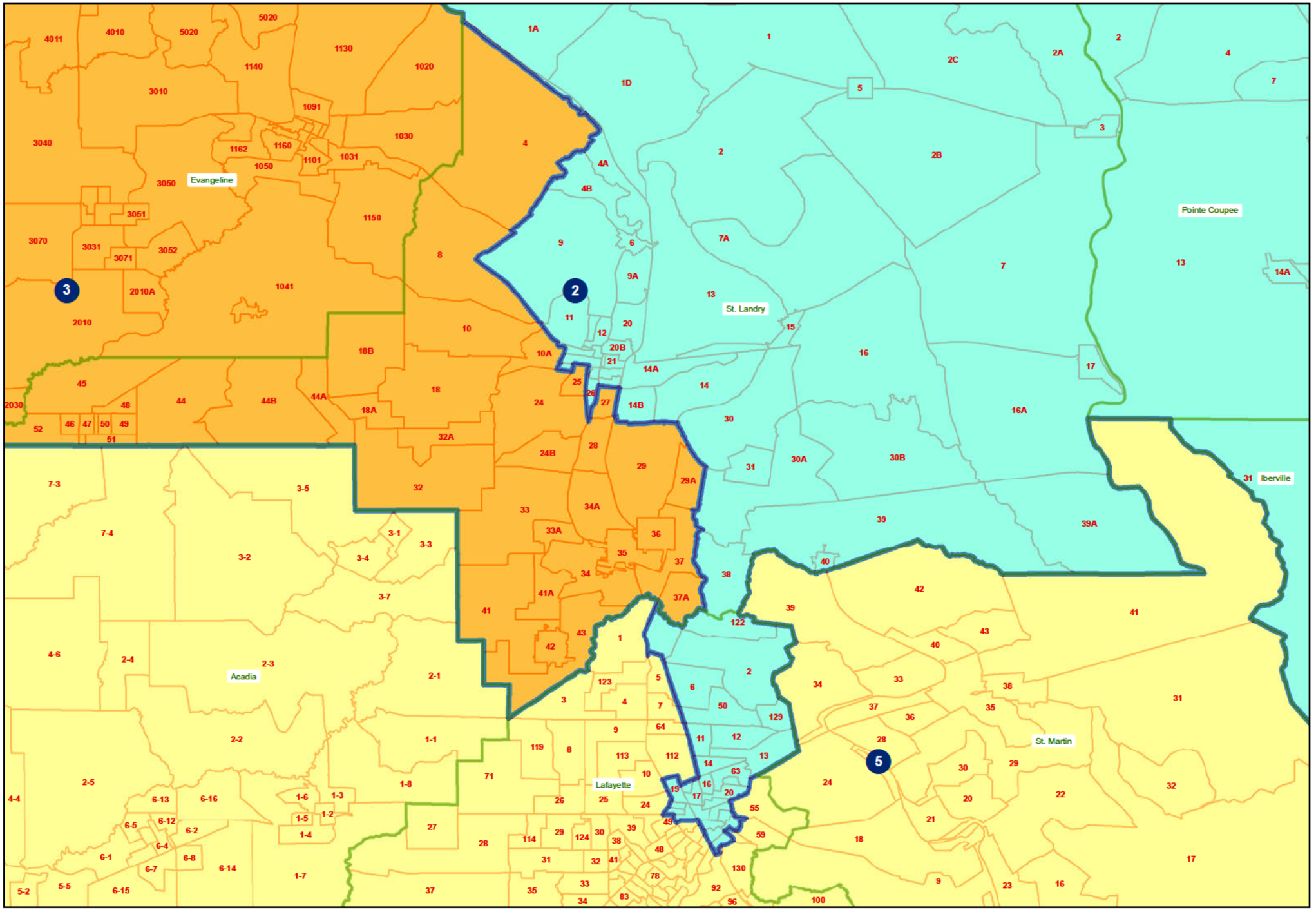
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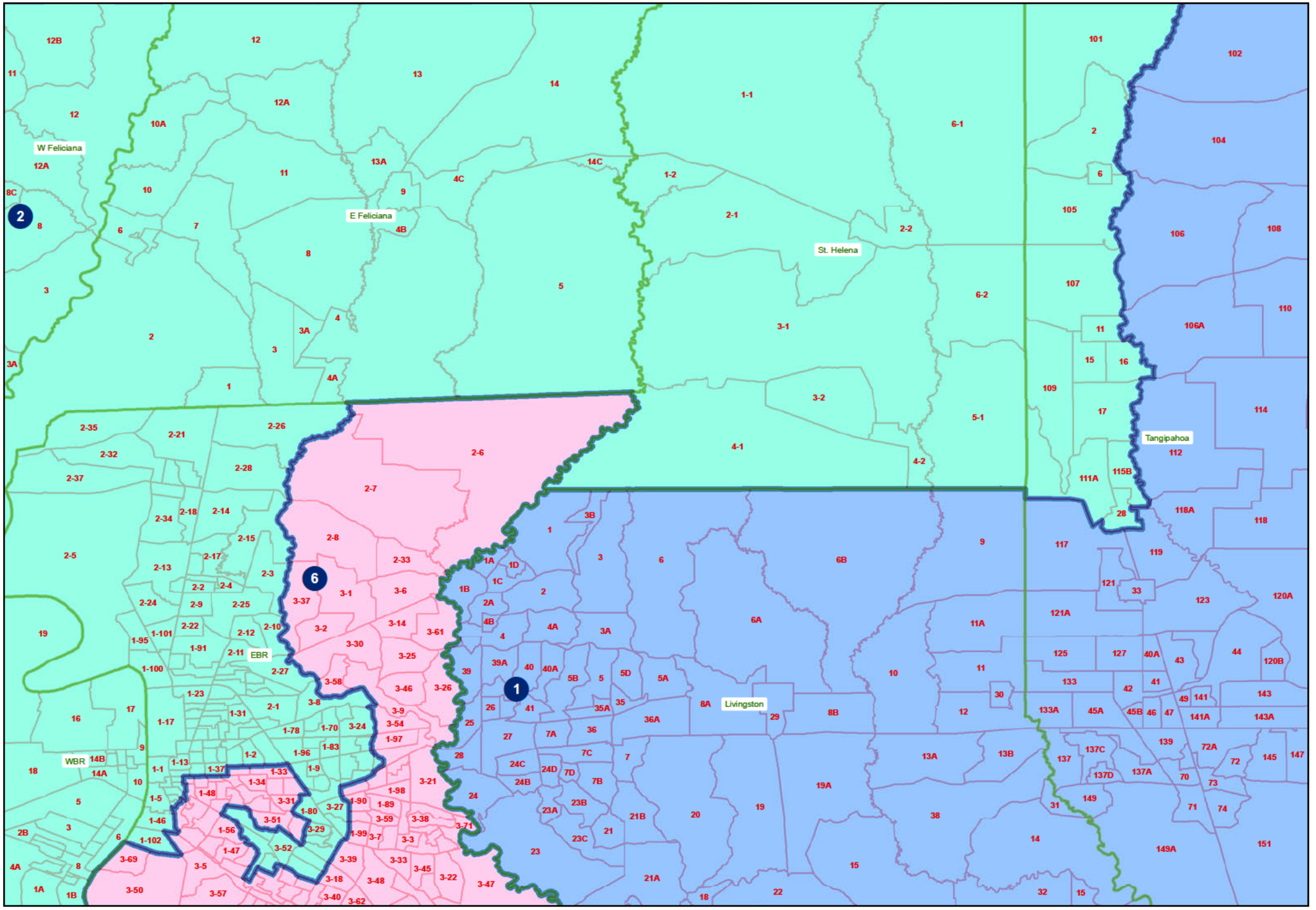
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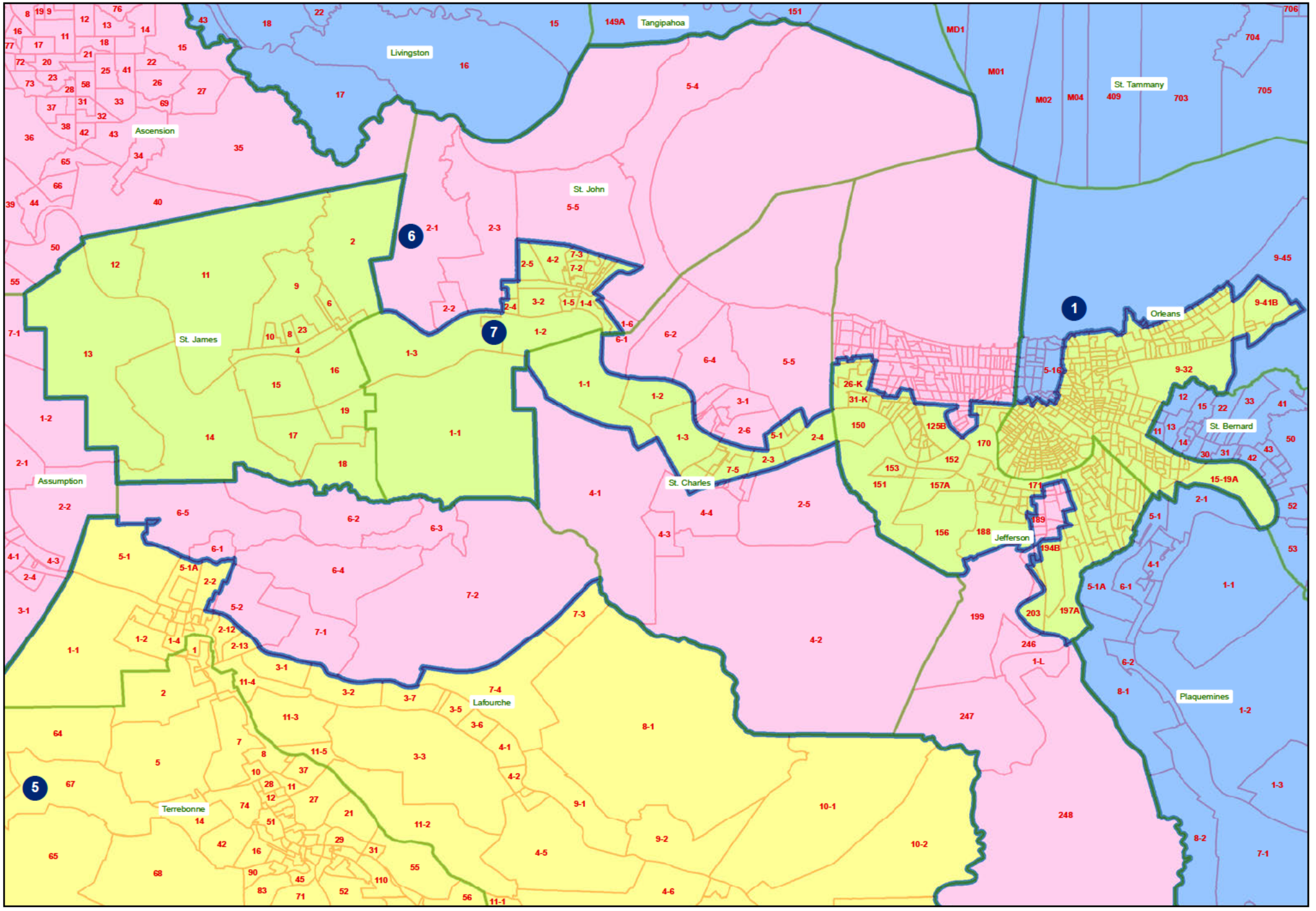
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