

**UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

DAVID B. MEANS, ET AL.,

CIVIL ACTION NO. 5:23-cv-00669

VERSUS

JUDGE DAVID C. JOSEPH

DESOTO PARISH, ET AL.

MAGISTRATE JUDGE HORNSBY

**PLAINTIFFS' MEMORANUM IN OPPOSITION TO DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO FILE PRELIMINARY INJUNCTION OPPOSITION BRIEF**

MAY IT PLEASE THE COURT:

Defendants, Desoto Parish and the Desoto Parish Police Jury (collectively “Defendants”), have moved for an additional 14 days, up to and through July 7, 2023, to file an opposition brief to Plaintiffs’ amended motion for a preliminary injunction. [Rec. Doc. 24]. Plaintiffs, David B. Means, Ryan Dupree, Robert G. Burford, Robert Gross, Mary L. Salley, Martha Trisler, John F. Pearce, Joe Cobb, Jack L. Burford, Jack E. Barron, W. Bruce Garlington, Donald Barber, Billy Dwayne Brumley, and Sherry Brumley (collectively “Plaintiffs”), oppose Defendants’ request for additional time for the following reasons:

1. On May 25, 2023, Plaintiffs filed their Amended Complaint in this case and their Amended Motion for Preliminary Injunction. [Rec. Docs. 8, 9]. Plaintiffs sent courtesy copies of the Amended Motion for Preliminary Injunction to Defendants by mail and email that same day. Defendants were formally served with the Summons and the First Amended Complaint on May 26, 2023. [Rec. Doc. 16].

2. By Order dated June 5, 2023, this Court set a deadline of June 23, 2023, for Defendants to file their response to the Amended Motion for Preliminary Injunction “[g]iven the time-sensitive issues raised in the Motion,”—approximately one month after Plaintiffs gave Defendants notice of the filing of their Amended Motion for Preliminary Injunction. [Rec. Doc.

21]. In the same Order, this Court also set a status conference on June 26, 2023, to schedule a preliminary injunction hearing date and to discuss consolidating the hearing with the trial. [Rec. Doc. 21].

3. On June 14, 2023, after counsel for the parties had conferred regarding the upcoming status conference and case deadlines, counsel for Defendants asked if Plaintiffs would consent to file a motion for extension of time for Defendants to file a response to the Amended Complaint. Counsel for Plaintiffs indicated Plaintiffs had no objection to that motion, provided that Defendants would agree not to seek an extension of the deadline to file an opposition to Plaintiffs' motion for preliminary injunction due to its time-sensitivity. Defendants indicated they could not agree to those terms.

4. On June 16, 2023, a day after moving for an extension of time to answer the Amended Complaint, Defendants filed another motion requesting an additional two weeks to file their opposition to Plaintiffs' Amended Motion for Preliminary Injunction, up to and through July 7, 2023. In that subsequent motion, Defendants assert without support that this extension "would not cause undue delay or prejudice to the other side." [Rec. Doc. 24 at 2].

5. In fact, a two-week extension beyond the Court-ordered date would cause undue delay due to the "time-sensitive issues" of this case that the Court recognized in its June 5th Order. [See Rec. Doc. 21]. As Plaintiffs indicated in their Memorandum in Support of the Amended Motion for Preliminary Injunction, Defendants' delay in adopting the Enacted Plan has already created a significantly condensed timeframe under which this preliminary injunction motion must be decided for relief to be effected before the upcoming DeSoto Parish primary election.

6. Specifically, Defendants rescinded their first redistricting plan back in early December 2022, and then took more than four months to adopt the Enacted Plan, despite being well aware that primary elections for the DeSoto Parish Police Jury are scheduled for October 14, 2023, with the candidate qualifying period scheduled for August 8-10, 2023.¹ Defendants' delay has now created a significantly condensed time frame for this litigation, as the candidate qualifying period is currently set to expire in less than two months. Defendants' requested two-week delay would mean that their opposition brief would be filed just *one month* before the candidate qualifying period begins on August 8, 2023. Importantly, the Registrar of Voters needs time to prepare for these deadlines, and notice of the effective Police Jury district boundaries is necessary for the registrar's office to perform its duties beforehand.

7. While effecting a remedy within the time frame as it stands is feasible, a delay of two additional weeks, with time already of the essence as it is, would both prejudice Plaintiffs and impose an extraordinary burden on the parties and the Court. Plaintiffs thus oppose any such delay.

WHEREFORE, Plaintiffs respectfully request that the Court deny Defendants' Motion for Extension of Time to File an Opposition Brief to Plaintiffs' Request for a Preliminary Injunction.

Dated: June 19, 2023

¹ La. Sec. of State, 2023 Elections, available at <https://www.sos.la.gov/ElectionsAndVoting/PublishedDocuments/ElectionsCalendar2023.pdf> (last visited June 16, 2023).

RESPECTFULLY SUBMITTED:

/s/ Reid A. Jones

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon all counsel of record by electronic mail through the courts CM/ECF system.

This 19th day of June, 2023, in Shreveport, Louisiana.

/s/ Reid A. Jones