

**UNITED STATES 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' AMENDED MOTION FOR PRELIMINARY INJUNCTION

NOW INTO COURT, through undersigned counsel, come Plaintiffs, David B. Means, Ryan Dupree, Robert G. Burford, Robert Gross, Mary L. Salley, Martha Trisler, John F. Pearce, Joe Cobb, Jack L. Buford, Jack E. Barron, W. Bruce Garlington, Donald Barber, Billy Dwayne Brumley, and Sherry Brumley (collectively "Plaintiffs"), who pursuant to Rule 65(a) of the Federal Rules of Civil Procedure, hereby move for a preliminary injunction (1) prohibiting Defendants, DeSoto Parish, Louisiana and the DeSoto Parish Police Jury (collectively "Defendants"), or anyone acting on their behalf from calling, holding, supervising, or certifying any elections under the recently enacted redistricting plan known as "Plan H (Revised);" and (2) ordering Defendants to enact or adopt a new redistricting plan for Police Jury districts in DeSoto Parish that complies with the requirements of the Fourteenth Amendment by a reasonable deadline. Should Defendants either fail to timely act or fail to adopt a compliant plan consistent with the Court's order, the Court should then draw constitutionally compliant Police Jury districts.

As set forth in the accompanying memorandum in support of this motion, a preliminary injunction is appropriate for the following, non-exclusive reasons:

1. There is a substantial likelihood that Plaintiffs will succeed on the merits of their claims that Plan H (Revised) is an unconstitutional racial gerrymander in violation of the Fourteenth Amendment;

2. Plaintiffs have no adequate remedy at law other than the judicial relief sought herein, and unless Defendants are enjoined from using Plan H (Revised), Plaintiffs will be irreparably injured by being subjected to its unconstitutional racial classification;

3. The harm Plaintiffs would suffer as a result of the denial of the injunction far outweighs the harm, if any, Defendants would suffer if the injunction is granted; and

4. Granting the injunction will serve the public interest.

WHEREFORE, Plaintiffs pray that this Court grant the instant motion and issue all process necessary and appropriate to:

- (1) prohibit Defendants from calling, holding, supervising, or certifying any elections under Plan H (Revised);
- (2) order Defendants to enact or adopt a new redistricting plan for Police Jury districts that complies with the Fourteenth Amendment by a reasonable deadline; and
- (3) grant such further and other relief as this Court deems just and proper.

Dated: May 25, 2023

RESPECTFULLY SUBMITTED:

/s/ Reid A. Jones

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*Motion for admission *pro hac vice* forthcoming

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon counsel for Defendants by electronic mail as follows:

Hon. Charles A. Adams
District Attorney in and for DeSoto Parish, Louisiana
cadams@desotoda.com

and by United States mail, first class, postage prepaid, to:

DeSoto Parish Police Jury
101 Franklin Street
Mansfield, LA 71052

This 25th day of May, 2023, in Shreveport, Louisiana.

/s/ Reid A. Jones

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VERSUS

JUDGE DAVID C. JOSEPH

DESOTO PARISH, ET AL.

MAGISTRATE JUDGE HORNSBY

[PROPOSED] PRELIMINARY INJUNCTION

Upon consideration of the Amended Motion for Preliminary Injunction filed by Plaintiffs, David B. Means, Ryan Dupree, Robert G. Burford, Robert Gross, Mary L. Salley, Martha Trisler, John F. Pearce, Joe Cobb, Jack L. Buford, Jack E. Barron, W. Bruce Garlington, Donald Barber, Billy Dwayne Brumley, and Sherry Brumley (collectively “Plaintiffs”) in accordance with Rule 65(a) of the Federal Rules of Civil Procedure, the Court concludes that the Motion should be granted. The Court finds that: (1) Plaintiffs have demonstrated that they will likely succeed on the merits of their claim that redistricting Plan H (Revised), adopted by DeSoto Parish and the DeSoto Parish Police Jury (collectively “Defendants”), is an unconstitutional racial gerrymander in violation of the Fourteenth Amendment; (2) Plaintiffs will likely suffer irreparable harm absent injunctive relief; and (3) and the balance of hardships and the public interest favor granting a preliminary injunction.

IT IS THEREFORE HEREBY ORDERED THAT:

- (1) Defendants, or anyone acting on Defendants’ behalf, are prohibited from calling, holding, supervising, or certifying any elections under the redistricting plan known as “Plan H (Revised)”;
- (2) Defendants are ordered to adopt a new redistricting plan for Police Jury districts in DeSoto Parish, on or before _____, that complies with the requirements of the Fourteenth Amendment;

- (3) Plaintiffs are not required to post security because the Court finds that Defendants will suffer no financial harm during the pendency of the preliminary injunction; and
- (4) This order shall remain in effect pending the entry of the Court's final judgment in this action, unless terminated earlier by order of this Court.

THUS DONE AND SIGNED this _____ day of _____, 2023, in
Shreveport, Louisiana.

JUDGE DAVID C. JOSEPH
WESTERN DISTRICT OF LOUISIANA