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## VIA ECF

Patricia S. Connor  
Clerk of Court  
U.S. Court of Appeals for the Fourth Circuit  
1100 East Main Street, Suite 501  
Richmond, Virginia 23219

*Re: Holloway et al. v. City of Virginia Beach et al. (21-1533)*

Dear Clerk of Court:

This letter addresses developments occurring since briefing closed on Plaintiffs-Appellees' motion to hold the appeal in abeyance. *See* Dkt. 11, 22, 25.

First, a member of the City Council, Jessica Abbott, announced her immediate resignation on July 2, 2021. This vacancy triggers the City's obligation to conduct a special election in November 2021. The City is now being irreparably harmed by the injunction, which forbids that election. Because of this development, the City is moving to stay the injunction pending appeal and expects to renew that motion in this Court if necessary. For the same reasons, Plaintiffs' position that holding this appeal in abeyance would not harm the City (*see, e.g.*, Dkt. 11 at 9) no longer has any conceivable merit (if it ever did, *see* Dkt. 22 at 17-18).

Second, the parties' remedial-stage briefing in the district court has achieved a consensus that the earliest the remedial-stage proceedings could conclude would be "early November." Dist. Ct. Dkt. 258 at 8 (Plaintiffs' assertion). Although there is some disagreement about whether that is too optimistic, it is undisputed that final remedial plans cannot be in place until after census results are released in mid-August. *See id.* at 7-8. The district court has not adopted any remedial time-line, but rather has represented that it will hire a special master and "schedule any remedial briefings or argument as the Court deems necessary." Dist. Ct. Dkt. 259. Plaintiffs' repeated references to "two weeks" as the relevant time frame for consideration (Dkt. 25-1 at 1, 7) has proven a mirage. The accurate time, at a minimum, is what the City represented, "four or five months" (Dkt. 22 at 15).

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Finally, the abeyance motion remains pending more than one month after it was filed. These timelines confirm the City's fears that indefinite abeyance will delay a final ruling from this Court until after the November 2022 election mechanisms have begun to turn, and possibly until after that turning—or the election itself—has concluded. Plaintiffs' promises to the contrary (Dkt. 25-1 at 1) are empty. Their motion should be denied, and this case should be expedited.

Sincerely,

/s/ Katherine L. McKnight

Katherine L. McKnight

Partner