IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

DYAMONE WHITE; DERRICK SIMMONS; TY PINKINS; CONSTANCE OLIVIA SLAUGHTER HARVEY-BURWELL,

Plaintiffs,

vs.

STATE BOARD OF ELECTION COMMISSIONERS; TATE REEVES, *in his official capacity as Governor of Mississippi*; LYNN FITCH, *in her official capacity as Attorney General of Mississippi*; MICHAEL WATSON, *in his official capacity as Secretary of State of Mississippi,*

Defendants,

CIVIL ACTION NO. 4:22-cv-62-SA-JMV

JOINT PRETRIAL ORDER

1. Choose [by a ✔ mark] one of the following paragraphs, as is appropriate to the action:

A pretrial conference was held as follows:

Date: June 25, 2024 Time: 10:00 A.M. CST

United States Courthouse at:
305 Main Street, Greenville, MS 38701

before the following judicial officers: Magistrate Judge Jane Virden.

2. The following counsel appeared in person or telephonically:

a. For the Plaintiffs:

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b. For the Defendants:

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3. The pleadings are amended to conform to this pretrial order.

The parties are in agreement.

4. The following claims (including claims stated in the complaint, counterclaims, crossclaims, third-party claims, etc.) have been filed:

Plaintiffs challenge Mississippi's redistricting plan for the State Supreme Court, which has been unchanged since its enactment in 1987.

The Complaint, as amended, alleges one cause of action, that the configuration of current state Supreme Court districts dilute the voting strength of Black Mississippians in violation of Section 2 of the Voting Rights Act ("VRA"), 52 U.S.C. § 10301. ECF No. 133, Am Compl. ¶¶ 121–25.

Plaintiffs seek declaratory relief that the 1987 plan violates Section 2 of the VRA, and injunctive relief to enjoin Defendants from conducting future elections using the challenged districts from the 1987 plan and ordering the implementation of new district lines that comply with Section 2 of the VRA and other applicable laws. Plaintiffs also request attorneys' fees and costs.

No counterclaims, third-party claims, or crossclaims have been filed.

5. The basis for this court's jurisdiction is:

This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343, and 1357 because the matters in controversy arise under the Constitution and laws of the United States, as well as under 52 U.S.C. §§ 10301 and 10310, and 42 U.S.C. §§ 1983 and 1988. Additionally, Plaintiffs' action for declaratory and injunctive relief is authorized by 28 U.S.C. §§ 2201 and 2202, and Rules 57 and 65 of the Federal Rules of Civil Procedure.

6. The following jurisdictional question remains:

Defendants acknowledge that the Fifth Circuit has held that private parties may sue to enforce the Voting Rights Act and that they are unaware of any court that has held the private-right-of-action issue to be jurisdictional. However, purely for the purpose of preserving the issue for possible United States Supreme Court review, Defendants contend that the Voting Rights Act does not contain a private cause of action to enforce Section 2, 52 U.S.C. § 10301, that a Section 2 claim may not be asserted under 42 U.S.C. § 1983, and that these right-of-action issues are jurisdictional in nature.

7. The following motions remain pending:

a) Plaintiffs:

1. Motion to exclude in part the proposed expert testimony of Dr. David Swanson. ECF No. 164.

2. Objections to order to pay certain fees to Defendants. ECF No. 178.

b) Defendants:

None.

8. The parties accept the following concise summaries of the ultimate facts as claimed by:

a. Plaintiffs:

Plaintiffs challenge Mississippi's districting plan for electing justices to the Mississippi Supreme Court. The enacted plan, which has been in effect since 1987 without any changes notwithstanding demographic shifts in the State, unlawfully dilutes the voting strength of Black Mississippians in certain areas of the State, including the Mississippi Delta region, in violation of Section 2 of the Voting Rights Act (VRA), 52 U.S.C. § 10301.

Mississippi is divided into three Supreme Court districts, none of which is a Black-majority district by U.S. Census voting age population. The challenged lines do not afford Black Mississippians an equal opportunity to elect their candidate of choice to the Mississippi Supreme Court due to persistent patterns of racially polarized voting, which typically result in the defeat of Black-preferred candidates due to bloc-voting by White voters. Plaintiffs claim that the Supreme Court plan can and should include one reasonably-configured Black-majority district where Black voters will have the opportunity to elect candidates of choice to the State Supreme Court. *See* 52 U.S.C. § 10301(b); *Thornburg v. Gingles,* 478 U.S. 30, 50–51 (1986).

Consistent with the legal framework for vote dilution as set forth in *Gingles* and reaffirmed by the Supreme Court in *Allen v. Milligan*, 599 U.S. 1 (2023), the ultimate facts claimed by Plaintiffs with respect to the Section 2 claims include the following:

- *Gingles* 1: As demonstrated by illustrative plans drawn by expert map-drawer William Cooper among other evidence, it is possible to draw a Black-majority Supreme Court District 1 that is reasonably configured and consistent with traditional districting principles, such as compactness, not splitting political boundaries, and respecting communities of interest. Mr. Cooper will present multiple plans that include a reasonably-configured District 1 with a Black voting-age percentage over 50%, with no splits of any counties or precincts, and without fracturing the Mississippi Delta region, an important community of interest.

- *Gingles* 2: As demonstrated by the expert analysis of political scientist Dr. Byron D'Andra Orey, among other evidence, the voting patterns in Mississippi and Supreme Court District 1 show high levels of racially-polarized voting, such that Black voters vote cohesively for a preferred candidate and White voters vote cohesively against Black voters' preferred candidate, especially in biracial elections (*i.e.*, in elections where a Black candidate is opposed by a White candidate).

- *Gingles* 3: As demonstrated by the expert analysis of political scientist Dr. Orey, among other evidence, the high level of racially polarized voting in Supreme Court District 1 typically results in the defeat of Black-preferred Supreme Court candidates in contested elections. Most salient, Judge Latrice Westbrooks, a Black appellate judge strongly preferred by Black voters, was defeated in 2020 due to 90+% White bloc voting against her.

- *Totality of the Circumstances:* Only in "the very unusual case" will Plaintiffs be able to demonstrate the three *Gingles* preconditions (and thereby show the dilution-by-submergence dynamic that is the hallmark of a *Gingles* claim) and yet fail to establish a Section 2 violation on the totality of the circumstances. *Teague v. Attala Cnty., Miss.*, 92 F.3d 283, 293 (5th Cir. 1996) (quoting *Clark v. Calhoun County*, 21 F.3d 92, 97 (5th Cir. 1994)).

  Considering the totality of the circumstances, the challenged district lines in the 1987 plan deny Black Mississippians an equal opportunity to elect candidates of choice to the Mississippi Supreme Court. *See* 52 U.S.C. § 10301(b). While Plaintiffs are not required to prove any of the "Senate Factors" in particular, these factors almost uniformly support a finding of liability.

  - *Senate Factor 1*: As demonstrated by the analyses of historian Dr. James T. Campbell and political scientist Dr. Marvin King among other evidence, Mississippi has an extensive history of voting-related discrimination, from at least 1890 to the present.

  - *Senate Factor 2*: As demonstrated by the analysis of Dr. Orey among other evidence, voting in Mississippi remains extremely polarized along racial lines. And this polarization reflects a racial divide, not merely a partisan one. For example, Dr. Orey's analysis demonstrates evidence of polarization even in contests where partisan affiliation cannot explain differences in White and Black support (Supreme Court elections are themselves non-partisan). Moreover, Dr. Campbell's and Dr. King's analyses, among other evidence, demonstrate how the racial divide between voters predates the current alignment of the political parties, and how attitudes towards civil rights and racial equality significantly

contribute to that alignment.

- *Senate Factor 3*: As demonstrated by the analyses of Dr. Campbell and Dr. King, among other evidence, electoral mechanisms that enhance the opportunity for discrimination have been and continue to be used in Mississippi, including in the areas relevant to this case. Among others, those mechanisms include at-large voting, felon disenfranchisement, and restrictions on early voting and absentee voting.

- *Senate Factor 4*: Supreme Court justices in Mississippi, including in District 1 in particular, are frequently appointed by the Governor, such that they first run for election with the advantage of incumbency. This feature of Supreme Court elections in Mississippi operates as a form of candidate slating and further disadvantages Black candidates.

- *Senate Factor 5*: As demonstrated by the analyses of Dr. Traci Burch and Dr. King, among other evidence, there are persistent disparities between Black and White Mississippians in education, health, employment, and other areas bearing on their ability to participate in politics. Black Mississippians are significantly worse off than White Mississippians across a wide variety of socioeconomic metrics. And consistent with the political science literature, Black voters in fact do participate at lower rates than White voters, according to multiple analyses, and the observed socioeconomic disparities explain that gap in turnout.

- *Senate Factor 6*: As demonstrated by the analysis of Dr. King among other evidence, political campaigns in Mississippi, both historically and in the present, continue to include implicit and explicit appeals to race. These appeals have characterized some of the most prominent campaigns in Mississippi in recent years. Candidates' use of racial appeals continues to reinforce the racial polarization of the political parties.

- *Senate Factor 7*: As demonstrated by the analysis of Dr. King, among other evidence, Black candidates in Mississippi face substantial barriers to political office outside of majority-Black districts. Despite being the State with the highest Black population in the country, Mississippi has not elected a Black candidate to statewide office since the 1870s, no more than one of the nine justices on the Mississippi Supreme Court has been Black at any given point in the State's history, and each of the four Black justices in the State's history was initially appointed by the governor to the same District 1, Place 2 seat.

- *Senate Factor 8*: As demonstrated by the analysis of Dr. Burch and Dr. King, among other evidence, there is a history of a lack of responsiveness on the part of Mississippi's elected officials to the needs of Black Mississippians, including particularly in the Delta region where the additional majority-Black district could be drawn. The lack of responsiveness can be seen in severe racial disparities in education, healthcare, and income, which are the product of state policies, such as the refusal to expand Medicaid and to take action to end de facto racial segregation of Mississippi schools or to adequately fund schools attended by minority students.

- *Senate Factor 9*: As demonstrated by the analysis of Dr. King, among other evidence, the enacted plan is supported by tenuous justifications. The claimed justification for the 1987 plan was population equality, yet no redrawing has occurred in the decades since despite major changes in Mississippi's population, as shown in the Census results from 1990, 2000, 2010, and 2020. Indeed, the population deviation range for the 1987 plan is now greater than 10%, which is presumptively inconsistent with the constitutional "one person, one vote" population equality requirement. Nevertheless, Mississippi has maintained the challenged district lines.

b. Defendants:

Plaintiffs claim to have been injured by the boundaries of Mississippi's Supreme Court Central District (District 1 or the "Central District"), and nothing else. Because they assert only that those boundaries violate § 2 of the Voting Rights Act, they must prove that those boundaries cause the political processes leading to election in the Central District not to be equally open to participation by black voters in that those voters have less opportunity than other members of the electorate to participate in the political process and to elect Justices of their choice.

The remedy Plaintiffs seek in Paragraph 5 of their Amended Complaint, ECF No. 133, is that the boundaries of the Central District "be redrawn, in a manner consistent with traditional districting principles, to have a Black voting age majority, such that Black voters have an opportunity to elect candidates of choice."

Plaintiffs acknowledge that the borders of the Central District were held not to violate § 2 in 1992 in a decision affirmed by the Fifth Circuit. *Magnolia Bar Ass'n v. Lee*, 793 F. Supp. 1386 (S.D. Miss. 1992), *aff'd*, 994 F.2d 1143 (5th Cir. 1993), *cert. denied*, 510 U.S. 994 (1993). Plaintiffs do not allege that decision to have been erroneous. Instead, they contend in Paragraph 48 of their Amended Complaint that, "at that time, it was not possible to draw any one of the three districts as a majority-Black voting age population district, as

required under *Gingles*." They further assert in Paragraph 49 that "the history of elections in District 1 in the decades since the *Magnolia Bar Association* decision demonstrates a clear pattern of white bloc voting against Black candidates."

Whether or not it was possible to create a majority-black voting district in 1992, it is possible now, because one already exists. Only citizens are entitled to vote, and 51% of the voting age citizenry in the Central District is black. Accordingly, Plaintiffs already have the relief they seek in Paragraph 5 of their Amended Complaint.

As for election results since 1992, the boundaries do not enable white bloc voting usually to defeat black-preferred candidates as *Thornburg v. Gingles* requires. Since 1992, Justices Banks, Graves, and King have repeatedly won elections to the Mississippi Court. Justice James W. (Jim) Kitchens, a black-preferred candidate endorsed by Representative Bennie Thompson, ousted incumbent Chief Justice Smith, who is white, in 2008, and Justice Kitchens was elected again in 2016.

Within the same Central District boundaries, Commissioner Willie Lee Simmons, who is black, has twice been elected to the Mississippi Transportation Commission, and Commissioner De'Keither Stamps, who is also black, won election to the Public Service Commission on November 7, 2023, defeating white incumbent Brent Bailey. Commissioner Stamps took office on January 1, 2024.

From 1992 through today, black candidates for statewide office have repeatedly won majorities within the boundaries of the Central District. The clear fact is that black-preferred candidates to the Supreme Court and other offices usually win majority support in the Central District.

Plaintiffs' Amended Complaint does not allege that black voters do not in fact participate equally in the political process, but Plaintiffs rely on one survey to suggest that the percentage of blacks voting in the 2020 general election was less than the percentage of whites. But three other surveys show that black participation exceeded white participation in that election. In 1999, District Judge Tom Lee found that black and white political participation had reached parity in Mississippi. *NAACP v. Fordice*, Case No. 3:92-cv-00250-TSL (July 7, 1999), *aff'd*, 252 F.3d 361 (5th Cir. 2001). One survey of one election does not prove Judge Lee wrong.

In *Magnolia Bar*, 793 F. Supp. at 1417, Judge Barbour found the east-west configurations of the three Supreme Court Districts to be supported by the need to diversify the population in each district. Unlike state legislators, the Justices are supposed to interpret the law instead of advancing the interests of particular segments of the population. For almost 200 years, Mississippi has drawn its Supreme Court Districts to balance the population along the Mississippi River against the population on the eastern side of the State. The east-west division makes it impossible for any particular group of voters to obtain excessive influence over any one Justice.

Although judicial elections have been held on a nonpartisan basis since 1991, voters are generally familiar with the partisan affiliation of Supreme Court candidates. Election returns demonstrate that voters cast their ballot with closer correlation to partisanship than to race.

9. **a.** The following facts are established by the pleadings, by stipulation, or by admission:

See Appendix A, "Joint Stipulated Facts for Trial."

b. The contested issues of fact are as follows:

1. Whether Mississippi's Supreme Court district lines violate Section 2 of the Voting Rights Act of 1965 by diluting the voting strength of Black voters in Mississippi, including in the Mississippi Delta region, in that Black voters have less opportunity than White voters to participate in the political process and to elect Supreme Court Justices of their choice to the Mississippi Supreme Court.

Defendants suggest the following are additional contested issues of fact. Plaintiffs do not agree that these are contested issues of fact in this case.

2. Whether, under the circumstances existing through 1992 in Mississippi's Supreme Court Central District, the political processes leading to election were equally open to participation by black citizens in that black citizens had an opportunity equal to other members of the electorate to participate in the political process and to elect Supreme Court Justices of their choice.

3. Whether, under the circumstances existing through 1999 in Mississippi's Supreme Court Central District, the political processes leading to nomination or election were equally open to participation by black citizens in that black citizens had an opportunity equal to other members of the electorate to participate in the political process and to elect representatives of their choice.

c. The contested issues of law are as follows:

1. For purposes of preserving Defendants' right of review before the Supreme Court, does the Voting Rights Act contain a private cause of action to enforce Section 2, 52 U.S.C. § 10301, or may a Section 2 claim be asserted under 42 U.S.C. § 1983?

2. Is the issue set forth immediately above waived because it was not raised by written motion pursuant to L.R. 7(b)(2)(A)?

3. For purposes of preserving Defendants' right of review before the Supreme Court, does a federal court of equity have authority to draw and to impose a plan for judicial election districts?

4. Is the issue set forth immediately above irrelevant to whether a federal court may make a liability determination in a Section 2 Voting Rights Act case, which is the issue for trial?

5. To what extent, if any, does *Gingles* apply to the boundaries of judicial election districts?

6. Is the issue set forth immediately above resolved by the holding of *Chisom v. Roemer*, 501 U.S. 380, 384 (1991) that the *Gingles* test applies to "state judicial elections"?

7. Whether Plaintiffs can establish the third prerequisite, "that the white majority votes sufficiently as a bloc to enable it … usually to defeat the minority's preferred candidate," *Thornburg v. Gingles*, 478 U.S. 30, 56 (1986), in a district where no white majority exists.

8. Where blacks in an election district constitute a majority of eligible voters, taking into account both age and citizenship, can the boundaries of that district violate Section 2 of the Voting Rights Act, absent special circumstances rendering that majority illusory? *Salas v. Southwest Tex. Jr. Coll. Dist.,* 964 F.2d 1542, 1555-56 (5th Cir. 1992).

9. Whether the *Salas* case noted in the issue set forth immediately above is inapposite because it involved a challenged district where minority voters formed a majority of *registered* voters, not merely a majority of eligible voters, and also in any case because it did not hold that any "special circumstances" are required to prove vote dilution where the challenged district is already majority-minority and instead affirmed that the *Gingles* standard applies in such instances. 964 F.2d 1542, 1547 (5th Cir. 1992).

10. Does any illustrative plan offered by Plaintiffs group together geographically dispersed black voters into districts that, as Defendants contend, are so unusually shaped that they are unreasonable for purposes of the first *Gingles* precondition? (Mixed)

11. In adopting Section 2, did and could Congress constitutionally authorize a District Court to determine whether a judicial election district dilutes the voting strength of black Mississippians?

12. May the challenged districting statute be compared to some undiluted districting plan and if so, what is the undiluted plan to which the challenged plan may be compared?

13. Does history constitute scientific, technical, or other specialized knowledge which may be the subject of expert testimony under Fed. R. Evid. 702?

14. Is the issue set forth immediately above waived for failure to make a timely *Daubert* motion challenging the expert status of Plaintiffs' expert historian?

15. Does legislative map-drawing constitute scientific, technical, or other specialized knowledge which may be the proper subject of expert testimony under Fed. R. Evid. 702?

16. Is the issue set forth immediately above waived for failure to make a timely *Daubert* motion challenging the expert status of Plaintiffs' expert map drawer?

17. May evidence of socioeconomic disparities between blacks and whites be admitted and considered in the absence of proof by a preponderance of the evidence that the level of black participation in politics in a challenged district is depressed?

18. In Mississippi's Supreme Court Central District, do the challenged boundaries cause the political processes leading to election to the Supreme Court not to be equally open to participation by black citizens in that black citizens have less opportunity than other members of the electorate to participate in the political process and to elect Justices of their choice? (Mixed)

19. In Mississippi's Supreme Court Central District, is the lack of equal opportunity, if any, under § 2(b) for black voters "on account of race or color," as § 2(a) requires, or on account of the partisan preferences of the electorate? (Mixed)

10. The following is a list and brief description of all exhibits (except exhibits to be used for impeachment purposes only) to be offered in evidence by the parties. Each exhibit has been marked for identification and examined by counsel.

For exhibits that constitute large data files or data sets (for example, block equivalency files for districting plans) or native video or audio, the exhibits may be provided to the Court in a machine-readable format (such as a thumb drive) with a slip sheet page. All such exhibits will be copied onto and indexed on a single thumb drive. All files on the thumb drive will be given the same identification number and name that appears on the exhibit list.

b. To be offered by the Plaintiff:

See Appendix B, "Plaintiffs' Exhibit List," which includes any objections (such as authenticity or admissibility) and grounds for them as noted.

c. To be offered by the Defendant:

See Appendix C, "Defendants' Exhibit List," which includes any objections (such as authenticity or admissibility) and grounds for them as noted.

11. The following is a list and brief description of charts, graphs, models, schematic diagrams, and similar objects which will be used in opening statements or closing arguments, but which will not be offered in evidence:

The parties may use PowerPoint presentations and/or posterboards in opening statements and closing arguments to summarize the evidence and arguments before the Court.

12. The following is a list of witnesses Plaintiff anticipates calling at trial (excluding witnesses to be used solely for rebuttal or impeachment). All listed witnesses must be present to testify when called by a party unless specific arrangements have been made with the trial judge before commencement of trial. The listing of a WILL CALL witness constitutes a professional representation, upon which opposing counsel may rely, that the witness will be present at trial, absent reasonable written notice to counsel to the contrary.

Will testify live:

See Appendix D, Plaintiffs' Witness List.

Will testify by deposition:

Plaintiffs will designate portions of the following witnesses' depositions for inclusion in the trial record:

Ted Booth

Counsel **must** confer, no later than twenty-one days before the commencement of trial, to resolve **all** controversies concerning **all** depositions (electronically recorded or otherwise). All controversies not resolved by the parties **must** be submitted to the trial judge not later than fourteen days before trial. All objections not submitted within that time are waived.

13. The following is a list of witnesses Defendant anticipates calling at trial (excluding witnesses to be used solely for rebuttal or impeachment). All listed witnesses must be present to testify when called by a party unless specific arrangements have been made with the trial judge before commencement of trial. The listing of a WILL CALL witness constitutes a professional representation, upon which opposing

counsel may rely, that the witness will be present at trial, absent reasonable written notice to counsel to the contrary.

Will testify live:

See Appendix E, Defendants' Witness List.

Will testify by deposition:

None.

Counsel **must** confer, no later than twenty-one days before the commencement of trial, to resolve **all** controversies concerning **all** depositions (electronically recorded or otherwise). All controversies not resolved by the parties **must** be submitted to the trial judge not later than fourteen days before trial. All objections not submitted within that time are waived.

14. This _____ is ___✔___ is not a jury case.

15. Counsel suggests the following additional matters to aid in the disposition of this civil action:

Due to scheduling conflicts, one of Plaintiffs' expert witnesses will need to be taken out of order, after Defendants begin the presentation of their case. The parties have agreed to confer and present a joint plan to the Court in order to ensure that the trial is concluded with all testimony and closing arguments complete by August 16, 2024.

The parties have agreed that they may use PowerPoint presentations during the direct testimony of their expert witnesses, which will contain images and summary information from their reports/testimony. For demonstrative purposes, either party may also use courtroom technology to project any portion of any document, photograph, or other thing admitted into evidence or utilized for impeachment, subject to any other objections that may apply.

The parties agree that the final form of any such presentations and demonstrative images will be provided to opposing counsel by 7 pm on the day before such presentation or demonstrative images will be used in court.

The parties agree that if any other objects are to be used by any party, such objects will be submitted to opposing counsel at least three business days before trial. If there is then any objection to use of the objects, the dispute will be submitted to the court at least one business day before trial.

16. Counsel estimates the length of the trial will be 10 days.

17. As stated in paragraph 1, this pretrial order has been formulated (a) at a pretrial conference before a judicial officer, notice of which was duly served on all parties, and at which the parties attended as stated above, or (b) the final pretrial conference having been dispensed with by the judicial officer, as a result of conferences between the parties. Reasonable opportunity has been afforded for corrections or additions prior to signing. This order will control the course of the trial, as provided by Rule 16, Federal Rules of Civil Procedure, and it may not be amended except by consent of the parties and the court, or by order of the court to prevent manifest injustice.

ORDERED, this the 2nd day of August, 2024.

Sharion Aycock
UNITED STATES DISTRICT JUDGE

Entry of the preceding Pretrial Order is recommended by me on this, the 17th day of July, 2024.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE

APPENDIX A: JOINT STIPULATED FACTS FOR TRIAL

I. PARTIES

1. Plaintiff DYAMONE WHITE is a citizen of the United States and the State of Mississippi. Ms. White lives in Edwards, Mississippi in Hinds County, which is in Supreme Court District 1. She is over the age of 18 and has been registered to vote in Edwards for 11 years. She votes regularly. Ms. White identifies as Black.

2. Plaintiff DERRICK SIMMONS is a citizen of the United States and the State of Mississippi. Senator Simmons represents Mississippi State Senate District 12, consisting of all or part of Bolivar, Coahoma, and Washington Counties. Bolivar and Washington Counties are in Supreme Court District 1, and Coahoma County is in Supreme Court District 3. Senator Simmons was born and raised in Greenville, in Washington County, where he currently lives and is registered to vote. He is over the age of 18 and votes regularly. Senator Simmons identifies as Black.

3. Plaintiff TY PINKINS is a citizen of the United States and the State of Mississippi. He currently lives in and is registered to vote in Vicksburg, in Warren County, Mississippi, which is in Supreme Court District 1. Mr. Pinkins is over the age of 18 and votes regularly. Mr. Pinkins identifies as Black.

4. Plaintiff CONSTANCE OLIVIA SLAUGHTER HARVEY-BURWELL is a citizen of the United States and the State of Mississippi. Ms. Burwell is originally from Forest, Mississippi, which is in Supreme Court District 1, and currently resides in and is registered to vote in Jackson, which is also in District 1. She is over the age of 18 and votes regularly. Ms. Harvey-Burwell identifies as Black.

5. Defendant THE STATE BOARD OF ELECTION COMMISSIONERS ("SBEC") is composed of the Governor, the Attorney General, and the Secretary of State. Its respective duties are set forth in Mississippi Code Annotated § 23-15-211 (Rev. 2018).

6. Defendant TATE REEVES is the Governor of the State of Mississippi and is a member of the State Board of Election Commissioners ("SBEC") pursuant to Miss. Code Ann. § 23-15-211 (Rev. 2018).

7. Defendant LYNN FITCH is the Attorney General of the State of Mississippi and is a member of the SBEC pursuant to Miss. Code Ann. § 23-15-211 (Rev. 2018).

8. Defendant MICHAEL WATSON is the Secretary of State of the State of Mississippi and a member of the SBEC pursuant to Miss. Code Ann. § 23-15-211 (Rev. 2018).

II. TERMINOLOGY

9. "Illustrative" plans refer to the redistricting plans for Mississippi Supreme Court districts drawn by William Cooper and set forth in his October 3, 2022 Report.

10. "Any-Part Black" refers to a person who checks the box for "Black" as their race on the U.S. Census form, either alone or in combination with any other race.

11. "Majority-Black Districts" or "Black-Majority Districts" refers to electoral districts in which Any-Part Black voters constitute more than 50% of the voting-age population.

12. "VAP" is voting age population, *i.e.*, the population over the age of 18.

13. "BVAP" is Any-Part Black voting age population.

14. "CVAP" is citizenship voting age population as that term is used by the U.S. Census.

15. "CES" refers to the Cooperative Elections Study, a 50,000+ person national stratified sample survey administered by YouGov.

16. "CPS" refers to the Current Population Survey, a survey administered jointly by the U.S. Census Bureau and the U.S. Bureau of Labor Statistics (BLS) that is the primary source of labor force statistics for the population of the United States. In all even numbered years this survey includes a "Voting Supplement."

17. "ACS" refers to the American Community Survey, an annual demographics survey program conducted by the U.S. Census Bureau. Data is reported by the Census Bureau in 1-year and 5-year estimates.

18. "RPV" refers to racially polarized voting, or differential voting patterns across racial groups.

19. "EI" refers to ecological inference, a statistical method used to estimate individual behavior from aggregate data.

20. "Statewide Office" refers to the officials elected on a statewide basis. These officials include the Governor, Lieutenant Governor, Secretary of State, Attorney General, Auditor, Treasurer, Commissioner of Insurance, and Commissioner of Agriculture and Commerce.

III. FACTS CONCERNING THE MISSISSIPPI SUPREME COURT

21. The Mississippi Constitution provides for the existence of three Supreme Court districts from which justices are to be elected, with three justices elected from each district.

22. The Supreme Court seats for each district are denominated as "Places" (e.g., "District 1, Place 1").

23. Mississippi Supreme Court justices are elected. Elections for each position are held on an at-large, districtwide basis.

24. Mississippi Supreme Court justices are elected to eight-year terms. Those terms are staggered.

25. Since 1994, Mississippi Supreme Court justices have been elected in non-partisan elections without any party primary. Prior to the adoption of non-partisan judicial elections by the Mississippi Legislature, Supreme Court justices were elected in partisan elections with a party primary.

26. Vacancies on the Supreme Court, including those caused by resignation, are filled by the Governor.

27. The following current Supreme Court justices were initially appointed by the Governor to fill the unexpired term of a resigning member of the Court:

a. Justice Kenny Griffis (appointed by Gov. Phil Bryant for a term starting in 2019)

b. Justice David Ishee (appointed by Gov. Phil Bryant for a term starting in 2017)

c. Justice Dawn Beam ((appointed by Gov. Phil Bryant for a term starting in 2016)

d. Justice James Maxwell (appointed by Gov. Phil Bryant for a term starting in 2016)

e. Justice Leslie King (appointed by Gov. Haley Barbour for a term starting in 2011)

f. Chief Justice Michael Randolph (appointed by Gov. Haley Barbour for a term starting in 2004)

28. The district lines for the three Supreme Court districts are set by the Legislature. From at least 1890 until 1987, the geographic boundaries of the three Supreme Court districts did not change.

29. In 1985, Justice Reuben Anderson was appointed by Governor Bill Allain, a Democrat, to fill a vacancy in the District 1, Place 2 seat on the Mississippi Supreme Court. Justice Anderson thus became the first Black justice in the history of the court.

30. In January 1987, with the objective of correcting population malapportionment of the then-existing Supreme Court districts, the Legislature passed H.B. 552, a Supreme Court redistricting plan which shifted Attala and Winston counties out of District 1 and into District 3 and moved Claiborne, Copiah, and Jefferson counties into District 1 from District 2.

31. The U.S. Department of Justice precleared the plan in December 1987.

32. The district lines since 1987 have been as follows:

a. District 1: Bolivar, Claiborne, Copiah, Hinds, Holmes, Humphreys, Issaquena, Jefferson, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Sharkey, Sunflower, Warren, Washington, and Yazoo Counties

b. District 2: Adams, Amite, Clarke, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Pearl River, Perry, Pike, Simpson, Smith, Stone, Walthall, Wayne, and Wilkinson Counties

c. District 3: Alcorn, Attala, Benton, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, Desoto, Grenada, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Webster, Winston, and Yalobusha Counties

33. In 1986, Justice Anderson was elected in a special election, running unopposed in the general election after defeating Richard Barrett, an avowed segregationist, in the Democratic primary election.

34. In 1988, Justice Anderson was elected to a full term, running unopposed.

35. Upon Justice Anderson's resignation in 1991, Governor Ray Mabus, a Democrat, appointed Justice Fred Banks, who is Black, in the same District 1, Place 2 seat.

36. In a 1991 special election, Justice Banks, running as an incumbent, defeated his challenger, Chet Dillard. Justice Banks ran as a Democrat, and Dillard ran as a Republican. Banks won 118,122 votes, or approximately 51 percent of the total vote, compared to 111,949 votes for Dillard. Banks received approximately 30 percent of the white vote, combined with nearly unanimous black support. Based in part on these results, the Court in *Magnolia Bar v. Lee*, 793 Supp. 1386, 1407 (S.D. Miss. 1992), concluded in 1992 that "whites will not necessarily vote as a bloc for white candidates having black opponents in Mississippi Supreme Court elections so as to 'usually defeat the minority's preferred candidate.'"

37. Justice Banks later won reelection in 1996 in a non-partisan contest.

38. Upon Justice Banks' resignation in 2001, Governor Ronnie Musgrove, a Democrat, appointed Justice James Graves, who is Black, to the same District 1, Place 2 seat.

39. Running as an incumbent, Justice Graves won a contested election in 2004, prevailing in a runoff.

40. Upon Justice Graves' resignation in 2011, Governor Haley Barbour, a Republican, appointed Justice Leslie King, who is Black, to the same District 1, Place 2 seat. Justice King was subsequently elected to a full term in 2012 and re-elected in 2020, both times without opposition.

41. The Mississippi Supreme Court has had only four Black justices in its history: Justices Anderson, Banks, Graves, and King.

42. No Black candidate for the Mississippi Supreme Court has ever won election without first being appointed to the Court by the Governor.

43. The Supreme Court district lines have not changed since 1987.

44. According to the 2016-2020 5-year American Community Survey, the estimated Black CVAP of the Supreme Court districts is: District 1, 51.1%; District 2, 27.9%; District 3, 33.3%.

45. According to the 2020 U.S. Census count, the BVAP of the Supreme Court districts is: District 1, 49.29%; District 2, 27.66%; District 3, 32.65%.

APPENDIX B: PLAINTIFFS' EXHIBIT LIST

Ex. No.	Document Description	*Defendants' Objections*
PX-1	Oct. 3, 2022 Report of William S. Cooper	Hearsay, FRE 802; Cumulative evidence, FRE 403
PX-2	Figures 1 through 18 from the Oct. 3 Report of William S. Cooper, compiled	
PX-3	Exhibits A through M-2 to the Oct. 3 Report of William S. Cooper, compiled	
PX-4	Miss. Assoc. of Planning and Dev. Districts, "2022 Directory," http://mspdds.org/directory/	
PX-5	2015-2019 American Community Survey data for Mississippi counties as compiled by William S. Cooper, http://www.fairdata2000.com/ACS_2015_19/Mississippi/.	
PX-6	Feb. 4, 2023 Rebuttal Report of William S. Cooper	Hearsay, FRE 802; Cumulative evidence, FRE 403
PX-7	Figures 1 through 4 from the Feb. 4, 2023 Rebuttal Report of William S. Cooper, compiled	
PX-8	Exhibits A-1 through A-3 from the Feb. 4, 2023 Rebuttal Report of William S. Cooper, compiled	
PX-9	National Conference of State Legislatures, "Redistricting criteria," https://www.ncsl.org/redistricting-and-census/redistricting-criteria	Hearsay, FRE 802; Cumulative evidence, FRE 403
PX-10	Oct. 3, 2022 Report of Dr. Byron D'Andra Orey	Hearsay, FRE 802; Cumulative evidence, FRE 403

Ex. No.	Document Description	*Defendants' Objections*
PX-11	Tables 1 through 3 from the Oct. 3, 2022 Report of Dr. Byron D'Andra Orey	
PX-12	Appendices 1 through 4 to the Oct. 3, 2022 Report of Dr. Byron D'Andra Orey	
PX-13	Feb. 6, 2023 Rebuttal Report of Dr. Byron D'Andra Orey	Hearsay, FRE 802; Cumulative evidence, FRE 403
PX-14	Table 1 from the Feb. 6, 2023 Rebuttal Report of Dr. Byron D'Andra Orey	
PX-15	Appendix 1 to the Feb. 6, 2023 Rebuttal Report of Dr. Byron D'Andra Orey	
PX-16	Apr. 8, 2024 Second Rebuttal Report of Dr. Byron D'Andra Orey	Hearsay, FRE 802; Cumulative evidence, FRE 403
PX-17	Tables 1 through 4 from the Apr. 8, 2024 Second Rebuttal Report of Dr. Byron D'Andra Orey, compiled	
PX-18	Oct. 3, 2022 Report of Dr. James T. Campbell	Relevance, FRE 402; Hearsay, FRE 802; Cumulative evidence, FRE 403
PX-19	Appendices A and B to the Oct. 3, 2022 Report of Dr. James T. Campbell (C.V. and List of Sources), compiled	
PX-20	Statement of Judge Chrisman, Jackson Clarion Ledger, September 11, 1890.	Relevance, FRE 402
PX-21	Mississippi Free Press, *Mississippi Elections Chief Warns Biden May Register 'Uninformed,' 'Woke' College Voters* (April 6, 2021), https://www.mississippifreepress.org/11009/mississippi-elections-chief-warns-biden-	Relevance, FRE 402

Ex. No.	Document Description	*Defendants' Objections*
	may-register-uninformed-woke-college-voters/.	
PX-22	Steven Palazzo, June 23, 2021, https://twitter.com/CongPalazzo/status/1407816934759018497.	Relevance, FRE 402
PX-23	"Statement of Cyril A. Walwyn, MD, Medical Adviser to Friends of the Children of Mississippi, Yazoo City, Miss.," in Hunger and Malnutrition in America : Hearings before the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare, United States Senate, Ninetieth Congress, first session on hunger and malnutrition in America, July 11 and 12, 1967 (Washington: Government Printing Office, 1967).	Relevance, FRE 402
PX-24	Washington Post, *GOP Senator: It's a 'great idea' to make it harder for 'liberal folks' to vote*, (Nov. 16, 2018), https://www.washingtonpost.com/politics/2018/11/16/cindy-hyde-smith-its-great-idea-make-it-harder-liberal-folks-vote/.	Relevance, FRE 402
PX-25	United States Census Bureau, *What Methods Did People Use to vote in the 2020 Election?*, https://www.census.gov/library/stories/2021/04/what-methods-did-people-use-to-vote-in-2020-election.html.	Relevance, FRE 402

Ex. No.	Document Description	*Defendants' Objections*
PX-26	United States Commission on Civil Rights, *Racial and Ethnic Tension in American Communities: Poverty, Inequality, and Discrimination*, available at https://www.usccr.gov/files/pubs/msdelta/ch3.htm.	Relevance, FRE 402
PX-27	United States Department of Justice Determination Letters, Submission No. T-7901 (Sept. 10, 1971), available at https://www.justice.gov/crt/records/vot/obj_letters/letters/MS/MS-1120.pdf.	Relevance, FRE 402
PX-28	United States Department of Justice, Determination Letter, Submission No. 81-1697 (March 30, 1982), available at https://www.justice.gov/crt/records/vot/obj_letters/letters/MS/MS-1560.pdf.	Relevance, FRE 402
PX-29	United States Department of Justice, Determination Letter, Submission No. 95-0418 (Sept. 22, 1997), available at https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/MS-2650.pdf.	Relevance, FRE 402
PX-30	United States Department of Justice, *Justice Department Granted Order to Ensure Students in Walthall County, Mississippi Have Equal Opportunities* (Apr. 13, 2010), available at https://www.justice.gov/opa/pr/justice-department-granted-order-ensure-students-walthall-county-mississippi-have-equal	Relevance, FRE 402

Ex. No.	Document Description	*Defendants' Objections*
PX-31	United States Department of Justice, *Justice Department Files Consent Decree to Prevent and Address Racial Discrimination in Student Discipline in Meridian, Miss.* (Mar. 22, 2013)	Relevance, FRE 402
PX-32	United States Department of Justice, *Federal Court Orders Justice Department Desegregation Plan for Cleveland, Mississippi, Schools* (May 16, 2016)	Relevance, FRE 402
PX-33	James Boyd, "Nixon's Southern Strategy: It's all in the charts," New York Times Magazine, May 17, 1970.	Relevance, FRE 402
PX-34	Walter Rugaber, "In the Delta, Poverty is a Way of Life," New York Times, July 31, 1967.	Relevance, FRE 402
PX-35	Oct. 1, 2022 Report of Dr. Traci Burch	Hearsay, FRE 802; Cumulative evidence, FRE 403
PX-36	Figures 1 through 11 from the Oct. 1, 2022 Report of Dr. Traci Burch, compiled	
PX-37	List of works cited in Oct. 1, 2022 Report of Dr. Traci Burch	
PX-38	C.V. of Dr. Traci Burch	
PX-39	Feb. 6, 2023 Rebuttal Report of Dr. Traci Burch	Hearsay, FRE 802; Cumulative evidence, FRE 403
PX-40	Figures 1 through 5 from the Feb. 6, 2023 Rebuttal Report of Dr. Traci Burch, compiled	
PX-41	Table 1 from the Feb. 6, 2023 Rebuttal Report of Dr. Traci Burch	

Ex. No.	Document Description	*Defendants' Objections*
PX-42	Appendix 1 to the Feb. 6, 2023 Rebuttal Report of Dr. Traci Burch	
PX-43	Federal Bureau of Investigation, Crime Data Explorer (Mississippi), (Sept. 13, 2022), https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/arrest (select "State," and "Mississippi" from dropdown menus)	Relevance, FRE 402
PX-44	Williams and Sprinkle (2021). *Mississippi Primary Care Needs Assessment*, Mississippi Department of Health, https://msdh.ms.gov/msdhsite/_static/resources/7357.pdf	Relevance, FRE 402
PX-45	Mississippi Department of Education (2022), *Student Group Data*, available at https://msrc.mdek12.org/studentgroups?EntityID=0000-000&SchoolYear=2020.	Relevance, FRE 402
PX-46	U.S. Dep't of Education, *2017-18 State and National Tables, Gifted and Talented Enrollment*, available at https://civilrightsdata.ed.gov/assets/downloads/2017-2018/School-Programs/Gifted-and-Talented/Gifted-Talented-Enrollment.xlsx	Relevance, FRE 402
PX-47	U.S. Dep't of Education, *2017-18 State and National Tables, Advanced Placement Total Enrollment*, available at https://civilrightsdata.ed.gov/assets/downloads/2017-2018/Course-Enrollment/Advanced-	Relevance, FRE 402

Ex. No.	Document Description	*Defendants' Objections*
	Placement-(courses)/Advanced-Placement-Enrollment.xlsx	
PX-48	Mississippi Office of State Public Defender, *Overview of Racial Disparity in the Criminal Justice System* (Sept. 2018), https://www.ospd.ms.gov/REPORTS/racial%20disparity%20update%202.pdf	Relevance, FRE 402
PX-49	Kaiser Family Foundation (2022). Status of State Medicaid Expansion Decisions: Interactive Map (Mississippi), https://www.kff.org/affordable-care-act/issue-brief/status-of-state-medicaid-expansion-decisions-interactive-map/	Relevance, FRE 402; Hearsay, FRE 802
PX-50	Left Intentionally Blank	
PX-51	Ansolabehere et al. (2021), *Guide to the 2020 Cooperative Election Study*, Harvard University, available at https://dataverse.harvard.edu/file.xhtml?fileId=5793681&version=4.0#	
PX-52	Oct. 3, 2022 Report of Dr. Marvin King	Relevance, FRE 402; Hearsay, FRE 802; Cumulative evidence, FRE 403
PX-53	Tables 1 through 9 from the Oct. 3, 2022 Report of Dr. Marvin King, compiled	No objection if qualified.
PX-54	Images 1 through 7 from the Oct. 3, 2022 Report of Dr. Marvin King, compiled	No objection if qualified.
PX-55	C.V. of Marvin P. King.	No objection if qualified.
PX-56	Citizens' Council, Racial Facts (May 1964)	Relevance, FRE 402; Hearsay, FRE 802

Ex. No.	Document Description	*Defendants' Objections*
PX-57	Video of Sen. Cindy Hyde-Smith's Remarks, The Guardian (Nov. 12, 2018), available at https://www.youtube.com/watch?v=UatRz7reKuc&ab_channel=GuardianNews	Relevance, FRE 402
PX-58	Gov. Tate Reeves, Proclamation on Confederate Heritage Month, April 8, 2022	Relevance, FRE 402
PX-59	U.S. Congress Joint Economic Committee, The Economic State of Black America in 2020	Relevance, FRE 402; Cumulative evidence, FRE 403
PX-60	Rick Perlstein, *Exclusive: Lee Atwater's Infamous 1981 Interview on the Southern Strategy*, The Nation (Nov. 13, 2012)	Relevance, FRE 402; Cumulative evidence, FRE 403
PX-61	Audio Recording of Lee Atwater Interview with Alexander Lamis, available at https://www.thenation.com/article/archive/exclusive-lee-atwaters-infamous-1981-interview-southern-strategy/	Relevance, FRE 402; Cumulative evidence, FRE 403
PX-62	Ed Mazza, *Gene Alday, Mississippi Lawmaker, Says Blacks Don't Work And Get 'Crazy Welfare Checks,'* Huffington Post (Feb. 17, 2015)	Relevance, FRE 402
PX-63	Ashton Pittman, *GOP Mailers Misleadingly Paint Espy as a Criminal*, Mississippi Free Press (Nov. 2, 2018)	Relevance, FRE 402
PX-64	Lici Beveridge, *Mississippi election commissioner's social media comment about Black voters causes uproar*, Clarion Ledger (June 30, 2020)	Relevance, FRE 402
PX-65	Ian Simpson, *Mississippi lawmaker 'sorry' he urged*	Relevance, FRE 402

Ex. No.	Document Description	*Defendants' Objections*
	lynching for statue removal, Reuters (May 22, 2017)	
PX-66	Michael Brice-Saddler, *A senator refuses to apologize for joking about 'public hanging' in a state known for lynchings*, Washington Post (Nov. 12, 2018)	Relevance, FRE 402
PX-67	Sarah Fowler, '*It's what I think' Mississippi official makes racist comments after Confederate statue vote*, Clarion Ledger (June 18, 2020)	Relevance, FRE 402
PX-68	J. L. Power, Proceedings of the Mississippi State Convention Held January 7th to 26th, A.D. 1861 (1861)	Relevance, FRE 402
PX-69	Caroline Kelly, *Photo surfaces of Cindy Hyde-Smith posing with Confederate artifacts*, CNN (Nov. 20, 2018)	Relevance, FRE 402
PX-70	National Conference of State Legislatures, *State Minimum Wages* (Apr. 12, 2024)	Relevance, FRE 402; Hearsay, FRE 802
PX-71	Association of Citizens' Councils of Mississippi, Statewide Cash Awards, Essay Contest for Mississippi High School Students (1961-1962)	Relevance, FRE 402
PX-72	The Southern Manifesto, 102 Cong. Rec. 4515-16 (1956)	Relevance, FRE 402
PX-73	Sam Hall, *Rep. Carpenter injects race into Initiative 42*, Clarion Ledger (Oct. 19, 2015)	Relevance, FRE 402
PX-74	Video of Rep. Bubba Carpenter's Remarks, Clarion Ledger, available at https://www.clarionledger.com/story/news/local/dailyledes/2015/10/18/rep-bubba-carpenter-black-judge-and-initiative-42/74196426/	Relevance, FRE 402; Cumulative evidence, FRE 403

Ex. No.	Document Description	*Defendants' Objections*
PX-75	Ashton Pittman, *Voting Rights Act Denied Mississippi Its 'Sovereignty,' AG Candidate Says*, Mississippi Free Press (Mar. 22, 2019)	Relevance, FRE 402
PX-76	Oct. 3, 2022 Report of Oliver E. Diaz, Jr.	Hearsay, FRE 802; Cumulative evidence, FRE 403; Relevance, FRE 402
PX-77	Chart and images from the October 3, 2022 Report of the Honorable Oliver E. Diaz, Jr., compiled	
PX-78	C.V. of Hon. Oliver E. Diaz	
PX-79	Geoff Pender, *Kenny Griffis claims Supreme Court opponent Latrice Westbrooks voted illegally*, Mississippi Today (October 28, 2020)	Relevance, FRE 402
PX-80	Report of Fred Banks, *Thomas v. Bryant*, 3:18-cv-00441	Relevance, FRE 402; Hearsay, FRE 802
PX-81	Jimmie E. Gates, *State high court races takes political tone*, Clarion Ledger (June 18, 2016)	Relevance, FRE 402; Hearsay, FRE 802
PX-82	Ex. 4 of Bonneau Deposition - Barreto 2022, *Estimating Candidate Support in VRA Cases: Comparing Iterative EI and EI-R x C Methods*	Hearsay, FRE 802; Cumulative evidence, FRE 403; Relevance, FRE 402
PX-83	Karen Graham, *Mississippi House bill would create white-appointed court system for Blackest city in America*, Digital Journal (Feb. 15, 2023)	Relevance, FRE 402; Hearsay, FRE 802
PX-84	Jayla Whitfield-Anderson, *Miss. bill would create another court system in part of Jackson. Critics say it disenfranchises Black voters.*, Yahoo News (Feb. 15, 2023)	Relevance, FRE 402; Hearsay, FRE 802

Ex. No.	Document Description	*Defendants' Objections*
PX-85	Christopher Bonneau, *Electoral Verdicts - Incumbent Defeats in State Supreme Court Elections*, American Politics Research, (November 6, 2008)	Relevance, FRE 402; Hearsay, FRE 802;
PX-86	Christopher Bonneau, *NC needs to stop messing with its judiciary*, The News & Observer (May 18, 2018)	Relevance, FRE 402; Hearsay, FRE 802
PX-87	Christopher Bonneau, *Does Quality Matter? Challengers in State Supreme Court Elections,* American Journal of Political Science (Jan. 2006)	Relevance, FRE 402; Hearsay, FRE 802
PX-88	Christopher Bonneau, *Predicting Challengers in State Supreme Court Elections: Context and the Politics of Institutional Design*, Political Research Quarterly, (Sep. 2003)	Relevance, FRE 402; Hearsay, FRE 802
PX-89	Christopher Bonneau, *Impartial Judges Race, Institutional Context, and U.S. State Supreme Courts* (Winter 2009)	Relevance, FRE 402; Hearsay, FRE 802
PX-90	Christopher Bonneau, *Vacancies on the Bench-Open-Seat Election for State Supreme Courts,* The Justice System Journal (2006)	Relevance, FRE 402; Hearsay, FRE 802
PX-91	Left Intentionally Blank	
PX-92	Ex. 7 to Swanson Deposition – Swanson, *Is "Being Republican" a Risk to One's Health and the Health of Others?*, Northwest Citizen (2020)	Hearsay, FRE 802
PX-93	Ex. 8 to Swanson Deposition – Swanson, *Is Hawaii a Racial Paradise?* Zocalo (2015)	Hearsay, FRE 802

Ex. No.	Document Description	*Defendants' Objections*
PX-94	Ex. 13 of Swanson Deposition – Morrison & Bryan, *Redistricting: A Manual for Analysts, Practitioners, and Citizens* (2019)	Hearsay, FRE 802
PX-95	Ex. 16 of Swanson Deposition, Azavea White Paper, *Redrawing the Map on Redistricting 2012 Addendum*	Hearsay, FRE 802
PX-96	Ex. 21 to Swanson Deposition – Jenkins et al., *Vote Overreporting While* Black, American Politics Research (2021). https://journals.sagepub.com/doi/10.1177/1532673X211022189	Hearsay, FRE 802
PX-97	Ex. 25 to Swanson Deposition – Recoded 2020 Mississippi CES Response Data	
PX-98	U.S. Census Bureau, *Increased Margins of Error in the 5-Year Estimates Containing Data Collected in 2020*, https://www.census.gov/programs-surveys/acs/technical-documentation/user-notes/2022-04.html	Relevance, FRE 402
PX-99	Voter Registration Drive Organizer Toolkit	Relevance, FRE 402; Hearsay, FRE 802
PX-100	SOS Watson Newsletter re: Primary Election Day Recap sent 9/20/2023	Relevance, FRE 402
PX-101	Press Releases and Columns—Opinion Column from SOS Watson dated October 19, 2023	Relevance, FRE 402
PX-102	Absentee Voting Information from SOS Watson website	
PX-103	Press Releases and Columns—General Election Day Recap,	Relevance, FRE 402

Ex. No.	Document Description	*Defendants' Objections*
	Nov. 8, 2023, from SOS Watson website	
PX-104	Excerpts of the Mississippi House Journal relating to H.B. 552 [Bates No. 2558-2582]	Relevance, FRE 402
PX-105	Excerpts of the Mississippi Senate Journal relating to H.B. 552 [Bates No. 2583-2602]	Relevance, FRE 402
PX-106	September 19, 1990 Memorandum of Constance Slaughter-Harvey re: *McCray* Litigation [Bates No. WHITE0002388, WHITE0002392-WHITE0002394]	Relevance, FRE 402
PX-107	February 1985 Summary Judgment Ruling in *McCray* [Bates No. WHITE0002633-WHITE0002639]	
PX-108	January 1987 Memorandum of Edwin Pittman to Legislative Leaders [Bates No. WHITE0002912-2915]	Relevance, FRE 402
PX-109	2016 House Floor Debate on H.B. 868 [Bates No. WHITE0001765]	Relevance, FRE 402
PX-110	John R. Skates, *History of the Mississippi Supreme Court* (1973) [Bates No. WHITE000247-WHITE0002554]	Relevance, FRE 402; Hearsay, FRE 802
PX-111	FRE 1008 Compiled List of MS Supreme Court Justices since 1965, including race and method of appointment	Subject to review for accuracy
PX-112	U.S. Department of Justice Civil Rights Division. "Voting Determination Letters for Mississippi." https://www.justice.gov/crt/voting-determination-letters-mississippi.	Relevance, FRE 402

Ex. No.	Document Description	*Defendants' Objections*
PX-113	Letter, Assistant U.S. Attorney General, Civil Rights Division, Thomas E. Perez to Kenneth Dreher, Esq., and David Wade, Senior Planner, December 3, 2012. https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/l_121203_0.pdf.	Relevance, FRE 402
PX-114	Left Intentionally Blank	
PX-115	U.S. Census Bureau, *Frequently Asked Questions (FAQs) About Voting and Registration*, https://www.census.gov/topics/public-sector/voting/about/faqs.html	Relevance, FRE 402
PX-116	February 26, 2016 E-mail from Ben Collins with Current Supreme Court Map and Demographics as well as the HB 868 Map and Demographics, SJLCRR 000001-000005	Relevance, FRE 402
PX-117	December 3, 2021 E-mail from Ben Collins to Sen. Simmons with the total population and BVAP for the Central Transportation District with Tallahatchie and Leflore Additions [Bates No. SJLCRR 000006-000008]	Relevance, FRE 402
PX-118	March 24, 2004 Memorandum from Joe Nosef and Paul Hurst to Governor Barbour Re: Chief Justice Pittman Replacement	Relevance, FRE 402
PX-119	September 8, 2015 List of appointees to Judicial Advisory Committee	Relevance, FRE 402

Ex. No.	Document Description	*Defendants' Objections*
PX-120	April 7, 2014 List of Resumes Received for County Judge of Bolivar County,	Relevance, FRE 402; Hearsay, FRE 802
PX-121	March 21, 2014 Letter from Rep. Derrick Simmons to Gov. Phil Bryant Recommending Aelicia Thomas for County Court Judge of Bolivar County	Relevance, FRE 402
PX-122	April 21, 2014 Letter from Hunter Nowell to Governor Phil Bryant	Relevance, FRE 402
PX-123	December 21, 2015 Memorandum to Governor Bryant about Judge Jimmy Maxwell	Relevance, FRE 402
PX-124	September 28, 2001 Memorandum to Gov. Ronnie Musgrove Re: Victor McTeer's Seeking a Supreme Court Appointment	Relevance, FRE 402; Hearsay, FRE 802
PX-125	Justice Ruben Anderson Application for Supreme Court Nomination and Supporting Letters	Relevance, FRE 402
PX-126	Justice James E. Graves, Jr. Application for Supreme Court Nomination and Supporting Letters	Relevance, FRE 402
PX-127	November 28, 2000 Letter from Constance Slaughter Harvey to Gov. Ronnie Musgrove re: Appointment of Black Judges	Relevance, FRE 402
PX-128	November 6, 2000 Letter from Jeffrey Isabell to Governor Ronnie Musgroves: re: Appointment of Felica Dunn-Burks	Relevance, FRE 402
PX-129	Certification of November 8, 2011 Vote for State District Office of Transportation Commissioner, District 1	

Ex. No.	Document Description	*Defendants' Objections*
	[Bates No. WHITE0001196-WHITE0001199]	
PX-130	Christopher Bonneau, Results for Mississippi Supreme Court Justice Elections, 2000-2020	
PX-131	December 17, 2010 Memorandum to Governor Barbour re: Appointment to Replace Judge Graves	Relevance, FRE 402
PX-132	Left Intentionally Blank	
PX-133	Charles W. Hall, *Down Dirty Judicial Races*, The Clarion Ledger (November 16, 2008) [Bates No. WHITE0002606-2607]	Relevance, FRE 402; Hearsay, FRE 802
PX-134	Sid Salter, *High Court Doesn't Look Much Like Mississippi*, The Clarion Ledger (March 11, 2005) [Bates No. WHITE00002612]	Relevance, FRE 402; Hearsay, FRE 802
PX-135	Walter L. Turner, *Who Will Replace Justice Anderson?,* Jackson Anderson (November 8, 1990) [Bates No. WHITE0002616-2619]	Relevance, FRE 402
PX-136	*Supreme Court Districts Unfair to Blacks, Suit Says*, The Clarion-Ledger (July 20, 1984) [Bates No. WHITE0002626]	Relevance, FRE 402
PX-137	*Attala in District Swap*, The Star-Herald (January 15, 1987) [Bates No. WHITE0002628]	Relevance, FRE 402
PX-138	Barbara Shoemaker, *Lawmaker Opposes Pittman's Plan to Move Attala North* (January 22, 1987) [Bates No. WHITE0002629]	Relevance, FRE 402
PX-139	*Supreme Court Redistricting Discussions Fail*, The Greenwood Commonwealth	Relevance, FRE 402

Ex. No.	Document Description	*Defendants' Objections*
	(April 2, 1987) [Bates No. WHITE0002630]	
PX-140	Tony McMullen, *Redistricting Delayed*, The Star-Herald (June 25, 1987) [Bates No. WHITE0002631]	Relevance, FRE 402
PX-141	Thomas B. Edsall, *Redistricting Will Erode Mississippi's Elite Power Base*, The Washington Post (June 27, 1991) [Bates No. WHITE0002742-2743]	Relevance, FRE 402
PX-142	Thomas B. Edsall, *Mississippi Redistricting on Hold for a Year*, The Washington Post [Bates No. WHITE0002745]	Relevance, FRE 402
PX-143	Patricia Sawyer, *Black Caucus Unveils its Plan*, The Clarion-Ledger (October 4, 2001) [Bates No. WHITE0002746]	Relevance, FRE 402; Hearsay, FRE 802
PX-144	Andy Karengiser, *Black Caucus Pans 2 Redistricting Plans*, The Clarion-Ledger (October 2, 2001) [Bates No. WHITE0002747]	Relevance, FRE 402; Hearsay, FRE 802
PX-145	Jay Eubank, *Racial Slurs Mar Work on Voting Lines*, The Clarion-Ledger (July 14, 1991) [Bates No. WHITE0002748]	Relevance, FRE 402
PX-146	2020 Judge Westbrooks Ads [Bates No. WHITE0002894-WHITE0002896]	Relevance, FRE 402
PX-147	December 1987 Letter from Stephen J. Kirchmayr to Legislators [Bates No. WHITE0002905-WHITE0002906, WHITE0002917]	Relevance, FRE 402
PX-148	Left Intentionally Blank	
PX-149	Left Intentionally Blank	

Ex. No.	Document Description	*Defendants' Objections*
PX-150	Left Intentionally Blank	
PX-151	*House Passes Bill to Revamp State Supreme Court Districts*, Jackson Daily News (February 12, 1987) [Bates No. WHITE0002984]	Relevance, FRE 402
PX-152	HB 552 Mississippi House Roll Call Vote [Bates No. WHITE0002986]	
PX-153	Teselyn M. Funches Judicial Applicant Summary Profile	Relevance, FRE 402; Hearsay, FRE 802
PX-154	Jerry Mitchell, Former Judge Accused of Racial Slurs Sanctioned, The Clarion-Ledger (October 13, 2016) [Bates No. WHITE0000554-WHITE000555]	Relevance, FRE 402
PX-155	Left Intentionally Blank	
PX-156	Left Intentionally Blank	
PX-157	Left Intentionally Blank	
PX-158	Bobby Harrison, *November Election Could Put Two Black Justices on the Supreme Court for the First Time in Mississippi History*, Mississippi Today (May 24, 2020) [Bates No. WHITE0000587-WHITE0000590]	Relevance, FRE 402
PX-159	Left Intentionally Blank	
PX-160	R.L. Nave, *Rep. Lester 'Bubba' Carpenter: 'Deeply Sorry' for Racial Comments*, Jackson Free Press (October 19, 2015) [Bates No. WHITE0000597-WHITE0000598]	Relevance, FRE 402

Ex. No.	Document Description	*Defendants' Objections*
PX-161	*Senate Approves Court District Switch*, The Clarion Ledger (March 3, 1987) [Bates No. WHITE000600]	Relevance, FRE 402
PX-162	*House Passes Bill to Change Court Districts,* Associated Press (February 25, 2016) [Bates No. WHITE000604-WHITE000605]	Relevance, FRE 402; Hearsay, FRE 802
PX-163	Robert McDuff, *The Voting Rights Act and Mississippi: 1965-2006,* Review of Law and Social Justice 475 (2008) [Bates No. WHITE0000727-WHITE0000751]	Relevance, FRE 402; Hearsay, FRE 802
PX-164	Southern Poverty Law Center, Freedom Summer, Shelby County, & Beyond: Mississippi's Continued Record of Racial Discrimination in Voting, the Tireless Mississippians Who Push Foward, & The Critical Need to Restore the Voting Rights Act, Report to the U.S. House Committee on the Judiciary, August 21, 2021 [Bates No. WHITE0000752-WHITE000845]	Relevance, FRE 402; Hearsay, FRE 802
PX-165	Leslie Southwick, *Mississippi Supreme Court Elections: A Historical Perspective 1916-1996*, 18 Miss. C. L. Rev. 115 (1998) [Bates No. WHITE00001066-WHITE0001150]	Relevance, FRE 402; Hearsay, FRE 802
PX-166	Mississippi Supreme Court Judicial Map [Bates No. WHITE0001202-WHITE0001203]	
PX-167	Left Intentionally Blank	

Ex. No.	Document Description	*Defendants' Objections*
PX-168	Legislative History of HB 868 [Bates No. WHITE0001494]	Relevance, FRE 402
PX-169	H.R. 36 (2005) [Bates No. WHITE0001495-WHITE0001497]	Relevance, FRE 402
PX-170	H.B. 680 (2005) [Bates No. WHITE0001498-WHITE0001533]	Relevance, FRE 402
PX-171	List of Applicants for Vacancy Created by Justice Ann Lamar	Relevance, FRE 402; Hearsay, FRE 802
PX-172	December 29, 2011 Memorandum to Governor Haley Barbour on Judicial Appointments, 2004-2012	Relevance, FRE 402; Cumulative evidence, FRE 403
PX-173	Submissions to DOJ Related to H.B. 552 (concerning reapportion of the three Mississippi Supreme Court districts) Preclearance Review [Bates No. DEF000001-DEF000204]	
PX-174	July 25, 1984 Memorandum from Constance Slaughter Harvey to Sec. Dick Molpus Summarizing *McCray* Complaint [Bates No. WHITE0001873]	Relevance, FRE 402; Cumulative evidence, FRE 403
PX-175	Voter Turnout Analysis of Kyle Kirkpatrick (2010-2022) Parts 1 and 2	
PX-176	Dan Davis, *House Votes to Redraw District Lines*, Clarion-Ledger (February 12, 1987)	Cumulative evidence, FRE 403; Relevance, FRE 402
PX-177	*Banks Announces Candidacy*, Northside Sun (October 17, 1991) [Bates No. WHITE0002339]	Cumulative evidence, FRE 403; Relevance, FRE 402
PX-178	*Mabus Appoints Banks to High Court,* The Clarion-Ledger (December 22, 1990) [Bates No. WHITE0002340]	Cumulative evidence, FRE 403; Relevance, FRE 402

Ex. No.	Document Description	*Defendants' Objections*
PX-179	April 4, 1988 Memorandum from Constance Slaughter-Harvey to Secretary Dick Molpus with Briefing for Meeting with Defendants in *McCray* [Bates No. WHITE0001899-WHITE0001901]	Relevance, FRE 402; Cumulative evidence, FRE 403
PX-180	Application Materials for Hunter Nowell for Judicial Appointment	Relevance, FRE 402; Hearsay, FRE 802
PX-228	*McCray* Case Materials, attached as Ex. 10 of October 9, 1987 Supplemental Information Provided to DOJ in H.B. 522 Preclearance Review	
PX-229	NCSS, Multiple Regression	
PX-230	U.S. Census Bureau, SIPP, Weighting	
PX-231	June 19, 2024 Responsive Report of Dr. Traci Burch	Hearsay, FRE 802; Cumulative evidence, FRE 403
PX-181	Ansolabehere, Fraga, and Schaffner (2022). *The Current Population Survey Voting and Registration Supplement Overstates Minority Turnout*, The Journal of Politics https://www.journals.uchicago.edu/doi/abs/10.1086/717260	Hearsay, FRE 802
PX-182	Enamorado and Imai (2019). *Validating Self-reported Turnout by Linking Public Opinion Surveys with Administrative Records*, Public Opinion Quarterly https://doi.org/10.1093/poq/nfz051	Hearsay, FRE 802
PX-183	Singh and Masuku (2014). *Sampling Techniques and*	Hearsay, FRE 802

Ex. No.	Document Description	*Defendants' Objections*
	Determination of Sample Size in Applied Statistics Research: An Overview, International Journal of Economics, Commerce and Management https://www.ijecm.co.uk/wp-content/uploads/2014/11/21131.pdf	
PX-184	King, Keohane and Verba (2021). *Designing Social Inquiry: Scientific Inference in Qualitative Research*, *New Edition*, Princeton University Press https://press.princeton.edu/books/hardcover/9780691224633/designing-social-inquiry	Hearsay, FRE 802
PX-185	Haspel and Knotts (2005). *Location, Location, Location: Precinct Placement and the Costs of Voting*, The Journal of Politics https://www.journals.uchicago.edu/doi/10.1111/j.1468-2508.2005.00329.x	Hearsay, FRE 802
PX-186	Bagwe, Margitic, and Stashko (2020). *Polling Place Location and the Costs of Voting* (Working Paper), https://jmargitic.github.io/JM/Margitic_JMP.pdf	Hearsay, FRE 802
PX-187	Chen, Haggag, Pope, and Rohla (2022). *Racial Disparities in Voting Wait Times: Evidence from Smartphone Data*, Review of Economics and Statistics https://doi.org/10.1162/rest_a_01012	Hearsay, FRE 802
PX-188	Arnold, Dobbie, and Yang (2018). *Racial Bias in Bail*	Relevance, FRE 402; Hearsay, FRE 802

Ex. No.	Document Description	*Defendants' Objections*
	Decisions, The Quarterly Journal of Economics https://doi.org/10.1093/qje/qjy012	
PX-189	Austin, Franklin, and Lewis (2013). *The Effects of Concentrated Poverty on Black and White Political Participation in the Southern Black Belt: Exploring the Possibilities of Black Politics,* National Political Science Review https://ncobps-1e229.kxcdn.com/assets/uploads/2020/09/Volume-15-National-Political-Science-Review-Grassroots-and-Coalitions-Exploring-the-Possibility-of-Black-Politics-2013.pdf	Hearsay, FRE 802
PX-190	Behrens, Uggen, and Manza (2003). *Ballot manipulation and the "menace of Negro domination": Racial threat and felon disenfranchisement in the United States, 1850–2002*, American Journal of Sociology https://www.journals.uchicago.edu/doi/abs/10.1086/378647	Hearsay, FRE 802
PX-191	Blanco, Poulson, Kenzik, McAneny, Tseng, and Sachs (2020). *The Impact of Residential Segregation on Pancreatic Cancer Diagnosis, Treatment, and Mortality*, Annals of Surgical Oncology https://doi.org/10.1016/j.hpb.2020.12.011	Relevance, FRE 402; Hearsay, FRE 802
PX-192	Bolton (2009). The Last Stand of Massive Resistance: Mississippi Public School	Relevance, FRE 402; Hearsay, FRE 802

Ex. No.	Document Description	*Defendants' Objections*
	Integration, 1970, Mississippi Historical Society https://www.mshistorynow.mdah.ms.gov/issue/the-last-stand-of-massive-resistance-1970	
PX-193	Brady, Verba and Schlozman (1989). *Beyond SES: A Resource Model of Political Participation*, American Political Science Review https://doi.org/10.2307/2082425	Relevance, FRE 402; Hearsay, FRE 802
PX-194	Brady and McNulty (2011). *Turning Out to Vote: The Costs of Finding and Getting to the Polling Place*, The American Political Science Review https://doi.org/10.1017/S0003055410000596	Relevance, FRE 402; Hearsay, FRE 802
PX-195	Bridges and Walker (1995). *The Forty Years Fight to Desegregate Public Education in the Fifth Circuit and in Particular, Mississippi*, Mississippi College Law Review, https://dc.law.mc.edu/lawreview/vol16/iss2/5/	Relevance, FRE 402; Hearsay, FRE 802
PX-196	DeCamp and DeCamp (2020). *It's Still about Race: Peremptory Challenge Use on Black Prospective Jurors*, Journal of Research in Crime and Delinquency, https://doi.org/10.1177/0022427819873943	Relevance, FRE 402; Hearsay, FRE 802
PX-197	Dixon (2020). *From Statehood to School Desegregation: Racial Disparities in the Public Education of*	Relevance, FRE 402; Hearsay, FRE 802

Ex. No.	Document Description	*Defendants' Objections*
	Mississippi, 1817–1969, AERA Open, https://doi.org/10.1177/2332858420975396	
PX-198	Fender, Brooking, McNair, Mehta, Eastlack, and Pierce (2006). *The Impact of Race and Gender on Sentencing for Mississippi's Indigent Population*, Journal of Economic Insight, Missouri Valley Economic Association (formerly the Journal of Economics), https://www.researchgate.net/publication/254434795_The_Impact_of_Race_and_Gender_on_Sentencing_for_Mississippi's_Indigent_Population	Relevance, FRE 402; Hearsay, FRE 802
PX-199	Fuquay (2002). *Civil Rights and the Private School Movement in Mississippi, 1964–1971*, History of Education Quarterly, https://doi.org/10.1111/j.1748-5959.2002.tb00105.x	Relevance, FRE 402; Hearsay, FRE 802
PX-200	Gershoff and Font (2016). *Corporal Punishment in U.S. Public Schools: Prevalence, Disparities in Use, and Status in State and Federal Policy*, Social Policy Report, https://doi.org/10.1002/j.2379-3988.2016.tb00086.x	Relevance, FRE 402; Hearsay, FRE 802
PX-201	Goodman, Thomson, and Landry (2020). *Food Environment in the Lower Mississippi Delta: Food Deserts, Food Swamps and Hot Spots*, International Journal of Environmental Research and Public Health	Relevance, FRE 402; Hearsay, FRE 802

Ex. No.	Document Description	*Defendants' Objections*
	https://doi.org/10.3390/ijerph17103354	
PX-202	Kimble (2008). *Insuring Inequality: The Role of the Federal Housing Administration in the Urban Ghettoization of African Americans*, Law & Social Inquiry https://doi.org/10.1111/j.1747-4465.2007.00064.x	Relevance, FRE 402; Hearsay, FRE 802
PX-203	Long (2010). *Changes in the returns to education and college quality*, Economics of Education Review https://doi.org/10.1016/j.econedurev.2009.10.005	Relevance, FRE 402; Hearsay, FRE 802
PX-204	Lyon (2021). *The Conditional Effects of Health on Voter Turnout*, Journal of Health Politics Policy and Law https://doi.org/10.1215/03616878-8893529	Relevance, FRE 402; Hearsay, FRE 802
PX-205	Massey and Fischer (2006). *The effect of childhood segregation on minority academic performance at selective colleges*, Ethnic and Racial Studies https://doi.org/10.1080/01419870500351159	Relevance, FRE 402; Hearsay, FRE 802
PX-206	Mowen and Brent (2016). *School Discipline as a Turning Point: The Cumulative Effect of Suspension on Arrest*, Journal of Research in Crime and Delinquency https://doi.org/10.1177/0022427816643135	Relevance, FRE 402; Hearsay, FRE 802
PX-207	Pacheco and Fletcher (2015). *Incorporating Health into Studies of Political Behavior:*	Relevance, FRE 402; Hearsay, FRE 802

Ex. No.	Document Description	*Defendants' Objections*
	Evidence for Turnout and Partisanship, Political Research Quarterly https://doi.org/10.1177/1065912914563548	
PX-208	Left Intentionally Blank	
PX-209	Schur, Ameri and Adya (2017). *Disability, Voter Turnout, and Polling Place Accessibility*, Social Science Quarterly https://doi.org/10.1111/ssqu.12373	Relevance, FRE 402; Hearsay, FRE 802
PX-210	Sims, Roux, Dudley, Gebreab, Wyatt, Bruce, James, Robinson, Williams, and Taylor (2012). *Perceived Discrimination and Hypertension Among African Americans in the Jackson Heart Study*, American Journal of Public Health https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2011.300523	Relevance, FRE 402; Hearsay, FRE 802
PX-211	Sum, Light and King (2004). *Race, Reform, and Desegregation in Mississippi Higher Education: Historically Black Institutions after United States v. Fordice*, Law & Social Inquiry, https://doi.org/10.1111/j.1747-4469.2004.tb00341.x	Relevance, FRE 402; Hearsay, FRE 802
PX-212	Summers, Chisnell, Davies, Alton, and McKeever (2014). *Making Voting Accessible: Designing Digital Ballot Marking for People with Low Literacy and Mild Cognitive Disabilities*, Journal of	Relevance, FRE 402; Hearsay, FRE 802

Ex. No.	Document Description	*Defendants' Objections*
	Election Technology and Systems, https://www.usenix.org/system/files/conference/evtwote14/jets_0202-summers.pdf	
PX-213	Trounstine (2016). *Segregation and Inequality in Public Goods*, American Journal of Political Science, https://doi.org/10.1111/ajps.12227	Relevance, FRE 402; Hearsay, FRE 802
PX-214	Weaver and Lerman (2010). *Political Consequences of the Carceral State*, American Political Science Review http://dx.doi.org/10.1017%2FS0003055410000456	Relevance, FRE 402; Hearsay, FRE 802
PX-215	Zingher and Moore (2019). *The Power of Place? Testing the Geographic Determinants of African-American and White Voter Turnout*, Social Science Quarterly, https://doi.org/10.1111/ssqu.12613	Relevance, FRE 402; Hearsay, FRE 802
PX-216	Ezeala-Harrison (2008), *Determinants of Housing Loan Patterns Toward Minority Borrowers in Mississippi*, Journal of Economic Issues, https://www.jstor.org/stable/25511288	Relevance, FRE 402; Hearsay, FRE 802
PX-217	Forde (2020), *Discrimination and Hypertension Risk Among African Americans in the Jackson Heart Study*, Hypertension, https://doi.org/10.1161/hypertensionaha.119.14492	Relevance, FRE 402; Hearsay, FRE 802
PX-218	Jones (2019), *Political Participation in the Least Healthy Place in America:*	Relevance, FRE 402; Hearsay, FRE 802

Ex. No.	Document Description	*Defendants' Objections*
	Examining the Political Determinants of Health in the Mississippi Delta, Journal of Health Politics, Policy and Law, https://doi.org/10.1215/03616878-7367048	
PX-219	David Bositis, "Research Brief: The Re-Segregation of Southern Politics?" Joint Ctr. For Political & Econ. Studies (Nov. 2011), available at https://www.scribd.com/document/79970841/Bositis-Re-Segregation-in-Southern-Politics.	Relevance, FRE 402; Hearsay, FRE 802
PX-220	James C. Cobb, The Most Southern Place on Earth: The Mississippi Delta and the Roots of Regional Identity (New York: Oxford University Press, 1992).	Relevance, FRE 402; Hearsay, FRE 802
PX-221	Left Intentionally Blank	
PX-222	Left Intentionally Blank	
PX-223	Left Intentionally Blank	
PX-224	Kenneth D. Kemper, "Restrictions on Negro Voting in Mississippi History," Appendix to the Brief of the American Civil Liberties Union, Amicus Curiae in the United States v. State of Mississippi, Supreme Court of the United States, October Term, 1964, No. 73.	Relevance, FRE 402; Hearsay, FRE 802
PX-225	Frank R. Parker, Black Votes Count: Political	Relevance, FRE 402; Hearsay, FRE 802

Ex. No.	Document Description	*Defendants' Objections*
	Empowerment in Mississippi After 1965 (Chapel Hill: University of North Carolina Press, 1990).	
PX-226	Scot Schraufnagel, Michael J. Pomante II, and Quan Li, "Cost of Voting in the American States, 2020," Election Law Journal 19, 4 (2020).	Relevance, FRE 402; Hearsay, FRE 802
PX-227	Vernon Lane Wharton, The Negro in Mississippi, 1865-1890 (Chapel Hill: University of North Carolina Press, 1947).	Relevance, FRE 402; Hearsay, FRE 802

APPENDIX C: DEFENDANTS' EXHIBIT LIST

Ex. No.	Document Description	*Plaintiffs' Objections*
DX-1	All Tables, Figures, and Exhibits appearing in Dr. David A. Swanson's 1/05/2023 Expert Report	Improper Expert Testimony (FRE 702)
DX-2	All Appendices to Dr. David A. Swanson's 1/05/2023 Expert Report	Improper Expert Testimony (FRE 702);
DX-3	All Tables, Figures, and Exhibits appearing in Dr. David A. Swanson's 9/15/2023 Declaration	
DX-4	All Appendices to Dr. David S. Swanson's 9/15/2023 Declaration	Hearsay (FRE 802) as to page 97
DX-5	Morris and Grange, *Growing Racial Disparities in Voter Turnout, 2008-2022*, BRENNAN CENTER FOR JUSTICE (Mar. 2024)	Relevance (FRE 402); Hearsay (FRE 802)
DX-6	All Appendices to Dr. Christopher Bonneau's 1/02/2023 Expert Report	
DX-7	All Appendices to Dr. Christopher Bonneau's 9/12/2023 Rebuttal Report	
DX-8	FRE 1006 Summary of Election Returns by County for Mississippi Supreme Court, Transportation Commissioner, and Public Safety Commissioner Elections (2004-2024)	Subject to review of the summary (not provided) for accuracy
DX-9	Current Population Survey Voting Supplement Registration and Turnout Data from 1986-2022 and any related FRE 1006 Summary thereof	Hearsay (FRE 802)
DX-10	Plaintiffs' Responses to Defendants' First Set of Interrogatories	Relevance (FRE 402), FRE 402
DX-11	Plaintiffs' Supplemental Responses to Defendants' First Set of Interrogatories	Relevance (FRE 402)
DX-12	Plaintiffs' Second Supplemental Responses to Defendants' First Set of Interrogatories	Relevance (FRE 402)
DX-13	District Court Clerk's File for *McCray v. Mississippi State Bd. of*	Relevance (FRE 402);

Ex. No.	Document Description	*Plaintiffs' Objections*
	Election Comm'rs; in the United States District Court for the Northern District of Mississippi (Delta Division); No. DC 84-131-GD-O	Hearsay (FRE 802); Cumulative (FRE 403)
DX-14	District Court Clerk's File for *Magnolia Bar Ass'n, Inc. v. Lee*; in the United States District Court for the Southern District of Mississippi (Jackson Division); No. J90-0413(b)	Relevance (FRE 402); Hearsay (FRE 802); Cumulative (FRE 403)
DX-15	District Court Clerk's File for *NAACP, et al. v. Fordice, et al.*; in the United States District Court for the Southern District of Mississippi (Jackson Division); No. J92-0250 (L) (N)	Relevance (FRE 402); Hearsay (FRE 802); Cumulative (FRE 403)
DX-16	Left Intentionally Blank	)
DX-17	Mississippi Secretary of State Nonprofit Certificates for 10 Mississippi Planning and Development District entities (composite)	Relevance (FRE 402)
DX-18	Mississippi Secretary of State Voter Profile Reports for Latrice Westbrooks (Hinds and Holmes Counties, 10/28/2020), as published by multiple media outlets during campaign against Justice Griffis	Relevance (FRE 402); Hearsay (FRE 802); Authenticity (FRE 901)
DX-19	Bennie Thompson's Sample Ballots, as obtained from court file in *James v. Westbrooks*; in the Circuit Court of Warren County, Mississippi; Cause No. 16-cv-00091	Hearsay (FRE 802); Authenticity (FRE 901)
DX-20	8/18/2020 Twitter post of Photo of Judge Latrice Westbrooks with Congressman Bennie Thompson	Hearsay (FRE 802)
DX-21	5/18/2023 Instagram Photo of Judge Latrice Westbrooks with Congressman Bennie Thompson	Hearsay (FRE 802)

Ex. No.	Document Description	*Plaintiffs' Objections*
DX-22	8/20/2020 Twitter post of Photo of Judge Latrice Westbrooks with then-Vice President Joe Biden	Hearsay (FRE 802)
DX-23	7/30/2020 Twitter post of Letter from Congressman Bennie Thompson expressing support for Judge Latrice Westbrooks as candidate for Mississippi Supreme Court	Hearsay (FRE 802)
DX-24	10/27/2020 Twitter post of "Motor to Meet the Voter" Motorcade Rally featuring Congressman Bennie Thompson, Judge Latrice Westbrooks, and U.S. Senate Candidate Mike Espy	Hearsay (FRE 802)
DX-25	Copy of MISS. CONST. art. VI, § 145.	
DX-26	Copy of MISS. CODE ANN. § 9-3-1.	
DX-27	Elections and Judicial sections of the Mississippi Official & Statistical Register (Blue Book) 2020-2024	Relevance (FRE 402); Cumulative (FRE 403)
DX-28	Elections and Judicial sections of the Mississippi Official & Statistical Register (Blue Book) 2016-2020	Relevance (FRE 402); Cumulative (FRE 403)
DX-29	Elections and Judicial sections of the Mississippi Official & Statistical Register (Blue Book) 2012-2016	Relevance (FRE 402); Cumulative (FRE 403)
DX-30	Elections and Judicial sections of the Mississippi Official & Statistical Register (Blue Book) 2008-2012	Relevance (FRE 402); Cumulative (FRE 403)
DX-31	Elections and Judicial sections of the Mississippi Official & Statistical Register (Blue Book) 2004-2008	Relevance (FRE 402); Cumulative (FRE 403)
DX-32	Elections and Judicial sections of the Mississippi Official & Statistical Register (Blue Book) 2000-2004	Relevance (FRE 402); Cumulative (FRE 403)

Ex. No.	Document Description	*Plaintiffs' Objections*
DX-33	Elections and Judicial sections of the Mississippi Official & Statistical Register (Blue Book) 1996-2000	Relevance (FRE 402); Cumulative (FRE 403)
DX-34	Elections and Judicial sections of the Mississippi Official & Statistical Register (Blue Book) 1992-1996	Relevance (FRE 402); Cumulative (FRE 403)
DX-35	Elections and Judicial sections of the Mississippi Official & Statistical Register (Blue Book) 1988-1992	Relevance (FRE 402); Cumulative (FRE 403)
DX-36	Elections and Judicial sections of the Mississippi Official & Statistical Register (Blue Book) 1984-1988	Relevance (FRE 402); Cumulative (FRE 403)

APPENDIX D: PLAINTIFFS' WITNESS LIST

Plaintiff's Witness List			
Name	**Will/ May Call**	**[F]act/ [E]xpert/ [L]iability/ [D]amages (Remedy)**	**Business Address & Telephone Number**
Sen. Derrick Simmons	May	F/L/D	
Dyamone White	May	F/L/D	
Ty Pinkins	May	F/L/D	
William Cooper	Will	E/L/D	
Dr. Byron D'Andra Orey	Will	E/L/D	
Dr. James T. Campbell	Will	E/L/D	
Dr. Traci Burch	Will	E/L/D	
Dr. Marvin King	Will	E/L/D	
Hon. Oliver Diaz	Will	E/L/D	
Hon. Reuben Anderson	May	F/L	
Hon. Constance Slaughter Harvey	May	F/L	
Hon. Percy Watson	May	F/L	
Hon. Aelicia Thomas	May	F/L	

APPENDIX E: DEFENDANTS' WITNESS LIST

Defendants' Witness List			
Name	**Will/May Call**	**[F]act/ [E]xpert/ [L]iability/ [D]amages (Remedy)**	**Business Address & Telephone Number**
Kyle Kirkpatrick	Will	F/L/D	
Hon. Ann Lamar	May	F/L/D	
David A. Swanson, Ph.D.	Will	E/L/D	
Christopher W. Bonneau, Ph.D.	Will	E/L/D	
Madalan Lennep	May	F/L/D	