

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**JOHN ROBERT SMITH, SHIRLEY HALL  
AND GENE WALKER**

**PLAINTIFFS**

**VS.**

**Civil Action No. 3:01-cv-855-HTW-DCB-EGJ**

**DELBERT HOSEMANN, Secretary of State of  
Mississippi; JIM HOOD, Attorney General for the State of  
Mississippi; HALEY BARBOUR,  
Governor of the State of Mississippi; MISSISSIPPI  
REPUBLICAN EXECUTIVE COMMITTEE; and  
MISSISSIPPI DEMOCRATIC EXECUTIVE  
COMMITTEE**

**DEFENDANTS**

**and**

**BEATRICE BRANCH, RIMS BARBER,  
L.C. DORSEY, DAVID RULE,  
JAMES WOODWARD, JOSEPH P. HUDSON,  
and ROBERT NORVEL  
INTERVENORS**

**CONSOLIDATED WITH**

**KELVIN BUCK, ET AL.**

**PLAINTIFFS**

**VS.**

**Civil Action No. 3:11-cv-717-HTW-LRA**

**HALEY BARBOUR, ET AL.**

**DEFENDANTS**

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**AUTHORITIES SUPPORTING ARGUMENT MADE ON FRIDAY, APRIL 8, 2022 THAT IF THE INJUNCTION IS DISSOLVED, THE BUCK PLAINTIFFS WOULD BE SUBJECT TO A DEFENSE OF ISSUE PRECLUSION (COLLATERAL ESTOPPEL) IF THEY FILE A NEW COMPLAINT ASSERTING A CLAIM THAT H. B. 384 IS A RACIALLY UNCONSTITUTIONAL GERRYMANDER**

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Judge Wingate inquired, during oral argument for the Buck plaintiffs on Friday, April 8, 2022, whether there was any authority supporting the argument that if the Court's injunction is dissolved, the Buck plaintiffs would be subject to a defense of issue preclusion if they file a new complaint asserting the same claim that they assert in the present case that H. B. 384 is a racially unconstitutional gerrymander. I informed the Court that I did not have the authority then, but I could provide the authority by Monday, April 11, 2022.

The authorities for the Buck plaintiffs' argument are listed below:

- a. *Elgin Nat'l Watch Co, v. Barrett*, 213 F.2d 776 (5<sup>th</sup> Cir. 1954); and
- b. *Duffy & McGovern Accommodation Servs. v. QCI Marine Offshore, Inc.*, 448 F.3d 825 (5<sup>th</sup> Cir. 2006).

Since the Buck plaintiffs informed the Court that they would be providing the authority for their argument made on the 8<sup>th</sup> day of April, 2022, they are not making any additional argument herein.

This the 11<sup>th</sup> day of April, 2022.

**RESPECTFULLY SUBMITTED,  
KELVIN BUCK, ET AL., on Behalf of Themselves  
and All Others Similarly Situated,**

**PLAINTIFF**

By: /s/ Carroll Rhodes  
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KELVIN BUCK, ET AL., on Behalf of  
Themselves and All Others Similarly Situated

**CERTIFICATE OF SERVICE**

I, Carroll Rhodes, one of the attorneys for the Buck plaintiffs do hereby certify that I have filed, using the Court's NextGen/Pacer filing system, and the Clerk of Court sent electronic notification to all counsel of record including:

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This the 11<sup>th</sup> day of April, 2022.

*/s/ Carroll Rhodes*  
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