IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

LOUISIANA STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, *et al.*,

***Plaintiffs*,**

v.

STATE OF LOUISIANA, *et al.*,

***Defendants*.**

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Case No. 3:19-cv-00479-JWD-EWD

PLAINTIFFS' MEMORANDUM IN OPPOSITION TO DEFENDANT SECRETARY OF STATE R. KYLE ARDOIN'S MOTION TO DISMISS

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Plaintiffs Louisiana State Conference of the National Association for the Advancement of Colored People ("NAACP"), Anthony Allen, and Stephanie Anthony ("Plaintiffs") respectfully submit this Memorandum in Opposition to the Motion to Dismiss filed by Defendant R. Kyle Ardoin, in his capacity as Secretary of State of Louisiana (the "Secretary") (ECF No. 28).

I. INTRODUCTION

The Secretary's Motion is without merit and should be denied. In addition to the arguments of his Co-Defendant, the State of Louisiana – which are addressed in Plaintiffs' opposition to the State's motion – the Secretary asserts three additional grounds for dismissal, all of which should be rejected.[1]

First, the Secretary is simply wrong to assert that Plaintiffs' lack standing and the Court lacks subject matter jurisdiction because the injury Plaintiffs suffered is "not traceable to the Secretary of State as a matter of law or a matter of fact." (Secretary's Br. at 12.) As this Court recently recognized in rejecting this same argument by the Secretary in a motion to dismiss Voting Rights Act ("VRA") claims, "the Secretary of State, in his official capacity, [is the] proper defendant in a voting rights case." *Johnson v. Ardoin*, No. CV 18-625-SDD-EWD, 2019 WL 2329319, at *3 (M.D. La. May 31, 2019), *motion to certify appeal denied*, No. CV 18-625-SDD-EWD, 2019 WL 4318487 (M.D. La. Sept. 12, 2019). "Considering the Secretary of State's role as the 'chief election officer in the state,' it cannot be said that he would not be required to comply with the orders of this Court in this matter, or that he would not be involved in providing, implementing, and/or enforcing whatever injunctive or prospective relief

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[1] The State filed a separate motion to dismiss Plaintiffs' Complaint (ECF No. 27), which the Secretary has adopted and incorporated into his motion to dismiss. (Secretary's Br. at 3.) Plaintiffs adopt and incorporate herein all of the arguments in their opposition to that motion.

may be granted to [the plaintiff]." *Id*. The same will be true in this voting rights case, and the Court should deny the Secretary's motion here for the same reasons it denied the motion in *Johnson*.

Second, the Secretary's various contentions that Plaintiffs fail to state a claim for relief because he "is mentioned by name only once" in the Complaint, and Plaintiffs do not allege that he can "effectuate amendments to Louisiana law" or "cure the ill [Plaintiffs] rais[e]" miss the mark. (Secretary's Br. at 15.) Plaintiffs are not required to allege that the Secretary can unilaterally provide the relief requested or repeatedly name him individually in the Complaint to state a claim against him in his official capacity. It is sufficient that, as the State's chief elections officer, the Secretary is empowered with primary authority to <u>carry out</u> the election laws that are alleged to be unlawful in this case. Plaintiffs have alleged that the process by which Supreme Court justices are elected is unlawful, and that the Secretary is responsible for carrying out this unlawful and discriminatory process. Nothing more is required to state a claim at this stage.

Finally, there is no basis for the Court to declare that the Secretary was "misjoined" as a party under Fed. R. Civ. P. 21 because the Secretary's role with regard to election laws is, in his words, "purely ministerial and the Secretary of State has no role at all at least in the remedial phase of a [VRA] case." (*Id.* at 4.) As this Court recognized in *Johnson* and numerous other courts have held, the Secretary of State is a proper defendant in voting rights cases where, as here, Plaintiffs seek injunctive relief and the claims against the State and Secretary all arise of the same facts and circumstances. The Secretary is therefore properly joined with the State. Moreover, dismissal is not a proper remedy under Rule 21 in any event. The State's motion should be denied in its entirety.

II. LEGAL STANDARD

A Rule 12(b)(1) attack on subject matter jurisdiction requires the court to accept the plaintiff's factual allegations as true. Fed. R. Civ. P. 12(b)(1). "At the pleading stage, general factual allegations of injury resulting from the defendant's conduct may suffice, for on a motion to dismiss [the court] 'presum[es] that general allegations embrace those specific facts that are necessary to support the claim.'" *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561 (1992) (citation omitted). Ultimately, a motion to dismiss for lack of subject matter jurisdiction should be granted only if it appears certain that the plaintiff cannot prove any set of facts in support of his claim that would entitle plaintiff to relief. *Home Builders Ass'n of Miss., Inc. v. City of Madison, Miss.*, 143 F.3d 1006, 1010 (5th Cir. 1998).

A motion to dismiss under Federal Rule of Civil Procedure 12(b)(6) tests the legal sufficiency of a complaint, which requires only "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8. A complaint does not require detailed factual allegations; it simply must plead "enough facts to state a claim to relief that is plausible on its face." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007).

A motion to drop a party under Rule 21 tests the alleged misjoinder or nonjoinder of a party or parties. Importantly, "[m]isjoinder of parties is not a ground for dismissing an action. On motion or on its own, the court may at any time, on just terms, add or drop a party." Fed. R. Civ. P. 21. *See Newman-Green, Inc. v. Alfonzo-Larrain*, 490 U.S. 826, 831 (1989).

III. ARGUMENT

A. The Secretary's Jurisdictional Challenges Under Rule 12(b)(1) Fail Because This Court Has Subject Matter Jurisdiction Over Plaintiffs' Claims

1. Plaintiffs Have Standing to Name the Secretary of State as a Defendant

The Secretary's standing arguments with respect to traceability (i.e., causation) and redressability are contrary to decades of precedent and do not support dismissal. To demonstrate Article III standing, plaintiffs must allege "an injury-in-fact caused by a defendant's challenged conduct that is redressable by a court." *K.P. v. LeBlanc*, 627 F.3d 115, 122 (5th Cir. 2010) (citing *Lujan*, 504 U.S. at 560-61). Causation and redressability "will exist when a defendant has 'definite responsibilities relating to the application of' the challenged law." *Voting for Am., Inc. v. Andrade*, 888 F. Supp. 2d 816, 828-32 (S.D. Tex. 2012) (quoting *K.P. v. LeBlanc*, 627 F.3d at 124), *rev'd and remanded sub nom. on other grounds*, *Voting for Am., Inc. v. Steen*, 732 F.3d 382 (5th Cir. 2013). This is true because "[u]nder United States Supreme Court precedent, when a plaintiff challenges the legality of a rule of law, it is the state official designated to enforce that rule who is the proper defendant." *Am. Civil Liberties Union v. Fla. Bar*, 999 F.2d 1486, 1490 (11th Cir. 1993) (citing *Diamond v. Charles,* 476 U.S. 54, 64 (1986) ("The conflict between state officials empowered to enforce a law and private parties subject to prosecution under that law is a classic 'case' or 'controversy' within the meaning of Art. III).

Here, the Secretary claims that "nothing about [the Plaintiffs'] grievance implicates the Secretary of State." (Secretary's Br. at 10.) The Secretary's motion relies almost exclusively on *Terrebonne Parish NAACP v. Jindal*, Civil Action No. 14-069 (M.D. La. 2015), but that case is readily distinguishable in two ways. (Secretary's Br. at 4-6.) First, *Terrebonne Parish* was a parish-specific matter challenging the use of an at-large voting system for a localized state court.

There, the plaintiffs asserted that the defendants, including the then-Secretary of State, used at-large voting to maintain a racially segregated Terrebonne Parish, in violation of VRA section 2. Complaint, *Terrebonne Parish*, Civil Action No. 14-069 (M.D. La. Feb. 3, 2014), ECF No. 1. Second, the *Terrebonne Parish* plaintiffs, including the Terrebonne NAACP, voluntarily dismissed the Secretary as a defendant, *see* Motion to Dismiss Defendant Tom Schedler, *Terrebonne Parish*, Civil Action No. 14-069 (M.D. La. May 11, 2015), ECF No. 68, in part because the plaintiffs believed—and the Court later agreed—that the Court could afford complete relief in the Secretary's absence, apparently because the Louisiana Governor and Attorney General were also named defendants in *Terrebonne. See Terrebonne Par. NAACP v. Jindal*, 154 F. Supp. 3d 354, 363 (M.D. La. 2015) (denying motion to dismiss). Here, in contrast, Plaintiffs assert a claim involving the election of justices to the state's highest court in multi-parish elections affecting millions of Louisiana voters under a method of election administered directly by the Secretary of State. Moreover, the Secretary is the only individual Defendant named in his official capacity in this case. Unlike *Terrebonne Parish*, his presence in the suit is necessary to afford complete relief.

In more recent cases, this Court has held that the Secretary of State is properly named as a defendant when Plaintiffs challenge election procedures under VRA section 2 affecting districts across the state. For example, in *Johnson v. Ardoin*, 2019 WL 2329319, at *3, the plaintiffs—African-American voters in Louisiana— brought an action against the Secretary challenging a congressional redistricting plan under VRA section 2, alleging that it diluted African-American voting strength and denied African-American voters in Louisiana the equal opportunity to elect candidates of their choice to the U.S. House of Representatives. Amended Complaint, *Johnson*, No. CV 18-625-SDD-EWD (M.D. La. Aug. 21, 2018), ECF No. 19.

The Secretary made an identical argument in *Johnson* as he does here, arguing that he was not the proper party to the litigation because "[he] does not have the authority to effectuate a cure for the injury about which the Plaintiffs sue." Motion to Dismiss First Amended Complaint, *Johnson*, No. CV 18-625-SDD-EWD (M.D. L.a. Sept. 10, 2018), ECF No. 33 at 15.

In denying the Secretary's motion to dismiss, this Court held that "the Secretary of State, in his official capacity, [is the] the proper defendant in a voting rights case." *Johnson*, 2019 WL 2329319, at *3. Furthermore, this Court explained that "[c]onsidering the Secretary of State's role as the 'chief election officer in the state,' it cannot be said that he would not be required to comply with the orders of this Court in this matter, or that he would not be involved in providing, implementing, and/or enforcing whatever injunctive or prospective relief may be granted to [the plaintiff]." (quoting *Hall v. Louisiana*, 974 F.Supp.2d 978, 993 (M.D. La. 2013)) (finding that where Louisiana's Secretary of State had some connection with enforcement of city judicial election plan, or that he was specifically charged with duty to enforce the plan and was exercising and/or threatening to exercise that duty, complaint stated a claim under VRA section 2 and properly named the Secretary as a defendant).

Other courts have similarly found that Secretaries of State are proper parties to cases brought under VRA section 2. *See, e.g.*, *Sanchez v. Cegavske*, 214 F. Supp. 3d 961, 966 n.1 (D. Nev. 2016) (denying the Nevada Secretary of State's request for dismissal under Fed.R.Civ. Pro. 12(b)(6) in regards to a VRA section 2 claim brought by two Native American Tribes because

the Secretary of State "serve[s] as the Chief Election Officer" by statute).[2] *See also Clark v. Marx*, No. CIV.A. 11-2149, 2012 WL 41926, at *5 (W.D. La. Jan. 9, 2012) (claims against Secretary of State properly asserted). Not surprisingly, plaintiffs who bring claims under VRA section 2 almost always name the Secretary of State as a defendant. *See*, *e.g.*, *Thompson v. Kemp*, 309 F. Supp. 3d 1360 (N.D. Ga. 2018); *Georgia State Conference of NAACP v. State*, 269 F. Supp. 3d 1266 (N.D. Ga. 2017); *Ohio Democratic Party v. Husted*, 834 F.3d 620 (6th Cir. 2016); *Prejean v. Foster*, 227 F.3d 504 (5th Cir. 2000); *Sanchez v. State of Colo.*, 97 F.3d 1303 (10th Cir. 1996); *Alabama State Conference of NAACP v. State*, 264 F. Supp. 3d 1280 (M.D. Ala. 2017). The Louisiana Secretary of State cannot simply disclaim his responsibility when it is convenient to do so. Precedent in this court and others makes clear that the Secretary of State is a proper party in a case alleging a claim under VRA section 2, particularly when it affects more than a single parish or district. For this reason, the Defendant's motion should be denied.

2. The Louisiana Secretary of State's Role in Directing Elections is Not Merely "Ministerial"

Similarly, the Secretary's contention that he is not a proper defendant because his role is "primarily ministerial and concerned with the mechanics of holding elections" is groundless. (Secretary's Br. at 6.) The Louisiana Election Code makes clear that the Secretary of State is Louisiana's Chief Election Officer. *See* LSA-R.S. 18:421. Thus, if a second majority African-American Supreme Court district were created as Plaintiffs request, it will be the Secretary's responsibility to certify candidates for that new district, assign voters to that district, ensure

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[2] The Nevada statute matches almost word-for-word to the Louisiana statute. It provides that "Secretary of State shall serve as the Chief Officer of Elections for this State. As Chief Officer, the Secretary of State is responsible for the execution and enforcement of the provisions of title 24 of NRS and all other provisions of state and federal law relating to elections in this State." NRS § 293.124; LSA-R.S. 18:421.

accurate ballots are created and printed, promulgate all election returns, and administer the election laws—activities that require an active role by the Secretary, and amount to more than just ministerial oversight**.** Notwithstanding the Secretary's attempt to minimize the responsibilities of his elected office, he is not entitled dismissal.

As the State's Chief Election Officer, the Louisiana Secretary of State has a myriad of duties with respect to judicial elections. *See generally* LSA-R.S. 18. Contrary to the Secretary's suggestion that he is a passive overseer, several of the Secretary's duties would necessarily be implicated should this Court grant Plaintiffs the remedy they request. Under the Louisiana Election Code, State Supreme Court Justices are state candidates, like any other candidate for elected office throughout the state. LSA-R.S. 18:452. It is the Secretary of State's duty to qualify such state candidates for election. LSA-R.S. 18:462. Justices seeking election pay qualifying fees to the Secretary of State, who in turn is responsible for preparing and certifying absentee ballots, early voting ballots, and the ballots to be used in the voting machines for Supreme Court Justices. LSA-R.S. 18:464(B)(1); LSA-R.S. 18:551. It is also the duty of the Secretary of State to administer laws on custody of voting machines and voter registration. LSA-R.S. 18:18(A). The Secretary must administer rules and regulations relating to registration of voters and reporting, compiling and disseminating registration statistics and information, while also certifying the name of each candidate elected. LSA-R.S. 18:18(C); LSA-R.S. 18:513. Moreover, it is the Secretary's duty to review and approve or deny election precinct boundary changes, mergers, division and consolidation. LSA-R.S. 18:532.1. Defendant's contention that these provisions are mere "ministerial duties" simply does not hold water. Because the Secretary is charged with prescribing and administering the election laws, not only is he a proper defendant in this case, but Plaintiffs' injuries are fairly traceable to him. If this Court declares that the

current single-member districting plan for the Supreme Court violates VRA section 2, it would *have* to enjoin the Secretary from holding elections under that plan. Accordingly, not only is this action redressable by the Secretary, but his inclusion in this suit is necessary.

The Secretary's reliance on *Okpalobi v. Foster*, 244 F.3d 405 (5th Cir. 2001) (en banc), is misplaced. There, under radically different circumstances, a doctor, several health care clinics, other physicians, individuals, and businesses who performed abortions in Louisiana, challenged the constitutionality of a Louisiana tort law that imposed unlimited liability on doctors for any damage caused by an abortion procedure. They claimed that the law constituted an undue burden on a woman's right to obtain an abortion under *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), naming as defendants the governor and attorney general of Louisiana. The majority held in *Okpalobi* that the named defendants were "without any power to enforce the complained-of statute," so the causal connection prong of the *Lujan* standing test was unsatisfied. *Okpalobi v. Foster*, 244 F. 3d at 426 (emphasis added). Further, the court found that the redressability requirement was unmet because under the tort law in question, "no state official has any duty or ability to do *anything.*" *Id.* at 427.

Here, unlike in *Okpalobi*, where the defendants had no "enforcement connection with the challenged statute," the Louisiana Secretary of State is the State's chief election officer, and he is required by statute to "prescribe uniform rules, regulations, forms, and instructions, which shall be . . . applied uniformly." LSA-R.S. 18:18(A)(3). *See OCA-Greater Houston v. Texas*, 867 F.3d 604, 613-14 (5th Cir. 2017) (finding that plaintiffs had standing under *Lujan* to bring a VRA claim against the Secretary of State because as the chief election officer, an electoral injury is traceable to and redressable by the Secretary). The Secretary of State's role in the election of Louisiana State Supreme Court justices is an active one that requires his direct involvement, not

simply administrative observation as the Secretary contends. He does not—and cannot—contend that he is "without any power to enforce" the laws challenged here. Indeed, that is his job. For these reasons, the Secretary's Motion must be denied.

B. Defendant's Rule 12(b)(6) Arguments Also Fail

1. Plaintiffs Sufficiently Allege That Secretary of State Ardoin is the Proper Defendant

The Secretary's motion to dismiss under Rule 12(b)(6) merely rehashes his arguments under Rules 12(b)(1) and 21. The entire substance of the Secretary's 12(b)(6) argument is as follows:

> The Secretary of State is mentioned by name only once throughout the 70 paragraph Complaint. See para. 15. There is only one reference to "Defendants" as a unit. See paragraph 70.
>
> Paragraph 15 notes that the Secretary of State is sued in his official capacity as Louisiana Secretary of State. The paragraph does not list the Secretary of State's duties and states only that he is the State's chief election officer. We know from the opinion in *Terrebonne Parish NAACP* (Doc 171) that the Secretary of State has only ministerial duties.
>
> In paragraph 70 of the Complaint, the allegations are made against "Defendants" collectively, and speak of no duty required of the Secretary of State.
>
> The Secretary of State did not adopt the current districts for the Louisiana Supreme Court which have only one majority minority district nor did the Secretary of State maintain this method by refusing to change the districts as the Secretary of State is not empowered to change a court order or a Louisiana law. Nowhere are facts alleged to show that this defendant, the Secretary of State, has the legal ability to effectuate amendments to Louisiana law. Therefore, his ministerial application of current Louisiana law and a consent decree cannot be attributed to the Secretary of State, and the Complaint lacks any plausible factual allegations to make that link.

(Secretary's Br. at 15.)

As set forth in greater detail above, the Secretary's assertions are unavailing. "To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state

a claim to relief that is plausible on its face.'" *Hall v. Louisiana*, 983 F. Supp. 2d 820, 828 (M.D. La. 2013) (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). *See Twombly*, 550 U.S. at 570. In *Hall*, the Defendants, Louisiana's then-Governor and then-Attorney General, moved to dismiss the plaintiff's claims under section 1983 and VRA section 2, arguing that they were not proper defendants. *Hall*, 983 F. Supp. 2d 825. This Court denied the motion to dismiss, finding that the defendants "failed to identify what elements and/or standards [the plaintiff] has failed to meet." *Id.* at 833. "Defendants' motion merely states, '[i]t is clear these allegations are insufficient to state a claim under either Section 1983 or the VRA.' It is not the job of the District Court to make arguments on behalf of the movants. Rather, the Court's obligation is limited to evaluating the arguments made by the movants, and the arguments made in opposition thereto." *Id.* (internal citation omitted).

Here, as in *Hall*, the Secretary's motion to dismiss under Rule 12(b)(6) lacks any argument identifying what elements of a VRA section 2 claims Plaintiff's failed to meet. The Secretary makes much of the fact that he "is mentioned by name only once" in the Complaint and that it "does not list the Secretary of State's duties." (Secretary's Br. at 15.) But the Secretary cites no authority suggesting that Plaintiffs must "list" a state official's duties – which are defined by statute and discussed extensively in this Court's decisions – in the Complaint or that the Court should make any inference based on the number of times a defendant's name appears in the Complaint individually, as opposed to being referenced as one of two "Defendants". The Secretary's motion to dismiss under 12(b)(6) fares no better than his motion under Rule 12(b)(1) and should similarly be denied.

C. The Secretary is a Proper Defendant and is not "Misjoined" Under Rule 21

Rule 21 of the Federal Rules of Civil Procedure authorizes the Court to add or drop a party. Importantly here, "[m]isjoinder of parties is not a ground for dismissing an action. On motion or on its own, the court may at any time, on just terms, add or drop a party. The court may also sever any claim against a party." Fed. R. Civ. P. 21. *See Newman–Green, Inc.* 490 U.S. at 831; *Dayton Indep. Sch. Dist. v. U.S. Mineral Prod. Co.,* 906 F.2d 1059, 1067 (5th Cir. 1990). "Since Rule 21 does not provide any standards by which district courts can determine if parties are misjoined, courts have looked to Rule 20 for guidance." *Corkern v. Hammond City*, Civil Action No. 11-1828, 2012 WL 2597561, *2 (E.D. La. July 5, 2012) (quoting *Acevedo v. Allsup's Convenience Stores, Inc.*, 600 F.3d 516, 521 (5th Cir. 2010)). "Courts have described Rule 20 as creating a two-prong test, allowing joinder of plaintiffs when (1) their claims arise out of the 'same transaction, occurrence, or series of transactions or occurrences' and when (2) there is at least one common question of law or fact linking all claims." *Id.* Generally, if both prongs are met, "permissive joinder of plaintiffs . . . is at the option of the plaintiffs . . . ." *Corkern*, 2012 WL 2597561, at * 2 (quoting *Applewhite v. Reichhold Chemicals, Inc.*, 67 F.3d 571, 574 (5th Cir. 1995)). "[T]he Supreme Court has emphasized that 'the impulse [under the Rules] is toward entertaining the broadest possible scope of action consistent with fairness of the parties; joinder of claims, parties and remedies is strongly encouraged.'" *Corkern*, 2012 WL 2597561,, at * 2 (quoting *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 724 (1966)).

Unsurprisingly, the Secretary cites no authority suggesting that the he cannot be permissively joined in this case "at the option of the [P]laintiffs." Rather, the Secretary incorrectly points to Rule 19(b), which provides that "[i]f a person who is required to be joined if feasible cannot be joined, the court must determine whether, in equity and good conscience, the

action should proceed among the existing parties or should be dismissed." Fed. R. Civ. P. 19(b). But the Secretary does not, and cannot, contend that the State itself is an improper party to this case. The Secretary also omits the first sentence of Rule 21, which unequivocally provides that "[m]isjoinder of parties is not a ground for dismissing an action." Fed. R. Civ. P. 21. Thus, even if the Court were to find that the Secretary has somehow been misjoined, there is no basis for the Court to dismiss the Complaint under Rule 21.

Moreover, the Secretary's discussion of the factors set forth in the Rule 19(b) is inapposite because the Secretary does not contend that he is "a person who is required to be joined if feasible [but] cannot be joined." Rather, the Court need only determine that (1) the claims arise out of the same transaction, occurrence, or series of transactions or occurrences and (2) there is at least one common question of law or fact linking all claims. *Corkern*, 2012 WL 2597561, at * 2. This test is easily satisfied here. Plaintiffs' claims against the Secretary and the State of Louisiana all arise out of the same occurrence or series of occurrences—namely, the unlawful apportionment of Supreme Court districts and the carrying out of elections under that scheme. There can likewise be no doubt that there is at least one common question of law or fact linking all claims in this case. As the Secretary acknowledges elsewhere in his brief, Plaintiffs contend that both Defendants "act in violation of Section 2 by administering, implementing, and conducting future elections for the Louisiana Supreme Court using 'an unlawful election method.'" (Secretary's Br. at 10.) On these facts alone, the Secretary's argument under Rule 21 fails, and this Court should deny the motion.

IV. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court deny the Secretary's Motion to Dismiss.

Dated: October 25, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2019, I electronically filed the foregoing Plaintiffs' Memorandum of Points and Authorities in Opposition to Defendant Secretary of State R. Kyle Ardoin's Motion to Dismiss with the Clerk of the Court using the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record identified below.

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