

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

GOLDEN BETHUNE-HILL, *et al.*,

Plaintiffs,

v.

VIRGINIA STATE BOARD OF ELECTIONS,
et al.,

Defendants,

v.

VIRGINIA HOUSE OF DELEGATES, *et al.*,

Intervenor-Defendants.

Civil Action No. 3:14-cv-00852-REP-
GBL-BMK

PLAINTIFFS' MOTION FOR BRIEFING AND MEMORANDUM IN SUPPORT

Pursuant to Local Civil Rule 7, Plaintiffs move this Court for an order setting an expedited schedule for briefing regarding the effect of the U.S. Supreme Court's decision in *Bethune-Hill v. Virginia State Board of Elections*, No. 15-680, 2017 WL 774194 (Mar. 1, 2017), on this case. Plaintiffs respectfully request that this Court set the following briefing schedule:

- April 10, 2017: Plaintiffs' opening brief is due.
- April 21, 2017: Defendants' response brief is due.
- April 28, 2017: Plaintiffs' reply brief is due.¹

The Supreme Court issued its decision on the appeal of this case on March 1, 2017. It

¹ Plaintiffs submit this motion without request for oral argument, unless the Court determines it would be helpful in evaluating the parties' briefing on the impact of the Supreme Court's decision.

concluded that this Court applied an incorrect legal standard in determining that race did not predominate in eleven of the twelve challenged districts and remanded the case to this Court to resolve under the proper legal standard set forth by the Supreme Court. *Id.* at *11. Pursuant to U.S. Supreme Court Rule 45, Supreme Court judgments on review of a federal court decision take effect 25 days after they are announced, when the Court issues a certified copy of its opinion and judgment. *See* Sup. Ct. R. 45.3. The Supreme Court issued its decision in this case over 25 days ago, and the Supreme Court sent a certified copy of its opinion and judgment to this Court on March 27, 2017. *See* Dkt. No. 132. The Court therefore has jurisdiction to grant Plaintiffs' Motion.

Expedited briefing and decision in this case is necessary given that Virginia will hold its House of Delegates elections this year. This case involves questions of exceptional importance, including whether the Virginia House of Delegates map was unconstitutionally racially gerrymandered following the 2010 census and whether a remedial map is necessary, that must be resolved as soon as is practicable. Should the Court conclude, on remand, that some or all of the Challenged Districts amount to unconstitutional racial gerrymanders, it means that citizens within those districts have suffered irreparable injury for the better part of a decade. Every day that goes by—and every election that occurs under an unconstitutional map—adds to that injury. Accordingly, Plaintiffs respectfully request that the Court enter an order setting the briefing schedule above.

Plaintiffs have conferred with legal counsel for Defendants and Defendant-Intervenors, and understand that Defendant-Intervenors oppose the motion and Defendants neither support nor oppose the motion.

DATED: March 30, 2017

By: /s/ Aria C. Branch

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CERTIFICATE OF SERVICE

On March 30, 2017, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR BRIEFING

Upon consideration of Plaintiffs' Motion for Expedited Briefing, the Court hereby GRANTS the motion and ORDERS all parties to submit briefs on the following expedited schedule:

- April 10, 2017: Plaintiffs' opening brief is due.
- April 21, 2017: Defendants' response brief is due.
- April 28, 2017: Plaintiffs' reply brief is due.

SO ORDERED.

UNITED STATES DISTRICT JUDGE

DATED: _____, 2017