

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

GLORIA PERSONHUBALLAH, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.: 3:13-cv-678
)	
JAMES B. ALCORN, et al.,)	
)	
Defendants.)	

ORDER

The Court hereby appoints Dr. Bernard Grofman as special master to assist and advise the Court with regard to the redistricting remedy. The Special Master’s appointment is governed by the following provisions:

1. The Special Master will review the redistricting plans and briefs submitted in response to the Court’s orders and recommend to the Court a proposed plan, a modified version of a proposed plan, or a plan devised by the Special Master, that remedies the deficiencies identified in the Court’s June 5, 2015 opinion (ECF 170).

2. The following deadlines are established for the purpose of enabling the Court to adopt a redistricting plan at the earliest practical opportunity after November 17, 2015:

- a. The Special Master shall submit his report and recommendation to the Court by no later than October 30, 2015;
- b. Any non-parties wishing to comment on the Special Master’s report and recommendation shall do so by no later than November 10, 2015, by submitting their comments electronically through the Court’s CM/ECF filing system;

- c. Parties may file comments or exceptions to the Special Master's report and recommendation by no later than November 10, 2015, and may reply to any exceptions filed by no later than November 17, 2015.
3. The Special Master's report and recommendation shall contain:
 - a. a color map showing the proposed remedial plan;
 - b. Shapefiles and Block Equivalency Files compatible with Maptitude For Redistricting software for the proposed remedial plan; and
 - c. analysis explaining the basis for the proposed remedial plan and the recommendation of that plan over any of the other proposals previously submitted by parties and non-parties.
4. Upon request from the Special Master, the parties shall promptly make available to the Special Master electronic copies of the trial exhibits and trial transcript. Such a request shall be communicated by way of an email message addressed to counsel of record for plaintiffs, the Commonwealth of Virginia, and for Intervenor-Defendants:

Stuart A. Raphael (sraphael@oag.state.va.us)

Trevor S. Cox (tcox@oag.state.va.us)

Michael A. Carvin (macarvin@jonesday.com)

John M. Gore (jmgore@JonesDay.com)

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5. The Virginia Division of Legislative Services shall promptly respond to the best of its ability to any reasonable request by the Special Master for supporting data or information reasonably necessary to carry out his assignment.

6. The Special Master shall file his report electronically on the Court's CM/ECF system. The Shapefiles and Block Equivalency Files shall be delivered electronically to the parties via FTP, Dropbox, or equivalent method ensuring timely delivery. The Virginia Division of Legislative Services shall promptly post the Special Master's report and supporting electronic files to its redistricting website (<http://redistricting.dls.virginia.gov/>).

7. Parties and non-parties may not engage in any ex parte communication with the Special Master regarding the subject matter of this litigation. The Special Master may communicate ex parte with the Court, provided he promptly advises the parties that the communication has occurred and discloses any material guidance he has received.

8. The Special Master will be compensated in the amount of \$400 per hour for his time and will be reimbursed for reasonable expenses. He is also authorized to employ assistants (and to determine their reasonable compensation) as necessary to carry out his duties under this appointment. The Special Master must submit any motion for reimbursement of fees and expenses through the Court's CM/ECF system. Upon the disposition of the motion by the Court, and in accordance with the Order of September 3, 2015 (ECF No. 207), the Commonwealth of Virginia shall be responsible to pay the fees of the Special Master except as the Court may otherwise direct.

9. The parties may seek to modify this order for good cause shown.

It is SO ORDERED.

For the Court

Date: September __, 2015