

**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.

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

STATE OF LOUISIANA, *et al.*,

Defendants.

**RESPONSE TO STATE OF LOUISIANA’S MOTION TO CLARIFY**

John L. Weimer, Greg Champagne, Mike Tregre, and Craig Webre, in their individual capacities as voters from Louisiana Supreme Court District Six (“Intervenor Voters”), and John L. Weimer, in his capacity as a candidate for Louisiana Supreme Court Justice from District Six (“Intervenor Candidate”) (collectively, “Intervenors”), through undersigned counsel, respectfully submit this response to the “Motion to Clarify” filed by Defendant State of Louisiana (the “State”) on July 12, 2022. *See* Doc. No. 133.

The State requests an order “clarifying whether testimony will be authorized for the hearing scheduled for Friday, July 15, 2022.” Doc. No. 133 at 1. At the July 7, 2022 status conference in this matter, the Court discussed with the parties the briefing deadlines and procedures for the July 15 hearing. None of the parties requested the opportunity to present live testimony, nor did any of the subsequent briefs include such a request. Moreover, it is well established that preliminary injunction motions may be decided based on affidavits. *See, e.g., Sierra Club, Lone Star Chapter v. FDIC*, 992 F.2d 545, 551 (5th Cir. 1993) (“Furthermore, at the preliminary injunction stage, the procedures in the district court are less formal, and the district court may rely on otherwise

inadmissible evidence, including hearsay evidence. Thus, the district court can accept evidence in the form of deposition transcripts and affidavits.”) (citations omitted); *see also* § 2949 Procedure on an Application for Preliminary Injunction, 11A Fed. Prac. & Proc. Civ. § 2949 (3d ed.) (“Affidavits are appropriate on a preliminary-injunction motion and typically will be offered by both parties.) (footnote omitted).

Accordingly, the Intervenors respectfully submit that live testimony should not be permitted at the July 15 hearing, and that the parties’ evidentiary submissions should be limited to the evidence attached to their briefing previously filed in this Court.

Dated: July 12, 2022.

Respectfully submitted,

*/s/ Eva J. Dossier*

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**CERTIFICATE OF SERVICE**

I certify that on July 12, 2022, the foregoing was filed using the Court's ECF System, which constitutes services on all counsel having appeared of record in this proceeding.

/s/ Eva J. Dossier  
Eva J. Dossier