

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

BOBBY SINGLETON, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 2:21-cv-01291-AMM
)	
JOHN MERRILL, in his official)	THREE-JUDGE COURT
capacity as Alabama Secretary of State,)	
<i>et al.</i> ,)	
)	
Defendants.)	

SINGLETON PLAINTIFFS’ NOTICE OF FILING

Singleton Plaintiffs give notice of filing the Parties’ Joint Submission on Coordinated Preliminary Injunction Hearing and Discovery, attached hereto as Exhibit 1.

Dated: December 23, 2021

Respectfully submitted,

/s/ James Uriah Blacksher
James Uriah Blacksher
825 Linwood Road
Birmingham, AL 35222
Tel: (205) 612-3752
Fax: (866) 845-4395
Email: jublacksher@gmail.com

Joe R. Whatley, Jr.
W. Tucker Brown
WHATLEY KALLAS, LLP
2001 Park Place North
1000 Park Place Tower
Birmingham, AL 35203

Tel: (205) 488-1200
Fax: (800) 922-4851
Email: jwhatley@whatleykallas.com
tbrown@whatleykallas.com

/s/ Henry C. Quillen

Henry C. Quillen
(admitted *pro hac vice*)
WHATLEY KALLAS, LLP
159 Middle Street, Suite 2C
Portsmouth, NH 03801
Tel: (603) 294-1591
Fax: (800) 922-4851
Email: hquillen@whatleykallas.com

Myron Cordell Penn
PENN & SEABORN, LLC
1971 Berry Chase Place
Montgomery, AL 36117
Tel: (334) 219-9771
Email: myronpenn28@hotmail.com

Diandra “Fu” Debrosse Zimmermann
Eli Hare
DICELLO LEVITT GUTZLER
420 20th Street North, Suite 2525
Birmingham, AL 35203
Tel.: (205) 855.5700
Email: fu@dicellolevitt.com
ehare@dicellolevitt.com

Counsel for Plaintiffs

Exhibit 1

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

MARCUS CASTER, LAKEISHA
CHESTNUT, BOBBY LEE DUBOSE,
BENJAMIN JONES, RODNEY ALLEN
LOVE, MANASSEH POWELL,
RONALD SMITH, and WENDELL
THOMAS,

Plaintiffs,

v.

JOHN H. MERRILL, in his official
capacity as Alabama Secretary of State,

Defendant.

Case No. 2:21-CV-1536-AMM

**PARTIES' JOINT SUBMISSION ON COORDINATED PRELIMINARY
INJUNCTION HEARING AND DISCOVERY**

Pursuant to the Court's status conference held on December 20, 2021, the parties submit the following joint stipulation as to the January 4, 2022, coordinated preliminary injunction proceeding.¹

¹ Except if otherwise stated, all parties to the above-captioned case and to *Milligan v. Merrill*, Case No. 21-CV-1530-AMM, and *Singleton v. Merrill*, Case No. 21-cv-1291-AMM consent to the requests herein.

I. Order of Hearing

The parties propose the following order for the January 4, 2022, coordinated hearing:

1. *Singleton* Constitutional Racial Gerrymandering Case
2. *Milligan* Constitutional Racial Gerrymandering Case
3. *Caster/Milligan* Section 2 Cases
4. Defendants' Defense

The precise order of witnesses within each portion of the hearing will be decided among the parties at a later date.

II. Hearing Procedure on the *Caster/Milligan* Section 2 Claims

To conserve the Court's and parties' resources and streamline the hearing on Plaintiffs' motion for preliminary injunction, and without waiving any of the parties' arguments regarding the propriety of having the present case heard by a single district court judge or the three-judge court, the parties jointly propose below the preliminary injunction, discovery, and hearing procedures on the Section 2 claims raised by Plaintiffs in the present case and the plaintiffs in *Milligan v. Merrill*, Case No. 21-cv-1530-AMM:

1. The *Caster* and *Milligan* plaintiffs will coordinate their witnesses to present arguments and evidence on each Section 2 element in succession.²
2. Defendants and Defendant-Intervenors will present their defense to the *Caster* and *Milligan* plaintiffs' Section 2 claims at one time, such that Defendants' Section 2 witnesses appear only once.³

² For example, both *Caster* plaintiffs and *Milligan* plaintiffs may first present *Gingles* 1 evidence, followed by *Gingles* 2 evidence, and so on.

³ Defendant agrees to coordinate their defense with any other named defendant in *Caster* or *Milligan* to the extent they will also be providing a Section 2 defense, and those other defendants agree to that coordination.

3. *Caster* remains unconsolidated per *Milligan*, Case No. 21-cv-1530, ECF No. 40, and *Singleton v. Merrill*, Case No. 21-cv-01291-AMM, ECF No. 45.
4. Documents, discovery responses, deposition testimony, and hearing exhibits and hearing testimony produced, obtained, or offered in *Caster*, *Milligan*, or *Singleton* may be adopted by any party to these three cases (subject to objection by any party as it pertains to their individual case) as though produced in that case by affirmatively including such evidence in their proposed findings of fact.

III. Opening & Closing Statements

1. Opening Statements: The parties do not request opening statements.
2. Closing Statements: The parties jointly request closing statements to offer the Court the opportunity to question the parties on their cases.

Respectfully submitted this 23rd day of December, 2021.

/s/ Richard P. Rouco

Richard P. Rouco
(AL Bar. No. 6182-R76R)
**Quinn, Connor, Weaver, Davies &
Rouco LLP**

Two North Twentieth
2-20th Street North, Suite 930
Birmingham, AL 35203
Phone: (205) 870-9989
Fax: (205) 803-4143
rrouco@qcwdr.com

Abha Khanna*

Elias Law Group LLP
1700 Seventh Ave, Suite 2100
Seattle, WA 98101
Phone: (206) 656-0177
Email: AKhanna@elias.law

Lalitha D. Madduri*

Daniel C. Osher*

Joseph N. Posimato*

Olivia N. Sedwick*

Elias Law Group LLP

10 G St. NE, Suite 600
Washington, D.C. 20002
Phone: (202) 968-4518
Email: LMadduri@elias.law
Email: DOsher@elias.law
Email: JPosimato@elias.law
Email: OSedwick@elias.law

Attorneys for Plaintiffs

**Admitted Pro Hac Vice*

/s/ James W. Davis

Edmund G. LaCour Jr.
James W. Davis
A. Reid Harris
Brenton M. Smith
Benjamin M. Seiss
Alexander Barrett Bowdre
Misty Shawn Fairbanks Messick
Thomas Alexander Wilson
State of Alabama
Office of the Attorney General
501 Washington Avenue
Montgomery, Alabama 36130
(334) 242-7300
(334) 353-8400 (fax)
Edmund.LaCour@AlabamaAG.gov
Jim.Davis@AlabamaAG.gov
Reid.Harris@AlabamaAG.gov
Brenton.Smith@AlabamaAG.gov
Ben.Seiss@AlabamaAG.gov
Barrett.Bowdre@alabamaAG.gov
Misty.Messick@AlabamaAG.gov
thomas.wilson@alabamaAG.gov

Counsel for Secretary of State Merrill

/s/ Dorman Walker

Dorman Walker
Balch & Bingham LLP
105 Tallapoosa St., Suite 200
Montgomery, AL 36104
Phone: (334) 269-3138
Email: dwalker@balch.com

Counsel for Defendant-Intervenors

