UNITED STATES DISTRICT COURT
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*.	Case No. 3:19-cv-00479-JWD-SDJ

STATE DEFENDANTS' OPPOSITION TO MOTION TO INTERVENE

Defendants, the State of Louisiana, through its Attorney General Jeff Landry, and the Secretary of State submit this memorandum in opposition to the Motion to Intervene[1] filed by John L. Weimer, Greg Champagne, Mike Tregre, and Craig Webre ("Proposed Intervenors") on July 5, 2022. ECF No. 114. The Defendants respectfully request that this Court deny the intervention.[2]

[1] Proposed Intervenors initially had significant procedural issues with their motion, and many of those issues continue with the amended motion to intervene. First, they seek an emergency TRO *before* intervention has been briefed, let alone determined. On that basis, the TRO request is a nullity until such time as their intervention is granted (which, for the reasons detailed herein, it should not be). Second, they styled their Motion as both a Motion to Intervene and a Motion for a Temporary Restraining Order. These Motions should have been filed separately as they address separate issues, and so the Defendants will file a *separate response* to Proposed Intervenors' Motion for TRO if and when that becomes necessary. Finally, Proposed Intervenors were before this Court not more than six days ago and, after the Court made clear it was sending the intervention to the magistrate in the usual course, *said nothing* about this emergency. The Court gave the Proposed Intervenors every opportunity to assert their reasons why this intervention should not follow the normal course, and they failed to adequately do so at the July 1 status conference. Now, they have tried to cure the deficiencies two weeks before qualifying.

[2] Proposed Intervenors' initial Motion to Intervene, ECF No. 109, failed to include "a pleading that sets out the claim or defense for which intervention is sought" as required by Federal Rule of Civil Procedure 24(c). Although this error has been rectified in their amended filing, it is one of many deficiencies evident in the initial Motion.

I. Proposed Intervenors Have Not Satisfied the Standard for Mandatory Intervention.

The Fifth Circuit requires a party seeking mandatory intervention to satisfy four requirements: (1) timeliness; (2) "an interest relating to the property or transaction that is the subject of the action;" (3) "the disposition of the action may, as a practical matter, impair or impede [the intervenors'] ability to protect its interest;" and (4) intervenors' interest is "inadequately represented by the existing parties to the suit." *Brumfield v. Dodd*, 749 F.3d 339, 341 (2014). "Failure to satisfy any one requirement precludes intervention as of right." *Edwards v. City of Houston*, 78 F.3d 983, 999 (5th Cir. 1996). When a court has satisfied itself that a proposed intervenor has failed to satisfy any one of the four factors for mandatory intervention, it "need not address the remaining issues." *La. Env't. Action Network v. McCarthy*, 2016 U.S. Dist. LEXIS 109129, at *6 (M.D. La. 2016).

As an initial matter, it is not possible to intervene in litigation for a "limited purpose" as Proposed Intervenors suggest. *See* ECF No. 114 at 2. "Intervention is the requisite method for a nonparty to *become a party* to a lawsuit." *United States ex rel. Eisenstein v. City of New York*, 556 U.S. 928, 933 (2009) (emphasis added). If intervention is granted, Proposed Intervenors would become parties to this action. Proposed Intervenors would need to be consulted concerning the contours of any final settlement. The State of Louisiana maintains that the Proposed Intervenors cannot unilaterally restrict the scope of their involvement to the issues in which they claim to be interested.

A. Proposed Intervenors' Motion is Not Timely.

"Whether leave to intervene is sought under section (a) or (b) of Rule 24, the application must be timely." *Stallworth v. Monsanto Co.*, 558 F.2d 257, 263 (5th Cir. 1977). "If it is untimely, intervention must be denied." *NAACP v. New York*, 413 U.S. 345, 365 (1973). The Fifth Circuit

has identified four factors bearing on the timeliness of a motion to intervene: (1) "the length of time during which the proposed intervenor should have known of his interest in the case before he petitioned to intervene;" (2) potential prejudice to other parties already in the case; (3) potential prejudice to the proposed intervenor if intervention is denied; and (4) "unusual circumstances militating either for or against a determination that the application is timely." *Hoffman v. Jindal*, 2016 U.S. Dist. LEXIS 99371, at *14-15 (M.D. La. July 29, 2016) (quoting *Ross v. Marshall*, 426 F.3d 745, 754 (5th Cir. 2005)). All four of these factors weigh against granting the intervention requested by Proposed Intervenors here.[3]

First and most importantly, Proposed Intervenors have been on notice for almost *three years* that there was at least a possibility this litigation could result in a stay of *all* Louisiana Supreme Court elections. In the Complaint, Plaintiffs alleged that the voting-age population of Louisiana is approximately 30% African American; however, African Americans comprise a majority in only one of the seven Supreme Court electoral districts. ECF 1 at ¶ 2. Plaintiffs also alleged that the African-American population and its voting-age population are sufficiently large and geographically compact to constitute a majority in two fairly drawn, constitutional single-member districts for the Supreme Court. ECF 1 at ¶ 4. The Plaintiffs requested:

> [T]hat this Court (a) declare that the current single-member districts for the Louisiana Supreme Court violate Section 2 of the Voting Rights Act, (b) enjoin the further use of the current Supreme Court districts, and (c) require the State to redraw the Louisiana Supreme Court districts so that future elections can be conducted in compliance with the Constitution of the United States and the Voting Rights Act.

ECF 1 at ¶ 5.

[3] The Court should also note that Proposed Intervenors' original Motion, ECF No. 109, requested only mandatory intervention under FRCP 24(a). In their Memorandum in Support of their Amended Motion, ECF No. 114-1, Proposed Intervenors argue in the alternative for both mandatory and permissive intervention.

Plaintiffs prayed that this Court enjoin Defendants from "administering, implementing, or conducting any future elections for the Louisiana Supreme Court under the current method of election." ECF 1 at prayer, p. 15 of 25.

Proposed Intervenors claim that there was no reason for them to intervene earlier than June 29, 2022 because "it would be unreasonable to believe that any action or stay of the upcoming Supreme Court election in District Six would be impacted by pending litigation concerning voters within District Five." ECF No. 114-1 at 5. But in the underlying Complaint filed on July 23, 2019, Plaintiffs specifically requested a declaratory judgment that Louisiana's existing Supreme Court districts violated the Voting Rights Act and a permanent injunction preventing Defendants "from administering, implementing, or conducting *any future elections for the Louisiana Supreme Court* under the current mode of election." ECF No. 1 at 15 (emphasis added). Hence, what Proposed Intervenors claim was an "unreasonable" assumption was readily apparent to anyone who read the lawsuit that kicked off this litigation. Proposed Intervenors can hardly claim that Plaintiffs hid the ball in terms of the statewide nature of the remedy they sought.

Furthermore, actual notice is not required for the timeliness clock to begin running; what matters is "the length of time during which the proposed intervenor *should have known* of his interest in the case before he petitioned to intervene[.]" *Hoffman*, 2016 U.S. Dist. LEXIS 99371, at *14 (emphasis added). Proposed Intervenors cannot claim they lacked notice when this litigation has been ongoing for almost three years and a statewide stay of all Supreme Court elections was specifically requested by Plaintiffs from the very start.

For Proposed Intervenor Weimer it was not even necessary to carefully watch this Court's docket, because the Defendant Attorney General repeatedly briefed both him and the rest of the Louisiana Supreme Court Justices on this litigation. On two separate occasions last year, the

Attorney General prepared memos explaining the underlying issues, including the nature of Plaintiffs' requested statewide remedy, for the benefit of the full Supreme Court. Justice Weimer, along with the other Justices of the Supreme Court, were advised both orally and in writing that:

> **Plaintiffs . . . request an order, enjoining the defendants from administering, implementing, or conducting any future elections for the Louisiana Supreme Court and further request that the court order the implementation of a new method of elections.**
>
> . . . .
> Plaintiffs will push . . . to expedite the trial in this case, as the terms of [one] Supreme Court justices will expire in 2022, and **it is necessary for the Supreme Court election districts to be changed before that election**.

See Exhibit A. (Emphasis added.)

After giving the Justices (including Proposed Intervenor Weimer) an opportunity to review those memos, the Attorney General held a Zoom meeting with all the Justices on July 1, 2021, that gave them an additional opportunity to ask questions about the status of this litigation. *See* Ex. B.

Additionally, the Louisiana Legislature offered several bills that dealt with redistricting of the Louisiana Supreme Court in both the 2022 First Extraordinary Session and the 2022 Regular Session. These bills, which were proposed after receipt of recent census data, demonstrated that redistricting of the Louisiana Supreme Court, including District 6, is an issue that must be taken up by the State.

Moreover, in Proposed Intervenor Weimer's State of the Judiciary address delivered to a joint session of the Louisiana Legislature on March 15, 2022, fifteen weeks before his Motion to Intervene was filed, he acknowledged that "[o]bviously, the Supreme Court districts as currently configured need some modification because of population shifts."[4] Although all Proposed Intervenors had a sufficient opportunity to learn that the relief requested in this lawsuit could affect

[4] La. Sup. Ct., 2022 State of the Judiciary Address to the Joint Session of the Louisiana Legislature (Mar. 15, 2022), https://www.lasc.org/Press_Release?p=2022-07.

Supreme Court elections in every district for three years before their Motion was filed, Proposed Intervenor Weimer has had repeated communications with executive and legislative branch staff concerning this very issue and cannot credibly plead ignorance concerning the effect of the requested stay or that modification of all election districts was needed prior to the 2022 election.

B. The Proposed Intervention Prejudices Other Parties Already in the Case.

The other three timeliness factors also weigh against Proposed Intervenors. Permitting intervention at this late date, three years after the lawsuit was filed and two months after all parties agreed to the Consent Stay Order, would substantially prejudice the existing parties by requiring them to reopen issues that have already been resolved in a manner approved by the Court. The whole purpose of the stay agreed to by all parties in the litigation is to allow the existing parties to negotiate a settlement respecting the Louisiana Supreme Court districts that will fix the existing malapportionment issues and bring about a final resolution that ensures stability for the State's Supreme Court districts. Interrupting that process now after there has been significant progress towards a resolution threatens the very foundation of the negotiations.

"Parties who delay in attempting to intervene, and who end up doing so only after the original parties have reached an acceptable settlement, should not be able, without good reason, to intervene when their intervention may well cause substantial prejudice to the original parties." *Empire Blue Cross & Blue Shield v. Janet Greeson's A Place For Us, Inc.*, 62 F.3d 1217, 1219 (9th Cir.1995). The Consent Motion and Order for Stay, Docs. 100 and 101, may be treated like a settlement, at least temporarily for purposes of negotiating a settlement in this matter.

Here, allowing intervention at this stage of the proceedings would prejudice the parties, including both the Plaintiffs and Defendants. As the parties stated in their *Memorandum in Support of Consent Motion to Stay All Louisiana Supreme Court Elections*, Doc. 100-1,

> By temporarily pausing elections, the Court prevents elections clouded by the unresolved legal questions present under the seven malapportioned voting districts to give the parties time to establish reapportioned districts free of similar questions2; (2) the Parties will suffer irreparable injury if they are forced to elect their Supreme Court Justices by way of malapportioned districts; and (3) the public interest is far better served by ensuring that Louisiana voters cast their ballots in districts that are appropriately drawn, population balanced, and Voting Rights Act compliant rather than by allowing the current, malapportioned districts to determine who will sit on the State's high court.

As the parties stated, "temporarily pausing elections, the Court avoids elections clouded by legal questions and gives the parties time to create a system that resolves those questions." Doc. 100-1. This document shows the effort that both parties to this suit have made in attempting to remedy the underlying issues, and intervention at this late stage highly prejudices the parties by attempting to disrupt ongoing settlement negotiations and a remedy for a path forward.

As the *Empire* court noted, "[t]he first potential prejudice to the parties is the possibility that modification would "unravel" the original settlement." *Id*. at 1220. If elections proceed in one Supreme Court district, it is highly unlikely that a remedy could be implemented, as a change would almost certainly be necessary to that district in order to implement the remedy. Such a remedy could result in an elected Supreme Court justice no longer residing in their proposed district, or perhaps putting two justices in the same district. This would impact the ability of the parties to move forward with any potential remedy, and thus be highly prejudicial to the parties.

Second, the *Empire* court noted that "[t]he second potential prejudice to the parties that could result from modification of the protective orders involves pragmatic concerns." *Id*. at 1220. Here, a change in one district boundaries necessarily affects other district boundaries. For pragmatic purposes, as discussed supra, the parties cannot proceed to settle a case with the boundaries of certain districts locked in place. This removes any flexibility and ability to obtain equal populations that would remedy any potential legal deficiencies of the district.

Third, to allow the election to go forward, will allow a judge to be elected from a malapportioned district. Then, that judge can stay in that district for a term of ten years. In the meantime, new census data will be received from the state, and further reapportionment will be required. However, there will be no relief afforded these voters related to receipt of the 2020 census data.

C. Proposed Intervenors will not be prejudiced if the Motion is Denied.

Moreover, Proposed Intervenors will not be prejudiced by a denial of intervention. Although they claim they will be "deprived of the right to vote (and qualify as a candidate in) the upcoming November 8, 2022 election for District Six" in the absence of intervention, this is not quite right. ECF No. 114-1 at 6. The District Six election has only been temporarily stayed until such time as reapportionment is complete, which means that Proposed Intervenor Weimer will remain in his current office until such time as an election is held; nothing in the Consent Stay Order requires him to relinquish his seat early, nor does it prevent him from competing as a candidate in the next scheduled election. And the Proposed Intervenor voters are not prejudiced either, because they will still have an opportunity to vote in the District Six election *when that election is held*, and they are not currently without a member of the Supreme Court from their district. It hardly makes sense to claim that one has been denied the right to vote in an election that no one else has had an opportunity to vote in because the election will be held at a future date, nor does it make sense to claim they are being otherwise denied representation.[5] Finally, there are no "unusual circumstances" here that compel a different result.

[5] While this point will eventually need resolution by the Supreme Court, which has been less than clear about whether elected judges are "representatives," at least for the purposes of Section 2 of the Voting Rights Act (the operative statute here) the Supreme Court concluded that judges are representatives. *See Chisom v. Roemer*, 501 U.S. 380, 384 (1991).

There are likely some individuals that reasonably relied on this Court's May 3, 2022 stay order and decided not to mount a campaign for the District Six Supreme Court seat this year. An unknown number of prospective candidates likely abandoned their attempt to run in light of this Court's stay. If the stay were to be partially lifted only days prior to the qualifying deadline, Proposed Intervenor Weimer would derive an unfair advantage that others who simply abided by this Court's stay order will not have. In reliance on the Court's order, no one else has made the necessary preparations for a 2022 campaign, so any "election" would be a competition in name only.

Proposed Intervenors argue that May 3, 2022—the date the Consent Stay Order was signed by Judge deGravelles—is the relevant date for calculating the timeliness of their Motion. ECF No. 114-1 at 5-6. For the reasons explained above, this is incorrect. However, even if Proposed Intervenors are correct, their Motion is still untimely. It should not have taken eight weeks from the time of the Consent Stay Order to file the Motion to Intervene given that Proposed Intervenors claim to be concerned about the July 20, 2022 opening of the qualifying period. *See Benisek v. Lamone*, 138 S. Ct. 1942, 1944 (2018) (holding that "a party requesting a preliminary injunction must generally show reasonable diligence" and affirming the denial of an injunction when a party waited "over three years after the plaintiffs' first complaint was filed" to file their motion). Proposed Intervenors should have known that Plaintiffs requested a stay of *all* Louisiana Supreme Court elections in every district since July 23, 2019, and a three-year interval during which Proposed Intervenors should have known (and, in the case of Proposed Intervenor Weimer, in fact *did* know) of their interest in this case is too lengthy an interval to consider their Motion timely filed.

Moreover, Proposed Intervenors' required pleading of intervention was not filed until July 5, 2022, six days after their initial Motion and less than two weeks before the qualifying period. In order to hear the matter before qualifying, the Court must ignore the normal delays for considering a motion to intervene simply to comply with the late-filed request.

D. Proposed Intervenors' Interest Is Adequately Represented by the State.

Proposed Intervenors also claim that their interests are not adequately represented by the original parties because "all parties have indicated that they oppose the relief that the Intervenors seek," ECF No. 114-1 at 7, but they fail to explain how their interests differ from those of the State.[6] The Fifth Circuit has traditionally required intervenors to demonstrate an "incongruity of interests" that is "far more pronounced" than that alleged here. *See Veasey v. Perry*, 577 Fed. App'x 261, 262 (5th Cir. 2014). In general, "when the existing party has the same ultimate objective as the proposed intervenor, intervention should be denied unless the proposed intervenor shows 'adversity of interest, collusion, or nonfeasance on the part of the existing party[.]'" *Id.* at 263 (internal citation omitted). Proposed Intervenors have not even attempted to make any of those showings here.[7]

Proposed Intervenors share the "same ultimate objective" as the State: The conduct of all Louisiana Supreme Court elections in accordance with applicable federal and state laws. *M2 Tech, Inc. v. M2 Software, Inc.*, 589 Fed. App'x 671, 675 (5th Cir. 2014). The only potential interest that Proposed Intervenors raise in their Amended Motion is their desire "to protect their right to vote in the upcoming election." ECF No. 114-1 at 7-8. But, as explained *supra*, the Consent Stay Order has not deprived Proposed Intervenors or any other Louisianians of their right to vote; it has simply

[6] Indeed, at a different point in their Amended Motion to Intervene, Proposed Intervenors claim to be aligned with the State Defendants. ECF No. 114-1 at 8.

[7] Nor is this a case like *Berger v. N.C. State Conference of the NAACP*, 2022 U.S. LEXIS 3052, where a state official or body authorized under state law to intervene has moved in some official capacity.

stayed all Supreme Court elections within the State until such time as they can be conducted under a map that addresses the concerns raised in Plaintiffs' lawsuit and acknowledged by Justice Weimer in his State of the Judiciary address—ongoing, severe malapportionment. Allowing District Six elections to go forward as Proposed Intervenors request before the underlying issues in this litigation have been resolved would be contrary to the interests of those who wish to cast an effective vote, and it would be another ten years before voters would have an opportunity to cast their vote in a properly reapportioned district.[8]

Beyond failing to identify any interest that Defendants are not already protecting, Proposed Intervenors also neglect to produce any evidence of "adversity of interest, collusion, or nonfeasance on the part of" Defendants that would entitle them to mandatory intervention. *Veasey*, 577 Fed. App'x at 262. Defendants have diligently litigated this case for three years, and Proposed Intervenors cannot cast doubt on the sincerity of that effort by seeking to intervene at the eleventh hour for relief that will harm, not help, every Louisianian. In the absence of any attempt to satisfy the applicable legal standard, intervention under Rule 24(a) must be denied.

II. Proposed Intervenors Have Not Satisfied the Standard for Permissive Intervention.

Proposed Intervenors also request intervention pursuant to Rule 24(b), which permits courts to allow the intervention of any party that "has a claim or defense that shares with the main action a common question of law or fact." The decision whether to grant permissive intervention "is wholly discretionary with the [district] court . . . even though there is a common question of law or fact, or the requirements of Rule 24(b) are otherwise met." *Kneeland v. NCAA*, 806 F.2d

[8] In fact, allowing the elections to go forward under a clearly malapportioned State Supreme Court map actively harms Proposed Intervenors and all Louisiana citizens. *See* Mem. In Support of Mot. to Stay, ECF No. 100-1 (noting that "[t]he malapportionment is a particular issue in the area around New Orleans Parish, which is where both the sixth (the district where next election is scheduled) and seventh (current majority-minority district) districts reside").

1285, 1289 (5th Cir. 1987) (citation omitted). In deciding whether to grant permissive intervention, the court "must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(3).

As explained above, timeliness is a relevant factor for both mandatory and permissive interventions. *See St. Bernard Parish v. Lafarge N. Am., Inc.*, (5th Cir. 2019) ("While the provisions cover different situations, both prize punctuality, beginning with the same three words: 'On timely motion . . .'"); *see also Stallworth*, 558 F.2d at 263. For the reasons detailed fully in Section I(A) *supra*, Proposed Intervenors have had notice of the potential for a statewide stay of Louisiana Supreme Court elections since July 2019 and their three-year delay in seeking intervention dooms their attempt under either a mandatory or a permissive theory. Permitting Proposed Intervenors' "involvement here would" significantly "delay resolution of the matter." *M2 Tech, Inc.*, 589 Fed. App'x at 676. Therefore, permissive intervention should also be denied. Most important is the effect that intervention would have on the rights of the existing parties. The parties have been diligently working towards a resolution of the issues in this lawsuit; on May 2, 2022, they filed a Consent Motion to Stay all Louisiana Supreme Court elections until those elections can proceed using a map that is not clouded by legal controversy. ECF No. 100. That Consent Motion was subsequently approved by this Court on May 4, 2022. ECF No. 101.

Proposed Intervenors are "clearly attempting to disrupt the settlement negotiated by the parties," because they seek to partially lift the negotiated stay with respect to District Six. *See La. Env't Action Network*, 2016 U.S. Dist. LEXIS 109129, at *6. Granting the relief that Proposed Intervenors seek will unduly delay the resolution of this case and the adjudication of the rights of the original parties by interfering in the productive settlement negotiations that are currently ongoing.

Courts routinely deny intervention "when the parties ha[ve] already commenced settlement negotiations." *Jones v. Stanford*, 525 F. Supp. 3d 420, 424 (E.D.N.Y. 2021) (collecting cases); *see also Hollywood Cmty. Synagogue, Inc. v. City of Hollywood*, 254 Fed. App'x 769, 771 (11th Cir. 2007) (finding that intervention "would substantially prejudice the existing parties by undoing twenty-two months of litigation and settlement negotiations"); *Bloomington v. Westinghouse Elec. Corp.*, 824 F.2d 531, 535 (7th Cir. 1987) (affirming district court's denial of intervention where "intervention at this time would render worthless all of the parties' painstaking negotiations because negotiations would have to begin again and [proposed intervenor] would have to agree to any proposed consent decree"); *Stotts v. Memphis Fire Dep't*, 679 F.2d 579, 585 (6th Cir. 1982) (holding that "[a]n additional factor which weighed against allowing intervention was the months of settlement negotiations and the three years the case has been pending").

Undoing the work already completed by the parties and allowing elections to go forward on a piecemeal basis will only delay the conclusion of this already long-running lawsuit. To permit intervention now, "after positions have hardened, concessions here have been traded for those there, persons, groups, and institutions have gone 'on the line' publicly," would mean "all the time, effort, and meetings will have been wasted, and the lengthy and difficult process will have to begin all over again, from 'square one' or worse." *Jones v. Caddo Parish Sch. Bd.*, 735 F.2d 923, 935 (5th Cir. 1984). Louisiana citizens deserve a final resolution as to the status of their Supreme Court districts, and it is now finally time to allow the State to bring these issues to a close.

CONCLUSION

Because Proposed Intervenors had adequate notice of the relief requested in the underlying lawsuit for nearly three years before their Motion to Intervene was filed, and for the numerous other reasons listed herein, this Court should deny their Motion to Intervene.

Dated: July 7, 2022

Respectfully submitted,

JEFF LANDRY
ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I certify that on July 7, 2022, the foregoing was filed using the Court's CM/ECF system, which constitutes service on all counsel having appeared of record in this proceeding.

/s/ Jeff Landry
Jeff Landry

Tuesday, July 5, 2022 at 16:14:14 Central Daylight Time

Subject: Supreme Court Redistricting
Date: Friday, February 5, 2021 at 10:59:14 AM Central Standard Time
From: Landry, Jeffrey
To: jweimer@LASC.org
CC: [redacted]
Attachments: Memo.Justice Weimer and Supreme Court Justices.pdf

Justices,

Please find attached a memo regarding the Supreme Court Redistricting lawsuit.

For Louisiana,
Jeff

EXHIBIT
A

MEMO
Privileged and Confidential.

TO: Chief Justice John L. Weimer
Louisiana Supreme Court

CC: [redacted]

FROM: Attorney General Jeff Landry

RE: *Louisiana State Conference of the National Association for the Advancement of Colored People, et al., v. State of LA, et al.,* USDC (Middle District), Docket No. 3:19-cv-00479; Supreme Court Redistricting Case

I would like to call your attention to the above referenced lawsuit, which may impact the current composition of the Supreme Court, as well as the current method of electing judges to the Supreme Court. I look forward to meeting with you and the other Justices to get your input as we work towards resolution of this case. Below is an assessment of the case for your consideration.

Summary of Plaintiffs' Claims

This is a suit brought under Section 2 of the Voting Rights Act of 1965. Plaintiffs, two individual voters and the Louisiana State Conference of the NAACP, allege that the voting age population of Louisiana is approximately 30% African American, but this group only makes up a majority of one of the seven Louisiana Supreme Court electoral districts (or about 14% of the districts). Plaintiffs claim that the demographics of these districts and racially polarized voting prevent African Americans from equal participation in the election of justices to the Court. Defendants include the State of Louisiana and R. Kyle Ardoin, Secretary of State, sued in his official capacity.

Plaintiffs request that the Court declare that the current apportionment of the Louisiana Supreme Court violates Section 2. Plaintiffs also request an order, enjoining the defendants from administering, implementing, or conducting any future elections for the Louisiana Supreme Court and further request that the court order the implementation of a new method of elections. Finally, Plaintiffs seek attorneys' fees and costs for maintaining the action.

It is highly probable that the underlying litigation will be transferred to the Eastern District of Louisiana and that Judge [redacted] will preside over the case. [redacted]

[redacted]

Plaintiffs will push Judge [redacted] to expedite the trial in this case, as the terms of two Supreme Court justices will expire in 2022, and it is necessary for the Supreme Court election districts to be changed before that election. 2020 Census data should be available soon, and Judge [redacted] may find no reason to delay action on the case.

Procedural History

July 23, 2019	Original Complaint for Declaratory and Injunctive Relief filed in the United States District Court for the Middle District by Plaintiffs.
October 4, 2019	The State of Louisiana filed a Motion to Dismiss for lack of jurisdiction because of the continuing jurisdiction of the United States District Court of the Eastern District due to a consent decree in the *Chisom v. Jindal* case. The Secretary of State also filed a Motion to Dismiss, essentially adopting the arguments set forth by the State of Louisiana.
June 26, 2020	Judge deGravelles denied the Defendants' Motions to Dismiss.
July 17, 2020	State Defendants filed a Motion for Interlocutory Appeal.
October 19, 2020	Judge deGravelles issued a Ruling and Order, allowing the Interlocutory Appeal.
October 28, 2020	State Defendants filed a Petition for Interlocutory Appeal with the United States Court of Appeals for the Fifth Circuit.
January 13, 2021	State Defendants filed their brief with the United States Court of Appeals for the Fifth Circuit. State Defendants are asking the Fifth Circuit to address the question of jurisdiction of one district court to adjudicate disputes over a districting plan for a state body implemented by and subject to the continuing Consent Decree of a different district court. State Defendants are requesting that the Fifth Circuit either dismiss without prejudice the underlying action for lack of jurisdiction or, alternatively, order that this case be transferred to the Eastern District of Louisiana.
Present	Matter is currently pending with the Fifth Circuit.

Analysis

[redacted]

[redacted]

[redacted]

[redacted]

Tuesday, July 5, 2022 at 16:11:51 Central Daylight Time

Subject: Confidential Communication
Date: Tuesday, June 22, 2021 at 3:24:35 PM Central Daylight Time
From: Freel, Angelique
To: JWeimer@LASC.ORG
CC: [redacted]
Attachments: image001.png, image002.png, image003.png, image004.png, image005.png, Hon. Justice Weimer.pdf

Honorable Justice Weimer:

Attached please find correspondence from Attorney General Landry.

Sincerely,

Angelique Freel
Director Civil Division
Office of Attorney General Jeff Landry
Direct: 225-326-6001; Main: 225-326-6010; Fax: 225-326-6096
www.AGJeffLandry.com

Tuesday, July 5, 2022 at 16:17:36 Central Daylight Time

Subject: Zoom meeting with AG Landry
Date: Tuesday, June 29, 2021 at 3:32:28 PM Central Daylight Time
From: Stephanie Garrison
To: Hebert, Claire, Justices Only

CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

The zoom meeting between AG Landry and the LASC Justices is confirmed for 11:00 a.m. on Thursday, July 1, 2021. The login information is included below.

Stephanie Garrison
Judicial Administrative Assistant
Office of C.J. John Weimer
985/493-8833

Topic: Supreme Court and AG Landry Meeting
Time: Jul 1, 2021 11:00 AM Central Time (US and Canada)

Join ZoomGov Meeting
https://lasc-org.zoomgov.com/j/1606027847?pwd=Mk9mTDIwN3Z5OXk4WnlMVHJlc3BQZz09

Meeting ID: 160 602 7847
Passcode: 133699
One tap mobile
+16692545252,,1606027847#,,,,*133699# US (San Jose)
+16468287666,,1606027847#,,,,*133699# US (New York)

Dial by your location
+1 669 254 5252 US (San Jose)
+1 646 828 7666 US (New York)
+1 669 216 1590 US (San Jose)
+1 551 285 1373 US
Meeting ID: 160 602 7847
Passcode: 133699

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