IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

DYAMONE WHITE; DERRICK SIMMONS; TY PINKINS; CONSTANCE OLIVIA SLAUGHTER HARVEY-BURWELL — **PLAINTIFFS**

VS. — **CIVIL ACTION NO. 4:22-cv-00062-DMB-JMV**

STATE BOARD OF ELECTION COMMISSIONERS; TATE REEVES ***in his official capacity as Governor of Mississippi*****; LYNN FITCH** ***in her official capacity as Attorney General of Mississippi*****; MICHAEL WATSON** ***in his official capacity as Secretary of State of Mississippi*** — **DEFENDANTS**

STATE DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' COMPLAINT

COME NOW the defendants, State Board of Election Commissioners ("the SBEC"), Tate Reeves, in his official capacity as Governor of Mississippi, Lynn Fitch, in her official capacity as Attorney General of Mississippi, and Michael Watson, in his official capacity as Secretary of State of Mississippi, (hereinafter collectively "Defendants") by and through counsel, without waiving any of their immunities or defenses, affirmative or otherwise, all of which are hereby reserved, and pursuant to Rules 6 and 7, *Federal Rules of Civil Procedure*, file this their unopposed motion for extension of time to file and serve their answer(s) or other response(s) to Plaintiffs' Complaint for Declaratory Judgment and Injunctive Relief [Dkt. #1], and in support thereof would show unto the Court the following:

1. On April 25, 2022, Plaintiffs Dyamone White, Derrick Simmons, Ty Pinkins, and Constance Olivia Slaughter Harvey-Burwell (hereinbefore and hereinafter collectively "Plaintiffs") filed a Complaint [Dkt. #1] against the SBEC and Mississippi's Governor, Attorney General, and Secretary of State (each in his/her official capacity only) alleging that Mississippi's three Supreme Court districts—which have been in place since 1987—"dilute the voting strength of Black Mississippians in violation of the Voting Rights Act and the United States Constitution." Complaint at 1-2, ¶ 1 (Dkt. #1). Plaintiffs allege that Mississippi's Supreme Court districts "must be redrawn so that Black voters in Mississippi have a full and fair opportunity to elect candidates of their choice." *Id.* at 2, ¶ 1.

2. As against all of the defendants, Plaintiffs purport to assert claims under Section 2 of the Voting Rights Act of 1965 (Count 1). *Id.* at 52-53, ¶¶ 140-44. As against the Governor, Attorney General, and Secretary of State, Plaintiffs purport to assert claims under the Fourteenth and Fifteenth Amendments to the United States Constitution (Count 2). *Id.* at 53-55, ¶¶ 145-51. Both of the aforementioned counts are asserted pursuant to 42 U.S.C. § 1983. *See id.* at 52-53.

3. Plaintiffs seek to have this Court "[d]eclare the district boundaries and/or districting scheme used by the State of Mississippi in electing the justices of the Mississippi Supreme Court to be in violation of Section 2 of the Voting Rights Act and the United States Constitution[.]" *Id.* at 55, ¶ A. Plaintiffs further seek to "[p]reliminarily and permanently enjoin the Defendants and their agents from holding elections for the Mississippi Supreme Court under the existing districts[,]" and to compel Mississippi to adopt new Supreme Court districts. *Id.* at 55, ¶¶ B-D. Plaintiffs also seek to recover attorneys' fees and costs. *Id.* at 56, ¶ E.

4. According to proofs of service filed by Plaintiffs, service of Plaintiffs' Complaint was effected on Defendants on April 26, 2022. *See* Proofs of Service (Dkt. #6). Pursuant to Rule

12, *Federal Rules of Civil Procedure*, Defendants must presently serve an answer or other response to Plaintiffs' Complaint on or before Tuesday, May 17, 2022.

5. Plaintiffs' Complaint comprises 57 pages and 151 numbered paragraphs. Given the nature of Plaintiffs' allegations and claims, the scope of the relief sought, and the scheduling demands of Defendants, all of whom are (or, in the case of the SBEC[1], are constituted by) high-ranking State government officials, Defendants respectfully request that they be granted an extension of 30 days, *viz.*, until and including Thursday, June 16, 2022, to file and serve their answer(s) or other response(s) to Plaintiffs' Complaint.

6. Counsel for Defendants has conferred with Plaintiffs' counsel and has been advised that Plaintiffs do not oppose Defendants' instant motion for an extension.

7. This motion is filed in good faith and is not interposed for delay or other improper purpose. Given the nature of this motion and the relief requested, the grounds for which are apparent on the face of the instant motion, Defendants respectfully request that the Court waive the requirement for the filing of a memorandum of authorities.

8. In accordance with local rules, a proposed order will be separately transmitted to the magistrate judge's chambers via e-mail.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that the Court make and enter its Order granting Defendants' instant unopposed motion for a 30-day extension of time to respond to Plaintiffs' Complaint [Dkt. #1], allowing Defendants until and including Thursday, June 16, 2022, to file/serve their answer(s) or other response(s) to Plaintiffs' Complaint [Dkt. #1].

THIS the 12th day of May, 2022.

[1] Pursuant to Mississippi law, the SBEC consists of three members: the Governor, the Secretary of State, and the Attorney General. MISS. CODE ANN. § 23-15-211(1).

Respectfully submitted,

STATE BOARD OF ELECTION COMMISSIONERS, TATE REEVES, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF MISSISSIPPI, LYNN FITCH, IN HER OFFICIAL CAPACITY AS ATTORNEY GENERAL OF MISSISSIPPI, AND MICHAEL WATSON, IN HIS OFFICIAL CAPACITY AS SECRETARY OF STATE OF MISSISSIPPI, DEFENDANTS

By: LYNN FITCH, ATTORNEY GENERAL
STATE OF MISSISSIPPI

By: s/Rex M. Shannon III
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ATTORNEYS FOR DEFENDANTS STATE BOARD OF ELECTION COMMISSIONERS, TATE REEVES, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF MISSISSIPPI, LYNN FITCH, IN HER OFFICIAL CAPACITY AS ATTORNEY GENERAL OF MISSISSIPPI, AND MICHAEL WATSON, IN HIS OFFICIAL CAPACITY AS SECRETARY OF STATE OF MISSISSIPPI

CERTIFICATE OF SERVICE

I, Rex M. Shannon III, Special Assistant Attorney General and attorney for the above-named State Defendants, do hereby certify that I have this date caused to be filed with the Clerk of the Court a true and correct copy of the above and foregoing via the Court's ECF filing system, which sent notification of such filing to all counsel of record.

THIS the 12th day of May, 2022.

s/Rex M. Shannon III
REX M. SHANNON III