

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

LATASHA HOLLOWAY, *et al.*,

Plaintiffs,

v.

CITY OF VIRGINIA BEACH, *et al.*,

Defendants.

Civil Action No. 2:18-cv-0069
Judge Raymond A. Jackson

JOINT RULE 26(F) REPORT AND DISCOVERY PLAN

The parties, by their undersigned counsel, held a conference pursuant to Rule 26(f) of the Federal Rules of Civil Procedure on September 5, 2025. The parties hereby jointly submit the following report consistent with Fed. R. Civ. P. 26(f) and Local Rule 26.

1. The following persons participated in the conference on September 5, 2025 by videoconference:

Mark Gaber, Simone Leeper, Annabelle Harless, Ben Phillips, and Marisa Wright representing Plaintiffs.

Katherine L. McKnight, Erika Dackin Prouty, Patrick T. Lewis, Christopher S. Boynton, Joseph M. Kurt, and Zachary T. Burkholder representing Defendants.

2. **Discovery Plan.**

(a) **Topics of Discovery.**

Plaintiffs:

Plaintiffs' discovery will relate to the dilutive and retrogressive effect of the 7-3-1 system of election, the efficacy of the 10-1 system of election, and will include discovery of any experts retained by Defendants, any fact witnesses identified by Defendants, and third-party witnesses.

Defendants:

Defendants anticipate discovery upon the following subjects:

- i. The allegations and prayer for relief in the Second Amended Complaint, including but not limited to:
 - a. Plaintiffs' evidence of the allegedly dilutive and/or retrogressive effect of the 7-3-1 system of election, upon the rights of an alleged coalition of "Black, Hispanic/Latino, and[/or] Asian/Asian American Pacific Islander (AAPI)" voters in the City defined as the "Minority Community." 2d Am. Compl. at ¶ 1. This includes, without limitation: (1) whether the claimed "Minority Community" coalition is sufficiently large and geographically compact to constitute a majority in a single-member district; (2) whether each distinct race, color, or language-minority group Plaintiffs claim comprises their Minority Community coalition, alone and/or in combination, is politically cohesive; (3) whether legally significant racially polarized voting exists in the specific district(s) challenged; and (4) whether the totality of circumstances show that the political process is equally open such that members of the asserted Minority Community coalition have equal access to the political process and to elect representatives of their choice;
 - b. Plaintiffs' evidence to support the elements of their Virginia Voting Rights Act (VAVRA) claims set forth in Count II of the Second Amended Complaint, including but not limited to: (1) any evidence of the kinds referenced in (a) above and (2) any evidence of any alleged retrogressive effect of a 7-3-1 system.

- ii. The defenses and allegations in the City's Answer to the Second Amended Complaint, once filed (assuming that the City's pending Motion to Dismiss (ECF No. 341) is denied);
- iii. Any alternative districting configurations or electoral system(s) proffered by Plaintiffs.
- iv. Any other topics listed by any other party.

(b) **Discovery Period.**

Plaintiffs:

Plaintiffs propose that discovery commence on September 19, 2025, and conclude on January 16, 2026.

Defendants:

Defendants object to Plaintiffs' proposed deadlines, and to the issuance of any scheduling order, on grounds stated in their pending motion to dismiss or for alternative relief (ECF No. 341). However, if the Court denies Defendants' motion, Defendants (without waiving any arguments they have raised) propose that the Court use the following deadlines, provided that a future reasonable extension of case deadlines may be necessary if a 7-3-1 redistricting plan is adopted to allow sufficient time for any necessary amendment to the pleadings and for fact and expert discovery concerning the plan.

Defendants propose that discovery commence on September 19, 2025, and conclude on January 30, 2026.

(c) **Supplemental Initial Disclosures.**

The Parties agree to exchange supplemental initial disclosures on September 19, 2025, in keeping with the 14-day rule of FRCP 26(a)(1)(C).

(d) **Expert Disclosures.**

Plaintiffs:

Plaintiffs propose the following dates for expert disclosures, understanding that these dates may need to be revisited in the event the City adopts a new map:

Plaintiffs' experts' initial reports: December 12, 2025
Defendants' experts' response reports: January 5, 2026
Plaintiffs' experts' rebuttal reports: January 12, 2026

Defendants:

Defendants object to Plaintiffs' proposed deadlines, and to the issuance of any scheduling order, on grounds stated in their pending motion to dismiss or for alternative relief (ECF No. 341). However, if the Court denies Defendants' motion, Defendants (without waiving any arguments they have raised) propose that the Court use the following deadlines, provided that a future reasonable extension of case deadlines may be necessary if a 7-3-1 redistricting plan is adopted to allow sufficient time for any necessary amendment to the pleadings and for fact and expert discovery concerning the plan.

Plaintiffs' experts' initial reports: December 19, 2025
Defendants' experts' response reports: January 16, 2026
Plaintiffs' experts' rebuttal reports: January 23, 2026

3. **Service of Process.**

The Parties agree to accept electronic service for all named Plaintiffs and Defendants.

4. **Redaction of Personally Identifiable Information.**

The Parties agree to redact any personally identifiable information for the parties, including addresses and contact information, from any documents filed with the Court.

5. **Dispositive Motions.**

Plaintiffs:

Plaintiffs propose the following deadlines for dispositive motions:

Dispositive Motions: January 23, 2026

Responses in Opposition to Dispositive Motions: January 30, 2026

Replies in Support of Dispositive Motions: February 6, 2026

Defendants:

Defendants object to Plaintiffs' proposed deadlines, and to the issuance of any scheduling order, on grounds stated in their pending motion to dismiss or for alternative relief (ECF No. 341). However, if the Court denies Defendants' motion, Defendants (without waiving any arguments they have raised) propose that the Court use the following deadlines, provided that a future reasonable extension of case deadlines may be necessary if a 7-3-1 redistricting plan is adopted to allow sufficient time for any necessary amendment to the pleadings and for fact and expert discovery concerning the plan.

Dispositive Motions: January 30, 2026

Responses in Opposition to Dispositive Motions: February 6, 2026

Replies in Support of Dispositive Motions: February 13, 2026

6. Trial.

Plaintiffs:

Plaintiffs propose a trial to begin on February 17, 2026.

Defendants:

Defendants object to Plaintiffs' proposed deadlines, and to the issuance of any scheduling order, on grounds stated in their pending motion to dismiss or for alternative relief (ECF No. 341). However, if the Court denies Defendants' motion, Defendants (without waiving any arguments they have raised) propose that the Court use the following deadlines, provided that a future reasonable extension of case deadlines may be necessary if a 7-3-1 redistricting plan is

adopted to allow sufficient time for any necessary amendment to the pleadings and for fact and expert discovery concerning the plan.

Defendants propose a trial to begin on February 24, 2026.

For the Plaintiffs,

/s/ Shanna Ports

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Date: September 17, 2025

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Date: September 17, 2025