

FILED

2021 AUG 16 PM 2:38

CIVIL
DISTRICT COURT

CIVIL DISTRICT COURT

PARISH OF ORLEANS, STATE OF LOUISIANA

NUMBER 2021-03538

DIVISION C – SECTION 10

CAMERON ENGLISH, ET AL.

VERUS

**R. KYLE ARDOIN, IN HIS OFFICIAL CAPACITY AS LOUISIANA SECRETARY OF
STATE**

REPLY MEMORANDUM IN SUPPORT OF EXCEPTIONS
ON BEHALF OF THE SECRETARY OF STATE

MAY IT PLEASE THE COURT:

The Court cannot exercise its jurisdiction over a mere possibility. The announced intention of a government official that he will take action that presents an immediate threat of irreparable injury in some circumstances may form the basis for injunctive relief. No allegation in the present petition, though, describes a threat of conduct or action, much less conduct or action that can be described as immediate or imminent. Nor do the cases cited in plaintiffs' opposition memorandum deal with Louisiana law's requirements for stating a cause of action or the right to assert such a cause.

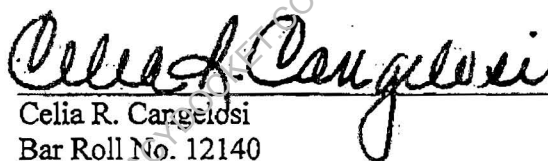
Then there is the question of how the case can proceed. It is impossible to assert defenses against the prospect of an event that has not occurred, may never occur, or may not occur in the way the plaintiffs guess that it might. Discovery cannot be conducted. Interrogatories cannot be directed or answered on speculation. The defendants can hardly depose a witness to ask them what might transpire in the next 8 to 10 months. There is no way to determine whether districts that have not been proposed or devised contain an equal number of citizens and/or voters. The parties have no way to address whether traditional reapportionment factors have been taken into account since the reapportionment of districts has not occurred. The Court cannot rule on whether the Constitution has been violated or Section 2 of the Voting Rights Act has been breached. This suit is the equivalent of contesting the terms of a will before the testator's death.

John P. Jones
VERIFIED
8/16/21

The political branches of government will develop a Congressional reapportionment plan as required by the Constitution. The plaintiffs may have a grievance once a plan is developed, and their suit may have an object that will serve as the basis of a cause of action. However, the reapportionment plan will be developed in Baton Rouge, the State Capital designated by the Louisiana Constitution, and any suit contesting the plan must be filed where the State government does its business. La. Const. art. XII, § 1. The petition put before this Court does not assert a claim or cause of action over which the Court may exercise its jurisdiction.

The suit should be dismissed.

Respectfully submitted,

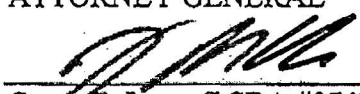


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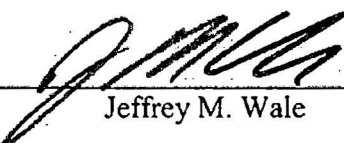
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Counsel for the Secretary of State

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing Memorandum has on this date been served upon all known counsel of record by electronic mail at the email address provided.

Baton Rouge, Louisiana, this 16th day of August, 2021.



Jeffrey M. Wale

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