

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BOBBY SINGLETON, et al.,)
)
Plaintiffs,)
)
v.)
)
JOHN H. MERRILL,)
Secretary of State, et al.,)
)
Defendants.)

Case No.: 2:21-cv-1291-AMM

THREE-JUDGE COURT

EVAN MILLIGAN, et al.,)
)
Plaintiffs,)
)
v.)
)
JOHN H. MERRILL, in his)
Secretary of State of Alabama, et al.,)
)
Defendants.)

Case No.: 2:21-cv-01530-AMM

THREE-JUDGE COURT

MARCUS CASTER, et al.,)
)
Plaintiffs,)
)
v.)
)
JOHN H. MERRILL,)
Secretary of State of Alabama, *et al.*,)
)
Defendants.)

Case No.: 2:21-cv-01536-AMM

**NOTICE REGARDING DEFENDANTS' POSITION
ON ISSUES RAISED BY THE COURT**

At a status conference on Wednesday, July 26, the Court asked the parties to report on their positions concerning a special master and cartographer should the Court retain such persons to draw a remedial map. Defendants respond as follows:

Defendants object to any action that prevents the Alabama Legislature from having at least the full two weeks to propose a remedial plan that is afforded in the Court's preliminary injunction. The Court has correctly said that the Legislature should have the first opportunity to propose a remedial plan. Cutting its time short would deny a real opportunity to do so.

The Court has indicated that if the Legislature does not propose a remedial plan, the Court intends to retain a special master and cartographer to draft a plan. Should the Court do so, it should retain neutral parties, and Defendants object to the Court retaining persons who have been fact witnesses or expert witnesses for opposing parties in this litigation. Additionally, this case is still at the preliminary injunction stage and there will be further proceedings at which these witnesses are needed. Their retention by the Court may affect the parties' ability to use them as witnesses later in the litigation.

The Court has directed the parties to suggest persons who could serve as a special master or cartographer. Without waiving any objections they may have, and in compliance with this Court's direction, Defendants propose the following names

of persons they believe may be qualified to serve as a special master or cartographer, should they be needed. Defendants of course have not spoken to these persons about the case and do not know of their willingness or availability to serve.

For special master:

- Drayton Nabors, Retired Alabama Supreme Court Chief Justice
- Charles R. Malone, Retired Alabama Supreme Court Chief Justice
- Lyn Stuart, Retired Alabama Supreme Court Chief Justice
- Bernard Harwood, Retired Alabama Supreme Court Justice
- Champ Lyons, Jr., Retired Alabama Supreme Court Justice
- Thomas Woodall, Retired Alabama Supreme Court Justice

For cartographer:

- James G. Gimpel, Professor, University of Maryland
- Thomas L. Brunell, Professor, University of Texas at Dallas
- Louis Hines, Alabama State University Center for Leadership and Public Policy

Respectfully Submitted,

Steve Marshall
Attorney General

Edmund G. LaCour Jr. (ASB-9182-U81L)
Solicitor General

Thomas A. Wilson (ASB-1494-D25C)
Deputy Solicitor General

/s/ James W. Davis
James W. Davis (ASB-4063-I58J)
Deputy Attorney General

A. Reid Harris (ASB-1624-D29X)
Brenton M. Smith (ASB-1656-X27Q)
Benjamin M. Seiss (ASB-2110-O00W)
Assistant Attorneys General

OFFICE OF THE ATTORNEY GENERAL
STATE OF ALABAMA
501 Washington Avenue
P.O. Box 300152
Montgomery, Alabama 36130-0152
Telephone: (334) 242-7300
Edmund.LaCour@AlabamaAG.gov
Thomas.Wilson@AlabamaAG.gov
Jim.Davis@AlabamaAG.gov
Ben.Seiss@AlabamaAG.gov
Reid.Harris@AlabamaAG.gov
Brenton.Smith@AlabamaAG.gov

Counsel for Secretary Merrill

s/ Dorman Walker (with permission)

Dorman Walker (ASB-9154-R81J)
BALCH & BINGHAM LLP
Post Office Box 78 (36101)
105 Tallapoosa Street, Suite 200
Montgomery, AL 36104
Telephone: (334) 269-3138
Email: dwalker@balch.com

***Counsel for Sen. McClendon and Rep.
Pringle***

CERTIFICATE OF SERVICE

I certify that on January 28, 2022, I electronically filed the foregoing notice with the Clerk of the Court using the CM/ECF system, which will send notice to all counsel of record.

/s/ James W Davis
Counsel for Secretary Merrill