

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DAN McCONCHIE, *et al.*, )  
)  
Plaintiffs, ) Case No. 21-cv-3091  
v. )  
) Circuit Judge Michael B. Brennan  
CHARLES SCHOLZ, *et al.*, ) Chief District Judge Jon E. DeGuilio  
) District Judge Robert M. Dow, Jr.  
Defendants, )  
) Three-Judge Court -- 28 U.S.C. § 2284(a)  
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JULE CONTRERAS, *et al.*, )  
)  
Plaintiffs, )  
v. ) Case No. 21-cv-3139  
)  
) Circuit Judge Michael B. Brennan  
ILLINOIS STATE BOARD OF ELECTIONS, *et* ) Chief District Judge Jon E. DeGuilio  
*al.*, ) District Judge Robert M. Dow, Jr.  
Defendants, )  
) Three-Judge Court -- 28 U.S.C. § 2284(a)  
)

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EAST ST. LOUIS BRANCH NAACP, *et al.*, )  
) Case No. 21-cv-05512  
Plaintiffs, )  
v. ) Circuit Judge Michael B. Brennan  
) Chief District Judge Jon E. DeGuilio  
ILLINOIS STATE BOARD OF ELECTIONS, *et* ) District Judge Robert M. Dow, Jr.  
*al.*, )  
) Three-Judge Court -- 28 U.S.C. § 2284(a)  
Defendants, )

**CONTRERAS PLAINTIFFS' REPLY IN RESPONSE TO  
DEFENDANTS' RESPONSE TO  
PLAINTIFFS' JOINT NOTICE REGARDING REMEDIAL HEARING**

Contreras Plaintiffs respectfully file the following reply in response to Defendants' response [Dkt. 164.] to Plaintiffs' joint notice regarding the remedial hearing [Dkt. 152]. Contrary

to Defendants' arguments, nothing in Contreras Plaintiffs' briefing necessitates a remedial hearing or live testimony.

Defendants complain that they received a rebuttal report from Dr. Jacob Grumbach, one of Contreras Plaintiffs' experts, that contains two "new," as opposed to rebuttal, opinions. Defs.' Resp. [Dkt. 164] at 3. The claim is a disingenuous delay tactic. Dr. Grumbach presented a five-page rebuttal [Dkt.162-1 at Ex. 1] in direct response to a few of the arguments raised in Dr. Lichtman's 205-page report. [Dkt.156-1 Ex. 1].

First, the so-called "new analysis dependent on 'special circumstances'" is in in direct rebuttal to Defendants' expert's claim that Latinos have a high "win rate" in Illinois. Defs.' Resp. [Dkt. 164] at 3. Dr. Grumbach responded that a simple tally of "wins" ignores the benefits of incumbency and running in majority Latino districts. [Dkt.162-1 Ex. 1, p. 4]. This is not new information since Dr. Grumbach gave a similar opinion in his initial report in response to Defendants' expert's claim that Latinos' electoral opportunity is demonstrated by their presence in the Assembly. [Dkt.135 -19, Ex. 1, p. 17].

Second, the claims that Dr. Grumbach "presents new results for Latino and non-Latino voting that were not presented in his initial report," is untrue. [Dkt. 164 at 3]. Dr. Grumbach corrected "minor statistical coding errors" in two elections that altered the exact estimates of voter support for two candidates but did not in change his overall conclusions regarding the presence of racially polarized voting in the 36 elections he analyzed. [Dkt.162-1 Ex. 1, pp. 2-3]. Plaintiffs can imagine no more appropriate rebuttal than to respond to and fix minor coding errors pointed out by the defense.

Contreras Plaintiffs join McConchie Plaintiffs in their position that the parties have had ample opportunity to brief the issues in the case, and that the Court may now decide remedy based

on the voluminous submissions and evidence submitted by the parties. *See* McConchie Reply [Dkt. 164, Case No. 1:21-cv-03091] at 2. The parties may submit further supplemental briefing or other materials regarding targeted topics if the Court requires. Any additional relevant information from the depositions may be submitted with supplemental briefing as deposition excerpts.

Respectfully,

Dated: December 2, 2021

/s/ Julie Bauer

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 2, 2021, a copy of the foregoing document was sent by electronic mail in compliance with Local Rule 5.9. All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing.

*/s/ Ernest I. Herrera*  
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