

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

BOBBY SINGLETON, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 2:21-cv-01291-AMM
	)	
JOHN MERRILL, in his official	)	THREE-JUDGE COURT
capacity as Alabama Secretary of State,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	

**SINGLETON PLAINTIFFS’ NOTICE OF FILING**

*Singleton* Plaintiffs give notice of filing the Parties’ Joint Submission on Coordinated Preliminary Injunction Hearing and Discovery, attached hereto as Exhibit 1.

Dated: December 23, 2021

Respectfully submitted,

/s/ James Uriah Blacksher

James Uriah Blacksher  
825 Linwood Road  
Birmingham, AL 35222  
Tel: (205) 612-3752  
Fax: (866) 845-4395  
Email: [jublacksher@gmail.com](mailto:jublacksher@gmail.com)

Joe R. Whatley, Jr.  
W. Tucker Brown  
WHATLEY KALLAS, LLP  
2001 Park Place North  
1000 Park Place Tower  
Birmingham, AL 35203

Tel: (205) 488-1200  
Fax: (800) 922-4851  
Email: [jwhatley@whatleykallas.com](mailto:jwhatley@whatleykallas.com)  
[tbrown@whatleykallas.com](mailto:tbrown@whatleykallas.com)

/s/ Henry C. Quillen

Henry C. Quillen  
(admitted *pro hac vice*)  
WHATLEY KALLAS, LLP  
159 Middle Street, Suite 2C  
Portsmouth, NH 03801  
Tel: (603) 294-1591  
Fax: (800) 922-4851  
Email: [hquillen@whatleykallas.com](mailto:hquillen@whatleykallas.com)

Myron Cordell Penn  
PENN & SEABORN, LLC  
1971 Berry Chase Place  
Montgomery, AL 36117  
Tel: (334) 219-9771  
Email: [myronpenn28@hotmail.com](mailto:myronpenn28@hotmail.com)

Diandra "Fu" Debrosse Zimmermann  
Eli Hare  
DICELLO LEVITT GUTZLER  
420 20th Street North, Suite 2525  
Birmingham, AL 35203  
Tel.: (205) 855.5700  
Email: [fu@dicellolevitt.com](mailto:fu@dicellolevitt.com)  
[ehare@dicellolevitt.com](mailto:ehare@dicellolevitt.com)

***Counsel for Plaintiffs***

# Exhibit 1

RETRIEVED FROM DEMOCRACYDOCKET.COM

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

MARCUS CASTER, LAKEISHA  
CHESTNUT, BOBBY LEE DUBOSE,  
BENJAMIN JONES, RODNEY ALLEN  
LOVE, MANASSEH POWELL,  
RONALD SMITH, and WENDELL  
THOMAS,

Plaintiffs,

v.

JOHN H. MERRILL, in his official  
capacity as Alabama Secretary of State,

Defendant.

Case No. 2:21-CV-1536-AMM

**PARTIES' JOINT SUBMISSION ON COORDINATED PRELIMINARY  
INJUNCTION HEARING AND DISCOVERY**

Pursuant to the Court's status conference held on December 20, 2021, the parties submit the following joint stipulation as to the January 4, 2022, coordinated preliminary injunction proceeding.<sup>1</sup>

---

<sup>1</sup> Except if otherwise stated, all parties to the above-captioned case and to *Milligan v. Merrill*, Case No. 21-CV-1530-AMM, and *Singleton v. Merrill*, Case No. 21-cv-1291-AMM consent to the requests herein.

## **I. Order of Hearing**

The parties propose the following order for the January 4, 2022, coordinated hearing:

1. *Singleton* Constitutional Racial Gerrymandering Case
2. *Milligan* Constitutional Racial Gerrymandering Case
3. *Caster/Milligan* Section 2 Cases
4. Defendants' Defense

The precise order of witnesses within each portion of the hearing will be decided among the parties at a later date.

## **II. Hearing Procedure on the *Caster/Milligan* Section 2 Claims**

To conserve the Court's and parties' resources and streamline the hearing on Plaintiffs' motion for preliminary injunction, and without waiving any of the parties' arguments regarding the propriety of having the present case heard by a single district court judge or the three-judge court, the parties jointly propose below the preliminary injunction, discovery, and hearing procedures on the Section 2 claims raised by Plaintiffs in the present case and the plaintiffs in *Milligan v. Merrill*, Case No. 21-cv-1530-AMM:

1. The *Caster* and *Milligan* plaintiffs will coordinate their witnesses to present arguments and evidence on each Section 2 element in succession.<sup>2</sup>
2. Defendants and Defendant-Intervenors will present their defense to the *Caster* and *Milligan* plaintiffs' Section 2 claims at one time, such that Defendants' Section 2 witnesses appear only once.<sup>3</sup>

---

<sup>2</sup> For example, both *Caster* plaintiffs and *Milligan* plaintiffs may first present *Gingles* 1 evidence, followed by *Gingles* 2 evidence, and so on.

<sup>3</sup> Defendant agrees to coordinate their defense with any other named defendant in *Caster* or *Milligan* to the extent they will also be providing a Section 2 defense, and those other defendants agree to that coordination.

3. *Caster* remains unconsolidated per *Milligan*, Case No. 21-cv-1530, ECF No. 40, and *Singleton v. Merrill*, Case No. 21-cv-01291-AMM, ECF No. 45.
4. Documents, discovery responses, deposition testimony, and hearing exhibits and hearing testimony produced, obtained, or offered in *Caster*, *Milligan*, or *Singleton* may be adopted by any party to these three cases (subject to objection by any party as it pertains to their individual case) as though produced in that case by affirmatively including such evidence in their proposed findings of fact.

### III. Opening & Closing Statements

1. Opening Statements: The parties do not request opening statements.
2. Closing Statements: The parties jointly request closing statements to offer the Court the opportunity to question the parties on their cases.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Respectfully submitted this 23rd day of December, 2021.

/s/ Richard P. Rouco

Richard P. Rouco  
(AL Bar. No. 6182-R76R)  
**Quinn, Connor, Weaver, Davies &  
Rouco LLP**

Two North Twentieth  
2-20th Street North, Suite 930  
Birmingham, AL 35203  
Phone: (205) 870-9989  
Fax: (205) 803-4143  
rrouco@qcwdr.com

Abha Khanna\*

**Elias Law Group LLP**  
1700 Seventh Ave, Suite 2100  
Seattle, WA 98101  
Phone: (206) 656-0177  
Email: AKhanna@elias.law

Lalitha D. Madduri\*

Daniel C. Osher\*

Joseph N. Posimato\*

Olivia N. Sedwick\*

**Elias Law Group LLP**

10 G St. NE, Suite 600  
Washington, D.C. 20002  
Phone: (202) 968-4518  
Email: LMadduri@elias.law  
Email: DOsher@elias.law  
Email: JPosimato@elias.law  
Email: OSedwick@elias.law

*Attorneys for Plaintiffs*

*\*Admitted Pro Hac Vice*

/s/ James W. Davis

Edmund G. LaCour Jr.  
James W. Davis  
A. Reid Harris  
Brenton M. Smith  
Benjamin M. Seiss  
Alexander Barrett Bowdre  
Misty Shawn Fairbanks Messick  
Thomas Alexander Wilson  
State of Alabama  
Office of the Attorney General  
501 Washington Avenue  
Montgomery, Alabama 36130  
(334) 242-7300  
(334) 353-8400 (fax)  
Edmund.LaCour@AlabamaAG.gov  
Jim.Davis@AlabamaAG.gov  
Reid.Harris@AlabamaAG.gov  
Brenton.Smith@AlabamaAG.gov  
Ben.Seiss@AlabamaAG.gov  
Barrett.Bowdre@alabamaAG.gov  
Misty.Messick@AlabamaAG.gov  
thomas.wilson@alabamaAG.gov

*Counsel for Secretary of State Merrill*

/s/ Dorman Walker

Dorman Walker  
**Balch & Bingham LLP**  
105 Tallapoosa St., Suite 200  
Montgomery, AL 36104  
Phone: (334) 269-3138  
Email: [dwalker@balch.com](mailto:dwalker@balch.com)

*Counsel for Defendant-Intervenors*

RETRIEVED FROM DEMOCRACYDOCKET.COM