



Christopher J. Bryant
Boroughs Bryant, LLC
1122 Lady St., Suite 208
Columbia, SC 29201

May 6, 2022

VIA ECF

The Honorable Margaret B. Seymour
The Honorable Toby J. Heytens
The Honorable Richard M. Gergel

RE: *Status Update Regarding Settlement by Legislation*
The South Carolina State Conference of the NAACP v. Alexander (3:21-cv-03302)

Dear Judges Seymour, Heytens, and Gergel,

Counsel for Plaintiff South Carolina State Conference of the NAACP (“SC NAACP”) respectfully write to correct their Letter to the Court dated May 5, 2022 (ECF 260) regarding the settlement agreement between SC NAACP and the House Defendants (ECF 260-1).

The Letter stated that “[u]nder this agreement, the Settlement Maps will be passed by both chambers of the Legislature, presented to the Governor on or before May 12, 2022, and signed into law on or before May 17, 2022.” *Id.* at 1.

To the extent that this statement implied that the South Carolina Senate, as a “chamber[] of the Legislature,” is a party to the settlement agreement and committed to take legislative action on the Settlement Maps, it was incorrect. As is clear from the Settlement Agreement that was attached, the Senate and the Senate Defendants are not parties to the settlement agreement, are not bound by it, and have not committed to take any action on the Settlement Maps.

Although the Settlement Agreement contemplates the enactment of Settlement Maps, the settlement agreement does not obligate the General Assembly to pass the Settlement Maps or the Governor to sign them into law. *See id.* at 2; Dkt. No. 260-1 at 3 ¶ 2, 4 ¶ 5.

Counsel for SC NAACP understands that they cannot speak for any of the Defendants, the South Carolina General Assembly, or the Governor of South Carolina. Any misstatements in the Letter were inadvertent and reflected the press of time on counsel to finalize the settlement agreement and to provide notice to the Court.

Counsel for the House Defendants have reviewed the statements above and agree with the Counsel for Plaintiff’s clarifications to its Letter to the Panel dated May 5, 2022 concerning the settlement of this action. Counsel for the House Defendants were not signatories to the Letter and, as the settlement agreement itself makes clear, it was entered into between House

Defendants and Plaintiff only. It does not bind the South Carolina Senate or the Governor of the State of South Carolina, nor does it commit them to take any particular action.

Respectfully,



Christopher J. Bryant

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Allen Chaney, Fed. ID 13181
AMERICAN CIVIL LIBERTIES UNION
OF SOUTH CAROLINA
Columbia, SC 29202
Tel.: (843) 282-7953
achaney@aclusc.org

Leah C. Aden**
Stuart Naifeh**
Raymond Audain**
John S. Cusick**
NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.
40 Rector St, 5th Fl.
NY, NY 10006
Tel.: (212) 965-7715
laden@naacpldf.org

Antonio L. Ingram II**
NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.
700 14th St, Ste. 600
Washington, D.C. 20005
Tel.: (202) 682-1300
aingram@naacpldf.org

Adriel I. Cepeda Derieux**
Samantha Osaki**
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004
Tel.: (212) 549-2500
acepedaderieux@aclu.org

John A. Freedman**
Elisabeth S. Theodore*
Gina M. Colarusso**
John M. Hindley**
ARNOLD & PORTER KAYE SCHOLER LLP
601 Massachusetts Ave., N.W.
Washington, D.C. 20001
Tel: (202) 942-5000
john.freedman@arnoldporter.com

Christopher J. Bryant, Fed. ID 12538
BOROUGHES BRYANT, LLC
1122 Lady St., Ste. 208
Columbia, SC 29201
Tel.: (843) 779-5444
chris@boroughsbryant.com

Somil B. Trivedi**
Patricia Yan**
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
915 15th St., NW
Washington, DC 20005
Tel.: (202) 457-0800
strivedi@aclu.org

Jeffrey A. Fuisz**
Paula Ramer**
ARNOLD & PORTER KAYE SCHOLER LLP
250 West 55th Street
New York, NY 10019
Tel: (212) 836-8000
jeffrey.fuisz@arnoldporter.com

Sarah Gryll**
ARNOLD & PORTER KAYE SCHOLER LLP
70 West Madison Street, Suite 4200
Chicago, IL 60602-4231
Tel: (312) 583-2300
sarah.gryll@arnoldporter.com

Janette M. Louard*
Anthony P. Ashton*
Anna Kathryn Barnes**
NAACP OFFICE OF THE GENERAL
COUNSEL
4805 Mount Hope Drive
Baltimore, MD 21215
Tel: (410) 580-5777
jlouard@naacpnet.org

Counsel for Plaintiff SC NAACP
* Motion for admission Pro Hac Vice
forthcoming
** Admitted Pro Hac Vice

/s/ Mark C. Moore

Mark C. Moore (Fed. ID No. 4956)
Jennifer J. Hollingsworth (Fed. ID No. 11704)
Erica H. Wells (Fed. ID No. 13206)
Hamilton B. Barber (Fed. ID No. 13306)
Michael A. Parente (Fed. ID No. 13358)
NEXSEN PRUET, LLC
1230 Main Street, Suite 700
Columbia, SC 29201
Telephone: 803.771.8900
MMoore@nexsenpruet.com
JHollingsworth@nexsenpruet.com
EWells@nexsenpruet.com
HBarber@nexsenpruet.com
MParente@nexsenpruet.com

William W. Wilkins (Fed. ID No. 4662)
Andrew A. Mathias (Fed. ID No. 10166)
Konstantine P. Diamaduros (Fed. ID No. 12368)
NEXSEN PRUET, LLC
104 S. Main Street, Suite 900
Greenville, SC 29601
Telephone: 864.370.2211
BWilkins@nexsenpruet.com
AMathias@nexsenpruet.com
KDiamaduros@nexsenpruet.com

Rhett D. Ricard (Fed. ID No. 13549)
NEXSEN PRUET, LLC
205 King Street, Suite 400
Charleston, SC 29401
Telephone: 843.720.1707
RRicard@nexsenpruet.com
Attorneys for James H. Lucas, Chris Murphy, and Wallace H. Jordan