



all, let alone overcome the presumption “that § 1983 can play its textually prescribed role as a vehicle for enforcing [] rights.” *Health & Hosp. Corp. of Marion Cnty. v. Talevski*, 599 U.S. 166, 187 (2023); *see also* Doc. 138 at 23-27.

Second, for all of the reasons explained in Plaintiffs’ Proposed Findings of Fact and Conclusions of Law, *see* Doc. 250 ¶¶ 103–266, 569–682, and Oppositions to Defendants’ Motions for Summary Judgment and Motion in Limine, Docs. 172, 200, the Secretary is not entitled to judgment as a matter of law for the Huntsville-based district based on the first *Gingles* precondition. Plaintiffs offered more-than-ample proof at trial to meet their *Gingles* 1 burden. Regardless, a “district court’s determination regarding one of the *Gingles* prongs is . . . [reviewed] for clear error” as “a finding of fact,” *Johnson v. Hamrick*, 296 F.3d 1065, 1074 (11th Cir. 2002), and thus presents an “issue of material fact” that “require[d] the court to weigh evidence and evaluate the credibility of witnesses.” Order Denying Summary Judgment (Doc. 191) at 4.

Therefore, Plaintiffs respectfully request that the Court deny the instant motion and find for the Plaintiffs based on the evidence presented at trial and fulsome post-trial briefing.

DATED this 19th day of  
December, 2024

/s/ Alison Mollman  
Alison Mollman (ASB-8397-A33C)  
Laurel Hattix (ASB-4592-E20I)  
AMERICAN CIVIL LIBERTIES UNION OF  
ALABAMA  
P.O. Box 6179  
Montgomery, AL 36106-0179  
(334) 265-2754  
amollman@aclualabama.org  
lhattix@aclualabama.org

/s/ Deuel Ross  
Deuel Ross\*  
NAACP LEGAL DEFENSE &  
EDUCATIONAL FUND, INC.  
700 14th Street NW Ste. 600  
Washington, DC 20005  
(202) 682-1300  
dross@naacpldf.org

Leah Aden\*  
Stuart Naifeh\*  
Kathryn Sadasivan (ASB-517-E48T)  
Brittany Carter\*  
Ashley Burrell\*  
Colin Burke\*  
NAACP LEGAL DEFENSE &  
EDUCATIONAL FUND, INC.  
40 Rector Street, 5th Floor  
New York, NY 10006  
(212) 965-2200  
laden@naacpldf.org  
snaifeh@naacpldf.org  
ksadasivan@naacpldf.org  
bcarter@naacpldf.org  
aburrell@naacpldf.org  
cburke@naacpldf.org

Respectfully submitted,

/s/ Davin M. Rosborough  
Davin M. Rosborough\*  
Dayton Campbell-Harris\*+  
Theresa J. Lee\*  
Sophia Lin Lakin\*  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
125 Broad St.  
New York, NY 10004  
(212) 549-2500  
drosborough@aclu.org  
dcampbell-harris@aclu.org  
tle@aclu.org  
slakin@aclu.org

Jacob van Leer\*  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
915 15th St. NW  
Washington, DC 20005  
jvanleer@aclu.org

/s/ Sidney Jackson  
Sidney Jackson (ASB-1462-K40W)  
Nicki Lawsen (ASB-2602-C00K)  
WIGGINS, CHILDS, PANTAZIS,  
FISHER & GOLDFARB  
301 19th Street  
North Birmingham, AL 35203  
(205) 314-0500  
sjackson@wigginschilds.com  
nlawsen@wigginschilds.com

/s/ Jack Genberg  
Bradley E. Heard\*  
Jack Genberg\*  
Jess Unger\*

David Dunn\*  
HOGAN LOVELLS US LLP  
390 Madison Avenue  
New York, NY 10017  
(212) 918-3000  
david.dunn@hoganlovells.com

SOUTHERN POVERTY LAW CENTER  
150 E. Ponce de Leon Avenue, Suite  
340 Decatur, GA 30030  
(404) 521-6700  
bradley.heard@splcenter.org  
jack.genberg@splcenter.org  
jess.unger@splcenter.org

Blayne R. Thompson\*  
HOGAN LOVELLS US LLP  
609 Main St., Suite 4200  
Houston, TX 77002  
(713) 632-1400  
blayne.thompson@hoganlovells.com

Avner Shapiro\*  
SOUTHERN POVERTY LAW CENTER  
1101 17th Street NW  
Suite 510  
Washington, DC 20036  
240-890-1735  
avner.shapiro@splcenter.org

Michael Turrill\*  
Harmony R. Gbe\*  
James W. Ettinger\*  
HOGAN LOVELLS US LLP  
1999 Avenue of the Stars Suite 1400  
Los Angeles, CA 90067  
(310) 785-4600  
michael.turrill@hoganlovells.com  
harmony.gbe@hoganlovells.com  
jay.ettinger@hoganlovells.com

Jessica L. Ellsworth\*  
Shelita M. Stewart\*  
Amanda N. Allen\*  
HOGAN LOVELLS US LLP  
555 Thirteenth Street, NW  
Washington, DC 20004  
(202) 637-5600  
jessica.ellsworth@hoganlovells.com  
shelita.stewart@hoganlovells.com  
amanda.n.allen@hoganlovells.com

*Attorneys for Plaintiffs*

\*Admitted *pro hac vice*

+ Not admitted in New York

## CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel of record in this case.

/s/ Davin M. Rosborough  
Davin M. Rosborough  
American Civil Liberties Union  
Foundation  
125 Broad St.  
New York, NY 10004  
(212) 549-2500  
drosborough@aclu.org

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