

**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.¹

¹ 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.²
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.³

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

³ 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.

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Respectfully submitted this 23rd day of December, 2021.

/s/ Richard P. Rouco

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