

**IN THE CIRCUIT COURT FOR
ANNE ARUNDEL COUNTY, MARYLAND**

KATHRYN SZELIGA, et al.,	*	IN THE
<i>Plaintiffs,</i>	*	CIRCUIT COURT
v.	*	FOR
LINDA LAMONE, et al.,	*	ANNE ARUNDEL COUNTY
<i>Defendants.</i>	*	CASE NO.: C-02-CV-21-001816
* * * * *	*	* * * * *
NEIL PARROTT, et al.,	*	IN THE
<i>Plaintiffs,</i>	*	CIRCUIT COURT
v.	*	FOR
LINDA LAMONE, et al.,	*	ANNE ARUNDEL COUNTY
<i>Defendants.</i>	*	CASE NO.: C-02-CV-21-001773
* * * * *	*	* * * * *

PARROTT PLAINTIFFS' RESPONSE TO ORDER TO SHOW CAUSE

Plaintiffs in *Parrott v. Lamone*, No. C-02-CV-21-001773, respectfully submit this response to the Court's February 23, 2022 order (1) to show cause why Dr. James G. Gimpel should not be appointed, pursuant to the Court's inherent powers and Rule 5-706 of the Maryland Rules of Evidence, as a consultant to advise the Court with regard to legislative redistricting, and (2) to make recommendations regarding the scope of Dr. Gimpel's work as a consultant to the Court.

Plaintiffs have acquired the expert report Dr. Gimpel provided at the trial level in what was ultimately decided as *League of Women Voters v. Commonwealth*, 645 Pa. 1 (2018). Dr. Gimpel submitted his report on behalf of the Respondents (the Commonwealth defendants), and against the Petitioners alleging an unconstitutional gerrymander. Among other things, Dr. Gimpel opined in that report:

In the end, there is no such thing as an unobjectionable map, especially for one containing more than three or four districts. Moreover, the shapes of districts and the calculation of the efficiency gap are not useful tools for detecting partisan intent and do not provide Courts with a manageable standard for identifying unconstitutional gerrymanders. Finally, partisan gerrymandering is not easy to accomplish because across and within cycles there is considerable variation in party inclination and support.

See Petitioner's Motion in Limine to Exclude Testimony from Dr. James G. Gimpel, Exhibit A, *League of Women Voters v. Commonwealth*, No. 261 MD 2017, at 3 (Comm. Ct. Pa. Dec. 10, 2017). Assuming that this statement still reflects Dr. Gimpel's current views, it suggests that Dr. Gimpel has already reached conclusions about critical aspects of the *Parrott* Plaintiffs' theory of the case and about certain kinds of evidence they plan to introduce to prove their claims. Specifically, if Dr. Gimpel is already of the view that there are no manageable standards for assessing partisan gerrymandering, and in particular that measures of shape and partisan success do not fit the bill, he naturally will be inclined to reject Plaintiffs' claims.

Accordingly, Plaintiffs respectfully object to retaining Dr. Gimpel for the purpose of consulting about liability or the critical legal issues in the case. Plaintiffs respectfully submit that the scope of Dr. Gimpel's assistance to the Court, if any, should be confined

(1) to generally assisting the court in understanding technical terms and concepts, and (2) to designing or commenting on a remedial map, if this becomes necessary.

Dated: February 25, 2022

Respectfully Submitted,

/s/ Eric W. Lee

Eric W. Lee

CPF No. 1612140001

Robert D. Popper*

JUDICIAL WATCH, INC.

425 Third Street, S.W., Suite 800

Washington, DC 20024

Tel: (202) 646-5172

Email: elee@judicialwatch.org

**Admitted Pro Hac Vice*

Counsel for the Plaintiffs

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CERTIFICATE OF SERVICE

I certify that on February 25, 2022 the foregoing Plaintiffs' Opposition to Defendants' Motion To Dismiss, was filed and served electronically via the Court's MDEC system.

/s/ Eric W. Lee
Eric W. Lee

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