UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DR. DOROTHY NAIRNE, JARRETT LOFTON, REV. CLEE EARNEST LOWE, DR. ALICE WASHINGTON, AND DR. ROSE THOMPSON, BLACK VOTERS MATTER CAPACITY BUILDING INSTITUTE, and THE LOUISIANA STATE CONFERENCE OF THE NAACP,

Plaintiffs,

v.

R. KYLE ARDOIN, in his official capacity as Secretary of State of Louisiana,

Defendant.

Case No. 3:22-cv-00178

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

MOTION OF THE PRESIDING OFFICERS OF THE LOUISIANA LEGISLATURE TO INTERVENE

Pursuant to Fed. R. Civ. P. 24, Clay Schexnayder, Speaker of the Louisiana House of Representatives, and Patrick Page Cortez, President of the Louisiana Senate, in their respective official capacities (collectively, the "Proposed Intervenors"), respectfully move this Court to grant them leave to intervene in this action. This lawsuit challenges the Louisiana House and Senate redistricting plans that were recently enacted by the Louisiana Legislature. Plaintiffs allege that the plans "embody Louisiana's legacy of discrimination," (Doc. 1, ¶ 6), by "packing and cracking of Black voters," (*id.* ¶ 53), in violation of Section 2 of the Voting Rights Act ("VRA"). Plaintiffs ask the Court to declare the challenged plans unlawful, enjoin their use in future elections, set deadlines for the Legislature to enact new redistricting plans in conformance with Plaintiffs' view of what the VRA requires, and—if no such plans are enacted—fashion redistricting plans to govern elections to the Legislature. (Doc. 1, p.57 (Prayer for Relief).)

Plaintiffs named the Louisiana Secretary of State as the sole defendant, but the Louisiana Legislature enacted the challenged plans, is governed by them, and would be subject to any remedy this Court issues. As the Legislature's presiding officers, Proposed Intervenors are real parties in interest and should be permitted to intervene. The Court should not entertain allegations of discrimination without affording those most concerned in the allegations, and the requested remedy, to appear and respond. Proposed Intervenors are entitled to intervene as of right: this motion is timely, their numerous interests in the challenged plans are directly implicated in this case, and no current litigant adequately represents those interests. Alternatively, Proposed Intervenors ask the Court to grant permissive intervention. Proposed Intervenors clearly raise issues in common with Plaintiffs' Complaint, their participation would enhance the Court's ability to resolve issues raised in this litigation, and Plaintiffs will not be prejudiced by their participation to respond to allegations regarding the actions of the Legislature. Because all elements of intervention are satisfied, the motion should be granted.

THE LEGAL STANDARD

Rule 24(a) requires a federal court to permit intervention of a non-party who "claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest," and Rule 24(b) permits a federal court to allow intervention of non-parties that tender "a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(a)(2) and (b)(1)(B). "Rule 24 is to be liberally construed" in favor of intervention. *Brumfield v. Dodd*, 749 F.3d 339, 341 (5th Cir. 2014)*; see also Wal-Mart Stores, Inc. v. Tex. Alcoholic Beverage Comm'n*, 834 F.3d 562, 565 (5th Cir. 2016) (same). "The inquiry is a flexible one, and a practical analysis of the facts and circumstances of each case is appropriate." *Brumfield*, 749 F.3d at 341 (quotation

marks omitted). "Intervention should generally be allowed where no one would be hurt and greater justice could be attained." *Ross v. Marshall*, 426 F.3d 745, 753 (5th Cir. 2005).

ARGUMENT

I. Proposed Intervenors Are Entitled To Intervene as of Right

Proposed Intervenors satisfy the elements of intervention of right. "A party seeking to intervene as of right must satisfy four requirements:

> (1) The application must be timely; (2) the applicant must have an interest relating to the property or transaction that is the subject of the action; (3) the applicant must be so situated that the disposition of the action may, as a practical matter, impair or impede its ability to protect its interest; and (4) the applicant's interest must be inadequately represented by the existing parties to the suit."

Brumfield, 749 F.3d at 341 (citation omitted). Proposed Intervenors satisfy each of these elements.

A. Timeliness

This intervention motion is timely. The complaint was filed on March 14, 2022, the deadline for responsive pleadings has not passed, and no meaningful case events have occurred. As a result, "timeliness is not at issue." *Brumfield*, 749 F.3d at 342; *see Edwards v. City of Houston*, 78 F.3d 983, 1000 (5th Cir. 1996) (finding that delays of "only 37 and 47 days . . . are not unreasonable"); *Ross*, 426 F.3d at 755 (permitting post-judgment intervention); *United States v. Commonwealth of Virginia*, 282 F.R.D. 403, 405 (E.D. Va. 2012) ("Where a case has not progressed beyond the initial pleading stage, a motion to intervene is timely."); *Mullins v. De Soto Securities Co.*, 3 F.R.D. 432, 433 (W.D. La. 1944) (finding motion to intervene timely during the initial pleading stage).

B. Direct Interest

Proposed Intervenors also "have a 'direct, substantial, legally protectable interest in the proceedings.'" *Edwards*, 78 F.3d at 1004 (quoting *New Orleans Pub. Serv., Inc. v. United Gas*

Pipe Line Co., 732 F.2d 452, 463 (5th Cir. 1984)). "A 'legally protectable' right" for intervention purposes "is not identical to a 'legally enforceable' right, such that 'an interest is sufficient if it is of the type that the law deems worthy of protection, even if the intervenor . . . would not have standing to pursue her own claim.'" *DeOtte v. State*, 20 F.4th 1055, 1068 (5th Cir. 2021) (citations omitted); *see also Wal-Mart Stores,* 834 F.3d at 566 (same). Rather, "[a] movant found to be a 'real party in interest' generally establishes sufficient interest." *League of United Latin Am. Citizens, Council No. 4434 v. Clements*, 884 F.2d 185, 187 (5th Cir. 1989) ("*LULAC, Council No. 4434*"). "[A] 'real party in interest' may be ascertained by determining whether that party caused the injury and, if so, whether it has the power to comply with a remedial order of the court." *Id.* at 187. Proposed Intervenors have multiple interests implicated in this case.

1. *Legislative Role in Redistricting*. Proposed Intervenors are the presiding officers of the legislative chambers that enacted the State House and Senate redistricting plans challenged in this case and, as such, have legally protectable interests in the defense of those plans. *See Karcher v. May*, 484 U.S. 72, 77 (1987) (recognizing that "presiding officers" of state legislature had authority to intervene in lawsuit challenging state legislation). These include an interest in seeking to prevent their votes in favor of the challenged plans from being nullified by an order deeming the plans violative of the Voting Rights Act. *See Ariz. State Leg. v. Ariz. Indep. Redistricting Comm'n*, 576 U.S. 787, 803–04 (2015) (finding Arizona Legislature's interest in enacting congressional redistricting plan sufficient to create Article III standing)[1]; *I.N.S. v. Chadha*, 462 U.S. 919, 930 & nn. 5–6 (1983) (similar holding as to Houses of Congress). Proposed

[1] Because the interest showing for intervention purposes is lower than the injury showing for Article III standing purposes, cases on standing establish what interests are sufficient to establish intervention but do not establish what is necessary. *See Virginia House of Delegates v. Bethune-Hill*, 139 S. Ct. 1945, 1955 (2019) (distinguishing standing from intervention).

Intervenors also have an interest in defending the injury to the legislative department of Louisiana, and the State itself, that would result from an injunction against the challenged plans. *Arizonans for Official English v. Arizona*, 520 U.S. 43, 65 (1997) ("We have recognized that state legislators have standing to contest a decision holding a state statute unconstitutional if state law authorizes legislators to represent the State's interests."); *cf. Swenson v. Bostelmann*, No. 20-cv-459, 2020 WL 8872099, at *1 (W.D. Wis. June 23, 2020) (granting state legislature intervention as of right in election law-related case reasoning that "the Legislature has an interest in the continued enforceability of its laws").[2] Plaintiffs acknowledge that "the Louisiana State Legislature is responsible for establishing new plans for the districts for the Louisiana State Legislature," (Doc. 1, ¶ 56 (citing La. Const. art. III, § 6)), but their suit seeks to override the Legislature's redistricting choices and impair Proposed Intervenors' interest in seeing those choices implemented as law.

2. *Legislative Self-Governance.* An additional interest arises from the fact that the plans at issue establish the Legislature's own districts. As such, the plans constitute a form of regulation internal to the Legislature itself, like its rules of operation and procedures. The districts established in these laws identify the constituencies of the Legislature's membership and are constitutive of the body itself. *See Sixty-Seventh Minn. State Senate v. Beens*, 406 U.S. 187, 194 (1972); *League of Women Voters of Mich. v. Johnson*, 902 F.3d 572, 579 (6th Cir. 2018) ("[T]he contours of the maps affect the Congressmen directly and substantially by determining which constituents the Congressmen must court for votes and represent in the legislature."); *Silver v.*

[2] Notably, the Nineteenth Judicial District Court recently permitted Proposed Intervenors to intervene in litigation concerning Louisiana's congressional redistricting plan. *See* Exhibit A (order granting intervention); *cf. Karcher*, 484 U.S. at 82 (affording weight to the fact that the "New Jersey Supreme Court has granted applications of the Speaker of the General Assembly and the President of the Senate to intervene as parties-respondent on behalf of the legislature in defense of a legislative enactment").

Jordan, 241 F. Supp. 576, 579 (S.D. Cal. 1964), *aff'd*, 381 U.S. 415 (1965) ("The California State Senate's motion to intervene [in challenge to its redistricting plan] as a substantially interested party was granted because it would be directly affected by the decree of this court."). The policy choices engrafted into the challenged plans are therefore different in kind from those policies the Legislature enacts in its general law governing Louisiana. In establishing a redistricting plan, the Legislature governs itself. Proposed Intervenors have an interest, unique to themselves, in advancing legislative self-autonomy.

3. *Diversion of Resources*. Proposed Intervenors also have an interest in avoiding a second redistricting process, which "is never easy," *Abbott v. Perez*, 138 S. Ct. 2305, 2314 (2018), and would be required if this Court finds the redistricting plans unlawful, *see, e.g.*, *Chapman v. Meier*, 420 U.S. 1, 27 (1975). Plaintiffs' Prayer for Relief requests that this Court require "State authorities," *i.e.*, the Legislature, "to enact or adopt [new] redistricting plans for the Louisiana State Senate and the Louisiana State House." (Doc. 1, p.57 (Prayer for Relief ¶ C).) The Louisiana Legislature spent months crafting, deliberating over, seeking public input regarding, and enacting the challenged plans. (Doc. 1, ¶¶ 58, 63–70.) An injunction in Plaintiffs' favor would compel Proposed Intervenors and their colleagues to divert time and resources from other pressing legislative items. (*Cf.* Doc. 1, ¶ 41 (asserting cognizable harm to Plaintiff NAACP "because it will be forced to divert resources from its broader voter registration and community empowerment initiatives").) This is an independent interest supporting intervention.

4. *Legislative Policies and Legal Choices*. Proposed Intervenors have a compelling and justiciable interest in defending and advancing legitimate legislative policies. The Complaint alleges that alternative proposals were offered to the Legislature during redistricting and criticizes

the Legislature for choosing differently. (*See, e.g.*, Doc. 1, ¶¶ 89–92, 94, 100, 104.) The Legislature is directly concerned in responding to those and related assertions and defending its policy choices.

Moreover, if this Court ultimately issues a remedy in this case, Proposed Intervenors have an interest in ensuring that such a remedy implements legitimate legislative policies. "[A] court, as a general rule, should be guided by the legislative policies underlying the existing plan." *Abrams v. Johnson*, 521 U.S. 74, 79 (1997); *see also Perry v. Perez*, 565 U.S. 388, 393 (2012). The Legislative Intervenors have an interest in ensuring that its policy choices guide redistricting overseen by a court and in ensuring this suit does not "defeat the policies behind a State's redistricting legislation." *Perry*, 565 U.S. at 394. Likewise, Proposed Intervenors have an interest in advocating their understanding of the legal requirements applicable to redistricting plans, including VRA requirements. *See id.* ("A district court making such use of a State's plan must, of course, take care not to incorporate into the interim plan any legal defects in the state plan."). The question in this case is how many opportunity districts, if any, are required by VRA Section 2 in the State House and Senate plans. That choice is, in the first instance, directed to the Legislature. *See Shaw v. Hunt*, 517 U.S. 899, 917, n. 9 (1996) ("States retain broad discretion in drawing districts to comply with the mandate of § 2.").

Proposed Intervenors have a distinct but related interest in the ultimate adoption of redistricting plans that do not, "without sufficient justification," "separate[e] . . . citizens into different voting districts on the basis of race." *Bethune-Hill v. Va. State Bd. of Elections*, 137 S. Ct. 788, 797 (2017) (citation omitted). The purposeful creation of additional majority-minority districts would likely trigger strict scrutiny under the U.S. Constitution's Equal Protection Clause. *See Cooper v. Harris*, 137 S. Ct. 1455, 1468–69 (2017). The U.S. Supreme Court recently summarily reversed a Wisconsin Supreme Court order adopting legislative redistricting plans

creating "one more [majority-minority district] than the current map"—"by reducing the black voting-age population in the other six majority-black districts"—because the plans were obvious racial gerrymanders. *Wis. Leg. v. Wis. Elections Comm'n*, No. 21A471, 2022 WL 851720, at *1 & n.1, *2–4 (U.S. Mar. 23, 2022). The appeal of the Wisconsin Legislature upheld the right of equal-protection of Wisconsin citizens against such race-based discrimination. Plaintiffs appear to be asking this Court to make the error the Wisconsin Supreme Court made. Proposed Intervenors, like the Wisconsin Legislature in *Wisconsin Legislature*, have a compelling interest in ensuring that Louisiana citizens' equal protection rights are honored in any future redistricting plan.

For all these reasons, Proposed Intervenors are real parties in interest in this case. Plaintiffs allege that the Legislature "caused the injury" and the Legislature "has the power to comply with a remedial order of the court." *LULAC, Council No. 4434*, 884 F.2d at 187. The Fifth Circuit has recognized that the legislative body that played a "part in creating" challenged districts is a real party in interest. *See id.* at 187 (denying intervention of a county in redistricting suit because other state bodies, not the county, had authority to redistrict); *see also Miss. State Conf. of N.A.A.C.P. v. Barbour*, No. 3:11-cv-00159, 2011 WL 1327248, at *3 (S.D. Miss. Apr. 1, 2011) (finding that the Mississippi House of Representatives Apportionment and Elections Committee had the right to intervene in redistricting case); *Theriot v. Parish of Jefferson*, CIV. A. No. 95-2453, 1996 WL 383130, at *4 (E.D. La. July 8, 1996), *on reconsideration,* No. 95-2453, 1996 WL 517695 (E.D. La. Sept. 11, 1996) (denying intervention by neighboring city council because the neighboring city council did not have the power to redraw the councilmanic district lines in question). Plaintiffs' Complaint repeatedly references the Louisiana Legislature and challenges its legislative choices. (*See, e.g.*, Doc. 1 ¶¶ 3, 8, 31, 53, 108, and 160.) The Court should not entertain such allegations without affording those most directly concerned the opportunity to respond. And, if the Court

ultimately issues an injunction, only the Legislature "has the power to comply with a remedial order of the court," *LULAC, Council No. 4434*, 884 F.2d at 187, since no other body is empowered to redistrict Louisiana's House and Senate.

C. Impairment

The disposition of this action may "impair or impede" Proposed Intervenors' "ability to protect" the above-described interests. *Wal-Mart Stores*, 834 F.3d at 566. A ruling in Plaintiffs' favor would effectively bind the Legislature even as a non-party because Plaintiffs ask the Court to enjoin the plan, direct the Legislature to enact a new one, and craft its own plan if the Legislature fails to do so. *See, e.g.*, *Perry*, 565 U.S. at 394; *Upham v. Seamon*, 456 U.S. 37, 41–42 (1982); *Swenson*, 2020 WL 8872099, at *1 (granting state legislature intervention as of right in part because "plaintiffs seek to enjoin certain state election laws, any disposition in their favor would impair the Legislature's interest."). The Fifth Circuit has found the impairment element met where proposed intervenors "in essence will be bound by" an adverse ruling, at the expense of their interests. *Edwards*, 78 F.3d at 1005; *see also Stallworth v. Monsanto Co.*, 558 F.2d 257, 268 (5th Cir. 1977). Here, an adverse ruling would: (1) nullify the votes of Proposed Intervenors and a majority of the Legislature's members on the challenged plans, (2) compel the Legislature to divert time and resources to the already completed task of redistricting, (3) override the Legislature's discretion and policy choices, (4) potentially impose a judicial plan on the legislative chambers, and (5) potentially strip the Legislature of its constitutional redistricting role.

D. Adequacy of Representation

Proposed Intervenors' interests are not adequately represented by existing parties to this action. "The Supreme Court has decided '[this] requirement . . . is satisfied if the applicant shows that representation of his interest 'may be' inadequate; and the burden of making that showing should be treated as minimal." *Edwards*, 78 F.3d at 1005 (quoting *Trbovich v. United Mine*

Workers of Am., 404 U.S. 528, 538 n.10 (1972)). Here, the sole Defendant is Louisiana's Secretary of State, who has no legal duty or authority to enact redistricting legislation and does not share or represent Proposed Intervenors' interests. No presumption of adequacy arises, and any such presumption is, in any event, overcome.

1. *Government Representation*. This is not a case where "the putative representative is a governmental body or officer charged by law with representing the interests of the absentee." *Entergy Gulf States La., L.L.C. v. U.S. E.P.A.*, 817 F.3d 198, 203 n.2 (5th Cir. 2016) (citation omitted). In such a case, "a much stronger showing of inadequacy is required." *Id.* (citation omitted). But, here, the presumption does not apply for at least two reasons.

First, the above-described interests are those of the chambers and members of the Louisiana Legislature as the bodies and persons whose votes are at issue, whose internal regulation is concerned, whose policies are challenged, and whose resources (or authority) will be diverted in the event of an adverse ruling. Plaintiffs have not called into question the actions of the Secretary of State, and the Secretary does not share Proposed Intervenors' interests and is not charged by law with representing them. *See* La. R.S. 18:18 and 36:742 (defining Secretary of State's powers and duties).

Second, the presumption of adequacy of representation attaching to government representatives "*is restricted . . . to those suits involving matters of sovereign interest*." *Entergy Gulf States*, 817 F.3d at 203 n.2. (citation omitted). The Fifth Circuit "has not required a stronger showing of inadequacy in other cases where a governmental agency is a party." *Id.*; *see also John Doe No. 1 v. Glickman*, 256 F.3d 371, 380–81 (5th Cir. 2001). Moreover, the above-described institutional and legislative interests extend well beyond any sovereign interest shared by an executive officer or branch. The Secretary did not enact the challenged plans, does not conduct his

internal affairs subject to them, has no knowledge of the policy considerations underpinning them, has no particular interest in defending those policy choices, and will not be tasked with enacting new plans if they are enjoined. *Cf. League of Women Voters of Mich.*, 902 F.3d at 579 (explaining that district maps do not affect the State Secretary of State, who "just ensures the maps are administered fairly and accurately," whereas "the contours of the maps affect the Congressmen directly and substantially by determining which constituents the Congressmen must court for votes and represent[.]"). For these reasons, it is common for legislative intervenors in redistricting cases to "intervene[] and assume[] responsibility for defending the plan." *Bethune-Hill*, 137 S. Ct. at 796; *see also Arrington v. Elections Bd.*, 173 F. Supp. 2d 856, 858, 867 (E.D. Wis. 2001) (permitting intervention as of right by Wisconsin Assembly Speaker and Senate Minority Leader).

Any presumption of adequacy related to the Secretary of State's participation that may arguably apply is overcome, because Proposed Intervenors' "interest is in fact different from that of" the Secretary and "the interest will not be represented by" the Secretary. *Edwards*, 78 F.3d at 1005 (citation omitted). The Secretary of State's interest is in administering whatever election rules may apply by law, not in administering the specific plans challenged in this case. La. R.S. § 18:18. None of the distinctly legislative interests implicated in this legislative redistricting case are shared between Proposed Intervenors and the Secretary. *Cf., e.g.*, *Priorities USA v. Benson*, 448 F. Supp. 3d 755, 764 (E.D. Mich. 2020) ("Although the Executive Branch . . . is tasked with enforcing the law and providing the primary defense against lawsuits directed at the State, the Legislature has an interest in the preservation and constitutionality of the laws governing the State."). There is no reason to believe Proposed Intervenors' interests will be represented by the Secretary.

2. *Ultimate Objective*. For similar reasons, this is not a case where "the would-be intervenor has the same ultimate objective as a party to the lawsuit." *Entergy Gulf States*, 817 F.3d

at 203 (citation omitted). As explained, the Secretary of State's objective is in orderly implementation of whatever election rules are in force. Proposed Intervenors, however, intend to defend the challenged plans as well as the policies undergirding them. *Sierra Club v. Espy*, 18 F.3d 1202, 1208 (5th Cir. 1994) (finding no alignment of ultimate objectives because "[t]he government must represent the broad public interest, not just the economic concerns of the timber industry.").

Regardless, any presumption of adequacy is surmounted here, because Proposed Intervenors' "interests diverge from the putative representative's interests in a manner germane to the case." *Entergy Gulf States*, 817 F.3d at 204 (quoting *Texas v. United States*, 805 F.3d 653, 662 (5th Cir. 2015)). A proposed intervenor can overcome the presumption of adequacy by "specify[ing] the particular ways in which their interests diverge from the" putative representative's. *Texas*, 805 F.3d at 663.

In this case, Proposed Intervenors have interests in preserving the effectiveness of their votes, avoiding another costly redistricting process that would divert resources from other important legislative matters, defending the challenged plans, and preserving the policies underpinning those plans, including the policies pertinent to VRA compliance. *Cf. Priorities USA*, 448 F. Supp. 3d at 764–65 (explaining that, because "the laws that the Legislature enacted, that the Legislature is tasked with designing, and that impact the manner in which members the Legislature are chosen will be essentially declared void" by an adverse ruling, this is not "a situation where the interest of the Legislature is only peripherally relevant and where the main contests in the case have no effect on that interest."). The Secretary of State's principal interest is in election administration. These are specific differences akin to those that have been found sufficient to overcome the presumption of adequacy in governing precedent. *See, e.g.*, *Trbovich*, 404 U.S. at 539 ("[T]he Secretary has an obligation to protect the vital public interest in assuring

free and democratic union elections that transcends the narrower interest of the complaining union member." (quotation marks omitted)); *Brumfield*, 749 F.3d at 346 ("The state has many interests in this case—maintaining not only the Scholarship Program but also its relationship with the federal government and with the courts that have continuing desegregation jurisdiction. The parents do not have the latter two interests; their only concern is keeping their vouchers."); *Texas*, 805 F.3d at 663 (finding sufficient divergence, despite shared interests in upholding law, where the United States had an interest in an expansive legal interpretation and the proposed intervenors sought to obtain the benefits on the law); *see also Northeast Ohio Coal. for Homeless and Serv. Emp. Int'l Union, Local 1199 v. Blackwell,* 467 F.3d 999, 1008 (6th Cir. 2006) (recognizing that "the Secretary [of State of Ohio]'s primary interest is in ensuring the smooth administration of the election, while the State [proposed intervenor] and General Assembly have an independent interest in defending the validity of Ohio laws . . . .").

These differences are germane to this case. Because the Secretary's principal concern is orderly elections, Proposed Intervenors' interests are unlikely to be given priority over election-administrative considerations. "Even if the Secretary is performing his duties, broadly conceived, as well as can be expected, [Proposed Intervenors] may have a valid complaint about the performance of '[their] lawyer.'" *Trbovich*, 404 U.S. at 539. The Secretary of State's interests in election administration would not be impaired by an injunction forbidding the use of the challenged plans, an order requiring a new redistricting, a remedial plan departing from the Legislature's VRA-compliance goals or other policies, or a court-conducted redistricting—so long as all of that were to occur in time to administer the next scheduled legislative elections. The divergence of interests is therefore directly implicated in the defense of this action, any

presumption of adequacy is overcome, and Proposed Intervenors—because all intervention elements are satisfied—should be afforded intervention as a matter of right.

II. Proposed Intervenors Should Be Permitted To Intervene

In the alternative, Proposed Intervenors request that the Court permit them to intervene in its discretion under Rule 24(b), which authorizes the Court to allow intervention of a non-party who "has a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1)(B). "Even if not warranted as a matter of right, the Court has broad discretion to allow permissive intervention where, as here, the parties seeking to intervene assert claims with a common question of fact or law in connection with the main action." *Hanover Ins. Co. v. Superior Lab. Servs., Inc.*, 179 F. Supp. 3d 656, 667 (E.D. La. 2016) (footnote omitted). "Intervention is appropriate when: '(1) timely application is made by the intervenor, (2) the intervenor's claim or defense and the main action have a question of law or fact in common, and (3) intervention will not unduly delay or prejudice the adjudication of the rights of the original parties.'" *Franciscan All., Inc. v. Azar*, 414 F. Supp. 3d 928, 934 (N.D. Tex. 2019). "Federal courts should allow intervention when no one would be hurt and the greater justice could be attained." *Wal-Mart Stores*, 834 F.3d at 565 (citation omitted).

The elements of permissive intervention are clearly satisfied here. The motion is timely, for reasons set forth above. *Martinez v. United States*, No. 05-cv-055, 2005 WL 8155760, at *5 (W.D. Tex. Dec. 12, 2005) ("The timeliness standards for permissive intervention are the same as those for intervention of right."). And there is no question that Proposed Intervenors intend to assert defenses with a common question of fact or law in connection with the main action. Indeed, every assertion Proposed Intervenors intend to proffer relates to the same questions of fact or law raised in the complaint. Plaintiffs contend that the House and Senate plans contravene Section 2, and Proposed Intervenors contend that the plans comply with the law. *See League of Women Voters*

of Mich., 902 F.3d at 577 (finding intervenors in redistricting case satisfied this element where they intended to defend the challenged plan); *Hunter v. Bostelmann*, No. 21-cv-512, 2021 WL 3856081, at *1 (W.D. Wis. Aug. 27, 2021) (granting permissive intervention by Wisconsin Legislature in redistricting case); *Baldus v. Members of Wis. Govt. Accountability Bd.*, No. 11-cv-562, 2011 WL 5834275, at *1 (E.D. Wis. Nov. 21, 2011) (granting permissive intervention by congress members because "[w]hile, in the eyes of the law, the intervenors may have no greater interest than the average citizen-of-age in the outcome of this case, as a matter of logic, the intervenors are much more likely to run for congressional election and thus have a substantial interest in establishing the boundaries of their congressional districts."); *Carter v. Degraffenreid,* 2021 WL 4735059, at *1 n.2 (Pa. Commnw. Ct. Oct. 8, 2021) (permitting legislative leaders to intervene in redistricting litigation). Nor will intervention prejudice existing parties. Plaintiffs have squarely placed the Legislature's work at issue and cannot claim injury from Proposed Intervenors' defense of that work.

Additionally, various factors that typically guide courts' discretion favor intervention. First, "[i]n determining whether to allow a permissive intervention, a factor to be considered is whether the intervenor is likely to contribute significantly to the development of the underlying factual issues." *Grumpy, Inc. v. Unidentified Wrecked & Abandoned Sailing Vessel*, No. 93-cv-2621, 1995 WL 41711, at *2 (E.D. La. Jan. 30, 1995). In this case, the Secretary of State did not participate in the adoption of the challenged plans and has no personal knowledge of the policies they effectuate. Proposed Intervenors, by contrast, were directly involved in the redistricting and know the analyses that informed choices relevant to this case. Second, for reasons explained, intervention "would not prejudice the existing parties by confusing the issue properly before the Court." *Aderholt v. Bureau of Land Mgmt.*, No. 7:15-cv-00162, 2016 WL 3365252, at *6 (N.D.

Tex. Mar. 24, 2016); *see Hunter v. Bostelmann*, No. 21-cv-512, 2021 WL 4206654, at *2 (W.D. Wis. Sept. 16, 2021) ("Now that the court has granted these motions to intervene [to the state legislature, individual congressmen, state governor, and state residents with malapportionment claims before the state supreme court], the existing parties represent the spectrum of legitimate interests in [the State's] decennial redistricting."). Third, Proposed Intervenors have, for reasons set forth above, met their "minimal burden of showing current representation is inadequate" for purposes of the permissive intervention test. *Det. Equip. Installation, LLC v. C.A. Owens & Assocs., Inc.*, No. 20-cv-2342, 2021 WL 6496785, at *6 (E.D. La. Mar. 24, 2021).

Finally, intervention will not "unduly delay or prejudice" the rights of existing parties. *Franciscan All.*, 414 F. Supp. 3d at 934. The participation of legislative leaders is common in redistricting litigation; North Carolina, Ohio, Pennsylvania, and Alabama present recent examples of this. *See, e.g., League of Women Voters of Ohio v. Ohio Redistricting Comm'n*, __ N.E.2d__, 2022 WL 110261, at *11 & n.8 (Ohio 2022) (explaining that, although state statute made the redistricting commission the only necessary respondent, the "better practice" is to name the commission's members, which included legislative members); *Carter v. Chapman,* __ A.3d __, 2022 WL 702894, at *3 (Pa. Feb. 23, 2022) (recognizing intervention of presiding officers of Pennsylvania General Assembly); *Harper v. Hall*, 868 S.E.3d 499, 513 (N.C. 2022) (legislative leaders as principal defendants); *Caster v. Merrill,* No. 2:21-cv-1536, 2022 WL 264819, at *7 (N.D. Ala. Jan. 24, 2022) (recognizing intervention of legislative leaders). Proposed Intervenors' participation in this case will provide greater assurance to the Court and the public that a fulsome set of arguments is marshalled in defense of the plans—an essential component of our adversarial system of justice. In those cases, participation of members of the legislature did not lead to delay or prejudice, and there is no reason to believe it would do so here. *See, e.g.*, *Carter,* 2002 WL

702894, at *5 ("We would like to extend our gratitude to the parties and their counsel who participated in that hearing. Their submissions and advocacy have greatly aided this Court . . . ."); *Caster*, 2002 WL 264819, at *2 (recognizing that parties and counsel "developed an extremely extensive record on an extremely expedited basis" and provided "able argument").

All relevant facts and considerations therefore favor permissive intervention.

CONCLUSION

The Court should grant the Motion of the Presiding Officers of the Louisiana Legislature to Intervene to participate in this suit.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on April 4, 2022, this document was filed electronically on the Court's electronic case filing system. Notice of the filing will be served on all counsel of record through the Court's system. Copies of the filing are available on the Court's system.

/s/ Michael W. Mengis
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EXHIBIT A

NINETEENTH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

JAMES BULLMAN, KIRK GREEN, STEPHEN HANDWERK, DARRYL MALEK-WILEY, AMBER ROBINSON, and POOJA PRAZID, Plaintiffs, v. R. KYLE ARDOIN, in his official capacity as Louisiana Secretary of State, Defendant.	Civil Action No. C-716690 Div.: C Sec.: 24
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE LOUISIANA STATE CONFERENCE, POWER COALITION FOR EQUITY AND JUSTICE, DOROTHY NAIRNE, EDWIN RENÉ SOULÉ, ALICE WASHINGTON, and CLEE EARNEST LOWE, Plaintiffs, v. R. KYLE ARDOIN, in his official capacity as Louisiana Secretary of State, Defendant.	Civil Action No. C-716837 (consolidated with Civil Action No. C-716690) Div.: C Sec.: 25

STIPULATION REGARDING PARTY APPEARANCES AND LEGISLATIVE INTERVENTION

MAY IT PLEASE THE COURT:

Plaintiffs James Bullman, Kirk Green, Stephen Handwerk, Darryl Malek-Wiley, Amber Robinson, and Pooja Prazid (the "*Bullman* Plaintiffs"); Plaintiffs National Association for the Advancement of Colored People Louisiana State Conference, Power Coalition for Equity and Justice, Dorothy Nairne, Edwin René Soulé, Alice Washington, and Clee Earnest Lowe (the "*NAACP* Plaintiffs"); Intervenor-Plaintiffs Michael Mislove, Lisa J, Fauci, Robert Lipton, and Nicholas Mattei (the "Math/Science Intervenors"); Defendant Louisiana Secretary of State R. Kyle Ardoin (the "Secretary"); and Proposed Intervenor-Defendants Speaker of the Louisiana House of Representatives Clay Schexnayder and President of the Louisiana Senate Patrick Page Cortez (the "Legislative Intervenors"), by and through their undersigned counsel, respectfully stipulate to the following issues.

First, on the issue of party appearances, all parties request the Court to allow the respective parties to be represented by their counsel without the need for in-person or video presence by any party, at any hearing or setting in the case, unless directed in advance by the Court or requested reasonably in advance by another party for purposes of providing testimony or on other reasonable grounds specified.

Second, Legislative Intervenors agree that they will not use or seek to use any provision of law that allows for a legislative continuance or any similar remedy or protection afforded specifically to legislators to postpone, delay, stay, or continue any hearing or conference or other setting in this matter.

Third, the parties do not object to Legislative Intervenors' intervention in this matter.

[SIGNATURE BLOCK ON NEXT PAGE]

Dated: March 28, 2022

Respectfully submitted,

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* Pro hac vice motions to be filed

Counsel for Legislative Intervenors, Clay Schexnayder, in his Official Capacity as Speaker of the Louisiana House of Representatives, and of Patrick Page Cortez, in his Official Capacity as President of the Louisiana Senate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing has been electronically mailed this date to all known counsel of record on this 28th day of March, 2022.

/s/ Darrel J. Papillion
Darrel J. Papillion

NINETEENTH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

JAMES BULLMAN, KIRK GREEN, STEPHEN HANDWERK, DARRYL MALEK-WILEY, AMBER ROBINSON, and POOJA PRAZID, Plaintiffs, v. R. KYLE ARDOIN, in his official capacity as Louisiana Secretary of State, Defendant.	Civil Action No. C-716690 Div.: C Sec.: 24
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE LOUISIANA STATE CONFERENCE, POWER COALITION FOR EQUITY AND JUSTICE, DOROTHY NAIRNE, EDWIN RENÉ SOULÉ, ALICE WASHINGTON, and CLEE EARNEST LOWE, Plaintiffs, v. R. KYLE ARDOIN, in his official capacity as Louisiana Secretary of State, Defendant.	Civil Action No. C-716837 (consolidated with Civil Action No. C-716690) Div.: C Sec.: 25

ORDER PURSUANT TO STIPULATION
REGARDING PARTY APPEARANCES AND LEGISLATIVE INTERVENTION

CONSIDERING THE STIPULATION filed on behalf of Plaintiffs James Bullman, Kirk Green, Stephen Handwerk, Darryl Malek-Wiley, Amber Robinson, and Pooja Prazid (the "*Bullman* Plaintiffs"); Plaintiffs National Association for the Advancement of Colored People Louisiana State Conference, Power Coalition for Equity and Justice, Dorothy Nairne, Edwin René Soulé, Alice Washington, and Clee Earnest Lowe (the "*NAACP* Plaintiffs"); Intervenor-Plaintiffs Michael Mislove, Lisa J, Fauci, Robert Lipton, and Nicholas Mattei (the "Math/Science Intervenors"); Defendant Louisiana Secretary of State R. Kyle Ardoin (the "Secretary"); and Proposed Intervenor-Defendants Speaker of the Louisiana House of Representatives Clay Schexnayder and President of the Louisiana Senate Patrick Page Cortez (the "Legislative Intervenors"):

IT IS HEREBY ORDERED that the respective parties can be represented by their counsel without the need for the parties' in-person or video presence, at any hearing or setting in the case,

unless the party is needed for testimony or a specific reason or basis articulated, in advance, by the Court or another party.

IT IS FURTHER ORDERED that the request of Proposed Intervenor-Defendants Speaker of the Louisiana House of Representatives Clay Schexnayder and President of the Louisiana Senate Patrick Page Cortez is hereby GRANTED.

IT IS FURTHER ORDERED that the Court approves the terms of the parties' stipulation.

THUS DONE AND SIGNED, this 28 day of March, 2022, Baton Rouge, Louisiana.

HONORABLE DONALD R. JOHNSON, 19TH JDC

PLEASE PROVIDE NOTICE TO ALL PARTIES PURSUANT TO LSA–CCP ART. 1913

I HEREBY CERTIFY THAT ON THIS DAY A COPY OF THE WRITTEN REASONS FOR JUDGMENT / JUDGMENT / ORDER / COMMISSIONER'S RECOMMENDATION WAS MAILED BY ME WITH SUFFICIENT POSTAGE AFFIXED.
SEE ATTACHED LETTER FOR LIST OF RECIPIENTS.

DONE AND MAILED ON APRIL 01, 2022

Dawna Robichaux

DEPUTY CLERK OF COURT

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DR. DOROTHY NAIRNE, JARRETT LOFTON, REV. CLEE EARNEST LOWE, DR. ALICE WASHINGTON, AND DR. ROSE THOMPSON, BLACK VOTERS MATTER CAPACITY BUILDING INSTITUTE, and THE LOUISIANA STATE CONFERENCE OF THE NAACP,

Plaintiffs,

v.

R. KYLE ARDOIN, in his official capacity as Secretary of State of Louisiana,

Defendant.

Case No. 3:22-cv-00178

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

ANSWER OF INTERVENORS TO
COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

For their Answer to Plaintiffs' Complaint for Declaratory Judgment and Injunctive Relief (ECF No. 1, the "Complaint"), Clay Schexnayder, Speaker of the Louisiana House of Representatives, and Patrick Page Cortez, President of the Louisiana Senate, in their respective official capacities (collectively, the "Intervenors") respond as follows. All allegations not expressly admitted herein are denied.

I. INTRODUCTION

1. Intervenors deny the allegations in paragraph 1 of the Complaint.

2. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations that Plaintiffs are Louisiana Black voters and Louisiana nonprofit organizations. Intervenors deny that Plaintiffs are entitled to any requested relief. The last sentence

of paragraph 2 contains a legal conclusion to which no response is required. Intervenors deny the remaining allegations in paragraph 2 of the Complaint.

3. Intervenors deny the allegations in the first sentence of paragraph 3 of the Complaint. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 3 of the Complaint, and, therefore, deny the same.

4. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4 of the Complaint, and, therefore, deny the same.

5. Intervenors state that the demographics of the State of Louisiana speak for themselves. Intervenors deny the allegations in the second and third sentences of paragraph 5 of the Complaint. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 5 of the Complaint, and, therefore, deny the same.

6. Intervenors deny the allegations in the first and third sentences of paragraph 6 of the Complaint. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 6 of the Complaint, and, therefore, deny the same.

7. Intervenors admit that the U.S. Department of Justice has previously objected to voting-related changes in Louisiana jurisdictions, and that those objections speak for themselves. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 7 of the Complaint, and, therefore, deny the same.

8. The allegations in the last sentence of paragraph 8 of the Complaint purport to quote from and characterize statements by Governor Edwards, which speak for themselves. Intervenors deny the remaining allegations in paragraph 8 of the Complaint.

9. Intervenors deny the allegations in paragraph 9 of the Complaint.

II. JURISDICTION AND VENUE

10. Intervenors admit that the Middle District of Louisiana has jurisdiction over this matter, but deny that Plaintiffs are entitled to any relief, and deny the remainder of the allegations in paragraph 10 of the Complaint.

11. Intervenors deny that Plaintiffs are entitled to any requested declaratory and injunctive relief as alleged in paragraph 11 of the Complaint.

12. Intervenors admit the allegations in paragraph 12 of the Complaint.

13. Intervenors admit the allegations in paragraph 13 of the Complaint.

III. PARTIES

14. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 14 of the Complaint, and, therefore, deny the same.

15. Intervenors deny the allegations in the last sentence of paragraph 15 of the Complaint. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 15 of the Complaint, and, therefore, deny the same.

16. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16 of the Complaint, and, therefore, deny the same.

17. Intervenors deny the allegations in the last sentence of paragraph 17 of the Complaint. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 17 of the Complaint, and, therefore, deny the same.

18. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 18 of the Complaint, and, therefore, deny the same.

19. Intervenors deny the allegations in the last sentence of paragraph 19 of the Complaint. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 19 of the Complaint, and, therefore, deny the same.

20. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 20 of the Complaint, and, therefore, deny the same.

21. Intervenors deny the allegations in the last sentence of paragraph 21 of the Complaint. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 21 of the Complaint, and, therefore, deny the same.

22. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 22 of the Complaint, and, therefore, deny the same.

23. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 23 of the Complaint, and, therefore, deny the same.

24. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 24 of the Complaint, and, therefore, deny the same.

25. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 25 of the Complaint, and, therefore, deny the same.

26. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 26 of the Complaint, and, therefore, deny the same.

27. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 27 of the Complaint, and, therefore, deny the same.

28. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 28 of the Complaint, and, therefore, deny the same.

29. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 29 of the Complaint, and, therefore, deny the same.

30. Intervenors deny the allegations in paragraph 30 of the Complaint.

31. Intervenors deny the allegations in paragraph 31 of the Complaint.

32. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence in paragraph 32 of the Complaint, and, therefore, deny the same. Intervenors deny the remaining allegations in paragraph 32 of the Complaint.

33. Intervenors deny the allegations in paragraph 33 of the Complaint.

34. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 34 of the Complaint, and, therefore, deny the same.

35. Intervenors deny the allegations in the last sentence of paragraph 35 of the Complaint. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 35 of the Complaint, and, therefore, deny the same.

36. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 36 of the Complaint, and, therefore, deny the same.

37. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 37 of the Complaint, and, therefore, deny the same.

38. Intervenors deny the allegations in the first and last sentences of paragraph 38 of the Complaint. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 38 of the Complaint, and, therefore, deny the same.

39. Intervenors deny the allegations in paragraph 39 of the Complaint.

40. Intervenors deny the allegations in paragraph 40 of the Complaint.

41. Intervenors deny the allegations in paragraph 41 of the Complaint.

IV. LEGAL BACKGROUND

42. Paragraph 42 of the Complaint contains only legal conclusions to which no response is required.

43. Paragraph 43 of the Complaint contains legal conclusions concerning the purpose of the Voting Rights Act to which no response is required. Intervenors state that allegations in paragraph 43 regarding the reauthorization of the VRA concern Sections 4 and 5 of the VRA, which are not relevant to the Complaint. Intervenors are without knowledge or information sufficient to form a belief as to the truth of any remaining allegations in paragraph 43 of the Complaint, and, therefore, deny the same.

44. Paragraph 44 of the Complaint contains only legal conclusions to which no response is required.

45. Paragraph 45 of the Complaint contains only legal conclusions to which no response is required.

46. Paragraph 46 of the Complaint contains only legal conclusions to which no response is required.

47. Paragraph 47 of the Complaint contains only legal conclusions to which no response is required.

48. Paragraph 48 of the Complaint contains only legal conclusions to which no response is required.

49. Paragraph 49 of the Complaint contains only legal conclusions to which no response is required.

50. Paragraph 50 of the Complaint contains only legal conclusions to which no response is required.

51. Paragraph 51 of the Complaint contains only legal conclusions to which no response is required.

V. STATEMENT OF FACTS

A. State Enacted Legislative Maps

52. Intervenors deny the allegations in paragraph 52 of the Complaint.

53. Intervenors deny the allegations in paragraph 53 of the Complaint.

54. Intervenors deny the allegations in paragraph 54 of the Complaint.

55. Intervenors deny the allegations in paragraph 55 of the Complaint.

B. Louisiana State Legislative Redistricting Process and Criteria

56. Paragraph 56 of the Complaint contains legal conclusions to which no response is required. Intervenors deny that the Legislature "decided" the effective date of the described laws. Intervenors deny any remaining allegations in paragraph 56 of the Complaint.

57. Paragraph 57 of the Complaint contains legal conclusions to which no response is required.

58. Intervenors admit that on June 21, 2021, the Legislature adopted Joint Rule 21, which speaks for itself, but deny the allegations in the third sentence of paragraph 58 of the Complaint, which purports to set forth the criteria for a redistricting plan for Congress. Intervenors deny any remaining allegations in paragraph 58 of the Complaint.

C. Louisiana's Growing Black Population

59. Intervenors deny the allegations in paragraph 59 of the Complaint.

60. Intervenors admit that the allegations in paragraph 60 of the Complaint purport to summarize the results of the 2020 Census, which speak for themselves.

61. The allegations in paragraph 61 of the Complaint purport to summarize the results of the 2020 Census concerning vaguely defined "areas" of Louisiana, and Intervenors are without

knowledge of the precise boundaries referenced. To the extent any answer is required, Intervenors state that the Census results speak for themselves.

62. Intervenors deny the allegations in the last sentence of paragraph 62 of the Complaint. The remaining allegations in paragraph 62 of the Complaint purport to summarize the results of the 2020 Census concerning vaguely defined "area[s]" of Louisiana, and Intervenors without knowledge of the precise boundaries referenced. To the extent any answer is required, Intervenors state that the 2020 Census results speak for themselves.

D. The Process Leading to Enactment of New Plan for the State Legislative Districts

1. Roadshows

63. Intervenors admit the allegations in the first and second sentences of paragraph 63 of the Complaint. The allegations in the last sentence of paragraph 63 purport to quote from and characterize the Legislature's redistricting website, which speaks for itself.

64. The first sentence of paragraph 64 is unclear insofar as it refers to "Defendants," when there is only one named Defendant. Intervenors are without knowledge or information sufficient to form a belief as to what the named Defendant was aware of or deemed important. The remaining allegations in paragraph 64 of the Complaint purport to quote from and characterize submissions to the House and Senate Governmental Affairs Committees, which speak for themselves.

65. Intervenors admit that live and email testimony was offered during the joint public meetings held by the House and Senate Governmental Affairs Committees. The remaining allegations in paragraph 65 of the Complaint purport to quote from and characterize that testimony, which speaks for itself.

66. Intervenors admit that live and email testimony was offered during the joint public meetings held by the House and Senate Governmental Affairs Committees. The remaining allegations in paragraph 66 of the Complaint purport to quote from and characterize that testimony, which speaks for itself.

67. Intervenors admit that a joint public meeting was held on January 20, 2022, at the Louisiana State Capitol in Baton Rouge by the House and Senate Governmental Affairs Committees. The remaining allegations in paragraph 67 of the Complaint purport to quote from and characterize testimony provided by Chris Kaiser from the ACLU of Louisiana, which speaks for itself.

68. Intervenors deny the allegations in paragraph 68 of the Complaint.

2. 2022 Special Legislative Session

69. Intervenors admit the allegations in paragraph 69 of the Complaint.

70. Intervenors admit that bills proposing legislative redistricting plans, and amendments to those bills, were offered during the 2022 First Extraordinary Session. Intervenors admit that House Bill 14 and Senate Bill 1 were the bills passed by the Legislature, and deny the remaining allegations in the paragraph 70 of the Complaint.

a. Senate Map

71. Intervenors admit the allegations in the first sentence of paragraph 71 of the Complaint. Intervenors admit that individuals gave public testimony during the Senate Committee on Senate and Governmental Affairs meeting on February 2, 2022, which speaks for itself.

72. Intervenors admit the allegations in the first sentence of paragraph 72 of the Complaint. Intervenors admit that Senate Bill 1 was introduced by Intervenor Cortez. Intervenors deny any relevance of the race of legislators or others who speak at legislative sessions and affirmatively state that legislators and others are permitted to speak in accordance with neutral

legislative rules and without regard to their race or ancestry. The remaining allegations in paragraph 72 of the Complaint purport to characterize statements made by Intervenor Cortez, which speak for themselves.

73. Intervenors admit that Senate Bill 17 was proposed by Senator Ed Price. Intervenors deny any relevance of the race of legislators who propose legislation and affirmatively state that legislators are permitted to propose legislation in accordance with neutral legislative rules and without regard to their race or ancestry. Intervenors admit that Senate Bill 17 was heard by the Senate Committee on Senate and Governmental Affairs on February 2, 2022, February 3, 2022, and February 4, 2022, and that the Committee voted to defer the bill. Paragraph 73 purports to characterize testimony provided by Senator Price, which speaks for itself. Intervenors deny the remaining allegations of paragraph 73.

74. Intervenors admit that the Senate considered Senate Bill 1 on February 8, 2022. Intervenors deny any relevance of the race of legislators who propose legislation and affirmatively state that legislators are permitted to propose legislation in accordance with neutral legislative rules and without regard to their race or ancestry. The remaining allegations in paragraph 74 of the Complaint purport to characterize testimony provided by Senator Peterson, which speaks for itself.

75. Intervenors admit the allegations in the first sentence of paragraph 75 of the Complaint. Intervenors further admit that 9 of the 12 Senators who voted against Senate Bill 1 are Members of the Legislative Black Caucus, but deny the remaining allegations in paragraph 75 of the Complaint.

76. Intervenors admit the allegations in the first sentence of paragraph 76 of the Complaint, but deny the remaining allegations in paragraph 76 of the Complaint.

b. House Map

77. Intervenors admit that House Bill 14 was introduced by Speaker Clay Schexnayder. Intervenors admit that Representative Stefanski is the Chair of the House Committee on House and Governmental Affairs. Intervenors deny any relevance of the race of legislators who propose legislation and affirmatively state that legislators are permitted to propose legislation in accordance with neutral legislative rules and without regard to their race or ancestry. The remaining allegations in paragraph 77 of the Complaint purport to characterize statements by Representative Stefanski, which speak for themselves.

78. Intervenors admit that Representative Jenkins introduced House Bill 15, which speaks for itself, and that the House Committee on House and Governmental Affairs voted to defer the bill on February 10, 2022. Intervenors deny any relevance of the race of legislators who propose legislation and affirmatively state that legislators are permitted to propose legislation in accordance with neutral legislative rules and without regard to their race or ancestry. The remaining allegations in Paragraph 78 purport to quote from and characterize testimony provided by Representative Jenkins which speaks for itself.

79. Intervenors admit that Representative Glover introduced House Bill 21, which speaks for itself, and that the House Committee on House and Governmental Affairs voted to defer the bill on February 11, 2022. Intervenors deny any relevance of the race of legislators who propose legislation and affirmatively state that legislators are permitted to propose legislation in accordance with neutral legislative rules and without regard to their race or ancestry. The remaining allegations in Paragraph 79 purport to quote from and characterize testimony provided by Representative Glover, which speaks for itself.

80. Intervenors admit the allegations in the first sentence of paragraph 80 of the Complaint. Intervenors admit that Representative Glover offered amendments to House Bill 14,

which speak for themselves. The remaining allegations in paragraph 80 purport to quote from and characterize those amendments and statements by Representative Glover and Representative Larvadain, which speak for themselves.

81. Intervenors admit that Amendments 62, 90, and 133 to House Bill 14 were not adopted, but deny the remaining allegations in the first sentence of paragraph 81 of the Complaint. Intervenors admit that members of the Legislative Black Caucus voted for the amendments to House Bill 14, but are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in the second sentence of paragraph 81 of the Complaint, and, therefore, deny the same. The remaining allegations in paragraph 81 of the Complaint purport to quote from and characterize statements by Representative Pierre, which speak for themselves.

82. Intervenors admit that Representative Glover introduced House Bill 23 and House Bill 24, which speak for themselves, and that the bills were deferred. The remaining allegations in paragraph 82 of the Complaint purport to quote from and characterize statements by Representative Glover, which speak for themselves.

83. Intervenors admit the allegations in the first and second sentences of paragraph 83 of the Complaint. Intervenors deny the remaining allegations in paragraph 83 of the Complaint.

c. Governor and the State Legislative Maps

84. Intervenors admit the allegations in the first sentence of paragraph 84 of the Complaint. Intervenors further admit that House Bill 14 and Senate Bill 1 became law on March 9, 2022. Intervenors deny that the Legislature "decided" the effective date of the above-described laws.

E. The Newly Enacted Legislative Maps Dilute Black Voting Power in the Face of an Increasingly Diverse Louisiana

85. Intervenors deny the first sentence in paragraph 85 of the Complaint. The allegations in the last sentence of paragraph 85 of the Complaint purport to summarize the results of the 2020 Census concerning vaguely defined "parts" and "area[s]", and Intervenors are without knowledge of the precise boundaries referenced. To the extent any answer is required, Intervenors state that the Census results speak for themselves.

86. Intervenors deny the allegations in paragraph 86 of the Complaint.

87. Intervenors deny the allegations in paragraph 87 of the Complaint.

88. Intervenors deny the allegations in paragraph 88 of the Complaint.

89. Intervenors deny the allegations in the first and second sentences of paragraph 89 of the Complaint. The remaining allegations in paragraph 89 of the Complaint purport to characterize and quote from statements by Senator Carter and Senator Peterson, which speak for themselves.

90. Intervenors deny the allegations in the first and last sentences of paragraph 90 of the Complaint. The remaining allegations in paragraph 90 of the Complaint purport to characterize and quote from testimony provided by Senator Price, which speaks for itself.

91. Intervenors deny the allegations in the first sentence of paragraph 91 of the Complaint. The remaining allegations in paragraph 91 of the Complaint purport to characterize and quote from testimony offered by Senator Tarver and members of the public, which speaks for itself.

92. Intervenors deny the allegations in the first sentence of paragraph 92 of the Complaint. The remaining allegations in paragraph 92 of the Complaint purport to quote from and

characterize statements by Representative Glover and Representative Cox, which speak for themselves.

93. Intervenors deny the allegations in paragraph 93 of the Complaint.

94. Intervenors deny the allegations in the first sentence of paragraph 94 of the Complaint. The remaining allegations in paragraph 94 of the Complaint purport to quote from and characterize statements by Representative Glover which speak for themselves.

F. The Redistricting Plan Illegally Dilutes Black Voting Strength

95. Intervenors deny the allegations in paragraph 95 of the Complaint.

1. The Redistricting Plan Satisfies the First *Gingles* Precondition.

96. Paragraph 96 of the Complaint contains only legal conclusions to which no response is required.

97. Intervenors deny the allegations in paragraph 97 of the Complaint.

98. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 98 of the Complaint, and, therefore, deny the same.

a. Senate

99. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 99 of the Complaint, and, therefore, deny the same.

100. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 100 of the Complaint, and, therefore, deny the same.

101. Intervenors deny the allegations in paragraph 101 of the Complaint.

102. Intervenors deny the allegations in the first sentence of paragraph 102 of the Complaint. The third and fourth sentences purport to identify results of the 2010 Census and the 2020 Census, which speak for themselves The remaining allegations in Paragraph 102 purporting

to characterize the boundaries of Senate District 5 are vague, Intervenors are without knowledge of their precise meaning, and they therefore deny the same.

103. Intervenors deny the allegations in the first sentence of paragraph 103 of the Complaint. The remaining allegations in paragraph 103 of the Complaint are vague, Intervenors are without knowledge of its precise meaning, and they therefore deny the same.

104. Intervenors deny the allegations of the first two sentences of paragraph 104. Intervenors admit that it is sometimes necessary in redistricting to move entire districts from areas with population decreases to areas with population growth and doing so does not violate the VRA. The allegations in the fourth and fifth sentences of paragraph 62 of the Complaint purport to summarize the results of the 2020 Census concerning vaguely defined "area[s]" of Louisiana, and are vague and consist of characterizations, Intervenors are without knowledge of their precise meaning, and they therefore deny the same. Intervenors deny any remaining allegations in paragraph 104 of the Complaint.

105. Intervenors deny the allegations in paragraph 105 of the Complaint.

b. House

106. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 106 of the Complaint, and, therefore, deny the same.

107. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 107 of the Complaint, and, therefore, deny the same.

108. Intervenors deny the allegations in paragraph 108 of the Complaint.

109. Intervenors deny the allegations in the first and last sentences of paragraph 109 of the Complaint. The remaining sentences make legal allegations of vote dilution, to which no response is require—and which are in any event denied—and purport to summarize the results of the 2020 Census concerning vaguely defined "area[s]" of Louisiana, and are vague and consist of

characterizations, Intervenors are without knowledge of their precise meaning, and they therefore deny the same. Intervenors deny any remaining allegations in paragraph 109 of the Complaint.

110. The allegations in paragraph 110 of the Complaint purport to summarize the results of the 2020 Census concerning vaguely defined "area[s]" of Louisiana, and are vague and consist of characterizations, Intervenors are without knowledge of their precise meaning, and they therefore deny the same, except that Intervenors deny that House District 3 has a Black voting age population over 90% in the legislative redistricting plan enacted by House Bill 14. Intervenors deny any remaining allegations in paragraph 110 of the Complaint.

111. Intervenors admit that House District 23 in the redistricting plan enacted by House Bill 14 is moved from northwestern Louisiana to the Orleans area, but deny the remaining allegations in the first sentence of paragraph 111 of the Complaint. Intervenors deny the allegations in the second sentence of paragraph 111 of the Complaint. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in the third and fourth sentences in paragraph 111 of the Complaint, and, therefore, deny the same.

112. Intervenors deny the allegations in paragraph 112 of the Complaint.

113. Intervenors deny the allegations in paragraph 113 of the Complaint.

2. The State Legislative Maps Satisfy the Second and Third *Gingles* Preconditions.

114. Intervenors deny the allegations in paragraph 114 of the Complaint.

115. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 115 of the Complaint, and, therefore, deny the same.

116. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 116 of the Complaint, and, therefore, deny the same.

117. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 117 of the Complaint, and, therefore, deny the same.

118. Intervenors deny the allegations in the last sentence of paragraph 118 of the Complaint. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 118 of the Complaint, and, therefore, deny the same.

119. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 119 of the Complaint, and, therefore, deny the same.

3. Under the "Totality of the Circumstances," the State Legislative Plans Fail to Ensure that the Electoral Process is Equally Open to Black Louisianans.

120. Intervenors deny the allegations in paragraph 120 of the Complaint.

121. Intervenors deny the allegations in paragraph 121 of the Complaint.

a. Senate Factor 1: History of Official Voting-Related Discrimination

122. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 122 of the Complaint, and, therefore, deny the same.

123. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 123 of the Complaint, and, therefore, deny the same.

124. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 124 of the Complaint, and, therefore, deny the same.

125. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 125 of the Complaint, and, therefore, deny the same.

126. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 126 of the Complaint, and, therefore, deny the same.

127. Intervenors admit that Congress passed the Voting Rights Act in 1965 and that Louisiana was a covered jurisdiction under Section 4(b), but are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in the first sentence of paragraph 127 of the Complaint, and, therefore, deny the same. Intervenors admit the remaining allegations in paragraph 127 of the Complaint.

128. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 128 of the Complaint, and, therefore, deny the same. Intervenors deny the allegations in the second sentence of paragraph 128 of the Complaint and state affirmatively that preclearance can be denied under Section 5 or liability found under Section 2 without a finding of intentional "efforts to discourage Black political participation."

129. Intervenors admit that the U.S. Department of Justice has previously objected to voting-related changes in Louisiana jurisdictions, and that those objections speak for themselves. Intervenors deny the remaining allegations in paragraph 129 of the Complaint. Intervenors affirmatively state that preclearance can be denied under Section 5 or liability found under Section 2 without a finding of intentional "efforts…to dilute, limit, or otherwise adversely impact minority voting access and strength."

130. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 130 of the Complaint, and, therefore, deny the same. Intervenors affirmatively state that preclearance can be denied under Section 5 or liability found under Section 2 without a finding of intentional "efforts…to dilute, limit, or otherwise adversely impact minority voting access and strength."

131. Intervenors admit that prior redistricting plans have been challenged under the VRA. Intervenors deny the allegations in the second sentence of paragraph 131. The remaining allegations in paragraph 131 of the Complaint purport to characterize legal opinions including *Major v. Treen*, 574 F. Supp. 325 (E.D. La. 1983), which speak for themselves.

132. Intervenors admit that the U.S. Department of Justice objected to the redistricting plan proposed by the Legislature in 1981, and that the plan did not become effective after that objection. Intervenors deny the remaining allegations in paragraph 132 of the Complaint.

133. Intervenors admit that the U.S. Department of Justice objected to the redistricting plan proposed by the Legislature in 1991, and that the objection speaks for itself. Intervenors deny the allegations in the second sentence of paragraph 133 of the Complaint. Intervenors admit that the Legislature sought preclearance of its redistricting plan in 2001 in a federal action in the D.C. District Court, and that the Legislature enacted a revised redistricting plan that redrew the disputed districts. The remaining allegations in paragraph 133 of the Complaint purport to characterize those proceedings, which speak for themselves.

134. The allegations in paragraph 134 of the Complaint purport to characterize the proceedings in various actions under the VRA, which speak for themselves. Intervenors affirmatively state that liability can be found under Section 2 without a finding of intentional "efforts…to dilute, limit, or otherwise adversely impact minority voting access and strength."

135. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 135 of the Complaint, and, therefore, deny the same. Intervenors affirmatively state that preclearance can be denied without a finding of discriminatory intent.

136. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 136 of the Complaint, and, therefore, deny the same.

b. Senate Factor 2: The Extent of Racial Polarization

137. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 137 of the Complaint, and, therefore, deny the same.

138. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 138 of the Complaint, and, therefore, deny the same.

139. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 139 of the Complaint, and, therefore, deny the same.

c. Senate Factor 5: Effects of Louisiana's History of Discrimination.

140. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 140 of the Complaint, and, therefore, deny the same.

141. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 141 of the Complaint, and, therefore, deny the same. The remaining allegations in paragraph 141 of the Complaint purport to quote from the decision *St. Bernard Citizens For Better Gov't v. St. Bernard Par. Sch. Bd.*, No. CIV.A. 02–2209, 2002 WL 2022589, at *9 (E.D. La. Aug. 26, 2002), which speaks for itself.

142. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 142 of the Complaint, and, therefore, deny the same.

143. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 143 of the Complaint, and, therefore, deny the same.

144. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 144 of the Complaint, and, therefore, deny the same.

145. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 145 of the Complaint, and, therefore, deny the same.

146. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 146 of the Complaint, and, therefore, deny the same.

d. Senate Factor 6: Presence of Racial Campaign Appeals

147. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 147 of the Complaint, and, therefore, deny the same.

148. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 148 of the Complaint, and, therefore, deny the same.

149. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 149 of the Complaint, and, therefore, deny the same.

150. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 150 of the Complaint, and, therefore, deny the same.

151. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 151 of the Complaint, and, therefore, deny the same.

152. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 152 of the Complaint, and, therefore, deny the same.

153. Intervenors deny the allegations in paragraph 153 of the Complaint.

e. Senate Factor 7: Extent to Which Black Louisianans Have Been Elected to Public Office.

154. Intervenors deny the allegations in the first sentence of paragraph 154 of the Complaint. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 154 of the Complaint, and therefore, deny the same.

155. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in the first two sentences in paragraph 155 of the Complaint, and therefore, deny the same. The remaining allegations in paragraph 155 of the Complaint purport to quote from the decision in *Terrebonne Par. Branch NAACP v. Jindal*, 274 F. Supp. 3d 395 (M.D. La. 2017), which speaks for itself.

f. Senate Factor 9: Tenuousness

156. The allegations in the first sentence of paragraph 156 contain only legal conclusions to which no response is required. Intervenors deny the remaining allegations in paragraph 156 of the Complaint.

157. The allegations in the first sentence of paragraph 157 of the Complaint purport to characterize testimony provided by Representative Stefanski, which speaks for itself. Intervenors deny the allegations in the second, third, and fourth sentences in paragraph 157 of the Complaint. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 157 of the Complaint, and, therefore, deny the same.

158. Intervenors deny the allegations in the last sentence of paragraph 158 of the Complaint. The remaining allegations in paragraph 158 of the Complaint purport to selectively quote from or characterize testimony provided by Intervenor Cortez, which speaks for itself. Intervenors deny that Intervenor Cortez's explanations for map drawing were "tenuous justifications."

159. Intervenors deny the allegations in the first sentence of paragraph 159 of the Complaint. Intervenors deny the allegations in the second sentence of paragraph 159 of the Complaint. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in the third, fourth, and fifth sentences in paragraph 159 of the Complaint,

and, therefore, deny the same. Intervenors deny the remaining allegations in paragraph 159 of the Complaint.

160. Intervenors deny the allegations in paragraph 160 of the Complaint.

g. Other Relevant Factors

161. Intervenors admit that the allegations in the fifth sentence of paragraph 161 of the Complaint purport to summarize the results of the 2020 Census, which speak for themselves. Other portions of paragraph 161 of the Complaint contain legal conclusions to which no answer is required. Intervenors deny the remaining allegations in paragraph 161 of the Complaint.

162. Intervenors deny the allegations in paragraph 162 of the Complaint.

CLAIM FOR RELIEF

Count 1: Section 2 of the Voting Rights Act

1. Intervenors incorporate their responses to paragraphs 1-162 of the Complaint as if fully re-stated herein.

2. Paragraph 2 of the Claim for Relief in the Complaint contains only legal conclusions to which no response is required. To the extent paragraph 2 of the Claim for Relief in the Complaint is interpreted to contain any factual allegations, any such allegations are denied.

3. Intervenors deny the allegations in paragraph 3 of the Claim for Relief in the Complaint.

4. The allegations in paragraph 4 of the Claim for Relief in the Complaint purport to characterize the results of the 2020 Census, which speak for themselves. Intervenors deny the remaining allegations in paragraph 4 of the Claim for Relief in the Complaint.

5. Intervenors deny the allegations in paragraph 5 of the Claim for Relief in the Complaint.

6. Intervenors deny the allegations in paragraph 6 of the Claim for Relief in the Complaint.

7. Intervenors deny the allegations in paragraph 7 of the Claim for Relief in the Complaint.

8. Intervenors deny the allegations in paragraph 8 of the Claim for Relief in the Complaint.

9. Intervenors deny the allegations in paragraph 9 of the Claim for Relief in the Complaint.

10. Intervenors deny the allegations in paragraph 10 of the Claim for Relief in the Complaint.

11. Intervenors deny the allegations in paragraph 11 of the Claim for Relief in the Complaint.

ANSWER TO PRAYER FOR RELIEF

The Prayer for Relief contains a summary of the relief Plaintiffs seek, to which no response is required. To the extent a response is required, Intervenors deny that Plaintiffs are entitled to any of the relief sought.

AFFIRMATIVE DEFENSES

Intervenors assert the following defenses to the Complaint, without assuming the burden of proof or persuasion where such burden rests on Plaintiffs:

1. The Complaint fails to state a claim upon which relief can be granted.

2. Intervenors reserve the right to assert such other additional defenses as may be appropriate at a later time.

WHEREFORE, having fully answered the Complaint, Intervenors request that Plaintiffs' Complaint be dismissed with prejudice, with costs taxed to Plaintiffs.

Respectfully submitted,

/s/ Michael W. Mengis

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* *Pro hac vice motions to be filed*

CERTIFICATE OF SERVICE

I certify that on April 4, 2022, this document was filed electronically on the Court's electronic case filing system. Notice of the filing will be served on all counsel of record through the Court's system. Copies of the filing are available on the Court's system.

/s/ Michael W. Mengis

Michael W. Mengis, LA Bar No. 17994

Counsel for Proposed Legislative Intervenors, Clay Schexnayder, in his Official Capacity as Speaker of the Louisiana House of Representatives, and of Patrick Page Cortez, in his Official Capacity as President of the Louisiana Senate

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

DR. DOROTHY NAIRNE, JARRETT LOFTON, REV. CLEE EARNEST LOWE, DR. ALICE WASHINGTON, AND DR. ROSE THOMPSON, BLACK VOTERS MATTER CAPACITY BUILDING INSTITUTE, and THE LOUISIANA STATE CONFERENCE OF THE NAACP,

Plaintiffs,

v.

KYLE ARDOIN, in his official capacity as Secretary of State of Louisiana,

Defendant.

Case No. 3:22-cv-00178

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

[PROPOSED] ORDER

Upon consideration of the Speaker of the Louisiana House of Representatives, Clay Schexnayder, and President of the Louisiana Senate, Patrick Page Cortez, in their official capacities (collectively, the "Proposed Intervenors"), motion to intervene, and considering the grounds presented, it is hereby

ORDERED that the motion is GRANTED; and further

ORDERED that the Proposed Intervenors are permitted to participate in the above captioned matter as Intervenor-Defendants;

SO ORDERED.

This ____ day of _____ 2022.

_____
United States District Judge