

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

PRESS ROBINSON et al.,

Plaintiffs,

v.

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

Defendant.

Case No. 3:22-cv-00211-SDD-SDJ c/w

EDWARD GALMON, SR. et al.,

Plaintiffs,

v.

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

Defendant.

Case No. 3:22-cv-00214-SDD-SDJ

JOINT PRE-HEARING STIPULATIONS

Pursuant to the Court’s scheduling order of April 19, 2022, *see* Rec. Doc. No. 63, Plaintiffs Edward Galmon, Sr., Ciara Hart, Norris Henderson, and Tramelle Howard (the “*Galmon* Plaintiffs”); Plaintiffs Press Robinson, Edgar Cage, Dorothy Nairne, Edwin René Soulé, Alice Washington, Clee Earnest Lowe, Davante Lewis, Martha Davis, Ambrose Sims, NAACP Louisiana State Conference, and Power Coalition for Equity and Justice (the “*Robinson* Plaintiffs,” and together with the *Galmon* Plaintiffs, “Plaintiffs”); Intervenor-Plaintiff Louisiana Legislative Black Caucus; Defendant R. Kyle Ardoin, in his official capacity as Louisiana Secretary of State; Intervenor-Defendants Clay Schexnayder, in his official capacity as Speaker of the Louisiana House of Representatives, and Patrick Page Cortez, in his official capacity as President of the Louisiana Senate (the “Legislative Intervenor-Defendants”); and Intervenor-Defendant the State

of Louisiana, by and through Attorney General Jeff Landry (the “State Intervenor-Defendant”), respectfully submit the following pre-hearing stipulations. These stipulations, including but not limited to the evidentiary stipulations and stipulated facts, are made solely for the purpose of the preliminary injunction hearing on Plaintiffs’ Motions for Preliminary Injunction, *see* Rec. Doc. Nos. 41–42, and without prejudice to the parties’ right to object to the admissibility or weight of any evidence at trial or other future proceedings.

PROCEDURAL GUIDELINES FOR PRELIMINARY INJUNCTION HEARING

First, the parties submit the following stipulations as to the procedural conduct of the preliminary injunction hearing.

Chess clock. The Court has allocated a total of five days for the preliminary injunction hearing. The parties will evenly divide the allotted time for presentation of evidence, cross-examination of witnesses called by the opposing parties, and legal argument, with Plaintiffs and Intervenor-Plaintiff jointly (as one “side”) utilizing one half and Defendant, the Legislative Intervenor-Defendants, and the State Intervenor-Defendant jointly (as the other “side”) utilizing the other half. Time devoted to the questioning of witnesses by the Court, not including closing argument or oral argument on any motions, will be divided equally between the two sides. The parties will monitor and confer on their respective uses of time each day to ensure that no party exceeds their time allotment.

Opening statements and closing arguments. The parties will forgo opening statements and instead rely on the briefing already submitted to the Court. The Court may reserve an opportunity for closing arguments.

Presentation of evidence. The parties will coordinate to allow for the efficient presentation of evidence at the hearing, with expert witnesses ordered by topic (with Plaintiffs’ and Intervenor-Plaintiff’s witnesses interspersed) rather than by case (e.g., all *Galmon* witnesses followed by all

Robinson witnesses). Defendant, the Legislative Intervenor-Defendants, and the State Intervenor-Defendant will present their defenses to all claims at one time, such that their witnesses will appear only once. Plaintiffs and Intervenor-Plaintiff will also coordinate to streamline any rebuttal testimony/evidence. The parties further agree to exchange via email, by 7:00 p.m. CT the evening before the day of any hearing, the identities of the witnesses they intend to call that day, listed in the order in which they will be called. For the first day (Monday, May 9), Plaintiffs and Intervenor-Plaintiff shall make this disclosure by 7:00 p.m. CT on Sunday, May 8. If a side (Plaintiffs/Intervenor-Plaintiff or Defendant/Legislative Intervenor-Defendants/State Intervenor-Defendant) believes it is likely to rest its case before the close of a day of the hearing, it shall include that representation in its exchange. In such instance, the other side shall disclose by email by 8:00 p.m. CT that same evening a list of witnesses it intends to call that day following the close of the other side's case, listed in the order in which they will be called.

Non-sequestration of expert witnesses. All expert witnesses will be allowed to observe the proceedings without sequestration.

EVIDENTIARY STIPULATIONS

Second, the parties submit the following evidentiary stipulations.

Stipulation regarding the use of expert witness testimony. The parties agree that the proposed expert witnesses may testify at the preliminary injunction hearing, with all parties reserving the right to cross-examine the experts on any matter, including any matters set forth in Federal Rule of Evidence 702, and without prejudice to the right to object to testimony, under Rule 702 or otherwise, in further proceedings after the preliminary injunction hearing.

Stipulation to the use of fact witness declarations. The parties stipulate to the admissibility of the following fact witnesses' declarations without requiring testimony from the witnesses:

- *Galmon* Plaintiffs' witnesses: Edward Galmon, Sr. (Rec. Doc. No. 50-1), Ciara Hart (Rec. Doc. No. 50-2), Norris Henderson (Rec. Doc. No. 50-3), and Tramelle Howard (Rec. Doc. No. 50-4).
- *Robinson* Plaintiffs' witnesses: Press Robinson (Rec. Doc. 41-3, Ex. 5), Edgar Cage (Rec. Doc. 41-3, Ex. 6), Dorothy Nairne (Rec. Doc. 41-3, Ex. 7), René Soulé (Rec. Doc. 41-3, Ex. 8), Alice Washington (Rec. Doc. 41-3, Ex. 9), Clee Lowe (Rec. Doc. 41-3, Ex. 10), Davante Lewis (Rec. Doc. 41-3, Ex. 11), Martha Davis (Rec. Doc. 41-3, Ex. 12), Ambrose Sims (Rec. Doc. 41-3, Ex. 13), Michael McClanahan (Rec. Doc. 41-3, Ex. 14), Ashley Shelton (Rec. Doc. 41-3, Ex. 15).
- Defendant's witness: Joel Watson, Jr. (Rec. Doc. No. 101-3).

Certified copies of public records. The parties will stipulate to the admissibility of publicly available copies of legislative materials until certified copies are received and substituted into the record.

Evidentiary objections. The parties agree to the Court's consideration, without objection, of the following exhibits:¹

- *Galmon* Plaintiffs' Exhibit Nos. 4–28, 32–38. *See* Rec. Doc. No. 121.
- *Robinson* Plaintiffs' Exhibit Nos. 1–11, 16–85. *See* Rec. Doc. No. 133.
- Defendant's Exhibit Nos. 1–2. *See* Rec. Doc. No. 99.
- Legislative Intervenor-Defendants' Exhibit Nos. 4–76. *See* Rec. Doc. No. 138.

¹ When stipulating to the consideration of these exhibits without objection for purposes of the hearing, the parties do not waive the right to make objections to these exhibits in any future trial on the merits.

- State Intervenor-Defendant's Exhibit Nos. 5–30. *See* Rec. Doc. No. 140.

The parties object to consideration of the following exhibits on the basis of hearsay:

- *Galmon* Plaintiffs' Exhibit Nos. 1–3, 29–31.
- *Robinson* Plaintiffs' Exhibit Nos. 12–15, 86–89.
- Defendant's Exhibit Nos. 3–4.
- Legislative Intervenor-Defendants' Exhibit Nos. 1–3.
- State Intervenor-Defendant's Exhibit Nos. 1–4.

As to these exhibits, upon each expert witness's testimony or other stipulation agreeing that their report can be considered in lieu of testimony, the objecting parties will withdraw their objection.

Plaintiffs further reserve the right to object to the State Intervenor-Defendant's newly disclosed supplemental report of Thomas M. Bryan (Exhibit No. 2a) on any grounds.

Legislative Record Transcripts. The parties stipulate that they may use, and the Court may properly consider, the transcripts offered by the *Robinson* Plaintiffs for the Legislature's road shows, hearings, and floor debates (PR-38 to PR-78) in the parties' proposed findings of fact and conclusions of law, and the parties agree to cite to the page and line numbers in those transcripts (instead of to the timestamps of the videos of these hearings, as the parties have done in prior briefing).

STIPULATED FACTS

Finally, the parties submit the following joint stipulated facts.²

I. Parties

A. *Galmon* Plaintiffs

1. Edward Galmon, Sr.

1. Plaintiff Edward Galmon, Sr. is Black.
2. Plaintiff Edward Galmon, Sr. resides in St. Helena Parish.
3. Under the enacted congressional plan as drawn by House Bill 1 of the 2022 First Extraordinary Session (“HB 1”), Plaintiff Edward Galmon, Sr. resides and is a registered voter in Congressional District (“CD”) 5.

2. Ciara Hart

4. Plaintiff Ciara Hart is Black.
5. Plaintiff Ciara Hart resides in East Baton Rouge Parish.
6. Under the enacted congressional plan as drawn by HB 1, Plaintiff Ciara Hart resides and is a registered voter in CD 6.

3. Norris Henderson

7. Plaintiff Norris Henderson is Black.
8. Plaintiff Norris Henderson resides in Orleans Parish.
9. Under the enacted congressional plan as drawn by HB 1, Plaintiff Norris Henderson resides and is a registered voter in CD 2.

4. Tramelle Howard

10. Plaintiff Tramelle Howard is Black.

² These stipulations are made solely for the purpose of the hearing. When stipulating to facts as true, the parties do not waive the right to object to evidence as irrelevant or otherwise inadmissible.

11. Plaintiff Tramelles Howard resides in East Baton Rouge Parish.

12. Under the enacted congressional plan as drawn by HB 1, Plaintiff Tramelles Howard resides and is a registered voter in CD 2.

B. Robinson Plaintiffs

1. Press Robinson

13. Plaintiff Press Robinson is Black.

14. Plaintiff Press Robinson resides in Baton Rouge, Louisiana.

15. Under the enacted congressional plan as drawn by HB 1, Press Robinson resides and is a registered voter in CD 2.

2. Edgar Cage

16. Plaintiff Edgar Cage is Black.

17. Plaintiff Edgar Cage resides in Baker, Louisiana.

18. Under the enacted congressional plan as drawn by HB 1, Edgar Cage resides and is a registered voter in CD 2.

3. Dorothy Nairne

19. Plaintiff Dorothy Nairne is Black.

20. Plaintiff Dorothy Nairne resides in Assumption Parish.

21. Under the enacted congressional plan as drawn by HB 1, Dorothy Nairne resides and is a registered voter in CD 6.

4. Edwin René Soulé

22. Plaintiff Edwin René Soulé is Black.

23. Plaintiff Edwin René Soulé resides in Hammond, Louisiana.

24. Under the enacted congressional plan as drawn by HB 1, Edwin René Soulé resides and is a registered voter in CD 1.

5. Alice Washington

25. Plaintiff Alice Washington is Black.

26. Plaintiff Alice Washington resides in Baton Rouge, Louisiana.

27. Under the enacted congressional plan as drawn by HB 1, Alice Washington resides and is a registered voter in CD 6.

6. Cleo Earnest Lowe

28. Plaintiff Reverend Cleo Earnest Lowe is Black.

29. Plaintiff Reverend Cleo Earnest Lowe resides in Baton Rouge, Louisiana.

30. Under the enacted congressional plan as drawn by HB 1, Reverend Cleo Earnest Lowe resides and is a registered voter in CD 6.

7. Davante Lewis

31. Plaintiff Davante Lewis is Black.

32. Plaintiff Davante Lewis resides in Baton Rouge, Louisiana.

33. Under the enacted congressional plan as drawn by HB 1, Davante Lewis resides and is a registered voter in CD 2.

8. Martha Davis

34. Plaintiff Martha Davis is Black.

35. Plaintiff Martha Davis resides in Baton Rouge, Louisiana.

36. Under the enacted congressional plan as drawn by HB 1, Martha Davis resides and is a registered voter in CD 2.

9. Ambrose Sims

37. Plaintiff Ambrose Sims is Black.

38. Plaintiff Ambrose Sims resides in West Feliciana, Louisiana.

39. Under the enacted congressional plan as drawn by HB 1, Ambrose Sims resides and is a registered voter in CD 5.

10. Louisiana State Conference of the National Association for the Advancement of Colored People (the “Louisiana NAACP”)

40. The Louisiana NAACP has approximately 5,000 members through-out Louisiana, including Black Louisianians who are registered voters.

41. The Louisiana NAACP has members who are registered voters and live in each of the six congressional districts in the congressional redistricting plan, and who live in nearly every parish.

42. Members of the Louisiana NAACP also include Black voters who would reside in an illustrative second majority-Black district.

11. Power Coalition for Equity and Justice (“Power Coalition”)

43. Plaintiff Power Coalition is a coalition of groups from across Louisiana whose mission is to organize, educate, and increase voter turn-out.

44. Power Coalition advances its mission with the support of a small full- and part-time staff, community volunteers, and a membership of nonprofit and advocacy organizations united around an integrated civic engagement strategy to educate and empower voters across Louisiana.

C. Defendant

45. Defendant R. Kyle Ardoin is the Louisiana Secretary of State and is named in his official capacity.

46. Defendant R. Kyle Ardoin is the “chief election officer of the state,” La. R.S. 18:421(A).

D. Legislative Intervenor-Defendants

47. Legislative Intervenor-Defendant Clay Schexnayder is the Speaker of the Louisiana House of Representatives.

48. Legislative Intervenor-Defendant Patrick Page Cortez is President of the Louisiana Senate.

E. State Intervenor-Defendant

49. The State of Louisiana is represented by Attorney General Jeff Landry, Chief Legal Officer of the State of Louisiana.

II. Louisiana's Congressional Map

A. 2020 Decennial Census

50. The U.S. Census Bureau releases data to the states after each census for use in redistricting. This data includes population and demographic information for each census block.

51. The Census Bureau delivered apportionment counts on April 26, 2021, and the redistricting data file was released to Louisiana in legacy format (P.L. 94-171) on August 12, 2021, and in easier-to-use formats on September 16, 2021.

52. Louisiana was apportioned six seats in the U.S. House of Representatives, the same number it was apportioned following the 2010 census.

53. The 2020 census reported that Louisiana's resident population was 4,657,757 as of April 2020.

B. Enactment of House Bill 1

54. During the 2021 Regular Session, the Legislature of Louisiana adopted Joint Rule No. 21 (Redistricting Criteria of the Joint Rules of the Senate and House of Representative) by means of House Concurrent Resolution No. 90, enrolled on June 10, 2021.

55. The Legislature of Louisiana convened on February 1, 2022, for the 2022 First Extraordinary Session, to enact redistricting plans for Congress and other offices.

56. The House of Representatives passed HB 1 on February 10, 2022, and sent it to the Senate for further consideration and passage.

57. The Senate took HB 1 under consideration while continuing deliberation of its own proposed map, Senate Bill 5 of the 2022 First Extraordinary Session (“SB 5”).

58. The Legislature passed both HB 1 and SB 5 on February 18, 2022, following the reconciliation of both bills with compromise amendments.

59. Governor John Bel Edwards vetoed HB 1 and SB 5 on March 9, 2022.

60. The Legislature of Louisiana convened its 2022 Regular Session on March 14, 2022.

61. The Legislature of Louisiana convened its 2022 Veto Session at noon on March 30, 2022.

62. The Legislature of Louisiana voted to override the Governor’s veto of HB 1 of the First Extraordinary Session on March 30, 2022, by a vote of 72 yeas and 31 nays by the House, and a vote of 27 yeas and 11 nays by the Senate.

63. HB 1 was enrolled, became Act No. 5 of the 2022 First Extraordinary Session, and became effective on March 31, 2022.

64. Act 5 of the 2022 First Extraordinary Session is codified at La. R.S. 18:1276.

65. La. R.S. 18:1276 divides Louisiana into six congressional districts, and qualifies that electors of each district shall elect one representative to the United States House of Representatives.

Dated: May 6, 2022

By /s/ Darrel J. Papillion
Darrel J. Papillion (Bar Roll No. 23243)
Renee C. Crasto (Bar Roll No. 31657)
Jennifer Wise Moroux (Bar Roll No. 31368)
**WALTERS, PAPIILLION,
THOMAS, CULLENS, LLC**
12345 Perkins Road, Building One
Baton Rouge, Louisiana 70810
Phone: (225) 236-3636
Fax: (225) 236-3650
Email: papillion@lawbr.net
Email: crasto@lawbr.net
Email: jmoroux@lawbr.net

Respectfully submitted,

Abha Khanna*
Jonathan P. Hawley*
ELIAS LAW GROUP LLP
1700 Seventh Avenue, Suite 2100
Seattle, Washington 98101
Phone: (206) 656-0177
Facsimile: (206) 656-0180
Email: akhanna@elias.law
Email: jhawley@elias.law

Lalitha D. Madduri*
Olivia N. Sedwick*
Jacob D. Shelly*
ELIAS LAW GROUP LLP
10 G Street NE, Suite 600
Washington, D.C. 20002
Phone: (202) 968-4490
Facsimile: (202) 968-4498
Email: lmadduri@elias.law
Email: osedwick@elias.law
Email: jshelly@elias.law

Counsel for the Galmon Plaintiffs

*Admitted *pro hac vice*

By: /s/ John Adcock

John Adcock
Adcock Law LLC
L.A. Bar No. 30372
3110 Canal Street
New Orleans, LA 70119
Tel: (504) 233-3125
Fax: (504) 308-1266
jnadcock@gmail.com

Leah Aden (admitted *pro hac vice*)
Stuart Naifeh (admitted *pro hac vice*)
Kathryn Sadasivan (admitted *pro hac vice*)
Victoria Wenger (admitted *pro hac vice*)
NAACP Legal Defense and Educational Fund,
Inc.
40 Rector Street, 5th Floor
New York, NY 10006
Tel: (212) 965-2200
laden@naacplef.org
snaifeh@naacpldf.org
ksadasivan@naacpldf.org
vwenger@naacpldf.org

R. Jared Evans (admitted *pro hac vice*)
Sara Rohani (admitted *pro hac vice*)[†]
NAACP Legal Defense and Educational Fund,
Inc.
700 14th Street N.W. Ste. 600
Washington, DC 20005
Tel: (202) 682-1300
jevans@naacpldf.org
srohani@naacpldf.org

Robert A. Atkins (admitted *pro hac vice*)
Yahonnes Cleary (admitted *pro hac vice*)
Jonathan H. Hurwitz (admitted *pro hac vice*)
Daniel S. Sinnreich (admitted *pro hac vice*)
Amitav Chakraborty (admitted *pro hac vice*)
Adam P. Savitt (admitted *pro hac vice*)
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP
1285 Avenue Of The Americas, New York,
NY 10019
Tel: (212) 373-3000
Fax: (212) 757-3990
ratkins@paulweiss.com
ycleary@paulweiss.com
jhurwitz@paulweiss.com
dsinnreich@paulweiss.com
achakraborty@paulweiss.com
asavitt@paulweiss.com

Nora Ahmed (admitted *pro hac vice*)
Megan E. Snider
LA. Bar No. 33382
ACLU Foundation of Louisiana
1340 Poydras St, Ste. 2160
New Orleans, LA 70112
Tel: (504) 522-0628
nahmed@laaclu.org
msnider@laaclu.org

Tracie Washington
LA. Bar No. 25925
Louisiana Justice Institute
Suite 132
3157 Gentilly Blvd
New Orleans LA, 70122
Tel: (504) 872-9134
tracie.washington.esq@gmail.com

T. Alora Thomas (admitted *pro hac vice*)
Sophia Lin Lakin (admitted *pro hac vice*)
Samantha Osaki (admitted *pro hac vice*)
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
athomas@aclu.org
slakin@aclu.org
sosaki@aclu.org

Sarah Brannon (admitted *pro hac vice*)
American Civil Liberties Union Foundation
915 15th St., NW
Washington, DC 20005
sbrannon@aclu.org

† Admitted in California only. Practice limited to matters in United States federal courts.

Counsel for Plaintiffs

/s/ Stephen M. Irving

Stephen M. Irving (7170) T.A.
Steve Irving, LLC
111 Founders Drive, Suite 700
Baton Rouge, LA 70810-8959
Telephone: (225) 752-2688
Facsimile: (225) 752-2663
Email: steve@steveirvingllc.com

ERNEST L. JOHNSON #07290
Attorney at Law
3313 Government Street
Baton Rouge, LA 70806
(225) 413-3219
ernestjohnson@lacapfund.com

*Counsel for Intervenor-Plaintiff
Louisiana Legislative Black Caucus*

RETRIEVED FROM DEMOCRACYDOCKET.COM

/s/ Phillip J. Strach* (Lead Counsel)

phillip.strach@nelsonmullins.com

Thomas A. Farr*

tom.farr@nelsonmullins.com

John E. Branch, III*

john.branch@nelsonmullins.com

Alyssa M. Riggins*

alyssa.riggins@nelsonmullins.com

Cassie A. Holt*

cassie.holt@nelsonmullins.com

NELSON MULLINS RILEY &

SCARBOROUGH LLP

4140 Parklake Avenue, Suite 200

Raleigh, NC 27612

Telephone: (919) 329-3800

Facsimile: (919) 329-3799

/s/ John C. Walsh

John C. Walsh (Louisiana Bar Roll No. 24903)

john@scwllp.com

SHOWS, CALI & WALSH, L.L.P.

P.O. Box 4046

Baton Rouge, LA 70821

Telephone: (225) 346-1461

Facsimile: (225) 346-5561

**Admitted Pro Hac Vice*

Counsel for Defendant

/s/ Michael W. Mengis

Michael W. Mengis, LA Bar No. 17994

BAKERHOSTETLER LLP

811 Main Street, Suite 1100

Houston, Texas 77002

Phone: (713) 751-1600

Fax: (713) 751-1717

Email: mmengis@bakerlaw.com

Patrick T. Lewis*

BAKERHOSTETLER LLP

127 Public Square, Ste. 2000

Cleveland, Ohio 44114

(216) 621-0200

plewis@bakerlaw.com

/s/ Katherine L. McKnight

E. Mark Braden*

Katherine L. McKnight*

Richard B. Raile*

BAKERHOSTETLER LLP

1050 Connecticut Ave., N.W., Ste. 1100

Washington, D.C. 20036

(202) 861-1500

mbraden@bakerlaw.com

kmcknight@bakerlaw.com

rraile@bakerlaw.com

Erika Dackin Prouty*

BAKERHOSTETLER LLP

200 Civic Center Dr., Ste. 1200

Columbus, Ohio 43215

(614) 228-1541

eprouty@bakerlaw.com

**Admitted pro hac vice*

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

Jeff Landry
Louisiana Attorney General

/s/ Elizabeth B. Murrill

Elizabeth B. Murrill
Solicitor General
Angelique Duhon Freel
Carey Tom Jones
David Jeddie Smith
Jeffery M. Wale

**OFFICE OF THE ATTORNEY GENERAL
LOUISIANA DEPARTMENT OF JUSTICE**

1885 N. Third St.
Baton Rouge, LA 70804
(225) 326-6766
murrille@ag.louisiana.gov
freela@ag.louisiana.gov
walej@ag.louisiana.gov
jonescar@ag.louisiana.gov
smithda@ag.louisiana.gov

Jason B. Torchinsky (DC 976033)*
Phillip M. Gordon (DC 1531277)*
Dallin B. Holt (VSB 97330)*

**Holtzman Vogel Baran
Torchinsky & Josefiak, PLLC**

15405 John Marshall Highway
Haymarket, VA 20169
(540) 341-8808 phone
(540) 341-8809 fax
jtorchinsky@holtzmanvogel.com
pgordon@holtzmanvogel.com
dholt@holtzmanvogel.com

**Admitted pro hac vice*

*Counsel for the Defendant/Intervenor,
State of Louisiana, through Jeff Landry in his
official capacity as Attorney General*