

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

DR. DOROTHY NAIRNE, *et al.*,

*Plaintiffs,*

v.

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

*Defendant.*

Civil Action No. 3:22-cv-00178-SDD-SDJ

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

**JOINT MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Civil Rule 56, Defendant R. Kyle Ardoin, in his official capacity as Secretary of State of Louisiana; Defendant Intervenor Patrick Page Cortez and Clay Schexnayder in their respective official capacities as President of the Louisiana Senate and Speaker of the Louisiana House of Representatives; and Intervenor-Defendant the State of Louisiana, through Louisiana Attorney General Jeff Landry (collectively, “Defendants”), respectfully submit this Joint Motion for Summary Judgment on the grounds that Plaintiffs’ evidence fails to raise a material question of fact to preclude judgment in favor of Defendants and that Defendants are entitled to judgment in their favor on all claims as a matter of law because Plaintiffs lack standing to bring this action.

In support of this Motion, Defendants have contemporaneously filed a Joint Memorandum in Support of their Motion for Summary Judgment, Local Civil Rule 56(b) Statement of Undisputed Material Facts, and the following transcripts and exhibits, attached hereto as Exhibits 1 through 5 respectively:

Exhibit 1 - Individual Plaintiffs’ Responses to Defendant Ardoin’s First Set of Discovery;

Exhibit 2 - William S. Cooper Corrected Exhibits H-1 and I-1<sup>1</sup>;

Exhibit 3 - Louisiana State Conference of the NAACP 30(b)(6) Deposition Transcript (excerpts);

Exhibit 4 - Black Voters Matter Capacity Building Institute 30(b)(6) Deposition Transcript (excerpts); and

Exhibit 5 - Louisiana State Conference of the NAACP's Supplemental Response to Interrogatory No. 3.

WHEREFORE, Defendants respectfully request that their Motion for Summary Judgment be granted and Plaintiffs' Amended Complaint, Rec. Doc. 14, be dismissed in its entirety, with prejudice, or for other such relief as this Court deems just and fair.

Respectfully submitted, this the 6th day of October, 2023.

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<sup>1</sup> These exhibits were attached to the sworn Corrected Expert Report of Mr. Cooper, dated August 11, 2023.

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**JOINT MEMORANDUM IN SUPPORT OF  
MOTION FOR SUMMARY JUDGMENT**

Redistricting cases like this one are governed by the familiar Article III standing framework for federal civil actions. The law is clear that electoral districts may be challenged only by individual residents of those districts. Plaintiffs include four individuals (the “Individual Plaintiffs”) and two entities (the “Entity Plaintiffs”). The Individual Plaintiffs challenge, at most, the four house and four senate districts where they, respectively, reside. Yet Plaintiffs challenge Louisiana’s house and senate redistricting plans in their entirety. As no Plaintiff has any claim of standing as to most districts, summary judgment is required as to all but—at most—those districts in which Individual Plaintiffs reside.

Plaintiffs argue that the Entity Plaintiffs have standing to challenge the remaining districts. But they cannot satisfy either pathway to standing for organizations (associational or organizational standing). First, neither Entity Plaintiff may establish associational standing by asserting the standing of members because neither has members, and the one Entity Plaintiff seeking to assert rights of affiliate-branch members has named no such members, refused discovery concerning them, and cannot prove their standing. Second, neither Entity Plaintiff has

organizational standing (i.e., standing in its own right). To claim a cognizable injury-in-fact in its own right, an entity must demonstrate that the challenged government action imposes specific, cost-related burdens on it, but the Entity Plaintiffs have not made this showing. Even if they had, the Entity Plaintiffs do not fall within any private right of action under Section 2 of the Voting Rights Act, because it affords—if anything—an action to minority voters to secure an equal right to vote, not to entities to minimize expenditures for their activities.

Because the Entity Plaintiffs do not have standing, the claims could only proceed against those challenged districts as to which Plaintiffs present sufficient evidence for a triable fact question of standing of the four Individual Plaintiffs. The Court should dismiss the challenge as to all other districts.

### BACKGROUND

1. This is a Section 2 Voting Rights Act challenge to the Louisiana house and senate redistricting plans the Legislature enacted in 2022. Plaintiffs allege that “a number of new additional majority-minority opportunity districts” could be configured in both plans. SUMF<sup>1</sup> ¶ 1. They ask the Court to declare both house and senate redistricting plans invalid in their entirety and enjoin them in full. *See id.* at ¶ 9. That would appear to mean they challenge all 105 state house and 39 state senate districts.

The operative complaint lists six individuals as Plaintiffs: Dr. Dorothy Nairne, Jarrett Lofton, Rev. Clee Earnest Lowe, Dr. Alice Washington, Steven Harris, and Alexis Calhoun. *Id.* at ¶ 2. But Plaintiffs Lofton and Calhoun have since voluntarily dismissed their claims. *See id.* at ¶ 3. Thus, the Individual Plaintiffs are four individuals, and they list themselves as residing, respectively, in HD25, HD60, HD66, and HD69. *Id.* at ¶¶ 3–4. In subsequent discovery, they have

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<sup>1</sup> “SUMF” refers to the Joint Statement of Undisputed Material Facts filed contemporaneously herewith.

attested that they reside in SD2, SD5, SD16, and SD29. *Id.* at ¶ 5. SD2, SD5, and SD29 are majority-minority districts with respective black voting-age populations (BVAPs) of 57.75%, 50.24%, and 56.56%. *Id.* at ¶ 6.

The Amended Complaint lists two Entity Plaintiffs, Black Voters Matter Capacity Building Institute (“BVM”) and the Louisiana State Conference of the National Association for the Advancement of Colored People (the “Louisiana NAACP”). *Id.* at ¶ 7. The Entity Plaintiffs are both non-profit corporations. *See id.* at SUMF ¶ 8.

2. BVM is based in Atlanta, Georgia, and maintains an office in Shreveport, Louisiana. *Id.* at ¶ 10. A “majority of the work” of BVM “is capacity building,” *id.*, which means “working with” and supporting BVM’s “partners.” *Id.* BVM partners are organizations and entities that BVM “work[s] with” toward the goal of “increasing voter participation,” *id.* at ¶ 12. BVM does not have “members,” just “partners.” *Id.* at ¶ 11. Partners are not members of BVM; they are entities BVM “support[s]” with financing or assistance “with the planning process” of “partner initiatives.” *Id.* at ¶ 13.

BVM asserts injury from the challenged redistricting plan on the basis that it “had to spend a lot of time that [it] did not foresee on redistricting,” by mobilizing a “redistricting takeover” as the State Legislature deliberated over redistricting plans. *Id.* at ¶ 16. BVM also claims the redistricting process created an “increasing sentiment” in some communities that their votes do not count, which BVM asserts requires a “nuanced approach” to initiatives and events. *Id.* at ¶ 17. BVM, however, has continued funding its partners, even after the challenged plans became law, and it can identify no grant or application that did not receive funding as a result of the challenged plans. *Id.* at ¶ 18.

3. The Louisiana NAACP is a volunteer-based 501(c)(4) organization, *id.* at ¶ 19. There are eight NAACP districts within the State. *Id.* The Louisiana NAACP neither has individual members nor maintains member lists. *Id.* at ¶ 20. Instead, individual NAACP members belong to their local chapters, or branches, which are separate 501(c)(4) organizations, and are monitored by the national NAACP, the Louisiana NAACP's parent. *Id.* at ¶¶ 20–22. The Louisiana NAACP estimates it has roughly 40 branches across Louisiana. *Id.* at ¶ 20. Membership in an NAACP branch requires only dues payments. *Id.* at ¶ 23. There are no age or race requirements and one need not be a registered voter. *Id.* at ¶ 20. Even “a baby” could join. *Id.*

The Louisiana NAACP has indicated that it intends to assert the standing of members of local branches, but it has resisted discovery concerning branch members. *Id.* at ¶ 25. The Louisiana NAACP bases its claim to standing on the assertion of its president, Michael McClanahan, that he has identified branch members in each challenged district.<sup>2</sup> *Id.* at ¶ 24. Mr. McClanahan refuses to identify those individuals. *Id.* at ¶ 24. He does not know how many senate or house districts exist in Louisiana. *Id.* at ¶¶ 26–27. He admits he does not have a list identifying branch members and did not review or reference a list prior to asserting that the Louisiana NAACP has members in every challenged district. *Id.* at ¶ 28. Mr. McClanahan does not know whether the members he claims to have identified in certain districts have moved away, and he does not know if they are Black or are even registered to vote. *Id.* at ¶ 29.

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<sup>2</sup> The Louisiana NAACP initially attested that branch members reside in all legislative districts. Rec. Doc. 119-4 at 10–11. Subsequently, it has attested that members reside in, “among others,” SD2, SD5, SD7, SD8, SD10, SD14, SD15, SD17, SD19, SD31, SD36, SD38 and SD39, and HD1, HD2, HD3, HD4, HD5, HD6, HD7, HD8, HD9, HD13, HD22, HD25, HD29, HD34, HD35, HD36, HD37, HD47, HD57, HD58, HD59, HD60, HD61, HD62, HD63, HD65, HD66, HD67, HD68, HD69, HD70, HD81, HD88, and HD101. SUMF ¶ 24. The Louisiana NAACP has not named members or addresses that can be vetted in discovery, and many of these districts are performing majority-minority districts. *See id.* at ¶¶ 24–25.

As noted, the Louisiana NAACP has resisted discovery into the membership of its branches, and this Court has denied Defendants discovery into that entire subject matter. *See* Rec. Doc. 136. Defendant Secretary of State has filed objections to that order, which remain pending. Rec. Doc. 144.

### LEGAL STANDARD

Summary judgment is required where the movant “shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). The movant’s burden “may be discharged by ‘showing’—that is, pointing out to the district court—that there is an absence of evidence to support the nonmoving party’s case.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 325 (1986). Once that occurs, “the nonmoving party [must] go beyond the pleadings and by her own affidavits, or by the ‘depositions, answers to interrogatories, and admissions on file,’ designate ‘specific facts showing that there is a genuine issue for trial.’” *Id.* at 324 (citation omitted).

### ARGUMENT

The Entity Plaintiffs lack standing, and this case can proceed to trial—at most—as to districts where the Individual Plaintiffs may create a triable question as to their standing. “The doctrine of standing” insists “that a litigant ‘prove that he has suffered a concrete and particularized injury that is fairly traceable to the challenged conduct, and is likely to be redressed by a favorable judicial decision.’” *Carney v. Adams*, 141 S. Ct. 493, 498 (2020) (citation omitted). “The party invoking federal jurisdiction bears the burden of establishing these elements.” *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561 (1992)

“[W]here the plaintiff is an organization, the standing requirements of Article III can be satisfied in two ways. Either the organization can claim that it suffered an injury in its own right

or, alternatively, it can assert ‘standing solely as the representative of its members.’” *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 143 S. Ct. 2141, 2157 (2023) (*SFFA*) (citation omitted). Where an organization asserts members’ standing, it must “make specific allegations establishing that at least one identified member” would have standing in that member’s own right. *Summers v. Earth Island Inst.*, 555 U.S. 488, 498 (2009). “An organization has standing to sue on its own behalf if it meets the same standing test that applies to individuals.” *Ass’n of Cmty. Organizations for Reform Now v. Fowler*, 178 F.3d 350, 356 (5th Cir. 1999) (*ACORN*). The Entity Plaintiffs cannot create a triable question under either test.

#### **A. The Entity Plaintiffs Cannot Assert Member Rights**

The Entity Plaintiffs cannot establish “a genuine issue for trial,” *Celotex*, 477 U.S. at 324 (citation omitted), as to whether one “identified member” would have standing to challenge each district alleged to be dilutive, *Summers*, 555 U.S. at 498. To establish standing on behalf of members, each Entity Plaintiff “must demonstrate that (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.” *SFFA*, 143 S. Ct. at 2141 (quotation marks omitted). Defendants put the Entity Plaintiffs to their proof on each of these elements, and all “must be supported adequately by the evidence adduced at trial.” *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561 (1992) (quotation marks omitted). But for present purposes, it is sufficient that Plaintiffs cannot meet the first factor because no evidence demonstrates that at least one identified member can claim vote dilution in each challenged district. *See Summers*, 555 U.S. at 498.

#### **1. The Entity Plaintiffs Do Not Have Individual Members**

Neither Entity Plaintiff has individual members who could establish standing in a voting-rights case in their own right. BVM does not have “individual members”; it has “partners,” SUMF

¶¶ 11–12, which are organizations, not individuals, SUMF ¶ 12. The Louisiana NAACP also does not have “members . . . per se. Not individually.” SUMF ¶ 20. Its members are local NAACP branches, which are separate legal entities. SUMF ¶ 20. Because voting rights—and alleged injuries to those rights—are “individual and personal in nature,” *Gill v. Whitford*, 138 S. Ct. 1916, 1929 (2018), the members of the Entity Plaintiffs do not themselves have standing to claim a Section 2 injury. *See infra* §§ A.3 and B.2. Consequently, these organizations have no viable claim to associational standing for any members. *See, e.g., Am. Legal Found. v. F.C.C.*, 808 F.2d 84, 90 (D.C. Cir. 1987) (finding no standing of organization whose “relationship to its ‘supporters’ bears none of the indicia of a traditional membership organization”); *Coal. for Mercury-Free Drugs v. Sebelius*, 725 F. Supp. 2d 1, 9 n.7 (D.D.C. 2010), *aff’d*, 671 F.3d 1275 (D.C. Cir. 2012) (“[T]his Court must look only at whether named and identified members of Mercury-Free—not unnamed members or organizations affiliated with Mercury-Free—meet the requisite conditions of standing.”).

## 2. The Entity Plaintiffs Have Identified No Members Who Might Have Standing

It is no surprise that entities without individual members were unable to name individual members with standing. Without members of any kind, BVM has no credible claim to associational standing. The Louisiana NAACP likewise has no individual members. Even if members of local NAACP branches could be regarded as Louisiana NAACP members, it has not named any with standing. The Supreme Court’s precedents “have required plaintiff-organizations to make specific allegations establishing that at least one *identified* member had suffered or would suffer harm.” *Summers*, 555 U.S. at 498 (emphasis added); *see also SFFA*, 143 S. Ct. at 2158 (standing satisfied where “an organization has identified members and represents them in good faith”).

The Louisiana NAACP has refused to disclose any information concerning branch members, and it claims it need not present their “personally identifiable information” to show standing. *See, e.g.*, Rec. Doc. 135 at 4. That position is wrong. The Supreme Court has established a “requirement of *naming* the affected members,” *Summers*, 555 U.S. at 498 (emphasis added), and the Louisiana NAACP has not only chosen not to “name individual members by name,” it has refused discovery on the entire subject matter. Rec. Doc. 135 at 5. The Louisiana NAACP has said there is “no case that requires” naming names, *id.*, but *Summers* literally says—to repeat—there is a “requirement of *naming* the affected members,” *Summers*, 555 U.S. at 498 (emphasis added). Binding precedent does not get much clearer than that. *See also FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 235 (1990) (rejecting standing assertion because the plaintiff’s evidence “fails to identify the individuals” at issue).

Other courts have noticed, holding that “[t]he general ‘requirement’ that standing be supported at the summary judgment stage by ‘affidavits . . . *naming* the affected members’ is uncontroversial,” *Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of Am. v. United States Dep’t of Agric.*, 573 F. Supp. 3d 324, 334 (D.D.C. 2021) (quoting *Summers*, 555 U.S. at 498), and that an organization’s failure “to identify a single *specific member* injured by the” challenged practice “doom[s] its representational standing claim,” *S. Walk at Broadlands Homeowner’s Ass’n, Inc. v. OpenBand at Broadlands, LLC*, 713 F.3d 175, 184 (4th Cir. 2013) (emphasis in original); *see also Prairie Rivers Network v. Dynegy Midwest Generation, LLC*, 2 F.4th 1002, 1009 (7th Cir. 2021) (rejecting associational standing assertion because the Court “do[es] not know . . . who these members are” whose standing was asserted); *Ouachita Watch League v. United States Forest Serv.*, 858 F.3d 539, 543 (8th Cir. 2017) (same outcome in the absence of “an identified member”); *Chamber of Commerce of U.S. v. E.P.A.*, 642 F.3d 192 (D.C.

Cir. 2011) (same result where plaintiff had not “identified a single member who was or would be injured”); *Comité de Apoyo a los Trabajadores Agrícolas v. Perez*, 148 F. Supp. 3d 361, 372 (D.N.J. 2015) (same ruling because the plaintiff “does not identify any specific . . . member harmed by the challenged” rule); *Do No Harm v. Pfizer Inc.*, No. 1:22-cv-07908, 2022 WL 17740157, at \*6 (S.D.N.Y. Dec. 16, 2022) (same because “[a]ssociational standing requires that a plaintiff identify by name at least one member with standing”); *Pen Am. Ctr., Inc. v. Trump*, 448 F. Supp. 3d 309, 320–21 (S.D.N.Y. 2020) (rejecting the “argu[ment] that Plaintiff need not name an injured member at the pleading stage for associational standing” (internal quotation marks and citations omitted)); *Chamber of Com. for Greater Philadelphia v. City of Philadelphia*, No. 17-cv-1548, 2017 WL 11544778, at \*1 (E.D. Pa. May 30, 2017) (same).<sup>3</sup>

Binding precedent applies this rule in voting cases and cases involving the NAACP. In *Alabama Legislative Black Caucus v. Alabama*, 575 U.S. 254 (2015), a racial-gerrymandering case, the Supreme Court remanded to permit the Alabama Democratic Conference “to file its list of members” to establish standing and for adequate proceedings to permit the other side “to respond.” *Id.* at 271. The Conference had shown willingness to prove standing because it “filed just such a list in [the Supreme] Court” and had been denied the opportunity to do so below by an abrupt *sua sponte* dismissal. *Id.* Here, by contrast, the Louisiana NAACP has known for months that Defendants challenge its standing, and it refused to disclose the “list of members” that carried the burden in *Alabama Legislative Black Caucus*. *Id.* Likewise, in *N.A.A.C.P. v. City of Kyle, Tex.*, 626 F.3d 233 (5th Cir. 2010), the court rejected the NAACP’s assertion of associational standing

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<sup>3</sup> A minority of decisions hold that naming names is not necessary “at the pleading stage,” *see, e.g., Louisiana State Conf. of NAACP v. Louisiana*, 490 F. Supp. 3d 982, 1005 (M.D. La. 2020), *aff’d on other grounds sub nom. Allen v. Louisiana*, 14 F.4th 366 (5th Cir. 2021), but all decisions (at least since *Summers*) recognize that requirement at the summary-judgment stage, *see, e.g., Ranchers-Cattlemen Action Legal Fund*, 573 F. Supp. 3d at 334.

because “there is no evidence in the record showing that a specific member of the NAACP” was harmed by the challenged zoning ordinance. *Id.* at 237. The same is true here.

The Louisiana NAACP insists it is sufficient that its president, Mr. McClanahan, represents “there *are* specific, identified members in specific districts” the Louisiana NAACP challenges. Rec. Doc. 135 at 5. But *Summers* deems any effort to establish standing “insufficient” if “it [does] not name the individuals.” 555 U.S. at 498. The Louisiana NAACP will not identify the people it calls its “identified members.” Doc. 135 at 5. The Court must not “accept[] the organizations’ self-descriptions of their membership.” 55 U.S. at 499. That is true even where “no one denies” the assertion. *Id.* Here, Defendants *do* deny the assertion as wholly insufficient. Mr. McClanahan does not have a membership list for the Louisiana NAACP and did not review a membership list prior to making assertions concerning where members live. SUMF ¶ 28. Mr. McClanahan does not know addresses of members and made his representations by eyeballing “a particular area” on a map, *id.* at ¶ 26, but Mr. McClanahan does not even know how many legislative districts Louisiana has, *id.* at ¶¶ 26–27. Mr. McClanahan simply presumed there were members in the general areas of NAACP branches. *Id.* at ¶¶ 26, 28. This Court cannot blindly accept an assumption that members of NAACP branches reside in each district challenged.

### **3. The Entity Plaintiffs Have Not Proven Standing for Members**

It is not enough for an organization to identify those members whose standing it asserts. It must also “demonstrate that” they “have standing to sue in their own right.” *SFFA*, 143 S. Ct. at 2141. By refusing discovery concerning its members, the Louisiana NAACP has prevented itself from proving their standing.

“[T]o demonstrate an injury in fact, a vote dilution plaintiff must show that he or she (1) is registered to vote and resides in the district where the discriminatory dilution occurred; and (2) is

a member of the minority group whose voting strength was diluted.” *Broward Citizens for Fair Districts v. Broward Cnty.*, No. 12-cv-60317, 2012 WL 1110053, at \*3 (S.D. Fla. Apr. 3, 2012); accord *Rose v. Raffensperger*, 511 F. Supp. 3d 1340, 1352 (N.D. Ga. 2021). Even if the Louisiana NAACP had established that a member of one of its branches resides in each challenged district, its evidence does not establish these other essential standing prerequisites. Mr. McClanahan does not know that each member the Louisiana NAACP relies upon is a Black registered voter. SUMF ¶ 29. And these things cannot be presumed: one need not be Black, or registered to vote, or of voting age, or a citizen to belong to an NAACP branch. *Id.* at ¶ 23. Thus, even if it could be assumed that NAACP branch members reside in each district being challenged (i.e., all of them), there is “an absence of evidence,” *Celotex*, 477 U.S. at 325, to establish standing of these unnamed members.<sup>4</sup>

## **B. The Entity Plaintiffs Do Not Have Standing in Their Own Right**

The Entity Plaintiffs also do not have standing in their “own right.” *SFFA*, 143 S. Ct. at 2157. First, they cannot identify any injury-in-fact to themselves caused by the challenged redistricting scheme. Second, even if they could, organizations do not have statutory standing under VRA Section 2, which protects the rights of voters, not of corporate entities.

### **1. The Entity Plaintiffs Lack Article III Standing**

To establish standing in their own right, the Entity Plaintiffs must demonstrate a “concrete and demonstrable injury to the organization’s activities,” not “simply a setback to the organization’s abstract social interests.” *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379

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<sup>4</sup> Any effort to introduce evidence concerning members would be improper and prejudicial, given that the Louisiana NAACP refused discovery on this subject matter on grounds of First Amendment privilege. The Louisiana NAACP cannot use privilege “as both a sword and a shield,” *Nguyen v. Excel Corp.*, 197 F.3d 200, 207 n.18 (5th Cir. 1999), and any information it might provide would fall squarely within discovery requests, such that late and selective disclosure would violate Rule 37.

(1982). In the present posture, they “must point to specific summary judgment evidence showing that [they] [were] ‘directly affected’ by” the challenged redistricting plans. *ACORN*, 178 F.3d at 357. An organization may do this “by showing that it had diverted significant resources to counteract the defendant’s conduct.” *N.A.A.C.P. v. City of Kyle, Tex.*, 626 F.3d 233, 238 (5th Cir. 2010). Here, the summary-judgment record does not contain “any concrete or identifiable resources that” the Entity Plaintiffs “could reallocate to other uses, if Louisiana were to” implement redistricting plans with new majority-minority districts. *ACORN*, 178 F.3d at 360.

For the Louisiana NAACP, Mr. McClanahan testified that the organization felt compelled “to shift” its “action plan” after the Louisiana Legislature’s plan included fewer majority-minority districts than it hoped, SUMF ¶¶ 30–31, choosing “not to spend” in some places and “to double up” in others, *id.* at ¶ 31. But that is not enough to establish injury. It describes “routine” strategic “activities” of an advocacy group that must, in all events, decide where to focus resources. *See N.A.A.C.P.*, 626 F.3d at 238. Moreover, this testimony identifies no cost increase that is “concrete or identifiable” and diverts resources from other activities. *ACORN*, 178 F.3d at 360. Mr. McClanahan could identify neither specific resources diverted because of the challenged plans nor an event the Louisiana NAACP wanted to conduct that the maps thwarted. SUMF ¶ 32; *see Texas State LULAC v. Elfant*, 52 F.4th 248, 253 (5th Cir. 2022) (reversing finding of standing where the evidence “fail[ed] to link any diversion of resources specifically to” the challenged law). The evidence shows (at most) a shift, which includes cost savings in some cases that is consistent with overall net cost reduction. And, to the extent the Louisiana NAACP claims injury from reduced excitement of Black voters, *see, e.g.*, SUMF ¶ 30, that “simply” describes “a setback to the organization’s abstract . . . interests.” *Havens Realty*, 455 U.S. at 379.

For BVM, its Senior State Organizer, Omari Ho-Sang, cited harm from “the redistricting takeover and mobilization” BVM organized when the Louisiana Legislature was deliberating over redistricting plans, but before the challenged plans were adopted. SUMF ¶ 16. BVM has “made no showing that these . . . costs are fairly traceable to any of the conduct by Louisiana that [BVM] claims in its complaint is illegal.” *ACORN*, 178 F.3d at 359. These expenses were undertaken before the challenged plans became law, so, if the Legislature had selected BVM’s desired plan, those same costs would still have been spent. BVM cannot claim injury from legislative deliberations, and, like the “monitoring” and “litigation” costs found non-cognizable in *ACORN*, *see id.* at 358–59, the costs of lobbying the Legislature for a different outcome cannot be regarded as injuries from the enacted plans, *see N.A.A.C.P.*, 626 F.3d at 238 (“lobbying activities” not cognizable injury-in-fact); *US Inventor Inc. v. Vidal*, No. 21-40601, 2022 WL 4595001, at \*5 (5th Cir. Sept. 30, 2022) (similar). Moreover, the redressability element is not satisfied because a favorable ruling would not reverse those one-time expenditures for pre-enactment activities.

## 2. The Entity Plaintiffs Lack Statutory Standing

Even if the Entity Plaintiffs could show Article III standing in their own right, they lack a private right of action under Section 2 in their own right. They are not minority voters. Insofar as they sue in their own right, they claim Louisiana’s redistricting plans harm their financial and strategic goals. Those are not VRA injuries, and the VRA does not remedy them.

a. “Statutory rights and obligations are established by Congress, and it is entirely appropriate for Congress . . . to determine in addition, who may enforce them and in what manner.” *Davis v. Passman*, 442 U.S. 228, 241 (1979). Accordingly, courts must “determine, using traditional tools of statutory interpretation, whether a legislatively conferred cause of action encompasses [that] particular plaintiff’s claim.” *Lexmark Int’l, Inc. v. Static Control Components*,

*Inc.*, 572 U.S. 118, 127 (2014). The Court is therefore “tasked with determining whether” the Entity Plaintiffs have “standing to sue under the substantive statute.” *Cell Sci. Sys. Corp. v. Louisiana Health Serv.*, 804 F. App’x 260, 262 (5th Cir. 2020); *accord Superior MRI Servs., Inc. v. All. Healthcare Servs., Inc.*, 778 F.3d 502, 506 (5th Cir. 2015).

Those courts that have found a private cause of action under VRA Section 2 have located it in Section 3, which states that “an aggrieved person” may “institute[] a proceeding.” 52 U.S.C. § 10302(a). *See Roberts v. Wamser*, 883 F.2d 617, 621 & n.12 (8th Cir. 1989); *Alabama State Conf. of Nat’l Ass’n for the Advancement of Colored People v. Alabama*, 949 F.3d 647, 651 (11th Cir. 2020), *vacated* 141 S. Ct. 2618 (2021); *cf. Morse v. Republican Party of Virginia*, 517 U.S. 186, 233 (1996).<sup>5</sup> An “aggrieved person” is one “suffering from an infringement or denial of legal rights,” *Aggrieved*, Webster’s Third New International Dictionary of the English Language, Unabridged (1971), and Section 2 forbids the “right . . . to vote” from being infringed on “account of race or color,” 52 U.S.C. § 10301(a). Because a “person” in this context must be “an individual human being,” *Kumar v. Frisco Indep. Sch. Dist.*, 476 F. Supp. 3d 439, 460 (E.D. Tex. 2020) (citation omitted), Section 2 can be read to authorize suit only by “voters” alleging “infringement of the right to vote on account of race.” *Roberts*, 883 F.2d at 621.

In *Roberts*, the Eighth Circuit rejected a claim by a candidate for office who sought redress for “the loss of the votes that he claims he would have received if not for the allegedly disproportionate difficulties of black voters in coping with” the challenged electoral mechanism.

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<sup>5</sup> One recent decision holds that Section 2 contains no private right of action. *Ark. State Conf. NAACP v. Ark. Bd. of Apportionment*, 586 F. Supp. 3d 893, 905–24 (E.D. Ark. 2022), *appeal pending* No. 22-1395 (8th Cir.). This Court, however, has disagreed, and the question is pending in the Fifth Circuit. *See Robinson v. Ardoin*, 605 F. Supp. 3d 759, 818–19 (M.D. La.), *appeal pending*, 22-30333 (5th Cir.). Defendants will renew their broader argument that Section 2 contains no private right of action at any trial, as appropriate. For the limited purposes of this motion, Defendants assume *arguendo* that Section 2 contains a private right of action. The problem is that the Entity Plaintiffs do not fall within such a private right.

883 F.2d at 621. Other courts have followed suit. Claims by candidates have failed, *Oh v. Philadelphia Cnty. Bd. of Elections*, No. 08-cv-0081, 2008 WL 4787583, at \*7 (E.D. Pa. Oct. 31, 2008); *White-Battle v. Democratic Party of Virginia*, 323 F. Supp. 2d 696, 703 (E.D. Va. 2004), *aff'd*, 134 F. App'x 641 (4th Cir. 2005), as have claims by local governments resisting statutes governing their elections, *Conway Sch. Dist. v. Wilhoit*, 854 F. Supp. 1430, 1433 (E.D. Ark. 1994); *City of Baker Sch. Bd. v. City of Baker*, No. 06-cv-937, 2007 WL 9702694, at \*2 (M.D. La. Jan. 12, 2007), as did the claim of a white voter asserting he “votes in lockstep with minority groups in all elections,” *Vaughan v. Lewisville Indep. Sch. Dist.*, 475 F. Supp. 3d 589, 595 (E.D. Tex. 2020). Similarly, the Supreme Court in *Thompson v. N. Am. Stainless, LP*, 562 U.S. 170 (2011), held that statutory standing under Title VII of the Civil Rights Act for a “person claiming to be aggrieved” does not include “any person injured in the Article III sense.” *Id.* at 176. Instead, a plaintiff must be “an employee” of the defendant and a “victim” of a Title VII violation. *Id.* at 178; *see Simmons v. UBS Fin. Servs., Inc.*, 972 F.3d 664, 668 (5th Cir. 2020) (rejecting statutory standing under Title VII because the plaintiff “was not” an “employee” of the defendant).

b. As in *Roberts*, the Entity Plaintiffs do not “claim that [their] right to vote has been infringed because of [their] race.” 883 F.2d at 621. Nor could they. The Entity Plaintiffs are non-profit corporations that have neither a race nor voting rights. They contend that different redistricting plans would permit them to spend resources differently and—maybe—preserve resources for other purposes. Even if those injuries were sufficient under Article III, they are no different from the benefits VRA enforcement might confer on candidates who might receive votes from minorities, white voters who share minority voting preferences, or local governments that object to state laws potentially overridden by the VRA. No Entity Plaintiff is an “aggrieved person”

in the relevant sense of suffering abridgement of personal voting rights on account of race or language-minority status.

To be sure, organizations might sometimes satisfy the standards to bring claims for members, who might in turn establish Article III standing, *SFFA*, 143 S. Ct. at 2157, and thereby qualify for the Section 2 right of action, *Roberts*, 883 F.2d at 621. This alignment of individual and associational standing explains why organizations may often bring voting-rights claims. But, as discussed, neither Entity Plaintiff can establish standing for members for three independent reasons. *See supra* § A.1, A.2, and A.3. As a result, the Entity Plaintiffs are left to claim injuries to themselves, as organizations. Their ostensible positions that those injuries may be vindicated by Section 2 ignores the “unlikelihood that Congress meant to allow all factually injured plaintiffs to recover” under Section 2. *Holmes v. Sec. Inv. Prot. Corp.*, 503 U.S. 258, 266 (1992); *see also Thompson*, 562 U.S. at 176 (rejecting the argument that “the aggrievement referred to” in Title VII of the Civil Rights Act “is nothing more than the minimal Article III standing”). As shown, the term “aggrieved person” embraces “minority voters,” *Roberts*, 883 F.2d at 621, not corporate persons who do not and cannot claim denial of the right to vote because of race.

c. “[B]ackground principles” that inform the private-right analysis confirm that statutory standing is absent in this case. *See Lexmark*, 572 U.S. at 129.

First, the Supreme Court has directed courts to “presume that a statutory cause of action extends only to plaintiffs whose interests ‘fall within the zone of interests protected by the law invoked.’” *Id.* (citation omitted); *see also Thompson*, 562 U.S. at 176–78 (construing the term “aggrieved” to incorporate a zone-of-interest test). Here, the statute the Entity Plaintiffs sue under is named the *Voting Rights Act*, not the *Non-Profit Resources Conservation Act*. Its “purpose . . . is to protect minority voters,” *Roberts*, 883 F.2d at 621, and it guarantees “the right of any citizen of

the United States to vote,” regardless of “race or color,” 52 U.S.C. § 10301(a). It “requires no guesswork” to see that corporate entities seeking cost reduction are not within the zone of interests. *Lexmark*, 572 U.S. at 131.

Second, courts must “generally presume that a statutory cause of action is limited to plaintiffs whose injuries are proximately caused by violations of the statute.” *Id.* at 132. The standard is not met “if the harm is purely derivative of ‘misfortunes visited upon a third person by the defendant’s acts.’” *Id.* (quoting *Holmes*, 503 U.S. at 268). In this case, the Entity Plaintiffs’ alleged harms are remote and derivative. They allege that the VRA condemns a supposedly adverse effect of redistricting plans on the ability of Black voters to elect their preferred candidates. The supposed impact on Entity Plaintiffs’ operating costs is, at most, incidental to that injury allegedly imposed on others. *See Holmes*, 503 U.S. at 269–70.

### **C. This Case Can Proceed to Trial—At Most—on Four House Districts**

This case may proceed to trial only as to districts where Individual Plaintiffs reside and where they can establish the elements of standing. As noted, the Individual Plaintiffs live in four house districts, HD25, HD60, HD66, and HD69 and four senate districts, SD2, SD5, SD16, and SD29. SUMF ¶¶ 4–6. Assuming these Individual Plaintiffs “‘set forth’ by affidavit or other evidence ‘specific facts’” demonstrating they are Black registered voters in these districts, that the districts confer an injury-in-fact upon them, and that they would likely reside in a majority-minority district in a new plan, then they may proceed to trial as to those districts. *Lujan*, 504 U.S. at 561 (citation omitted). Defendants do not concede the Individual Plaintiffs can make these showings and put them to their proof. Notably, SD2, SD5, and SD29 are majority-minority districts, SUMF ¶ 6, so it is difficult to see how the Individual Plaintiff residents of those districts

could create a triable fact question of standing. *See Gill*, 138 S. Ct. at 1932 (finding plaintiff able to elect preferred candidate in his own district lacked standing).

In all events, the Individual Plaintiffs do not have standing to challenge any district where they do not live. As discussed, voting-rights plaintiffs have standing “only with respect to those legislative districts in which they reside.” *North Carolina v. Covington*, 138 S. Ct. 2548, 2553 (2018); *Gill*, 138 S. Ct. at 1929–30. Thus, the Individual Plaintiffs cannot assert injury from any other districts. Because the Entity Plaintiffs lack standing of any kind, trial can be had only as to the (at most) districts where Individual Plaintiffs reside and establish the predicates of Article III standing.

### CONCLUSION

For these reasons, Defendants respectfully request that their Motion for Summary Judgment be granted and Plaintiffs’ Amended Complaint, Rec. Doc. 14, be dismissed in its entirety for lack of standing, with prejudice, or for other such relief as this Court deems just and fair.

Respectfully submitted, this the 6th day of October, 2023.

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4874-2379-7892 v.1

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

DR. DOROTHY NAIRNE, *et al.*,

Plaintiffs,

v.

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

Defendant.

Civil Action No. 3:22-CV-00178-SDD-SDJ

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

**JOINT STATEMENT OF UNDISPUTED MATERIAL FACTS**

Pursuant to Local Civil Rule 56(b), Defendant R. Kyle Ardoin, in his official capacity as Secretary of State of Louisiana; Defendant Intervenors Patrick Page Cortez and Clay Schexnayder in their respective official capacities as President of the Louisiana Senate and Speaker of the Louisiana House of Representatives; and Intervenor-Defendant the State of Louisiana, through Louisiana Attorney General Jeff Landry (collectively “Defendants”), respectfully submit the following Joint Statement of Undisputed Material Facts in support of their joint motion for summary judgment:

**A. This Lawsuit**

1. This case involves a single cause of action under Section 2 of the Voting Rights Act challenging the Louisiana house and senate redistricting plans the Legislature enacted in 2022. *See* Amend. Compl., Rec. Doc. 14, at 56–58.

2. The operative complaint lists six individuals as Plaintiffs: Dr. Dorothy Nairne, Jarrett Lofton, Rev. Clee Earnest Lowe, Dr. Alice Washington, Steven Harris, and Alexis Calhoun. *Id.* at ¶¶ 14–25.

3. Plaintiffs Lofton and Calhoun have since voluntarily dismissed their claims. *See* Rec. Doc. 133. The four individuals who remain as Plaintiffs are Dr. Nairne, Rev. Lowe, Dr. Washington, and Mr. Harris (the “Individual Plaintiffs”).

4. The Individual Plaintiffs allege that they reside in HD25, HD60, HD66, and HD69. Amend. Compl., Rec. Doc. 14, at ¶¶ 15, 19, 21, 23.

5. The Individual Plaintiffs allege that they reside in SD2, SD5, SD16, and SD29. *See* Ex. 1<sup>1</sup> at 4, 29, 51, 72. No Individual Plaintiff resides in any state legislative district other than HD25, HD60, HD66, HD69, SD2, SD5, SD16, or SD29. *See id.* Several of these districts are already majority-minority districts. *See* Ex. 2<sup>2</sup> at 1–2.

6. The operative complaint lists two Entity Plaintiffs, Black Voters Matter Capacity Building Institute (“BVM”) and the Louisiana State Conference of the National Association for the Advancement of Colored People (the “Louisiana NAACP”). Amend. Compl., Rec. Doc. 14, at ¶¶ 26, 39.

7. The Entity Plaintiffs are both non-profit corporations. *See* NAACP Dep. Tr.<sup>3</sup> 21:10–12; 22:21–23:23; 50:2–4; BVM Dep. Tr.<sup>4</sup> 12:11–13:7.

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<sup>1</sup> Individual Plaintiffs’ Responses to Def. Ardoin’s First Set of Discovery are attached as Exhibit 1. Citations to the combined discovery responses will be designated as “Ex. 1 at \_\_\_”. Individual Plaintiffs’ personal home addresses and dates of birth have been redacted in Exhibit 1 out of an abundance of caution.

<sup>2</sup> Attached as Exhibit 2 are Corrected Exhibits H-1 and I-1 to Mr. William S. Cooper’s sworn Corrected Expert Report dated August 11, 2023. Citations to these combined exhibits will be designated as “Ex. 2 at \_\_\_”.

<sup>3</sup> Attached as Exhibit 3 are pertinent excerpts from the Louisiana State Conference of the NAACP 30(b)(6) Deposition Transcript, for which President Michael McClanahan served as the 30(b)(6) designee. Citations to these transcript excerpts will be designated as “NAACP Dep. Tr.”

<sup>4</sup> Attached as Exhibit 4 are pertinent excerpts from Black Voters Matter Capacity Building Institute 30(b)(6) Deposition Transcript, for which Ms. Omari Ho-Sang served as the 30(b)(6) designee. Citations to these transcript excerpts will be designated as “BVM Dep. Tr.”

8. Plaintiffs ask the Court to declare both house and senate redistricting plans invalid in their entirety and enjoin them in full. *See* Amend. Compl., Rec. Doc. 14, Prayer for Relief ¶¶ A and B.

**B. Plaintiff BVM**

9. Headquartered in Atlanta, Georgia, BVM is a general advocacy organization focusing on the goal of increasing the outreach capacity of other organizations engaged in voter participation and increasing black voter turnout. BVM Dep. Tr. 10:22–11:3; 18:7–25; 25:2–23; 27:3–7. BVM operates in twenty-five states across the country. *Id.* at 18:7–25. BVM maintains an office in Shreveport, Louisiana. *Id.* at 19:22–24; 20:14–19.

10. BVM does not have individual members. *Id.* at 24:12–15.

11. BVM works with community “partners,” which it defines as organizations who “work with or around increasing voter participation.” *Id.* at 11:11–20. BVM estimates that it has between 50 to 58 partners in Louisiana. *Id.* at 24:16–18.

12. Partners are entities BVM “support[s]” with financing or assistance “with the planning process” of “partner initiatives.” *Id.* at 27:20–23.

13. BVM does not have partners in every parish in Louisiana. *Id.* at 62:7–10.

14. Not all BVM partners are involved with initiatives relating to redistricting or the redistricting cycle. *Id.* at 26:25–27:14.

15. BVM claims that, as a result of the redistricting process, it diverted time and funds it might have otherwise used towards funding its partners’ non-redistricting purposes and missions. *Id.* at 47:15–48:25. Specifically, BVM points to costs associated with a bus tour it coordinated during the legislative redistricting and related events from before the maps became law. *Id.* at 50:13–52:4.

16. BVM also claims that the redistricting process has created an “increasing sentiment” amongst communities that their votes do not count, which BVM asserts requires a “nuanced approach” to initiatives and events. *Id.* at 49:1–13.

17. BVM has continued funding and providing grants for its partners. *Id.* at 57:13–58:2. BVM cannot identify any specific grants or grant applications that did not receive funding as a result of the challenged redistricting plans. *Id.* at 58:3–8.

### **C. Plaintiff Louisiana NAACP**

18. The Louisiana NAACP is a volunteer-based 501(c)(4) organization, run by a statewide executive committee. NAACP Dep. Tr. 21:10–12; 22:21–23:23; 50:2–4. Within Louisiana, there are eight NAACP districts. *Id.* at 23:24–24:3.

19. The Louisiana NAACP itself does not have individual members, nor does it maintain membership lists. *Id.* at 29:11–15; 37:9–14; 38:16–21. Instead, individual NAACP members belong to their local chapters, or branches, *id.* at 37:11–38:15, which are separate 501(c)(4) organizations, *id.* at 50:9–11, and those local chapters are monitored by the national NAACP, the Louisiana NAACP’s parent organization, *id.* at 32:5–7; 20:8–20. There are estimated to be roughly 40 branches of the NAACP in Louisiana. *Id.* at 19:18–23.

20. The national office of the NAACP is responsible for monitoring which branches and units are deemed out of compliance with any of the organization’s standards. *Id.* at 20:8–20. The Louisiana NAACP does not receive lists or rosters of branches or members who are not in good standing, nor does the Louisiana NAACP do anything to independently verify standing status with the national organization. *Id.* at 36:11–37:8.

21. At least one Louisiana NAACP branch is not in good standing. *Id.* at 30:10–31:6.

22. Membership in an NAACP branch simply requires dues payments. *Id.* at 28:11–16. There are no age or race requirements for membership. *Id.* at 28:11–29:1. One does not need to be a registered voter in order to be a member. *Id.* at 29:2–4; 29:11–30:4. Even “a baby” could join an NAACP branch. *Id.* at 28:19–21.

23. The Louisiana NAACP does not receive notices when NAACP members pass away, *id.* at 34:9–21, nor is the organization aware of how—or even if—each branch updates their membership roster when a death occurs, *id.* at 34:21–25.

24. The Louisiana NAACP asserts that its president, Michael McClanahan, has identified branch members in specific house and senate districts challenged in this case. *See* Ex. 5<sup>5</sup>. The Louisiana NAACP declines to identify branch members or permit discovery concerning them. *See, e.g.,* Rec. Doc. 119.

25. Mr. McClanahan does not know how many senate districts the state of Louisiana has, *id.* at 62:24–63:4, nor can he identify the addresses of any branch members, *id.* at 66:5–68:14.

26. Mr. McClanahan does not know how many house districts Louisiana has, *id.* at Tr. 81:12–16.

27. Mr. McClanahan does not have a membership list for the Louisiana NAACP, nor did he review or reference any list or roster prior to asserting that the Louisiana NAACP has members in the districts challenged in this lawsuit. *Id.* at 74:6–16; 81:24–82:2; 82:11–15; 82:25–83:21.

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<sup>5</sup> Attached as Exhibit 5 are Louisiana State Conference of the NAACP’s Supplemental Response to Interrogatory No. 3, served on September 1, 2023. Citations to this exhibit will be designated as “Ex. 5 at \_\_\_\_”.

28. Mr. McClanahan does not know whether branch members have moved since he allegedly became aware of their presence in the specific districts or if the members are registered to vote or are even Black. *Id.* at 84:17–85:14; 89:5–13.

29. The Louisiana NAACP alleges injury from the challenged redistricting plan based on the expenditures of time and money the organization spent to mobilize members to attend events such as the legislative roadshows and get its members “excited” about more majority-minority districts—which occurred before the plans were enacted. *Id.* at 97:19–99:3. The Louisiana NAACP cites the “emotional[] distress” branch members felt when they allegedly realized that the enacted maps were not going to provide them with the additional majority-minority districts the Louisiana NAACP apparently told them to expect. *Id.* at 99:4–101:24.

30. The Louisiana NAACP also asserts it felt compelled “to shift” its “action plan” after the legislative maps included fewer majority-minority than it hoped, *id.* at 97:24–98:2, *see also id.* at 98:11–23, choosing “not to spend” in some places and “to double up” in others, *id.* at 103:1–6.

31. Mr. McClanahan could not identify specific resources diverted because of the challenged plans. *Id.* at 102:15–21; 104:9–21.

Respectfully submitted, this the 6th day of October, 2023.

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# **Exhibit 1**

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

DR. DOROTHY NAIRNE, JARRETT  
LOFTON, REV. CLEE EARNEST LOWE, DR.  
ALICE WASHINGTON, STEVEN HARRIS,  
ALEXIS CALHOUN, 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.*

Civil Action No. 3:22-cv-00178  
SDD-SDJ

**INDIVIDUAL PLAINTIFF DOROTHY NAIRNE RESPONSES  
RESPONSES TO DEFENDANT ARDOIN'S FIRST SET OF  
INTERROGATORIES AND FIRST SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS TO THE INDIVIDUAL PLAINTIFFS**

Pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure and Local Civil Rules 26, 33, and 34, Plaintiff Dorothy Nairne makes the following objections and responses to the First Interrogatories and First Set of Requests for Production received from Defendant Secretary of State.

**OBJECTIONS AND RESPONSES TO INTERROGATORIES**

**GENERAL OBJECTIONS**

Each of Plaintiff's responses is subject to, and incorporates, the following objections (the "General Objections"). Plaintiff specifically incorporates each of these general objections into its responses to each of Defendant's interrogatories, whether or not each such general objection is expressly referred to in Plaintiff's response to a specific interrogatory.

1. Plaintiff objects to each of the Interrogatories to the extent it seeks the disclosure of

information protected by the attorney-client privilege, the attorney work product doctrine and the common interest privilege, or any information which is not otherwise subject to discovery.

2. Plaintiff objects to each of the Interrogatories to the extent that it is premature in that discovery is not complete.

3. Plaintiff objects to each of the Interrogatories to the extent it seeks irrelevant information that is not reasonably calculated to lead to the discovery of admissible evidence.

4. Plaintiff objects to each of the Interrogatories to the extent that responding thereto would cause undue burden, undue expense and/or oppression.

5. Plaintiff makes these responses subject to and without waiving Plaintiff's right to introduce, use, or refer to information which Plaintiff presently has in her possession, custody, or control, but which Plaintiff has not yet had sufficient time to analyze and evaluate to determine its responsiveness to these Interrogatories, and without waiving Plaintiff's right to amend and/or supplement her responses in the event that any information previously available to Plaintiff is unintentionally omitted from her responses.

6. Nothing herein shall be construed as an admission with respect to the admissibility or relevance of any information, fact, or document, or the truth or accuracy of any characterization or statement of any kind contained in the Interrogatories.

## **INTERROGATORIES**

### **INTERROGATORY NO. 1**

For each of the individual plaintiffs, please state or identify:

- (a) Your full name, your date of birth, and each address where you resided since you registered to vote in Louisiana;
- (b) The date you became registered to vote in Louisiana;

(c) The district number of each State House and State Senate district in which you have resided since you registered to vote in Louisiana and the length of time in which you resided in each district;

(d) The precinct number of each precinct in which you have resided since you registered to vote in Louisiana and the length of time in which you resided in each precinct;

(e) If you have resided in Louisiana for less than 10 years, please state (i) each address where you resided since 2008, (ii) the number of each state legislative district in which you resided since 2008; and (iii) whether you voted for a candidate running for a state legislative position in each year that such an election was held since 2008.

**RESPONSE:** Plaintiff objects to Interrogatory No. 1 because it is overly broad and unduly burdensome and because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 1 to the extent that it seeks information about Plaintiff's voting history that is within the possession of Defendant Ardoin already through the ERIN system.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows:

- a) Plaintiff's name is Dr. Dorothy Nairne. Plaintiff was born in [REDACTED]. Since registering to vote in Louisiana, Plaintiff's address is [REDACTED].
- b) To the best of Plaintiff's recollection, Plaintiff registered vote on 09/28/2018
- c) To the best of Plaintiff's recollection, Plaintiff has resided in State House District 60 and State Senate District 02 since 2017.
- d) To the best of Plaintiff's recollection, Plaintiff has resided in ward/precinct 04/02 since 2017.
- e) Plaintiff has resided in Louisiana for less than ten years of the last decade

(i) To the best of Plaintiff's recollection, Plaintiff has resided at 3651 Highway 1, Napoleonville, LA 70390 since 2017 and did not reside in Louisiana within the years prior in the past decade.

(ii) To the best of Plaintiff's recollection, Plaintiff has resided in State House District 60 and State Senate District 02 since 2017.

(iii) To the best of Plaintiff's recollection, Plaintiff voted in state legislative elections since 2017.

## **INTERROGATORY NO. 2**

As to each Louisiana State House and State Senate district at issue in your Amended Complaint, state the following, identifying to which district(s) the response relates:

(a) All facts and documents of which you are aware that support your claims in the Complaint or on which you intend to rely to show that a particular district violates Section 2 of the Voting Rights Act or is otherwise an impermissible racial gerrymander. This includes not only identifying the particular portion of any expert report that relates to the particular district challenged, but also any anecdotal, testimonial, statistical, or non- statistical proofs not included in the reports;

(b) Identify all persons with knowledge, including but not limited to, witnesses you intend to call as to each particular district to establish the facts listed under subpart (a). As to those you intend to call as witnesses, provide a detailed summary of the substance and scope of their anticipated testimony, indicate to which district their anticipated testimony will relate, and identify and produce the documents they will refer to or use in their testimony; and

**RESPONSE:** Plaintiff objects to this Interrogatory to the extent that it is premature given that discovery is not yet complete. Plaintiffs reserve the right to supplement this Response.

Subject to and without waiving this objection and the General Objections, Plaintiff responds as follows:

a) At least three additional districts providing an opportunity for Black voters to elect their candidates of choice could be created in the Senate redistricting plan. Illustrative maps proffered by Plaintiff's expert witness Bill Cooper show that additional districts could be created in areas of the following districts created by S.B.1: 2, 5, 7, 8, 10, 14, 15, 17, 19, 31, 36, 38 and 39. Areas within and around these Senate districts contain sufficiently large and geographically compact Black Voting Age Populations such that it would be possible to create additional electoral opportunities for Black voters in districts that adhere to traditional redistricting principles if the these districts were redrawn. Redrawing these districts may or may not also require reconfiguration of one or more surrounding districts. Further, at least six additional districts providing an opportunity for Black voters to elect their candidates of choice could be created in the House redistricting plan. The illustrative map proffered by Plaintiff's expert witness Bill Cooper show that additional districts could be created in areas of following districts in H.B 14: 1, 2, 4, 5, 7, 13, 22, 25, 29, 34, 35, 37, 58, 59, 60, 61, 62, 63, 65, 66, 68, 69, 70, 81, 88, and 101. Areas within and around these House districts contain sufficiently large and geographically compact Black Voting Age Populations such that it would be possible to create additional electoral opportunities for Black voters in districts that adhere to traditional redistricting principles if these districts were redrawn. Redrawing these districts may or may not also require reconfiguration of one or more surrounding districts. The Expert Reports of Bill Cooper and Dr. Craig Colten contain the specific facts concerning the size and compactness of the Black population in these districts.

In addition, voting in and around these districts is racially polarized, which leads to the usual defeat of candidates preferred by a significant and cohesive bloc of Black voters by white voters voting as a bloc for other candidates in districts that are not majority Black. The Expert Report of Dr. Lisa Handley contains the specific facts concerning racially polarized voting that support Plaintiff's claims in this case.

Furthermore, the persistent effects of discrimination across multiple metrics (economic, health, employment, living, environmental conditions) have produced severe socioeconomic disparities that hinder the ability of Black Louisianans to participate in the political process. Each of these disparities are indicative of a failure on the part of elected officials to address the needs of Black Louisianans. Black candidates in Louisiana are underrepresented in office and rarely win elections outside of majority-minority districts and Louisiana's political campaigns have been persistently marked by overt and implicit racial appeals. The Expert Reports of Dr. R. Blakeslee Gilpin and Dr. Traci Burch contain the specific facts demonstrating ongoing and historical voting-related discrimination that support Plaintiff's claim that in the totality of the circumstances, Black voters in Louisiana have less opportunity than other voters to participate in the political process and elect their candidates of choice to the Louisiana House of Representatives and Louisiana Senate.

### **INTERROGATORY NO. 3**

State whether you have drawn or created any alternative maps to the State Legislative Maps or any illustrative maps, including but not limited to, in draft or incomplete form. If you have drawn or created such maps, identify each individual involved in the development of each map you created, the software used to draw or create each map, describe the criteria and formula you or your organization used to draw or create each map, and for each criteria explain why it

was selected and how it was weighted.

**RESPONSE:** Subject to and without waiving the foregoing general objections, Plaintiff has not created any alternative maps but intends to rely upon illustrative and/or remedial maps created by expert witness retained by Plaintiff to testify in this case. The information regarding the creation of those maps sought by Interrogatory No. 3 is contained in expert reports that have been or will be produced by Plaintiff's expert witnesses.

#### **INTERROGATORY NO. 4**

Describe your responsibility, if any, for the payment of any attorney's fees or costs incurred by your counsel or any attorney's fees or costs that might be awarded against you by the court in this lawsuit. If you are not responsible for such fees or costs, identify the persons or persons who are responsible for these fees and costs by stating the name and address for any such person or persons.

**RESPONSE:** Plaintiff objects to Interrogatory No. 4 to the extent that it seeks information protected by the attorney-client privilege, attorney work product doctrine, and common interest privilege. Plaintiff further objects to Interrogatory No. 4 because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 4 on the ground that it seeks information protected by Plaintiff's and Plaintiff's attorneys' First Amendment rights to freedom of speech and freedom of association.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: Plaintiff's attorneys in this case are representing Plaintiff on a pro bono basis and have agreed to advance all costs of the litigation. Plaintiff therefore has no responsibility for the payment of attorney's fees or costs. With the potential exception of Defendant's responsibility for fees and costs under fee-shifting statutes if Plaintiffs are successful, there is no other person

other than Plaintiff's counsel who is responsible for attorney's fees and costs in this litigation.

**INTERROGATORY NO. 5**

Explain in detail how you came to be a plaintiff in this lawsuit. Include in your answer whether you were asked to be a plaintiff by another person or persons, the identity of any such person or persons, the organization or employer with which that person was employed or affiliated, the date of any such conversations, and the substance of any such conversations.

**RESPONSE:** Plaintiff objects to Interrogatory No. 5 to the extent that it seeks information protected by the attorney-client privilege, attorney work product doctrine, and common interest privilege. Plaintiff further objects to Interrogatory No. 5 because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 5 on the ground that it seeks information protected by Plaintiff's First Amendment rights to freedom of speech and freedom of association.

**INTERROGATORY NO. 6**

Other than this case, list any legal proceedings, involving constitutional challenges against government entities, where you have been a party or a witness since January 1, 2010. In doing so, please provide the caption of the case and file number, the court or administrative agency in which any case identified above was filed, a short explanation of the substance of the case, the nature of your involvement (i.e., party or witness), and current status of the proceedings.

**RESPONSE:** Plaintiff objects to Interrogatory No. 6 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 6 because it seeks information that is not relevant to any party's claims or defenses.

Subject to and without waiving the foregoing general and specific objections, Plaintiff

responds as follows: *Louisiana State Conference of the NAACP v. Ardoin*, No C-716837 (19<sup>th</sup> Judicial District), a malapportionment challenge to Louisiana's congressional districts (Proceedings Concluded).

**INTERROGATORY NO. 7**

Identify each person or group, other than any attorney retained to represent you in this action, with whom you have communicated with or obtained any oral or written statement from regarding the allegations or claims made in this lawsuit.

For each communication you identify, state the date, time, place, and method of each communication, the substance of the communication, and identify any documents that you provided to or exchanged with each such person or group regarding the allegations or claims made in this lawsuit.

**RESPONSE:** Plaintiff objects to Interrogatory No. 7 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 7 to the extent that it seeks information protected by the attorney-client privilege, attorney work product doctrine, and common interest privilege. Plaintiff further objects to Interrogatory No. 7 because it seeks information that is not relevant to any party's claims or defenses.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: All documents within Plaintiff's possession, custody or control reflecting non-privileged written communications Plaintiff has made or received regarding the allegations or claims in this lawsuit will be produced.

**INTERROGATORY NO. 8**

Identify all elections you have voted in since January 1, 2008.

**RESPONSE:** Plaintiff objects to Interrogatory No. 9 as overly broad and unduly

burdensome. Plaintiff further objects to Interrogatory No. 9 because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 9 because it seeks information about Plaintiff's voting history that is within the possession of Defendant Ardoin already through the ERIN system.

Subject to and without waiving this objection and the General Objections, Plaintiff responds as follows: To the best of Plaintiff's recollection, Plaintiff has voted in the majority of elections in recent years, including local, state, and federal cycles, excluding elections in November 2023, July 2020, and December 2018.

#### **INTERROGATORY NO. 9**

Identify every organization (e.g. civic or non-profit), group, campaign (including your own campaign for political office, if any), or political committee (including any of the Organizational Plaintiffs in this action) in which you are or were a member or in which you are or were otherwise involved since January 1, 2003 by stating the following: (a) the name of the organization; (b) the date your affiliation with the organization began and, if applicable, the date your affiliation with the organization ended; (c) any title or office you hold or have held in the organization; (d) whether you pay or paid dues, a membership fee, or any other sum of money to be a member of the organization; and (e) the amount of any form of compensation or remuneration, if any, you received from the organization.

**RESPONSE:** Plaintiff objects to Interrogatory No. 9 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 9 because it is vague and ambiguous. Plaintiff further objects to Interrogatory No. 9 because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 9 on the grounds that it seeks information protected by Plaintiff's First Amendment rights to freedom of speech and

freedom of association.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: to the best of Plaintiff's recollection, Plaintiff is a member of the following organizations:

Sisterlove – Women's AIDS Project, South Africa  
Member from November 1, 1998 – December 30, 2016  
Board Member  
No dues, no compensation

Positive Women's Network, South Africa  
Member from January 1, 2000 – December 31, 2009  
Board Member  
No dues, no compensation

The Right Choice Project, Louisiana  
Member from March 2016 – December 2018  
Board Secretary  
No dues, no compensation

Assumption Parish NAACP  
Member since 2017  
Dues-Paying Member  
Annual dues: \$30  
No compensation

Together Louisiana  
Member since 2020  
Member; Neighborhood Captain  
Annual dues: N/A  
No compensation

Project Possible  
Member since 2019  
Board Chair and Founder  
No dues, no compensation

Climate Reality  
Member since 2020  
General Member  
No dues, no compensation

Urban League of Louisiana

Member since 2019  
Participant in Women's Business Activities  
No dues, no compensation

Larry Sorapuru for State Representative District 57  
Member since 2023  
General Advisor  
No dues, no compensation

**INTERROGATORY NO. 10**

To the extent not already identified, identify every position you currently hold or have held since January 1, 2008 in any political party (e.g. the Republican Party, Democratic Party, etc.), including: (a) the name of the position(s) you hold or held; (b) the name(s) of the political party or parties in which you hold or held the position(s); (c) the dates you held the position(s), or if you currently hold one or more such position(s), the date you were appointed or elected to the position(s) currently held; and (d) the amount of any compensation, if any, you received from the political party.

**RESPONSE:** Plaintiff objects to Interrogatory No. 10 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 10 because it is vague and ambiguous. Plaintiff further objects to Interrogatory No. 10 because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 10 on the ground that it seeks information protected by Plaintiff's First Amendment rights to freedom of speech and freedom of association.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: To the best of Plaintiff's recollection, Plaintiff has never held a position with any political party.

**INTERROGATORY NO. 11**

Identify each and every public hearing regarding Louisiana's 2021/2022 legislative

redistricting process or the State Legislative Maps that you attended and, for each such hearing, state or describe the following: (a) the date(s) and location(s) of the hearing(s) you attended; (b) whether you provided any testimony or comments during the hearing(s) on your own behalf or on behalf of an organization; (c) any documents you took with you to the hearing or that you received or created before or during the hearing, or that you relied upon for any testimony you provided during the hearing; and (d) if you attended any hearing with or on behalf of a group or organization, the name of that group or organization.

**RESPONSE:** Plaintiff objects to Interrogatory No. 11 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 11 because it is vague and ambiguous. Plaintiff further objects to Interrogatory No. 11 because it seeks information that is not relevant to any party's claims or defenses.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: To the best of Plaintiff's recollection, Plaintiff did not attend any public hearings regarding Louisiana's 2021/2022 legislative redistricting process or the State Legislative Maps.

## **OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION**

### **GENERAL OBJECTIONS**

Each of Plaintiff's responses is subject to, and incorporates, the following objections (the "General Objections"). Plaintiff specifically incorporates each of these general objections into its responses to each of Defendant's Request for Production, whether or not each such general objection is expressly referred to in Plaintiff's response to a specific Request.

1. Plaintiff objects to each Request to the extent it seeks the disclosure of information protected by the attorney-client privilege, the attorney work product doctrine, and the common interest privilege, or any information which is not otherwise subject to discovery.

2. Plaintiff objects to each Request to the extent that it is premature in that discovery is not complete.

3. Plaintiff objects to each Request to the extent it seeks irrelevant information that is not reasonably calculated to lead to the discovery of admissible evidence.

4. Plaintiff objected to each Request that fails to describe with reasonable particularity the documents or things sought.

5. Plaintiff objects to each Request to the extent that response thereto would cause undue burden, undue expense, and/or oppression.

6. Plaintiff objects to the search terms contained in Exhibit A to the Requests as overly broad and unduly burdensome. Running electronic searches using the overly broad terms included with the Requests creates an undue burden and expense for an individual like Plaintiff that outweighs its likely benefit and is not proportional to the needs of the case. Accordingly, Plaintiff has not executed searches of her electronic computer files, email server, or phone.

7. Plaintiff objects to each Request that seeks materials obtainable from another source that

is more convenient, less burdensome, or less expensive.

8. Nothing herein shall be construed as an admission with respect to the admissibility or relevance of any information, fact, or document, or the truth or accuracy of any characterization or statement of any kind contained in the Request.

9. Plaintiff reserves the right to supplement its responses to these Requests as appropriate.

### **REQUESTS FOR PRODUCTION**

#### **REQUEST FOR PRODUCTION NO. 1**

All documents identified in your answers to the above Interrogatories.

**RESPONSE:** Subject to and without waiving the General Objections, Plaintiff will produce all documents responsive to this Request within Plaintiff's possession, custody or control.

#### **REQUEST FOR PRODUCTION NO. 2**

All documents in your possession, custody or control that you have received or viewed which were produced by Defendant or Legislative Intervenors, and their staff, in response to any public records request regarding the 2021/2022 legislative redistricting process or the State Legislative Maps.

**RESPONSE:** Plaintiff objects to Request for Production No. 2 because it seeks documents that are within the possession, custody, or control of the Defendant or Legislative Intervenors.

Subject to the foregoing specific objection and the General Objections, Plaintiff has not made any public records requests to Defendant or Legislative Intervenors, or their staff regarding the 2021/2022 legislative redistricting process or the State Legislative Maps and as such does not have any documents responsive to this request.

#### **REQUEST FOR PRODUCTION NO. 3**

Any alternative maps to the State Legislative Maps or illustrative maps, including in draft

or incomplete form, created, received, or maintained by you related to Louisiana's 2021/2022 legislative redistricting process or the State Legislative Maps, and all documents and ESI relating to or otherwise supporting the creation of the alternative or illustrative maps, including but not limited to, documents describing the criteria and formulas used to create the maps.

**RESPONSE:** Plaintiff objects to this Request to the extent that it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Subject to and without waiving these objections and the General Objections, Plaintiff states that Plaintiff did not draft, create, receive, or maintain any alternative or illustrative maps other than the maps contained in the Expert Report of Bill Cooper, which has already been provided to Defendants along with all of the other non-privileged and non-attorney work product information requested hereto related to those maps.

#### **REQUEST FOR PRODUCTION 4**

Any non-privileged communications or documents created, received, or maintained by you that you contend support or otherwise relate to the allegations or claims in the Complaints (as amended) you filed in the lawsuit in which you are a plaintiff, including, but not limited to, any and all estimates, reports, studies, analyses, calendars, notes, text messages, journals, diaries or other writings, videotapes, recordings or other electronically stored media.

**RESPONSE:** Plaintiff objects to the Request to the extent that it is premature in that discovery is not complete. Subject to and without waiving this Objection and the General Objections, Plaintiff will produce any documents responsive to this Request within Plaintiff's possession, custody or control.

#### **REQUEST FOR PRODUCTION NO. 5**

Any non-privileged communications or documents created, received, or maintained by you

that relate to Louisiana's state legislative maps or legislative districting since January 1, 2020, including, but not limited to, any and all estimates, reports, studies, analyses, notes, text messages, journals, diaries or other writings, videotapes, recordings or other electronically stored media.

**RESPONSE:** Plaintiff objects to this Request to the extent that it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Plaintiff objects to this Request to the extent that it is overly broad, burdensome and seeks information that is not relevant to any party's claims or defenses. Subject to and without waiving these objections and the General Objections, Plaintiff will produce any documents within Plaintiff's possession, custody or control that Plaintiff is aware of related to the Louisiana's State House or State Senate district lines or the 2021/2022 legislative redistricting process.

#### **REQUEST FOR PRODUCTION NO. 6**

Copies of any letters, contracts, or other documents that explain who is responsible for the payment of legal fees and costs in this litigation or contracts, letters, or other documents that state whether you are responsible or not responsible for these fees and costs.

**RESPONSE:** Plaintiff objects to this Request as it seeks documents protected by the attorney-client privilege or the attorney work product doctrine.

#### **REQUEST FOR PRODUCTION NO. 7**

All communications and documents, including any emails, text messages, letters or other correspondence that you have given or sent to, received from, exchanged or discussed with any person whom you may call as a witness at trial in this lawsuit.

**RESPONSE:** Plaintiff objects to this Request to the extent that it is overly board, burdensome and seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to this Request as it seeks documents protected by the attorney-client privilege,

the attorney work product doctrine, and/or the common interest privilege. Subject to and without waiving these objections and the General Objections, Plaintiff will produce any documents responsive to this Request within Plaintiff's possession, custody or control.

**REQUEST FOR PRODUCTION NO. 8**

Excluding those documents protected by the attorney-client privilege, all documents reflecting or referring to any conversation or communication you had with any third party about any of the allegations or claims made in your Complaint (as amended) including, but not limited to, emails, notes, text messages, or recordings of any such conversations or communications.

**RESPONSE:** Plaintiff objects to this Request to the extent that it is overly board, burdensome and seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to this Request as it seeks documents protected by the attorney-client privilege, the attorney work product doctrine, and/or the common interest privilege. Subject to and without waiving these objections and the General Objections, Plaintiff will produce any documents responsive to this Request within Plaintiff's possession, custody or control.

**REQUEST FOR PRODUCTION NO. 9**

Excluding those documents protected by the attorney-client privilege, all documents reflecting or referring to any conversation or communication you had with any member of your organization about any of the allegations or claims made in your Complaints (as amended) including, but not limited to, press releases, statements, submissions to the media, emails, notes, text messages, or recordings of any such conversations or communications.

**RESPONSE:** This Request does not apply to Individual Plaintiffs, who are not organizations and have no members.

**REQUEST FOR PRODUCTION NO. 8a<sup>1</sup>**

Copies of all Social Posts by you that relate to or reflect any of the allegations or claims you have made in this lawsuit, or related to Defendant or Intervenor Defendants since January 1, 2020.

**RESPONSE:** Plaintiff objects to this Request to the extent that it is overly board, burdensome and seeks information that is not relevant to any party's claims or defenses. Subject to and without waiving these objections and the General Objections, Plaintiff will produce any documents responsive to this Request within Plaintiff's possession, custody or control.

**REQUEST FOR PRODUCTION NO. 9a**

All reports, correspondence, written opinions, or other documents reflecting either the substance of the opinions of each expert you identified in your answers to the preceding Interrogatories or any facts relied upon by any such expert in forming his or her opinion, and the most current resume or *curriculum vitae* of each such expert.

**RESPONSE:** All initial Expert Reports and related materials have previously been produced to Defendants. Additionally, Plaintiff reserves the right to supplement those reports and response to this Request consistent with the Scheduling Order in this case governing expert disclosures.

**REQUEST FOR PRODUCTION NO. 10**

Excluding those documents protected by the attorney-client privilege, all documents reflecting or referring to any alleged "injury" you claim to have suffered as a result of Louisiana's 2021/2022 legislative redistricting process or the State Legislative Maps, including but not limited to, financial records, communications, emails, notes, text messages, or recordings.

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<sup>1</sup> Defendant Ardoin's First Set Request for Production of Documents to Individual Plaintiffs have repeat the Nos 8 and 9 for two of the Requests. We have labeled the second set at 8a and 9a to avoid confusion.

**RESPONSE:** Plaintiff objects to this Request to the extent that it is vague and ambiguous. Plaintiff further objects to this Request as it seeks documents protected by the attorney-client privilege, the attorney work product doctrine, and/or the common interest privilege. Subject to and without waiving the General Objections, Plaintiff will produce any documents responsive to this Request within Plaintiff's possession, custody or control.

**REQUEST FOR PRODUCTION NO. 11**

Copies of any source code, software, or electronic programs/applications used by any of your experts in connection with this litigation. To the extent such items were not developed by your expert but are commercially available for purchase, please identify the code, software, programs, or applications.

**RESPONSE:** All initial Expert Reports and related materials have previously been produced to Defendants. Additionally, Plaintiff reserves the right to supplement those reports and response to this Request consistent with the Scheduling Order in this case governing expert disclosures.

**REQUEST FOR PRODUCTION NO. 12**

All documents and communications discussing, related to, referring to, or concerning Louisiana's State House or State Senate district lines, the 2021/2022 legislative redistricting process, or administration of the 2023 election.

**RESPONSE:** Plaintiff objects to this Request to the extent that it is overly board, burdensome and seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to this Request as it seeks documents protected by the attorney-client privilege, the attorney work product doctrine, and/or the common interest privilege. Subject to and without waiving the General Objections, Plaintiff will produce any documents within Plaintiff's

possession, custody or control that Plaintiff is aware of related to the Louisiana's State House or State Senate district lines or the 2021/2022 legislative redistricting process.

**REQUEST FOR PRODUCTION NO. 13**

All documents, items, objects, materials, charts, graphs, displays, and exhibits that Individual Plaintiffs' expect to, intend to, or may use or offer as exhibits or as evidence at any hearing or trial of this matter.

**RESPONSE:** Plaintiff objects to the Request to the extent that it is premature in that discovery is not complete, and Plaintiff may rely upon demonstrative exhibits and materials at the time of trial. Subject to and without waiving this Objection and the General Objections, Plaintiff will produce documents responsive to this Request within Plaintiff's possession, custody or control.

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DATED: July 3, 2023

Respectfully submitted,

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\*\*Pro Hac Vice Motion Forthcoming

**VERIFICATION OF DOROTHY NAIRNE**

I hereby state that Individual Plaintiff Dr. Dorothy Nairne's Responses to Defendant Ardoin's First Set of Interrogatories and First Set of Requests for Production of Documents of the Individual Plaintiffs, served on July 3, 2023, are true to the best of my knowledge and belief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 3, 2023

A handwritten signature in black ink, appearing to read 'Dorothy Nairne', is written above a horizontal line.

Dr. Dorothy Nairne

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**CERTIFICATE OF SERVICE**

I certify that on July 3, 2023, this document was served via electronic mail on all counsel of record.

/s/ Sarah Brannon

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

DR. DOROTHY NAIRNE, JARRETT  
LOFTON, REV. CLEE EARNEST LOWE,  
DR. ALICE WASHINGTON, STEVEN  
HARRIS, ALEXIS CALHOUN, 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.*

Civil Action No. 3:22-cv-00178-SDD-SDJ

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

**INDIVIDUAL PLAINTIFF DR. ALICE WASHINGTON-EDWARDS’  
RESPONSES TO DEFENDANT ARDOIN’S FIRST SET OF  
INTERROGATORIES AND FIRST SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS TO THE INDIVIDUAL PLAINTIFFS**

Pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure and Local Civil Rules 26, 33, and 34, Plaintiff Dr. Alice Washington-Edwards makes the following objections and responses to the First Set of Interrogatories and First Set of Requests for Production received from Defendant Secretary of State.

**OBJECTIONS AND RESPONSES TO INTERROGATORIES**

**GENERAL OBJECTIONS**

Each of Plaintiff’s responses is subject to, and incorporates, the following objections (the “General Objections”). Plaintiff specifically incorporates each of these general objections into its responses to each of Defendant’s interrogatories, whether or not each such general objection is expressly

referred to in Plaintiff's response to a specific interrogatory.

1. Plaintiff objects to each of the Interrogatories to the extent it seeks the disclosure of information protected by the attorney-client privilege, the attorney work product doctrine and the common interest privilege, or any information which is not otherwise subject to discovery.

2. Plaintiff objects to each of the Interrogatories to the extent that it is premature in that discovery is not complete.

3. Plaintiff objects to each of the Interrogatories to the extent it seeks irrelevant information that is not reasonably calculated to lead to the discovery of admissible evidence.

4. Plaintiff objects to each of the Interrogatories to the extent that responding thereto would cause undue burden, undue expense and/or oppression.

5. Plaintiff makes these responses subject to and without waiving Plaintiff's right to introduce, use, or refer to information which Plaintiff presently has in her possession, custody, or control, but which Plaintiff has not yet had sufficient time to analyze and evaluate to determine its responsiveness to these Interrogatories, and without waiving Plaintiff's right to amend and/or supplement her responses in the event that any information previously available to Plaintiff is unintentionally omitted from her responses.

6. Nothing herein shall be construed as an admission with respect to the admissibility or relevance of any information, fact, or document, or the truth or accuracy of any characterization or statement of any kind contained in the Interrogatories.

### **INTERROGATORIES**

#### **INTERROGATORY NO. 1**

For each of the individual plaintiffs, please state or identify:

(a) Your full name, your date of birth, and each address where you resided since you registered

to vote in Louisiana;

(b) The date you became registered to vote in Louisiana;

(c) The district number of each State House and State Senate district in which you have resided since you registered to vote in Louisiana and the length of time in which you resided in each district;

(d) The precinct number of each precinct in which you have resided since you registered to vote in Louisiana and the length of time in which you resided in each precinct;

(e) If you have resided in Louisiana for less than 10 years, please state (i) each address where you resided since 2008, (ii) the number of each state legislative district in which you resided since 2008; and (iii) whether you voted for a candidate running for a state legislative position in each year that such an election was held since 2008.

**RESPONSE:** Plaintiff objects to Interrogatory No. 1 because it is overly broad and unduly burdensome and because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 1 to the extent that it seeks information about Plaintiff's voting history that is within the possession of Defendant Ardoin already through the ERIN system.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows:

a) Plaintiff's full name is Dr. Alice Francis Washington-Edwards. Plaintiff was born in [REDACTED]. Since registering to vote in Louisiana, Plaintiff has lived at three addresses: (1) [REDACTED]; (2) [REDACTED]; and (3) [REDACTED].

b) To the best of Plaintiff's recollection, Plaintiff registered to vote in July of 2011.

c) To the best of Plaintiff's knowledge and recollection, Plaintiff has resided in three House and three Senate districts since registered to vote in Louisiana: (1) House District 91 and Senate District 5

from approximately May of 2011 until approximately January of 2013; (2) House District 93 and Senate District 5 from approximately January of 2013 until approximately December of 2015; and (3) House District 66 and Senate District 16 from approximately January 2016 until the present. These districts did not change with the new legislative maps enacted in 2022.

d) To the best of Plaintiff's knowledge and recollection, Plaintiff has resided in two precincts since registering to vote in Louisiana: (1) Precinct 1, from approximately May of 2011 to approximately December of 2015; and (2) Precinct 59, from approximately January 2016 until the present.

e) To the best of Plaintiff's recollection, Plaintiff has resided in Louisiana for 12 years.

**INTERROGATORY NO. 2**

As to each Louisiana State House and State Senate district at issue in your Amended Complaint, state the following, identifying to which district(s) the response relates:

(a) All facts and documents of which you are aware that support your claims in the Complaint or on which you intend to rely to show that a particular district violates Section 2 of the Voting Rights Act or is otherwise an impermissible racial gerrymander. This includes not only identifying the particular portion of any expert report that relates to the particular district challenged, but also any anecdotal, testimonial, statistical, or non- statistical proofs not included in the reports;

(b) Identify all persons with knowledge, including but not limited to, witnesses you intend to call as to each particular district to establish the facts listed under subpart (a). As to those you intend to call as witnesses, provide a detailed summary of the substance and scope of their anticipated testimony, indicate to which district their anticipated testimony will relate, and identify and produce the documents they will refer to or use in their testimony; and

**RESPONSE:** Plaintiff objects to this Interrogatory to the extent that it is premature given that discovery is not yet complete. Plaintiffs reserve the right to supplement this Response.

Subject to and without waiving this objection and the General Objections, Plaintiff responds as follows:

a) At least three additional districts providing an opportunity for Black voters to elect their candidates of choice could be created in the Senate redistricting plan. Illustrative maps proffered by Plaintiff's expert witness Bill Cooper show that additional districts could be created in areas of the following districts created by S.B.1: 2, 5, 7, 8, 10, 14, 15, 17, 19, 31, 36, 38 and 39. Areas within and around these Senate districts contain sufficiently large and geographically compact Black Voting Age Populations such that it would be possible to create additional electoral opportunities for Black voters in districts that adhere to traditional redistricting principles if these districts were redrawn. Redrawing these districts may or may not also require reconfiguration of one or more surrounding districts. Further, at least six additional districts providing an opportunity for Black voters to elect their candidates of choice could be created in the House redistricting plan. The illustrative map proffered by Plaintiff's expert witness Bill Cooper show that additional districts could be created in areas of following districts in H.B 14: 1, 2, 4, 5, 7, 13, 22, 25, 29, 34, 35, 37, 58, 59, 60, 61, 62, 63, 65, 66, 68, 69, 70, 81, 88, and 101. Areas within and around these House districts contain sufficiently large and geographically compact Black Voting Age Populations such that it would be possible to create additional electoral opportunities for Black voters in districts that adhere to traditional redistricting principles if these districts were redrawn. Redrawing these districts may or may not also require reconfiguration of one or more surrounding districts. The Expert Reports of Bill Cooper and Dr. Craig Colten contain the specific facts concerning the size and compactness of the Black population in these districts.

In addition, voting in and around these districts is racially polarized, which leads to the usual defeat of candidates preferred by a significant and cohesive bloc of Black voters by white voters voting as a bloc

for other candidates in districts that are not majority Black. The Expert Report of Dr. Lisa Handley contains the specific facts concerning racially polarized voting that support Plaintiff's claims in this case.

Furthermore, the persistent effects of discrimination across multiple metrics (economic, health, employment, living, environmental conditions) have produced severe socioeconomic disparities that hinder the ability of Black Louisianans to participate in the political process. Each of these disparities are indicative of a failure on the part of elected officials to address the needs of Black Louisianans. Black candidates in Louisiana are underrepresented in office and rarely win elections outside of majority-minority districts and Louisiana's political campaigns have been persistently marked by overt and implicit racial appeals. The Expert Reports of Dr. R. Blakeslee Gilpin and Dr. Traci Burch contain the specific facts demonstrating ongoing and historical voting-related discrimination that support Plaintiff's claim that in the totality of the circumstances, Black voters in Louisiana have less opportunity than other voters to participate in the political process and elect their candidates of choice to the Louisiana House of Representatives and Louisiana Senate.

### **INTERROGATORY NO. 3**

State whether you have drawn or created any alternative maps to the State Legislative Maps or any illustrative maps, including but not limited to, in draft or incomplete form. If you have drawn or created such maps, identify each individual involved in the development of each map you created, the software used to draw or create each map, describe the criteria and formula you or your organization used to draw or create each map, and for each criteria explain why it was selected and how it was weighted.

**RESPONSE:** Subject to and without waiving the foregoing general objections, Plaintiff has not created any alternative maps but intends to rely upon illustrative and/or remedial maps created by expert witness retained by Plaintiff to testify in this case. The information regarding the creation of those maps sought by Interrogatory No. 3 is contained in expert reports that have been or will be produced by

Plaintiff's expert witnesses.

**INTERROGATORY NO. 4**

Describe your responsibility, if any, for the payment of any attorney's fees or costs incurred by your counsel or any attorney's fees or costs that might be awarded against you by the court in this lawsuit. If you are not responsible for such fees or costs, identify the persons or persons who are responsible for these fees and costs by stating the name and address for any such person or persons.

**RESPONSE:** Plaintiff objects to Interrogatory No. 4 to the extent that it seeks information protected by the attorney-client privilege, attorney work product doctrine, and common interest privilege. Plaintiff further objects to Interrogatory No. 4 because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 4 on the ground that it seeks information protected by Plaintiff's and Plaintiff's attorneys' First Amendment rights to freedom of speech and freedom of association.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: Plaintiff's attorneys in this case are representing Plaintiff on a pro bono basis and have agreed to advance all costs of the litigation. Plaintiff therefore has no responsibility for the payment of attorney's fees or costs. With the potential exception of Defendant's responsibility for fees and costs under fee-shifting statutes if Plaintiffs are successful, there is no other person other than Plaintiff's counsel who is responsible for attorney's fees and costs in this litigation.

**INTERROGATORY NO. 5**

Explain in detail how you came to be a plaintiff in this lawsuit. Include in your answer whether you were asked to be a plaintiff by another person or persons, the identity of any such person or persons, the organization or employer with which that person was employed or affiliated, the date of any such conversations, and the substance of any such conversations.

**RESPONSE:** Plaintiff objects to Interrogatory No. 5 to the extent that it seeks information protected by the attorney-client privilege, attorney work product doctrine, and common interest privilege. Plaintiff further objects to Interrogatory No. 5 because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 5 on the ground that it seeks information protected by Plaintiff's First Amendment rights to freedom of speech and freedom of association.

#### **INTERROGATORY NO. 6**

Other than this case, list any legal proceedings, involving constitutional challenges against government entities, where you have been a party or a witness since January 1, 2010. In doing so, please provide the caption of the case and file number, the court or administrative agency in which any case identified above was filed, a short explanation of the substance of the case, the nature of your involvement (i.e., party or witness), and current status of the proceedings.

**RESPONSE:** Plaintiff objects to Interrogatory No. 6 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 6 because it seeks information that is not relevant to any party's claims or defenses.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: *Louisiana State Conference of the NAACP v. Ardoin*, No C-716837 (19<sup>th</sup> Judicial District), Malapportionment challenges to Louisiana Congressional Districts (Proceedings Concluded).

#### **INTERROGATORY NO. 7**

Identify each person or group, other than any attorney retained to represent you in this action, with whom you have communicated with or obtained any oral or written statement from regarding the allegations or claims made in this lawsuit.

For each communication you identify, state the date, time, place, and method of each

communication, the substance of the communication, and identify any documents that you provided to or exchanged with each such person or group regarding the allegations or claims made in this lawsuit.

**RESPONSE:** Plaintiff objects to Interrogatory No. 7 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 7 to the extent that it seeks information protected by the attorney-client privilege, attorney work product doctrine, and common interest privilege. Plaintiff further objects to Interrogatory No. 7 because it seeks information that is not relevant to any party's claims or defenses.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: All documents within Plaintiff's possession, custody or control reflecting non-privileged written communications Plaintiff has made or received regarding the allegations or claims in this lawsuit will be produced.

#### **INTERROGATORY NO. 8**

Identify all elections you have voted in since January 1, 2008.

**RESPONSE:** Plaintiff objects to Interrogatory No. 9 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 9 because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 9 because it seeks information about Plaintiff's voting history that is within the possession of Defendant Ardoin already through the ERIN system.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: To the best of Plaintiff's recollection, Plaintiff has voted in the majority of elections since 2008, including local, state, and federal cycles, most recently in the 2023 special election for district judge.

#### **INTERROGATORY NO. 9**

Identify every organization (e.g. civic or non-profit), group, campaign (including your own

campaign for political office, if any), or political committee (including any of the Organizational Plaintiffs in this action) in which you are or were a member or in which you are or were otherwise involved since January 1, 2008 by stating the following: (a) the name of the organization; (b) the date your affiliation with the organization began and, if applicable, the date your affiliation with the organization ended; (c) any title or office you hold or have held in the organization; (d) whether you pay or paid dues, a membership fee, or any other sum of money to be a member of the organization; and (e) the amount of any form of compensation or remuneration, if any, you received from the organization.

**RESPONSE:** Plaintiff objects to Interrogatory No. 9 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 9 because it is vague and ambiguous. Plaintiff further objects to Interrogatory No. 9 because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 9 on the ground that it seeks information protected by Plaintiff's First Amendment rights to freedom of speech and freedom of association.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: to the best of Plaintiff's recollection, Plaintiff is a member of the following organizations:

Plaintiff is a member of Together Louisiana, and has been a member since approximately the summer of 2017. Although Plaintiff donates to Together Louisiana, Plaintiff does not pay dues and works with the organization solely in a volunteer capacity. Plaintiff has not received any compensation or remuneration from the organization.

Plaintiff is a member of Together Baton Rouge, and has been a member since approximately January of 2017. Plaintiff has also served as a member of Together Baton Rouge's Executive Committee. Since 2016, Plaintiff has also served as a Delegate for Together Baton Rouge on behalf of the National Association of Social Work. While Plaintiff donates to Together Baton Rouge, Plaintiff does not pay dues and works with the organization solely in a volunteer capacity. Plaintiff has not

received any compensation or remuneration from the organization.

Plaintiff is a delegate of the National Association of Social Work since 2016. Plaintiff is a dues paying member, and pays approximately \$300 annually, which covers her dues for both the National Association of Social Work and the Local Association of Social Work. Plaintiff has not received any compensation or remuneration from the organization.

Plaintiff is a member of the Local Association of Social Work, and has been a member since approximately May of 1977. Plaintiff is a dues paying member, and pays approximately \$300 annually, which covers her dues for both the National Association of Social Work and the Local Association of Social Work. Plaintiff has not received any compensation or remuneration from the organization.

Plaintiff is a member of the Global Technology Task Force and has been a member since approximately July of 2021. Plaintiff does not pay dues to this organization, nor has she received any compensation or remuneration.

Plaintiff previously served as a precinct aide for the Alexandria Democratic Committee. Plaintiff worked for approximately one day in connection with the 2008 general presidential election. Plaintiff did not pay dues to this organization, nor has she received any compensation or remuneration.

Plaintiff previously worked on Mayor Sharon Weston Broom's 2016 Campaign. Plaintiff volunteered part time for approximately six months. Plaintiff did not pay dues to this organization, nor has she received any compensation or remuneration.

In 2019 Plaintiff volunteered for approximately two days with the gubernatorial campaign of Governor John Bel Edwards' Campaign. Plaintiff did not pay dues to this organization, nor has she received any compensation or remuneration.

#### **INTERROGATORY NO. 10**

To the extent not already identified, identify every position you currently hold or have held since

January 1, 2008 in any political party (e.g. the Republican Party, Democratic Party, etc.), including: (a) the name of the position(s) you hold or held; (b) the name(s) of the political party or parties in which you hold or held the position(s); (c) the dates you held the position(s), or if you currently hold one or more such position(s), the date you were appointed or elected to the position(s) currently held; and (d) the amount of any compensation, if any, you received from the political party.

**RESPONSE:** Plaintiff objects to Interrogatory No. 10 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 10 because it is vague and ambiguous. Plaintiff further objects to Interrogatory No. 10 because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 10 on the ground that it seeks information protected by Plaintiff's First Amendment rights to freedom of speech and freedom of association.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: To the best of Plaintiff's recollection, Plaintiff has never held a position with any political party.

#### **INTERROGATORY NO. 11**

Identify each and every public hearing regarding Louisiana's 2021/2022 legislative redistricting process or the State Legislative Maps that you attended and, for each such hearing, state or describe the following: (a) the date(s) and location(s) of the hearing(s) you attended; (b) whether you provided any testimony or comments during the hearing(s) on your own behalf or on behalf of an organization; (c) any documents you took with you to the hearing or that you received or created before or during the hearing, or that you relied upon for any testimony you provided during the hearing; and (d) if you attended any hearing with or on behalf of a group or organization, the name of that group or organization.

**RESPONSE:** Plaintiff objects to Interrogatory No. 11 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 11 because it is vague and ambiguous. Plaintiff further objects to Interrogatory No. 11 because it seeks information that is not relevant to any party's claims or defenses.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: To the best of Plaintiff's recollection, Plaintiff did not attend any public hearings regarding Louisiana's 2021/2022 legislative redistricting process or the State Legislative Maps.

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## **OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION**

### **GENERAL OBJECTIONS**

Each of Plaintiff's responses is subject to, and incorporates, the following objections (the "General Objections"). Plaintiff specifically incorporates each of these general objections into its responses to each of Defendant's Request for Production, whether or not each such general objection is expressly referred to in Plaintiff's response to a specific Request.

1. Plaintiff objects to each Request to the extent it seeks the disclosure of information protected by the attorney-client privilege, the attorney work product doctrine, and the common interest privilege, or any information which is not otherwise subject to discovery.

2. Plaintiff objects to each Request to the extent that it is premature in that discovery is not complete.

3. Plaintiff objects to each Request to the extent it seeks irrelevant information that is not reasonably calculated to lead to the discovery of admissible evidence.

4. Plaintiff objected to each Request that fails to describe with reasonable particularity the documents or things sought.

5. Plaintiff objects to each Request to the extent that response thereto would cause undue burden, undue expense, and/or oppression.

6. Plaintiff objects to the search terms contained in Exhibit A to the Requests as overly broad and unduly burdensome. Running electronic searches using the overly broad terms included with the Requests creates an undue burden and expense for an individual like Plaintiff that outweighs its likely benefit and is not proportional to the needs of the case. Accordingly, Plaintiff has not executed searches of her electronic computer files, email server, or phone.

7. Plaintiff objects to each Request that seeks materials obtainable from another source that is more convenient, less burdensome, or less expensive.

8. Nothing herein shall be construed as an admission with respect to the admissibility or relevance of any information, fact, or document, or the truth or accuracy of any characterization or statement of any kind contained in the Request.

9. Plaintiff reserves the right to supplement its responses to these Requests as appropriate.

## **REQUESTS FOR PRODUCTION**

### **REQUEST FOR PRODUCTION NO. 1**

All documents identified in your answers to the above Interrogatories.

**RESPONSE:** Subject to and without waiving the General Objections, Plaintiff will produce all documents responsive to this Request within Plaintiff's possession, custody or control.

### **REQUEST FOR PRODUCTION NO. 2**

All documents in your possession, custody, or control that you have received or viewed which were produced by Defendant or Legislative Intervenor, and their staff, in response to any public records request regarding the 2021/2022 legislative redistricting process or the State Legislative Maps.

**RESPONSE:** Plaintiff objects to Request for Production No. 2 because it seeks documents that are within the possession, custody, or control of the Defendant or Legislative Intervenor.

Subject to the foregoing specific objection and the General Objections, Plaintiff has not made any public records requests to Defendant or Legislative Intervenor, or their staff regarding the 2021/2022 legislative redistricting process or the State Legislative Maps and as such does not have any documents responsive to this request.

### **REQUEST FOR PRODUCTION NO. 3**

Any alternative maps to the State Legislative Maps or illustrative maps, including in draft or incomplete form, created, received, or maintained by you related to Louisiana's 2021/2022 legislative redistricting process or the State Legislative Maps, and all documents and ESI relating to or otherwise

supporting the creation of the alternative or illustrative maps, including but not limited to, documents describing the criteria and formulas used to create the maps.

**RESPONSE:** Plaintiff objects to this Request to the extent that it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Subject to and without waiving these objections and the General Objections, Plaintiff states that Plaintiff did not draft, create, receive, or maintain any alternative or illustrative maps other than the maps contained in the Expert Report of Bill Cooper, which has already been provided to Defendants along with all of the other non-privileged and non-attorney work product information requested hereto related to those maps.

#### **REQUEST FOR PRODUCTION 4**

Any non-privileged communications or documents created, received, or maintained by you that you contend support or otherwise relate to the allegations or claims in the Complaints (as amended) you filed in the lawsuit in which you are a plaintiff, including, but not limited to, any and all estimates, reports, studies, analyses, calendars, notes, text messages, journals, diaries or other writings, videotapes, recordings or other electronically stored media.

**RESPONSE:** Plaintiff objects to the Request to the extent that it is premature in that discovery is not complete. Subject to and without waiving this Objection and the General Objections, Plaintiff will produce any documents responsive to this Request within Plaintiff's possession, custody or control.

#### **REQUEST FOR PRODUCTION NO. 5**

Any non-privileged communications or documents created, received, or maintained by you that relate to Louisiana's state legislative maps or legislative districting since January 1, 2020, including, but not limited to, any and all estimates, reports, studies, analyses, notes, text messages, journals, diaries or other writings, videotapes, recordings or other electronically stored media.

**RESPONSE:** Plaintiff objects to this Request to the extent that it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Plaintiff objects to this Request to the

extent that it is overly broad, burdensome and seeks information that is not relevant to any party's claims or defenses. Subject to and without waiving these objections and the General Objections, Plaintiff will produce any documents within Plaintiff's possession, custody or control that Plaintiff is aware of related to the Louisiana's State House or State Senate district lines or the 2021/2022 legislative redistricting process.

**REQUEST FOR PRODUCTION NO. 6**

Copies of any letters, contracts, or other documents that explain who is responsible for the payment of legal fees and costs in this litigation or contracts, letters, or other documents that state whether you are responsible or not responsible for these fees and costs.

**RESPONSE:** Plaintiff objects to this Request as it seeks documents protected by the attorney-client privilege or the attorney work product doctrine.

**REQUEST FOR PRODUCTION NO. 7**

All communications and documents, including any emails, text messages, letters or other correspondence that you have given or sent to, received from, exchanged or discussed with any person whom you may call as a witness at trial in this lawsuit.

**RESPONSE:** Plaintiff objects to this Request to the extent that it is overly board, burdensome and seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to this Request as it seeks documents protected by the attorney-client privilege, the attorney work product doctrine, and/or the common interest privilege. Subject to and without waiving these objections and the General Objections, Plaintiff will produce any documents responsive to this Request within Plaintiff's possession, custody or control.

**REQUEST FOR PRODUCTION NO. 8**

Excluding those documents protected by the attorney-client privilege, all documents reflecting or referring to any conversation or communication you had with any third party about any of the allegations

or claims made in your Complaint (as amended) including, but not limited to, emails, notes, text messages, or recordings of any such conversations or communications.

**RESPONSE:** Plaintiff objects to this Request to the extent that it is overly board, burdensome and seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to this Request as it seeks documents protected by the attorney-client privilege, the attorney work product doctrine, and/or the common interest privilege. Subject to and without waiving these objections and the General Objections, Plaintiff will produce any documents responsive to this Request within Plaintiff's possession, custody or control.

#### **REQUEST FOR PRODUCTION NO. 9**

Excluding those documents protected by the attorney-client privilege, all documents reflecting or referring to any conversation or communication you had with any member of your organization about any of the allegations or claims made in your Complaints (as amended) including, but not limited to, press releases, statements, submissions to the media, emails, notes, text messages, or recordings of any such conversations or communications

**RESPONSE:** This Request does not apply to Individual Plaintiffs, who are not organizations and have no members.

#### **REQUEST FOR PRODUCTION NO. 8a<sup>1</sup>**

Copies of all Social Posts by you that relate to or reflect any of the allegations or claims you have made in this lawsuit, or related to Defendant or Intervenor Defendants since January 1, 2020.

**RESPONSE:** Plaintiff objects to this Request to the extent that it is overly board, burdensome and seeks information that is not relevant to any party's claims or defenses. Subject to and without waiving these objections and the General Objections, Plaintiff will produce any documents responsive to this

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<sup>1</sup> Defendant Ardoine's First Set Request for Production of Documents to Individual Plaintiffs have repeat the Nos 8 and 9 for two of the Requests. We have labeled the second set at 8a and 9a to avoid confusion.

Request within Plaintiff's possession, custody or control.

**REQUEST FOR PRODUCTION NO. 9a**

All reports, correspondence, written opinions, or other documents reflecting either the substance of the opinions of each expert you identified in your answers to the preceding Interrogatories or any facts relied upon by any such expert in forming his or her opinion, and the most current resume or *curriculum vitae* of each such expert.

**RESPONSE:** All initial Expert Reports and related materials have previously been produced to Defendants. Additionally, Plaintiff reserves the right to supplement those reports and response to this Request consistent with the Scheduling Order in this case governing expert disclosures.

**REQUEST FOR PRODUCTION NO. 10**

Excluding those documents protected by the attorney-client privilege, all documents reflecting or referring to any alleged "injury" you claim to have suffered as a result of Louisiana's 2021/2022 legislative redistricting process or the State Legislative Maps, including but not limited to, financial records, communications, emails, notes, text messages, or recordings.

**RESPONSE:** Plaintiff objects to this Request to the extent that it is vague and ambiguous. Plaintiff further objects to this Request as it seeks documents protected by the attorney-client privilege, the attorney work product doctrine, and/or the common interest privilege. Subject to and without waiving the General Objections, Plaintiff will produce any documents responsive to this Request within Plaintiff's possession, custody or control.

**REQUEST FOR PRODUCTION NO. 11**

Copies of any source code, software, or electronic programs/applications used by any of your experts in connection with this litigation. To the extent such items were not developed by your expert but are commercially available for purchase, please identify the code, software, programs, or applications.

**RESPONSE:** All initial Expert Reports and related materials have previously been produced to Defendants. Additionally, Plaintiff reserves the right to supplement those reports and response to this Request consistent with the Scheduling Order in this case governing expert disclosures.

**REQUEST FOR PRODUCTION NO. 12**

All documents and communications discussing, related to, referring to, or concerning Louisiana's State House or State Senate district lines, the 2021/2022 legislative redistricting process, or administration of the 2023 election.

**RESPONSE:** Plaintiff objects to this Request to the extent that it is overly board, burdensome and seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to this Request as it seeks documents protected by the attorney-client privilege, the attorney work product doctrine, and/or the common interest privilege. Subject to and without waiving the General Objections, Plaintiff will produce any documents within Plaintiff's possession, custody or control that Plaintiff is aware of related to the Louisiana's State House or State Senate district lines or the 2021/2022 legislative redistricting process.

**REQUEST FOR PRODUCTION NO. 13**

All documents, items, objects, materials, charts, graphs, displays, and exhibits that Individual Plaintiffs' expect to, intend to, or may use or offer as exhibits or as evidence at any hearing or trial of this matter.

**RESPONSE:** Plaintiff objects to the Request to the extent that it is premature in that discovery is not complete, and Plaintiff may rely upon demonstrative exhibits and materials at the time of trial. Subject to and without waiving this Objection and the General Objections, Plaintiff will produce documents responsive to this Request within Plaintiff's possession, custody or control.

DATED: July 3, 2023

Respectfully submitted,

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\*\*Pro Hac Vice Motion Forthcoming

**VERIFICATION OF ALICE WASHINGTON-EDWARDS**

I hereby state that the Individual Plaintiff Dr. Alice Washington-Edwards' Responses to Defendant Ardoin's First Set of Interrogatories and First Set of Requests for Production of Documents of the Individual Plaintiffs, served July 3, 2023, are true to the best of my knowledge and belief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 30, 2023

A handwritten signature in cursive script, appearing to read "Alice Washington-Edwards", written in dark ink.

Alice Washington-Edwards

RETRIEVED FROM DEMOCRACYDOCKET.COM

**CERTIFICATE OF SERVICE**

I certify that on July 3, 2023, this document was served via electronic mail on all counsel of record.

/s/ Sarah Brannon

RETRIEVED FROM DEMOCRACYDOCKET.COM

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

DR. DOROTHY NAIRNE, JARRETT  
LOFTON, REV. CLEE EARNEST LOWE,  
DR. ALICE WASHINGTON, STEVEN  
HARRIS, ALEXIS CALHOUN, 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.*

Civil Action No. 3:22-cv-00178-SDD-SDJ

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

**INDIVIDUAL PLAINTIFF CLEE LOWE'S RESPONSES TO DEFENDANT  
ARDOIN'S FIRST SET OF INTERROGATORIES AND FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS TO THE INDIVIDUAL  
PLAINTIFFS**

Pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure and Local Civil Rules 26, 33, and 34, Plaintiff Clee Lowe makes the following objections and responses to the First Set of Interrogatories and First Set of Requests for Production received from Defendant Secretary of State.

**OBJECTIONS AND RESPONSES TO INTERROGATORIES**

**GENERAL OBJECTIONS**

Each of Plaintiff's responses is subject to, and incorporates, the following objections (the "General Objections"). Plaintiff specifically incorporates each of these general objections into its responses to each of Defendant's interrogatories, whether or not each such general objection is expressly referred to in Plaintiff's response to a specific interrogatory.

1. Plaintiff objects to each of the Interrogatories to the extent it seeks the disclosure of information protected by the attorney-client privilege, the attorney work product doctrine and the common interest privilege, or any information which is not otherwise subject to discovery.

2. Plaintiff objects to each of the Interrogatories to the extent that it is premature in that discovery is not complete.

3. Plaintiff objects to each of the Interrogatories to the extent it seeks irrelevant information that is not reasonably calculated to lead to the discovery of admissible evidence.

4. Plaintiff objects to each of the Interrogatories to the extent that responding thereto would cause undue burden, undue expense and/or oppression.

5. Plaintiff makes these responses subject to and without waiving Plaintiff's right to introduce, use, or refer to information which Plaintiff presently has in her possession, custody, or control, but which Plaintiff has not yet had sufficient time to analyze and evaluate to determine its responsiveness to these Interrogatories, and without waiving Plaintiff's right to amend and/or supplement her responses in the event that any information previously available to Plaintiff is unintentionally omitted from her responses.

6. Nothing herein shall be construed as an admission with respect to the admissibility or relevance of any information, fact, or document, or the truth or accuracy of any characterization or statement of any kind contained in the Interrogatories.

### **INTERROGATORIES**

#### **INTERROGATORY NO. 1**

For each of the individual plaintiffs, please state or identify:

(a) Your full name, your date of birth, and each address where you resided since you registered to vote in Louisiana;

- (b) The date you became registered to vote in Louisiana;
- (c) The district number of each State House and State Senate district in which you have resided since you registered to vote in Louisiana and the length of time in which you resided in each district;
- (d) The precinct number of each precinct in which you have resided since you registered to vote in Louisiana and the length of time in which you resided in each precinct;
- (e) If you have resided in Louisiana for less than 10 years, please state (i) each address where you resided since 2008, (ii) the number of each state legislative district in which you resided since 2008; and (iii) whether you voted for a candidate running for a state legislative position in each year that such an election was held since 2008.

**RESPONSE:** Plaintiff objects to Interrogatory No. 1 because it is overly broad and unduly burdensome and because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 1 to the extent that it seeks information about Plaintiff's voting history that is within the possession of Defendant Ardoin already through the ERIN system.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows:

- a) Plaintiff's full name is Clee Earnest Lowe. Plaintiff was born in [REDACTED]. Since registering to vote in Louisiana, Plaintiff has resided at [REDACTED].
- b) To the best of Plaintiff's recollection, Plaintiff registered to vote in July of 2007.
- c) To the best of Plaintiff's recollection, Plaintiff has resided in State House District 66 and State Senate District 16 since 2007.
- d) To the best of Plaintiff's recollection, Plaintiff has resided in ward/precinct 01/103B since 2007 for 15 years.
- e) To the best of Plaintiff's recollection, Plaintiff has resided in Louisiana for over 10 years.

## **INTERROGATORY NO. 2**

As to each Louisiana State House and State Senate district at issue in your Amended Complaint, state the following, identifying to which district(s) the response relates:

(a) All facts and documents of which you are aware that support your claims in the Complaint or on which you intend to rely to show that a particular district violates Section 2 of the Voting Rights Act or is otherwise an impermissible racial gerrymander. This includes not only identifying the particular portion of any expert report that relates to the particular district challenged, but also any anecdotal, testimonial, statistical, or non- statistical proofs not included in the reports;

(b) Identify all persons with knowledge, including but not limited to, witnesses you intend to call as to each particular district to establish the facts listed under subpart (a). As to those you intend to call as witnesses, provide a detailed summary of the substance and scope of their anticipated testimony, indicate to which district their anticipated testimony will relate, and identify and produce the documents they will refer to or use in their testimony; and

**RESPONSE:** Plaintiff objects to this Interrogatory to the extent that it is premature given that discovery is not yet complete. Plaintiffs reserve the right to supplement this Response.

Subject to and without waiving this objection and the General Objections, Plaintiff responds as follows:

a) At least three additional districts providing an opportunity for Black voters to elect their candidates of choice could be created in the Senate redistricting plan. Illustrative maps proffered by Plaintiff's expert witness Bill Cooper show that additional districts could be created in areas of the following districts created by S.B.1: 2, 5, 7, 8, 10, 14, 15, 17, 19, 31, 36, 38 and 39. Areas within and around these Senate districts contain sufficiently large and geographically compact Black Voting Age Populations such that it would be possible to create additional electoral opportunities for Black voters in

districts that adhere to traditional redistricting principles if these districts were redrawn. Redrawing these districts may or may not also require reconfiguration of one or more surrounding districts. Further, at least six additional districts providing an opportunity for Black voters to elect their candidates of choice could be created in the House redistricting plan. The illustrative map proffered by Plaintiff's expert witness Bill Cooper show that additional districts could be created in areas of following districts in H.B 14: 1, 2, 4, 5, 7, 13, 22, 25, 29, 34, 35, 37, 58, 59, 60, 61, 62, 63, 65, 66, 68, 69, 70, 81, 88, and 101. Areas within and around these House districts contain sufficiently large and geographically compact Black Voting Age Populations such that it would be possible to create additional electoral opportunities for Black voters in districts that adhere to traditional redistricting principles if these districts were redrawn. Redrawing these districts may or may not also require reconfiguration of one or more surrounding districts. The Expert Reports of Bill Cooper and Dr. Craig Colten contain the specific facts concerning the size and compactness of the Black population in these districts.

In addition, voting in and around these districts is racially polarized, which leads to the usual defeat of candidates preferred by a significant and cohesive bloc of Black voters by white voters voting as a bloc for other candidates in districts that are not majority Black. The Expert Report of Dr. Lisa Handley contains the specific facts concerning racially polarized voting that support Plaintiff's claims in this case.

Furthermore, the persistent effects of discrimination across multiple metrics (economic, health, employment, living, environmental conditions) have produced severe socioeconomic disparities that hinder the ability of Black Louisianans to participate in the political process. Each of these disparities are indicative of a failure on the part of elected officials to address the needs of Black Louisianans. Black candidates in Louisiana are underrepresented in office and rarely win elections outside of majority-minority districts and Louisiana's political campaigns have been persistently marked by overt and implicit racial appeals. The Expert Reports of Dr. R. Blakeslee Gilpin and Dr. Traci Burch contain the specific

facts demonstrating ongoing and historical voting-related discrimination that support Plaintiff's claim that in the totality of the circumstances, Black voters in Louisiana have less opportunity than other voters to participate in the political process and elect their candidates of choice to the Louisiana House of Representatives and Louisiana Senate.

### **INTERROGATORY NO. 3**

State whether you have drawn or created any alternative maps to the State Legislative Maps or any illustrative maps, including but not limited to, in draft or incomplete form. If you have drawn or created such maps, identify each individual involved in the development of each map you created, the software used to draw or create each map, describe the criteria and formula you or your organization used to draw or create each map, and for each criteria explain why it was selected and how it was weighted.

**RESPONSE:** Subject to and without waiving the foregoing general objections, Plaintiff has not created any alternative maps but intends to rely upon illustrative and/or remedial maps created by expert witness retained by Plaintiff to testify in this case. The information regarding the creation of those maps sought by Interrogatory No. 3 is contained in expert reports that have been or will be produced by Plaintiff's expert witnesses.

### **INTERROGATORY NO. 4**

Describe your responsibility, if any, for the payment of any attorney's fees or costs incurred by your counsel or any attorney's fees or costs that might be awarded against you by the court in this lawsuit. If you are not responsible for such fees or costs, identify the persons or persons who are responsible for these fees and costs by stating the name and address for any such person or persons.

**RESPONSE:** Plaintiff objects to Interrogatory No. 4 to the extent that it seeks information protected by the attorney-client privilege, attorney work product doctrine, and common interest privilege. Plaintiff further objects to Interrogatory No. 4 because it seeks information that is not relevant to any

party's claims or defenses. Plaintiff further objects to Interrogatory No. 4 on the ground that it seeks information protected by Plaintiff's and Plaintiff's attorneys' First Amendment rights to freedom of speech and freedom of association.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: Plaintiff's attorneys in this case are representing Plaintiff on a pro bono basis and have agreed to advance all costs of the litigation. Plaintiff therefore has no responsibility for the payment of attorney's fees or costs. With the potential exception of Defendant's responsibility for fees and costs under fee-shifting statutes if Plaintiffs are successful, there is no other person other than Plaintiff's counsel who is responsible for attorney's fees and costs in this litigation.

#### **INTERROGATORY NO. 5**

Explain in detail how you came to be a plaintiff in this lawsuit. Include in your answer whether you were asked to be a plaintiff by another person or persons, the identity of any such person or persons, the organization or employer with which that person was employed or affiliated, the date of any such conversations, and the substance of any such conversations.

**RESPONSE:** Plaintiff objects to Interrogatory No. 5 to the extent that it seeks information protected by the attorney-client privilege, attorney work product doctrine, and common interest privilege. Plaintiff further objects to Interrogatory No. 5 because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 5 on the ground that it seeks information protected by Plaintiff's First Amendment rights to freedom of speech and freedom of association.

#### **INTERROGATORY NO. 6**

Other than this case, list any legal proceedings, involving constitutional challenges against government entities, where you have been a party or a witness since January 1, 2010. In doing so, please

provide the caption of the case and file number, the court or administrative agency in which any case identified above was filed, a short explanation of the substance of the case, the nature of your involvement (i.e., party or witness), and current status of the proceedings.

**RESPONSE:** Plaintiff objects to Interrogatory No. 6 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 6 because it seeks information that is not relevant to any party's claims or defenses.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: *Louisiana State Conference of the NAACP v. Ardoin*, No C-716837 (19<sup>th</sup> Judicial District), Malapportionment challenges to Louisiana Congressional Districts (Proceedings Concluded).

**INTERROGATORY NO. 7**

Identify each person or group, other than any attorney retained to represent you in this action, with whom you have communicated with or obtained any oral or written statement from regarding the allegations or claims made in this lawsuit.

For each communication you identify, state the date, time, place, and method of each communication, the substance of the communication, and identify any documents that you provided to or exchanged with each such person or group regarding the allegations or claims made in this lawsuit.

**RESPONSE:** Plaintiff objects to Interrogatory No. 7 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 7 to the extent that it seeks information protected by the attorney-client privilege, attorney work product doctrine, and common interest privilege. Plaintiff further objects to Interrogatory No. 7 because it seeks information that is not relevant to any party's claims or defenses.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: All documents within Plaintiff's possession, custody or control reflecting non-privileged written

communications Plaintiff has made or received regarding the allegations or claims in this lawsuit will be produced.

**INTERROGATORY NO. 8**

Identify all elections you have voted in since January 1, 2008.

**RESPONSE:** Plaintiff objects to Interrogatory No. 9 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 9 because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 9 because it seeks information about Plaintiff's voting history that is within the possession of Defendant Ardoin already through the ERIN system.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: To the best of Plaintiff's recollection, Plaintiff has voted in the majority of elections since 2008, including local, state, and federal cycles, most recently in the 2023 special election for district judge.

**INTERROGATORY NO. 9**

Identify every organization (e.g. civic or non-profit), group, campaign (including your own campaign for political office, if any), or political committee (including any of the Organizational Plaintiffs in this action) in which you are or were a member or in which you are or were otherwise involved since January 1, 2008 by stating the following: (a) the name of the organization; (b) the date your affiliation with the organization began and, if applicable, the date your affiliation with the organization ended; (c) any title or office you hold or have held in the organization; (d) whether you pay or paid dues, a membership fee, or any other sum of money to be a member of the organization; and (e) the amount of any form of compensation or remuneration, if any, you received from the organization.

**RESPONSE:** Plaintiff objects to Interrogatory No. 9 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 9 because it is vague and ambiguous. Plaintiff further objects

to Interrogatory No. 9 because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 9 on the ground that it seeks information protected by Plaintiff's First Amendment rights to freedom of speech and freedom of association.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: to the best of Plaintiff's recollection, Plaintiff is a member of the following organizations:

Plaintiff is a member of Together Louisiana, and has been a member since approximately 2010. Plaintiff does not pay dues and works with them solely in a volunteer capacity. Plaintiff has not received any compensation or remuneration from the organization.

Plaintiff is a member of Together Baton Rouge, and has been a member since approximately 2007. Plaintiff serves on the Executive Committee of Baton Rouge and as an Institutional Leader. Plaintiff does not pay dues and works with them solely in a volunteer capacity. Plaintiff has not received any compensation or remuneration from the organization.

#### **INTERROGATORY NO. 10**

To the extent not already identified, identify every position you currently hold or have held since January 1, 2008 in any political party (e.g. the Republican Party, Democratic Party, etc.), including: (a) the name of the position(s) you hold or held; (b) the name(s) of the political party or parties in which you hold or held the position(s); (c) the dates you held the position(s), or if you currently hold one or more such position(s), the date you were appointed or elected to the position(s) currently held; and (d) the amount of any compensation, if any, you received from the political party.

**RESPONSE:** Plaintiff objects to Interrogatory No. 10 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 10 because it is vague and ambiguous. Plaintiff further objects to Interrogatory No. 10 because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 10 on the ground that it seeks information protected by

Plaintiff's First Amendment rights to freedom of speech and freedom of association.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: To the best of Plaintiff's recollection, Plaintiff has never held a position with any political party.

**INTERROGATORY NO. 11**

Identify each and every public hearing regarding Louisiana's 2021/2022 legislative redistricting process or the State Legislative Maps that you attended and, for each such hearing, state or describe the following: (a) the date(s) and location(s) of the hearing(s) you attended; (b) whether you provided any testimony or comments during the hearing(s) on your own behalf or on behalf of an organization; (c) any documents you took with you to the hearing or that you received or created before or during the hearing, or that you relied upon for any testimony you provided during the hearing; and (d) if you attended any hearing with or on behalf of a group or organization, the name of that group or organization.

**RESPONSE:** Plaintiff objects to Interrogatory No. 11 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 11 because it is vague and ambiguous. Plaintiff further objects to Interrogatory No. 11 because it seeks information that is not relevant to any party's claims or defenses.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: To the best of Plaintiff's recollection, Plaintiff attended a public hearing in Baton Rouge on November 16, 2021. Plaintiff attended in their personal capacity and did not provide testimony.

## **OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION**

### **GENERAL OBJECTIONS**

Each of Plaintiff's responses is subject to, and incorporates, the following objections (the "General Objections"). Plaintiff specifically incorporates each of these general objections into its responses to each of Defendant's Request for Production, whether or not each such general objection is expressly referred to in Plaintiff's response to a specific Request.

1. Plaintiff objects to each Request to the extent it seeks the disclosure of information protected by the attorney-client privilege, the attorney work product doctrine, and the common interest privilege, or any information which is not otherwise subject to discovery.

2. Plaintiff objects to each Request to the extent that it is premature in that discovery is not complete.

3. Plaintiff objects to each Request to the extent it seeks irrelevant information that is not reasonably calculated to lead to the discovery of admissible evidence.

4. Plaintiff objected to each Request that fails to describe with reasonable particularity the documents or things sought.

5. Plaintiff objects to each Request to the extent that response thereto would cause undue burden, undue expense, and/or oppression.

6. Plaintiff objects to the search terms contained in Exhibit A to the Requests as overly broad and unduly burdensome. Running electronic searches using the overly broad terms included with the Requests creates an undue burden and expense for an individual like Plaintiff that outweighs its likely benefit and is not proportional to the needs of the case. Accordingly, Plaintiff has not executed searches of her electronic computer files, email server, or phone.

7. Plaintiff objects to each Request that seeks materials obtainable from another source that is more convenient, less burdensome, or less expensive.

8. Nothing herein shall be construed as an admission with respect to the admissibility or relevance of any information, fact, or document, or the truth or accuracy of any characterization or statement of any kind contained in the Request.

9. Plaintiff reserves the right to supplement its responses to these Requests as appropriate.

## **REQUESTS FOR PRODUCTION**

### **REQUEST FOR PRODUCTION NO. 1**

All documents identified in your answers to the above Interrogatories.

**RESPONSE:** Subject to and without waiving the General Objections, Plaintiff will produce all documents responsive to this Request within Plaintiff's possession, custody or control.

### **REQUEST FOR PRODUCTION NO. 2**

All documents in your possession, custody, or control that you have received or viewed which were produced by Defendant or Legislative Intervenors, and their staff, in response to any public records request regarding the 2021/2022 legislative redistricting process or the State Legislative Maps.

**RESPONSE:** Plaintiff objects to Request for Production No. 2 because it seeks documents that are within the possession, custody, or control of the Defendant or Legislative Intervenors.

Subject to the foregoing specific objection and the General Objections, Plaintiff has not made any public records requests to Defendant or Legislative Intervenors, or their staff regarding the 2021/2022 legislative redistricting process or the State Legislative Maps and as such does not have any documents responsive to this request.

### **REQUEST FOR PRODUCTION NO. 3**

Any alternative maps to the State Legislative Maps or illustrative maps, including in draft or incomplete form, created, received, or maintained by you related to Louisiana's 2021/2022 legislative redistricting process or the State Legislative Maps, and all documents and ESI relating to or otherwise

supporting the creation of the alternative or illustrative maps, including but not limited to, documents describing the criteria and formulas used to create the maps.

**RESPONSE:** Plaintiff objects to this Request to the extent that it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Subject to and without waiving these objections and the General Objections, Plaintiff states that Plaintiff did not draft, create, receive, or maintain any alternative or illustrative maps other than the maps contained in the Expert Report of Bill Cooper, which has already been provided to Defendants along with all of the other non-privileged and non-attorney work product information requested hereto related to those maps.

#### **REQUEST FOR PRODUCTION 4**

Any non-privileged communications or documents created, received, or maintained by you that you contend support or otherwise relate to the allegations or claims in the Complaints (as amended) you filed in the lawsuit in which you are a plaintiff, including, but not limited to, any and all estimates, reports, studies, analyses, calendars, notes, text messages, journals, diaries or other writings, videotapes, recordings or other electronically stored media.

**RESPONSE:** Plaintiff objects to the Request to the extent that it is premature in that discovery is not complete. Subject to and without waiving this Objection and the General Objections, Plaintiff will produce any documents responsive to this Request within Plaintiff's possession, custody or control.

#### **REQUEST FOR PRODUCTION NO. 5**

Any non-privileged communications or documents created, received, or maintained by you that relate to Louisiana's state legislative maps or legislative districting since January 1, 2020, including, but not limited to, any and all estimates, reports, studies, analyses, notes, text messages, journals, diaries or other writings, videotapes, recordings or other electronically stored media.

**RESPONSE:** Plaintiff objects to this Request to the extent that it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Plaintiff objects to this Request to the

extent that it is overly broad, burdensome and seeks information that is not relevant to any party's claims or defenses. Subject to and without waiving these objections and the General Objections, Plaintiff will produce any documents within Plaintiff's possession, custody or control that Plaintiff is aware of related to the Louisiana's State House or State Senate district lines or the 2021/2022 legislative redistricting process.

**REQUEST FOR PRODUCTION NO. 6**

Copies of any letters, contracts, or other documents that explain who is responsible for the payment of legal fees and costs in this litigation or contracts, letters, or other documents that state whether you are responsible or not responsible for these fees and costs.

**RESPONSE:** Plaintiff objects to this Request as it seeks documents protected by the attorney-client privilege or the attorney work product doctrine.

**REQUEST FOR PRODUCTION NO. 7**

All communications and documents, including any emails, text messages, letters or other correspondence that you have given or sent to, received from, exchanged or discussed with any person whom you may call as a witness at trial in this lawsuit.

**RESPONSE:** Plaintiff objects to this Request to the extent that it is overly board, burdensome and seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to this Request as it seeks documents protected by the attorney-client privilege, the attorney work product doctrine, and/or the common interest privilege. Subject to and without waiving these objections and the General Objections, Plaintiff will produce any documents responsive to this Request within Plaintiff's possession, custody or control.

**REQUEST FOR PRODUCTION NO. 8**

Excluding those documents protected by the attorney-client privilege, all documents reflecting or referring to any conversation or communication you had with any third party about any of the allegations

or claims made in your Complaint (as amended) including, but not limited to, emails, notes, text messages, or recordings of any such conversations or communications.

**RESPONSE:** Plaintiff objects to this Request to the extent that it is overly board, burdensome and seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to this Request as it seeks documents protected by the attorney-client privilege, the attorney work product doctrine, and/or the common interest privilege. Subject to and without waiving these objections and the General Objections, Plaintiff will produce any documents responsive to this Request within Plaintiff's possession, custody or control.

#### **REQUEST FOR PRODUCTION NO. 9**

Excluding those documents protected by the attorney-client privilege, all documents reflecting or referring to any conversation or communication you had with any member of your organization about any of the allegations or claims made in your Complaints (as amended) including, but not limited to, press releases, statements, submissions to the media, emails, notes, text messages, or recordings of any such conversations or communications

**RESPONSE:** This Request does not apply to Individual Plaintiffs, who are not organizations and have no members.

#### **REQUEST FOR PRODUCTION NO. 8a<sup>1</sup>**

Copies of all Social Posts by you that relate to or reflect any of the allegations or claims you have made in this lawsuit, or related to Defendant or Intervenor Defendants since January 1, 2020.

**RESPONSE:** Plaintiff objects to this Request to the extent that it is overly board, burdensome and seeks information that is not relevant to any party's claims or defenses. Subject to and without waiving these objections and the General Objections, Plaintiff will produce any documents responsive to this

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<sup>1</sup> Defendant Ardoine's First Set Request for Production of Documents to Individual Plaintiffs have repeat the Nos 8 and 9 for two of the Requests. We have labeled the second set at 8a and 9a to avoid confusion.

Request within Plaintiff's possession, custody or control.

**REQUEST FOR PRODUCTION NO. 9a**

All reports, correspondence, written opinions, or other documents reflecting either the substance of the opinions of each expert you identified in your answers to the preceding Interrogatories or any facts relied upon by any such expert in forming his or her opinion, and the most current resume or *curriculum vitae* of each such expert.

**RESPONSE:** All initial Expert Reports and related materials have previously been produced to Defendants. Additionally, Plaintiff reserves the right to supplement those reports and response to this Request consistent with the Scheduling Order in this case governing expert disclosures.

**REQUEST FOR PRODUCTION NO. 10**

Excluding those documents protected by the attorney-client privilege, all documents reflecting or referring to any alleged "injury" you claim to have suffered as a result of Louisiana's 2021/2022 legislative redistricting process or the State Legislative Maps, including but not limited to, financial records, communications, emails, notes, text messages, or recordings.

**RESPONSE:** Plaintiff objects to this Request to the extent that it is vague and ambiguous. Plaintiff further objects to this Request as it seeks documents protected by the attorney-client privilege, the attorney work product doctrine, and/or the common interest privilege. Subject to and without waiving the General Objections, Plaintiff will produce any documents responsive to this Request within Plaintiff's possession, custody or control.

**REQUEST FOR PRODUCTION NO. 11**

Copies of any source code, software, or electronic programs/applications used by any of your experts in connection with this litigation. To the extent such items were not developed by your expert but are commercially available for purchase, please identify the code, software, programs, or applications.

**RESPONSE:** All initial Expert Reports and related materials have previously been produced to Defendants. Additionally, Plaintiff reserves the right to supplement those reports and response to this Request consistent with the Scheduling Order in this case governing expert disclosures.

**REQUEST FOR PRODUCTION NO. 12**

All documents and communications discussing, related to, referring to, or concerning Louisiana's State House or State Senate district lines, the 2021/2022 legislative redistricting process, or administration of the 2023 election.

**RESPONSE:** Plaintiff objects to this Request to the extent that it is overly board, burdensome and seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to this Request as it seeks documents protected by the attorney-client privilege, the attorney work product doctrine, and/or the common interest privilege. Subject to and without waiving the General Objections, Plaintiff will produce any documents within Plaintiff's possession, custody or control that Plaintiff is aware of related to the Louisiana's State House or State Senate district lines or the 2021/2022 legislative redistricting process.

**REQUEST FOR PRODUCTION NO. 13**

All documents, items, objects, materials, charts, graphs, displays, and exhibits that Individual Plaintiffs' expect to, intend to, or may use or offer as exhibits or as evidence at any hearing or trial of this matter.

**RESPONSE:** Plaintiff objects to the Request to the extent that it is premature in that discovery is not complete, and Plaintiff may rely upon demonstrative exhibits and materials at the time of trial. Subject to and without waiving this Objection and the General Objections, Plaintiff will produce documents responsive to this Request within Plaintiff's possession, custody or control.

DATED: July 3, 2023

Respectfully submitted,

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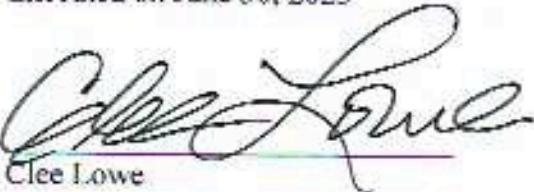
\*\*Pro Hac Vice Motion Forthcoming

**VERIFICATION OF CLEE LOWE**

I hereby state that the Individual Plaintiff Clee Lowe's Responses to Defendant Ardoin's First Set of Interrogatories and First Set of Requests for Production of Documents of the Individual Plaintiffs, served July 3, 2023, are true to the best of my knowledge and belief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 30, 2023

  
Clee Lowe

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**CERTIFICATE OF SERVICE**

I certify that on July 3, 2023, this document was served via electronic mail on all counsel of record.

/s/ Sarah Brannon

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

DR. DOROTHY NAIRNE, JARRETT  
LOFTON, REV. CLEE EARNEST LOWE,  
DR. ALICE WASHINGTON, STEVEN  
HARRIS, ALEXIS CALHOUN, 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.*

Civil Action No. 3:22-cv-00178-SDD-SDJ

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

**INDIVIDUAL PLAINTIFF STEVEN HARRIS' RESPONSES TO  
DEFENDANT ARDOIN'S FIRST SET OF INTERROGATORIES AND  
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO  
THE INDIVIDUAL PLAINTIFFS**

Pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure and Local Civil Rules 26, 33, and 34, Plaintiff Steven Harris makes the following objections and responses to the First Set of Interrogatories and First Set of Requests for Production received from Defendant Secretary of State.

**OBJECTIONS AND RESPONSES TO INTERROGATORIES**

**GENERAL OBJECTIONS**

Each of Plaintiff's responses is subject to, and incorporates, the following objections (the "General Objections"). Plaintiff specifically incorporates each of these general objections into its responses to each of Defendant's interrogatories, whether or not each such general objection is expressly referred to in Plaintiff's response to a specific interrogatory.

1. Plaintiff objects to each of the Interrogatories to the extent it seeks the disclosure of information protected by the attorney-client privilege, the attorney work product doctrine and the common interest privilege, or any information which is not otherwise subject to discovery.

2. Plaintiff objects to each of the Interrogatories to the extent that it is premature in that discovery is not complete.

3. Plaintiff objects to each of the Interrogatories to the extent it seeks irrelevant information that is not reasonably calculated to lead to the discovery of admissible evidence.

4. Plaintiff objects to each of the Interrogatories to the extent that responding thereto would cause undue burden, undue expense and/or oppression.

5. Plaintiff makes these responses subject to and without waiving Plaintiff's right to introduce, use, or refer to information which Plaintiff presently has in his possession, custody, or control, but which Plaintiff has not yet had sufficient time to analyze and evaluate to determine its responsiveness to these Interrogatories, and without waiving Plaintiff's right to amend and/or supplement his responses in the event that any information previously available to Plaintiff is unintentionally omitted from his responses.

6. Nothing herein shall be construed as an admission with respect to the admissibility or relevance of any information, fact, or document, or the truth or accuracy of any characterization or statement of any kind contained in the Interrogatories.

### **INTERROGATORIES**

#### **INTERROGATORY NO. 1**

For each of the individual plaintiffs, please state or identify:

(a) Your full name, your date of birth, and each address where you resided since you registered to vote in Louisiana;

(b) The date you became registered to vote in Louisiana;

(c) The district number of each State House and State Senate district in which you have resided since you registered to vote in Louisiana and the length of time in which you resided in each district;

(d) The precinct number of each precinct in which you have resided since you registered to vote in Louisiana and the length of time in which you resided in each precinct;

(e) If you have resided in Louisiana for less than 10 years, please state (i) each address where you resided since 2008, (ii) the number of each state legislative district in which you resided since 2008; and (iii) whether you voted for a candidate running for a state legislative position in each year that such an election was held since 2008.

**RESPONSE:** Plaintiff objects to Interrogatory No. 1 because it is overly broad and unduly burdensome and because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 1 to the extent that it seeks information about Plaintiff's voting history that is within the possession of Defendant Ardoin already through the ERIN system.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows:

a) Plaintiff's full name is Steven R. Harris. Plaintiff was born in [REDACTED]. Since registering to vote in Louisiana, Plaintiff has lived at two addresses: (1) [REDACTED]; and (2) [REDACTED].

b) To the best of Plaintiff's recollection, Plaintiff registered to vote on October 24, 1995.

c) To the best of Plaintiff's knowledge and recollection, Plaintiff has resided in two House and three Senate districts since registered to vote in Louisiana: (1) House District 25 and Senate District 29 and; (2) House District 23 and Senate District 31 from approximately 2018 to June 2022.

d) To the best of Plaintiff's knowledge and recollection, Plaintiff has resided in two precincts since registering to vote in Louisiana: (1) Precinct 014; and (2) Precinct 01.

e) To the best of Plaintiff's recollection, Plaintiff is a lifetime resident of Louisiana.

**INTERROGATORY NO. 2**

As to each Louisiana State House and State Senate district at issue in your Amended Complaint, state the following, identifying to which district(s) the response relates:

(a) All facts and documents of which you are aware that support your claims in the Complaint or on which you intend to rely to show that a particular district violates Section 2 of the Voting Rights Act or is otherwise an impermissible racial gerrymander. This includes not only identifying the particular portion of any expert report that relates to the particular district challenged, but also any anecdotal, testimonial, statistical, or non- statistical proofs not included in the reports;

(b) Identify all persons with knowledge, including but not limited to, witnesses you intend to call as to each particular district to establish the facts listed under subpart (a). As to those you intend to call as witnesses, provide a detailed summary of the substance and scope of their anticipated testimony, indicate to which district their anticipated testimony will relate, and identify and produce the documents they will refer to or use in their testimony; and

**RESPONSE:** Plaintiff objects to this Interrogatory to the extent that it is premature given that discovery is not yet complete. Plaintiff reserves the right to supplement this Response.

Subject to and without waiving this objection and the General Objections, Plaintiff respond as follows:

a) At least three additional districts providing an opportunity for Black voters to elect their candidates of choice could be created in the Senate redistricting plan. Illustrative maps proffered by Plaintiff's expert witness Bill Cooper show that additional districts could be created in areas of the following districts created by S.B.1: 2, 5, 7, 8, 10, 14, 15, 17, 19, 31, 36, 38 and 39. Areas within and around these Senate districts contain sufficiently large and geographically compact Black Voting Age

Populations such that it would be possible to create additional electoral opportunities for Black voters in districts that adhere to traditional redistricting principles if these districts were redrawn. Redrawing these districts may or may not also require reconfiguration of one or more surrounding districts. Further, at least six additional districts providing an opportunity for Black voters to elect their candidates of choice could be created in the House redistricting plan. The illustrative map proffered by Plaintiff's expert witness Bill Cooper show that additional districts could be created in areas of following districts in H.B 14: 1, 2, 4, 5, 7, 13, 22, 25, 29, 34, 35, 37, 58, 59, 60, 61, 62, 63, 65, 66, 68, 69, 70, 81, 88, and 101. Areas within and around these House districts contain sufficiently large and geographically compact Black Voting Age Populations such that it would be possible to create additional electoral opportunities for Black voters in districts that adhere to traditional redistricting principles if these districts were redrawn. Redrawing these districts may or may not also require reconfiguration of one or more surrounding districts. The Expert Reports of Bill Cooper and Dr. Craig Colten contain the specific facts concerning the size and compactness of the Black population in these districts.

In addition, voting in and around these districts is racially polarized, which leads to the usual defeat of candidates preferred by a significant and cohesive bloc of Black voters by white voters voting as a bloc for other candidates in districts that are not majority Black. The Expert Report of Dr. Lisa Handley contains the specific facts concerning racially polarized voting that support Plaintiff's claims in this case.

Furthermore, the persistent effects of discrimination across multiple metrics (economic, health, employment, living, environmental conditions) have produced severe socioeconomic disparities that hinder the ability of Black Louisianans to participate in the political process. Each of these disparities are indicative of a failure on the part of elected officials to address the needs of Black Louisianans. Black candidates in Louisiana are underrepresented in office and rarely win elections outside of majority-minority districts and Louisiana's political campaigns have been persistently marked by overt and implicit

racial appeals. The Expert Reports of Dr. R. Blakeslee Gilpin and Dr. Traci Burch contain the specific facts demonstrating ongoing and historical voting-related discrimination that support Plaintiff's claim that in the totality of the circumstances, Black voters in Louisiana have less opportunity than other voters to participate in the political process and elect their candidates of choice to the Louisiana House of Representatives and Louisiana Senate.

### **INTERROGATORY NO. 3**

State whether you have drawn or created any alternative maps to the State Legislative Maps or any illustrative maps, including but not limited to, in draft or incomplete form. If you have drawn or created such maps, identify each individual involved in the development of each map you created, the software used to draw or create each map, describe the criteria and formula you or your organization used to draw or create each map, and for each criteria explain why it was selected and how it was weighted.

**RESPONSE:** Subject to and without waiving the foregoing general objections, Plaintiff has not created any alternative maps but intends to rely upon illustrative and/or remedial maps created by expert witness retained by Plaintiff to testify in this case. The information regarding the creation of those maps sought by Interrogatory No. 3 is contained in expert reports that have been or will be produced by Plaintiff's expert witnesses.

### **INTERROGATORY NO. 4**

Describe your responsibility, if any, for the payment of any attorney's fees or costs incurred by your counsel or any attorney's fees or costs that might be awarded against you by the court in this lawsuit. If you are not responsible for such fees or costs, identify the persons or persons who are responsible for these fees and costs by stating the name and address for any such person or persons.

**RESPONSE:** Plaintiff objects to Interrogatory No. 4 to the extent that it seeks information protected by the attorney-client privilege, attorney work product doctrine, and common interest privilege.

Plaintiff further objects to Interrogatory No. 4 because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 4 on the ground that it seeks information protected by Plaintiff's and Plaintiff's attorneys' First Amendment rights to freedom of speech and freedom of association.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: Plaintiff's attorneys in this case are representing Plaintiff on a pro bono basis and have agreed to advance all costs of the litigation. Plaintiff therefore has no responsibility for the payment of attorney's fees or costs. With the potential exception of Defendant's responsibility for fees and costs under fee-shifting statutes if Plaintiffs are successful, there is no other person other than Plaintiff's counsel who is responsible for attorney's fees and costs in this litigation.

#### **INTERROGATORY NO. 5**

Explain in detail how you came to be a plaintiff in this lawsuit. Include in your answer whether you were asked to be a plaintiff by another person or persons, the identity of any such person or persons, the organization or employer with which that person was employed or affiliated, the date of any such conversations, and the substance of any such conversations.

**RESPONSE:** Plaintiff objects to Interrogatory No. 5 to the extent that it seeks information protected by the attorney-client privilege, attorney work product doctrine, and common interest privilege. Plaintiff further objects to Interrogatory No. 5 because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 5 on the ground that it seeks information protected by Plaintiff's First Amendment rights to freedom of speech and freedom of association.

#### **INTERROGATORY NO. 6**

Other than this case, list any legal proceedings, involving constitutional challenges against government entities, where you have been a party or a witness since January 1, 2010. In doing so, please provide the caption of the case and file number, the court or administrative agency in which any case identified above was filed, a short explanation of the substance of the case, the nature of your involvement (i.e., party or witness), and current status of the proceedings.

**RESPONSE:** Plaintiff objects to Interrogatory No. 6 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 6 because it seeks information that is not relevant to any party's claims or defenses.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: *Louisiana State Conference of the NAACP v. Ardoin*, No C-716837 (19<sup>th</sup> Judicial District), Malapportionment challenges to Louisiana Congressional Districts (Proceedings Concluded).

#### **INTERROGATORY NO. 7**

Identify each person or group, other than any attorney retained to represent you in this action, with whom you have communicated with or obtained any oral or written statement from regarding the allegations or claims made in this lawsuit.

For each communication you identify, state the date, time, place, and method of each communication, the substance of the communication, and identify any documents that you provided to or exchanged with each such person or group regarding the allegations or claims made in this lawsuit.

**RESPONSE:** Plaintiff objects to Interrogatory No. 7 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 7 to the extent that it seeks information protected by the attorney-client privilege, attorney work product doctrine, and common interest privilege. Plaintiff further

objects to Interrogatory No. 7 because it seeks information that is not relevant to any party's claims or defenses.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: All documents within Plaintiff's possession, custody or control reflecting non-privileged written communications Plaintiff has made or received regarding the allegations or claims in this lawsuit will be produced.

**INTERROGATORY NO. 8**

Identify all elections you have voted in since January 1, 2008.

**RESPONSE:** Plaintiff objects to Interrogatory No. 9 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 9 because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 9 because it seeks information about Plaintiff's voting history that is within the possession of Defendant Ardoin already through the ERIN system.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: To the best of Plaintiff's recollection, Plaintiff has voted in the primary and general elections in the following years: 2008, 2012, 2016 and 2020. Plaintiff has also voted in the state legislative elections in 2015 and 2019.

**INTERROGATORY NO. 9**

Identify every organization (e.g. civic or non-profit), group, campaign (including your own campaign for political office, if any), or political committee (including any of the Organizational Plaintiffs in this action) in which you are or were a member or in which you are or were otherwise involved since January 1, 2008 by stating the following: (a) the name of the organization; (b) the date your affiliation with the organization began and, if applicable, the date your affiliation with the

organization ended; (c) any title or office you hold or have held in the organization; (d) whether you pay or paid dues, a membership fee, or any other sum of money to be a member of the organization; and (e) the amount of any form of compensation or remuneration, if any, you received from the organization.

**RESPONSE:** Plaintiff objects to Interrogatory No. 9 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 9 because it is vague and ambiguous. Plaintiff further objects to Interrogatory No. 9 because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 9 on the ground that it seeks information protected by Plaintiff's First Amendment rights to freedom of speech and freedom of association.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: to the best of Plaintiff's recollection, Plaintiff is a member of the following organizations:

Plaintiff volunteered in various capacities for the NAACP. Plaintiff did not pay dues to this organization, nor has he received any compensation or remuneration.

Plaintiff volunteered as the Natchitoches Parish School Board President for the 2021 year. Plaintiff did not pay dues to this organization, nor has he received any compensation or remuneration.

Plaintiff volunteered on the Natchitoches Parish School Board Redistricting Committee for the 2022 year. Plaintiff did not pay dues to this organization, nor has he received any compensation or remuneration.

Plaintiff volunteered on the Natchitoches Parish School Board for the 2023 year. Plaintiff did not pay dues to this organization, nor has he received any compensation or remuneration.

#### **INTERROGATORY NO. 10**

To the extent not already identified, identify every position you currently hold or have held since January 1, 2008 in any political party (e.g. the Republican Party, Democratic Party, etc.), including: (a) the name of the position(s) you hold or held; (b) the name(s) of the political party or parties in which you

hold or held the position(s); (c) the dates you held the position(s), or if you currently hold one or more such position(s), the date you were appointed or elected to the position(s) currently held; and (d) the amount of any compensation, if any, you received from the political party.

**RESPONSE:** Plaintiff objects to Interrogatory No. 10 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 10 because it is vague and ambiguous. Plaintiff further objects to Interrogatory No. 10 because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 10 on the ground that it seeks information protected by Plaintiff's First Amendment rights to freedom of speech and freedom of association.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: To the best of Plaintiff's recollection, Plaintiff has never held a position with any political party.

#### **INTERROGATORY NO. 11**

Identify each and every public hearing regarding Louisiana's 2021/2022 legislative redistricting process or the State Legislative Maps that you attended and, for each such hearing, state or describe the following: (a) the date(s) and location(s) of the hearing(s) you attended; (b) whether you provided any testimony or comments during the hearing(s) on your own behalf or on behalf of an organization; (c) any documents you took with you to the hearing or that you received or created before or during the hearing, or that you relied upon for any testimony you provided during the hearing; and (d) if you attended any hearing with or on behalf of a group or organization, the name of that group or organization.

**RESPONSE:** Plaintiff objects to Interrogatory No. 11 as overly broad and unduly burdensome. Plaintiff further objects to Interrogatory No. 11 because it is vague and ambiguous. Plaintiff further objects to Interrogatory No. 11 because it seeks information that is not relevant to any party's claims or defenses.

Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows: To the best of Plaintiff's recollection, Plaintiff did not attend any public hearings regarding Louisiana's 2021/2022 legislative redistricting process or the State Legislative Maps.

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## **OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION**

### **GENERAL OBJECTIONS**

Each of Plaintiff's responses is subject to, and incorporates, the following objections (the "General Objections"). Plaintiff specifically incorporates each of these general objections into its responses to each of Defendant's Request for Production, whether or not each such general objection is expressly referred to in Plaintiff's response to a specific Request.

1. Plaintiff objects to each Request to the extent it seeks the disclosure of information protected by the attorney-client privilege, the attorney work product doctrine, and the common interest privilege, or any information which is not otherwise subject to discovery.

2. Plaintiff objects to each Request to the extent that it is premature in that discovery is not complete.

3. Plaintiff objects to each Request to the extent it seeks irrelevant information that is not reasonably calculated to lead to the discovery of admissible evidence.

4. Plaintiff objects to each Request that fails to describe with reasonable particularity the documents or things sought.

5. Plaintiff objects to each Request to the extent that response thereto would cause undue burden, undue expense, and/or oppression.

6. Plaintiff objects to the search terms contained in Exhibit A to the Requests as overly broad and unduly burdensome. Running electronic searches using the overly broad terms included with the Requests creates an undue burden and expense for an individual like Plaintiff that outweighs its likely benefit and is not proportional to the needs of the case. Accordingly, Plaintiff has not executed searches of his electronic computer files, email server, or phone.

7. Plaintiff objects to each Request that seeks materials obtainable from another source that is more convenient, less burdensome, or less expensive.

8. Nothing herein shall be construed as an admission with respect to the admissibility or relevance of any information, fact, or document, or the truth or accuracy of any characterization or statement of any kind contained in the Request.

9. Plaintiff reserves the right to supplement its responses to these Requests as appropriate.

## **REQUESTS FOR PRODUCTION**

### **REQUEST FOR PRODUCTION NO. 1**

All documents identified in your answers to the above Interrogatories.

**RESPONSE:** Subject to and without waiving the General Objections, Plaintiff will produce all documents responsive to this Request within Plaintiff's possession, custody or control.

### **REQUEST FOR PRODUCTION NO. 2**

All documents in your possession, custody, or control that you have received or viewed which were produced by Defendant or Legislative Intervenor, and their staff, in response to any public records request regarding the 2021/2022 legislative redistricting process or the State Legislative Maps.

**RESPONSE:** Plaintiff objects to Request for Production No. 2 because it seeks documents that are within the possession, custody, or control of the Defendant or Legislative Intervenor.

Subject to the foregoing specific objection and the General Objections, Plaintiff has not made any public records requests to Defendant or Legislative Intervenor, or their staff regarding the 2021/2022 legislative redistricting process or the State Legislative Maps and as such does not have any documents responsive to this request.

### **REQUEST FOR PRODUCTION NO. 3**

Any alternative maps to the State Legislative Maps or illustrative maps, including in draft or incomplete form, created, received, or maintained by you related to Louisiana's 2021/2022 legislative redistricting process or the State Legislative Maps, and all documents and ESI relating to or otherwise

supporting the creation of the alternative or illustrative maps, including but not limited to, documents describing the criteria and formulas used to create the maps.

**RESPONSE:** Plaintiff objects to this Request to the extent that it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Subject to and without waiving these objections and the General Objections, Plaintiff states that Plaintiff did not draft, create, receive, or maintain any alternative or illustrative maps other than the maps contained in the Expert Report of Bill Cooper, which has already been provided to Defendants along with all of the other non-privileged and non-attorney work product information requested hereto related to those maps.

#### **REQUEST FOR PRODUCTION 4**

Any non-privileged communications or documents created, received, or maintained by you that you contend support or otherwise relate to the allegations or claims in the Complaints (as amended) you filed in the lawsuit in which you are a plaintiff, including, but not limited to, any and all estimates, reports, studies, analyses, calendars, notes, text messages, journals, diaries or other writings, videotapes, recordings or other electronically stored media.

**RESPONSE:** Plaintiff objects to the Request to the extent that it is premature in that discovery is not complete. Subject to and without waiving this Objection and the General Objections, Plaintiff will produce any documents responsive to this Request within Plaintiff's possession, custody or control.

#### **REQUEST FOR PRODUCTION NO. 5**

Any non-privileged communications or documents created, received, or maintained by you that relate to Louisiana's state legislative maps or legislative districting since January 1, 2020, including, but not limited to, any and all estimates, reports, studies, analyses, notes, text messages, journals, diaries or other writings, videotapes, recordings or other electronically stored media.

**RESPONSE:** Plaintiff objects to this Request to the extent that it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Plaintiff objects to this Request to the

extent that it is overly broad, burdensome and seeks information that is not relevant to any party's claims or defenses. Subject to and without waiving these objections and the General Objections, Plaintiff will produce any documents within Plaintiff's possession, custody or control that Plaintiff is aware of related to the Louisiana's State House or State Senate district lines or the 2021/2022 legislative redistricting process.

**REQUEST FOR PRODUCTION NO. 6**

Copies of any letters, contracts, or other documents that explain who is responsible for the payment of legal fees and costs in this litigation or contracts, letters, or other documents that state whether you are responsible or not responsible for these fees and costs.

**RESPONSE:** Plaintiff objects to this Request as it seeks documents protected by the attorney-client privilege or the attorney work product doctrine.

**REQUEST FOR PRODUCTION NO. 7**

All communications and documents, including any emails, text messages, letters or other correspondence that you have given or sent to, received from, exchanged or discussed with any person whom you may call as a witness at trial in this lawsuit.

**RESPONSE:** Plaintiff objects to this Request to the extent that it is overly board, burdensome and seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to this Request as it seeks documents protected by the attorney-client privilege, the attorney work product doctrine, and/or the common interest privilege. Subject to and without waiving these objections and the General Objections, Plaintiff will produce any documents responsive to this Request within Plaintiff's possession, custody or control.

**REQUEST FOR PRODUCTION NO. 8**

Excluding those documents protected by the attorney-client privilege, all documents reflecting or referring to any conversation or communication you had with any third party about any of the allegations

or claims made in your Complaint (as amended) including, but not limited to, emails, notes, text messages, or recordings of any such conversations or communications.

**RESPONSE:** Plaintiff objects to this Request to the extent that it is overly board, burdensome and seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to this Request as it seeks documents protected by the attorney-client privilege, the attorney work product doctrine, and/or the common interest privilege. Subject to and without waiving these objections and the General Objections, Plaintiff will produce any documents responsive to this Request within Plaintiff's possession, custody or control.

#### **REQUEST FOR PRODUCTION NO. 9**

Excluding those documents protected by the attorney-client privilege, all documents reflecting or referring to any conversation or communication you had with any member of your organization about any of the allegations or claims made in your Complaints (as amended) including, but not limited to, press releases, statements, submissions to the media, emails, notes, text messages, or recordings of any such conversations or communications

**RESPONSE:** This Request does not apply to Individual Plaintiffs, who are not organizations and have no members.

#### **REQUEST FOR PRODUCTION NO. 8a<sup>1</sup>**

Copies of all Social Posts by you that relate to or reflect any of the allegations or claims you have made in this lawsuit, or related to Defendant or Intervenor Defendants since January 1, 2020.

**RESPONSE:** Plaintiff objects to this Request to the extent that it is overly board, burdensome and seeks information that is not relevant to any party's claims or defenses. Subject to and without waiving

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<sup>1</sup> Defendant Ardoine's First Set Request for Production of Documents to Individual Plaintiffs have repeated the Nos 8 and 9 for two of the Requests. We have labeled the second set at 8a and 9a to avoid confusion.

these objections and the General Objections, Plaintiff will produce any documents responsive to this Request within Plaintiff's possession, custody or control.

**REQUEST FOR PRODUCTION NO. 9a**

All reports, correspondence, written opinions, or other documents reflecting either the substance of the opinions of each expert you identified in your answers to the preceding Interrogatories or any facts relied upon by any such expert in forming his or her opinion, and the most current resume or *curriculum vitae* of each such expert.

**RESPONSE:** All initial Expert Reports and related materials have previously been produced to Defendants. Additionally, Plaintiff reserves the right to supplement those reports and response to this Request consistent with the Scheduling Order in this case governing expert disclosures.

**REQUEST FOR PRODUCTION NO. 10**

Excluding those documents protected by the attorney-client privilege, all documents reflecting or referring to any alleged "injury" you claim to have suffered as a result of Louisiana's 2021/2022 legislative redistricting process or the State Legislative Maps, including but not limited to, financial records, communications, emails, notes, text messages, or recordings.

**RESPONSE:** Plaintiff objects to this Request to the extent that it is vague and ambiguous. Plaintiff further objects to this Request as it seeks documents protected by the attorney-client privilege, the attorney work product doctrine, and/or the common interest privilege. Subject to and without waiving the General Objections, Plaintiff will produce any documents responsive to this Request within Plaintiff's possession, custody or control.

**REQUEST FOR PRODUCTION NO. 11**

Copies of any source code, software, or electronic programs/applications used by any of your experts in connection with this litigation. To the extent such items were not developed by your expert

but are commercially available for purchase, please identify the code, software, programs, or applications.

**RESPONSE:** All initial Expert Reports and related materials have previously been produced to Defendants. Additionally, Plaintiff reserves the right to supplement those reports and response to this Request consistent with the Scheduling Order in this case governing expert disclosures.

**REQUEST FOR PRODUCTION NO. 12**

All documents and communications discussing, related to, referring to, or concerning Louisiana's State House or State Senate district lines, the 2021/2022 legislative redistricting process, or administration of the 2023 election.

**RESPONSE:** Plaintiff objects to this Request to the extent that it is overly board, burdensome and seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to this Request as it seeks documents protected by the attorney-client privilege, the attorney work product doctrine, and/or the common interest privilege. Subject to and without waiving the General Objections, Plaintiff will produce any documents within Plaintiff's possession, custody or control that Plaintiff is aware of related to the Louisiana's State House or State Senate district lines or the 2021/2022 legislative redistricting process.

**REQUEST FOR PRODUCTION NO. 13**

All documents, items, objects, materials, charts, graphs, displays, and exhibits that Individual Plaintiffs' expect to, intend to, or may use or offer as exhibits or as evidence at any hearing or trial of this matter.

**RESPONSE:** Plaintiff objects to the Request to the extent that it is premature in that discovery is not complete, and Plaintiff may rely upon demonstrative exhibits and materials at the time of trial. Subject to and without waiving this Objection and the General Objections, Plaintiff will produce documents responsive to this Request within Plaintiff's possession, custody or control.

DATED: July 3, 2023

Respectfully submitted,

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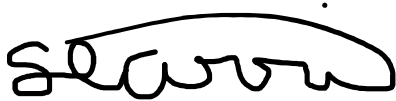
\*\*Pro Hac Vice Motion Forthcoming

**VERIFICATION OF STEVEN HARRIS**

I hereby state that the Individual Plaintiff Steven Harris's Responses to Defendant Ardoin's First Set of Interrogatories and First Set of Requests for Production of Documents of the Individual Plaintiffs, served on July 3, 2023, are true to the best of my knowledge and belief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 30, 2023

A handwritten signature in black ink, appearing to read 'Steven Harris', is written over a horizontal line.

Steven Harris

RETRIEVED FROM DEMOCRACYDOCKET.COM

**CERTIFICATE OF SERVICE**

I certify that on July 3, 2023, this document was served via electronic mail on all counsel of record.

/s/ Sarah Brannon

RETRIEVED FROM DEMOCRACYDOCKET.COM

# **Exhibit 2**

RETRIEVED FROM DEMOCRACYDOCKET.COM

## Population Summary Report

### Louisiana State Senate -- 2022 Enrolled Plan

District	2020 Pop.	% Deviation	18+ Pop	18+ AP Black	% 18+ AP Black	18+ NH White	% 18+ NH White	18+ Latino	% 18+ Latino	2017-2021 NH DOJ BCVAP	July 2021 Registered
											Black Voters
1	115622	-3.19%	88311	18890	21.39%	58,228	65.94%	6,554	7.42%	18.45%	20.14%
2	115780	-3.06%	88341	51014	57.75%	31,880	36.09%	4,169	4.72%	58.81%	62.56%
3	119519	0.07%	91493	52400	57.27%	26,631	29.11%	6,934	7.58%	59.21%	58.38%
4	117821	-1.35%	91406	52284	57.20%	31,010	33.93%	6,010	6.58%	60.81%	57.12%
5	123995	3.82%	101848	51167	50.24%	38,868	38.16%	7,946	7.80%	54.72%	53.25%
6	117595	-1.54%	89132	20427	22.92%	59,462	66.71%	5,033	5.65%	22.85%	22.33%
7	124487	4.23%	94073	55937	59.46%	22,011	23.40%	10,972	11.66%	64.46%	62.56%
8	120920	1.25%	92630	23933	25.84%	50,240	54.24%	10,979	11.85%	26.89%	26.00%
9	124537	4.28%	102139	12184	11.93%	69,353	67.90%	16,434	16.09%	11.62%	7.54%
10	123168	3.13%	98242	12008	12.22%	60,952	62.04%	18,720	19.05%	10.34%	9.21%
11	114481	-4.14%	86848	7267	8.37%	69,071	79.53%	6,609	7.61%	9.09%	7.01%
12	114171	-4.40%	87984	19601	22.28%	62,614	71.17%	3,393	3.86%	23.32%	22.12%
13	114815	-3.86%	84153	6494	7.72%	69,389	82.46%	4,630	5.50%	7.68%	6.27%
14	120750	1.11%	95740	55530	58.00%	30,254	31.60%	5,751	6.01%	59.33%	64.78%
15	115848	-3.00%	86306	63756	73.87%	15,093	17.49%	4,952	5.74%	78.14%	76.97%
16	119031	-0.33%	97246	19094	19.63%	65,632	67.49%	6,288	6.47%	21.11%	16.26%
17	114040	-4.51%	88794	26731	30.10%	57,983	65.30%	2,329	2.62%	30.45%	30.65%
18	118250	-0.99%	86314	13183	15.27%	64,258	74.45%	5,840	6.77%	15.43%	14.28%
19	123416	3.34%	93641	26868	28.69%	54,638	58.35%	9,515	10.16%	28.16%	29.83%
20	123445	3.36%	93154	11810	12.68%	67,536	72.50%	5,616	6.03%	11.56%	12.15%
21	118105	-1.11%	90355	23945	26.50%	57,054	63.14%	5,405	5.98%	26.41%	26.51%
22	125286	4.90%	95476	24963	26.15%	61,934	64.87%	4,678	4.90%	25.84%	25.72%
23	125014	4.68%	95449	12225	12.81%	72,163	75.60%	6,043	6.33%	13.97%	10.71%
24	124799	4.50%	93295	49532	53.09%	38,840	41.63%	3,425	3.67%	52.00%	55.62%
25	122998	2.99%	92490	19256	20.82%	65,145	70.43%	4,018	4.34%	19.60%	18.80%
26	124178	3.98%	92668	14856	16.03%	71,969	77.66%	3,274	3.53%	16.24%	16.15%
27	117231	-1.84%	88331	25410	28.77%	56,314	63.75%	3,808	4.31%	28.54%	27.85%
28	114358	-4.25%	87429	19839	22.69%	59,380	67.92%	4,976	5.69%	22.44%	22.90%
29	119834	0.34%	92422	52271	56.56%	34,768	37.62%	2,766	2.99%	56.41%	58.64%
30	113737	-4.77%	85065	10402	12.23%	65,656	77.18%	4,317	5.07%	11.98%	10.53%
31	120902	1.23%	94256	22064	23.41%	62,412	66.22%	3,910	4.15%	25.35%	24.21%
32	114168	-4.41%	88475	15995	18.08%	66,074	74.68%	3,538	4.00%	22.86%	17.60%
33	116896	-2.12%	90588	20844	23.01%	64,602	71.31%	2,506	2.77%	23.79%	22.54%
34	113538	-4.93%	85480	54431	63.74%	27,255	31.88%	2,158	2.52%	63.86%	67.63%
35	117819	-1.35%	90846	14034	15.50%	68,734	75.66%	3,889	4.28%	15.72%	12.67%
36	124512	4.26%	93318	23553	25.24%	60,402	64.73%	4,918	5.27%	25.49%	23.32%
37	113500	-4.97%	86420	21503	24.88%	57,089	66.06%	4,707	5.45%	23.23%	22.06%
38	124283	4.06%	95963	29778	31.03%	58,631	61.09%	3,266	3.40%	30.94%	29.50%
39	124908	4.59%	94421	60190	63.75%	28585	30.27%	3,386	3.59%	62.99%	0.6617

**Total****2020**

<b>Pop.</b>	<b>4,657,757</b>	<b>9.87%</b>	<b>3,570,548</b>	<b>1,115,769</b>	<b>31.25%</b>	<b>2,082,110</b>	<b>58.31%</b>	<b>223,662</b>	<b>6.26%</b>
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Source for % Citizen Voting Age (CVAP) -- 2017-21 Citizen Voting Age Population by Race and Ethnicity Special Tabulation (U.S. Census Bureau)

<https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html>

-- calculated by disaggregating 2017-2021 ACS block group estimates to 2020 census blocks via

Source for CVAP disaggregation: Redistricting Data Hub

<https://redistrictingdatahub.org/dataset/louisiana-cvap-data-disaggregated-to-the-2020-block-level-2021/>

Source for Voter Registration Stats: State of Louisiana via Redistricting Data Hub

<https://redistrictingdatahub.org/dataset/louisiana-voter-registration-file-at-the-vtd-level/>

-- calculated by disaggregating 2020 VTD data to 2020 census blocks

## Population Summary Report

### Louisiana State House -- 2022 Plan

District	2020 Pop.	% Deviation	18+ Pop	18+ AP		18+ NH		18+ Latino	% 18+ Latino	2017-2021		July 2021
				Black	% 18+ AP Black	White	% 18+ NH White			NH DOJ	BCVAP	Registered Black Voters
1	44941	1.31%	34948	8088	23.14%	24,220	69.30%	1,120	3.20%	25.35%		23.48%
2	45642	2.89%	35124	23667	67.38%	8,656	24.64%	1,877	5.34%	68.18%		70.53%
3	46122	3.97%	33920	25055	73.86%	7,450	21.96%	831	2.45%	73.19%		75.13%
4	46405	4.61%	34714	25017	72.07%	8,226	23.70%	799	2.30%	70.92%		73.70%
5	45375	2.29%	34601	6718	19.42%	24,170	69.85%	1,599	4.62%	18.14%		19.58%
6	44174	-0.42%	35273	5824	16.51%	25,980	73.65%	1,324	3.75%	16.64%		13.99%
7	43279	-2.44%	33156	9734	29.36%	20,014	60.36%	950	2.87%	27.76%		30.06%
8	45325	2.18%	33068	6571	19.87%	22,697	68.64%	1,875	5.67%	20.42%		17.31%
9	43401	-2.16%	31974	6742	21.09%	20,834	65.16%	2,669	8.35%	19.66%		20.81%
10	44137	-0.50%	34617	11395	32.92%	21,696	62.67%	557	1.61%	34.16%		31.75%
11	42458	-4.29%	34439	19424	56.40%	13,317	38.67%	965	2.80%	59.30%		59.00%
12	45889	3.45%	36100	6859	19.00%	26,669	73.88%	1,408	3.90%	20.15%		18.70%
13	44187	-0.39%	34517	9329	27.03%	22,466	65.09%	1,498	4.34%	29.71%		28.67%
14	44279	-0.18%	33794	7507	22.21%	23,885	70.68%	766	2.27%	19.15%		18.82%
15	43934	-0.96%	32900	2042	6.21%	28,293	86.00%	923	2.81%	7.08%		5.28%
16	42328	-4.58%	32122	20076	62.50%	10,637	33.11%	573	1.78%	64.25%		66.62%
17	42807	-3.50%	31485	19918	63.26%	9,126	28.99%	1,797	5.71%	64.54%		71.72%
18	46494	4.81%	36957	11403	30.85%	23,520	63.64%	1,311	3.55%	37.78%		34.63%
19	42717	-3.70%	33180	9122	27.49%	22,690	68.38%	662	2.00%	27.90%		27.46%
20	42204	-4.86%	32439	5036	15.52%	25,580	78.86%	984	3.03%	17.30%		14.33%
21	44795	0.98%	34051	18758	55.09%	14,301	42.00%	603	1.77%	54.06%		57.27%
22	43238	-2.53%	34459	8496	24.66%	21,450	62.25%	3,109	9.02%	27.59%		21.75%
23	42708	-3.72%	35751	18183	50.86%	12,647	35.38%	4,012	11.22%	54.95%		53.59%
24	42460	-4.28%	32243	3149	9.77%	25,873	80.24%	1,385	4.30%	9.67%		7.73%
25	43136	-2.76%	33462	7874	23.53%	22,823	68.21%	952	2.85%	24.81%		23.63%
26	44636	0.62%	33616	21624	64.33%	10,059	29.92%	1,048	3.12%	63.41%		66.71%
27	44225	-0.30%	33378	3656	10.95%	26,930	80.68%	951	2.85%	10.44%		8.91%
28	42851	-3.40%	32992	8849	26.82%	21,762	65.96%	1,307	3.96%	26.51%		26.43%
29	44544	0.41%	33038	24304	73.56%	7,435	22.50%	930	2.81%	75.06%		77.52%
30	42952	-3.17%	32019	6610	20.64%	21,159	66.08%	2,169	6.77%	22.33%		21.44%
31	46510	4.85%	34544	5871	17.00%	24,595	71.20%	1,883	5.45%	21.23%		15.94%
32	42415	-4.38%	32420	4651	14.35%	24,378	75.19%	2,071	6.39%	12.98%		12.08%
33	44243	-0.26%	32848	2540	7.73%	27,331	83.20%	1,752	5.33%	6.21%		6.89%
34	45879	3.42%	34506	25041	72.57%	7,485	21.69%	1,290	3.74%	72.85%		76.87%
35	46088	3.90%	34498	4239	12.46%	27,586	79.96%	1,402	4.06%	11.85%		10.28%
36	45062	1.58%	35106	5269	15.01%	25,139	71.61%	2,212	6.30%	11.40%		11.20%
37	45146	1.77%	33393	5875	17.59%	25,917	77.61%	791	2.37%	17.23%		16.98%
38	42309	-4.62%	31867	7369	23.12%	22,028	69.12%	1,552	4.87%	23.06%		24.03%
39	42262	-4.73%	31043	8821	28.42%	19,430	62.59%	1,987	6.40%	28.79%		27.70%
40	45296	2.11%	34012	18563	54.58%	14,338	42.16%	613	1.80%	52.58%		55.57%
41	44744	0.87%	33068	6650	20.11%	24,405	73.80%	1,356	4.10%	16.60%		20.61%
42	45662	2.94%	34194	6397	18.71%	26,220	76.68%	975	2.85%	18.63%		18.86%
43	42630	-3.90%	33443	4841	14.48%	24,929	74.54%	2,067	6.18%	14.72%		11.46%
44	42506	-4.18%	32928	19576	59.45%	11,296	34.31%	1,447	4.39%	59.07%		62.62%
45	43372	-2.23%	35008	4916	14.04%	25,900	73.98%	2,422	6.92%	13.77%		11.06%
46	43596	-1.72%	32857	6954	21.16%	24,350	74.11%	871	2.65%	23.56%		21.45%
47	46480	4.78%	34796	3945	11.34%	28,432	81.71%	1,179	3.39%	9.19%		9.66%
48	44642	0.64%	33160	5930	17.88%	24,207	73.00%	1,660	5.01%	18.94%		16.04%
49	46367	4.52%	34337	3515	10.24%	27,286	79.47%	1,966	5.73%	8.26%		10.15%
50	43190	-2.64%	32989	10596	32.12%	19,143	58.03%	1,842	5.58%	31.84%		33.64%
51	46319	4.42%	34750	7499	21.58%	22,521	64.81%	2,771	7.97%	22.62%		21.59%
52	43163	-2.70%	32675	4792	14.67%	23,693	72.51%	1,858	5.69%	17.30%		12.56%
53	43160	-2.71%	32374	6550	20.23%	20,193	62.37%	1,866	5.76%	15.48%		21.70%
54	42849	-3.41%	32716	1001	3.06%	27,288	83.41%	2,078	6.35%	2.16%		2.26%
55	45124	1.72%	34922	8492	24.32%	24,288	69.55%	1,277	3.66%	20.85%		20.32%
56	46361	4.51%	34813	7044	20.23%	23,991	68.91%	2,547	7.32%	21.72%		20.33%
57	42697	-3.75%	32500	18805	57.86%	10,890	33.51%	2,223	6.84%	56.76%		59.96%
58	45194	1.88%	34306	19473	56.76%	12,884	37.56%	1,584	4.62%	56.80%		60.84%
59	45699	3.02%	32465	6059	18.66%	22,372	68.91%	2,508	7.73%	17.60%		18.08%
60	44864	1.14%	35651	13450	37.73%	20,171	56.58%	1,558	4.37%	41.84%		42.32%
61	44049	-0.70%	33624	25314	75.29%	6,273	18.66%	1,531	4.55%	74.72%		75.90%
62	42969	-3.14%	33763	18597	55.08%	13,972	41.38%	634	1.88%	57.21%		56.01%
63	44638	0.63%	33586	23394	69.65%	8,793	26.18%	875	2.61%	71.68%		69.53%

## Population Summary Report

### Louisiana State House -- 2022 Plan

											2017-2021	July 2021
District	2020 Pop.	% Deviation	18+ Pop	18+ AP Black	% 18+ AP Black	18+_NH White	% 18+ NH White	18+ Latino	% 18+ Latino	NH DOJ BCVAP	Registered Black Voters	
64	45619	2.84%	33368	2201	6.60%	28,322	84.88%	1,477	4.43%	5.39%	6.29%	
65	44189	-0.39%	32939	7210	21.89%	21,448	65.11%	2,752	8.35%	20.42%	20.09%	
66	43703	-1.48%	34019	6304	18.53%	23,483	69.03%	1,887	5.55%	16.00%	15.24%	
67	43566	-1.79%	35143	18223	51.85%	11,988	34.11%	3,097	8.81%	55.48%	63.48%	
68	44607	0.56%	37541	7574	20.18%	25,788	68.69%	2,096	5.58%	25.35%	19.65%	
69	46550	4.94%	36675	8709	23.75%	22,633	61.71%	2,870	7.83%	22.50%	19.82%	
70	45398	2.34%	37663	7989	21.21%	24,085	63.95%	2,600	6.90%	23.54%	19.78%	
71	43001	-3.06%	32034	3621	11.30%	24,813	77.46%	2,224	6.94%	9.80%	9.76%	
72	42817	-3.48%	32423	17077	52.67%	13,849	42.71%	962	2.97%	52.52%	55.30%	
73	46503	4.83%	35345	5289	14.96%	27,009	76.42%	1,654	4.68%	17.84%	13.42%	
74	44185	-0.39%	34817	2377	6.83%	28,878	82.94%	2,249	6.46%	7.11%	6.09%	
75	45463	2.49%	34951	9732	27.84%	23,518	67.29%	901	2.58%	29.92%	29.37%	
76	43228	-2.55%	32553	8505	26.13%	20,094	61.73%	2,199	6.76%	23.09%	24.54%	
77	43291	-2.41%	32072	2672	8.33%	25,748	80.28%	2,271	7.08%	9.44%	6.71%	
78	44584	0.50%	35713	3315	9.28%	25,012	70.04%	5,678	15.90%	5.26%	5.63%	
79	45579	2.75%	35828	4170	11.64%	21,089	58.86%	7,480	20.88%	11.33%	9.13%	
80	46249	4.26%	37310	5571	14.93%	22,858	61.27%	6,779	18.17%	14.95%	10.31%	
81	43632	-1.64%	32427	3841	11.85%	26,157	80.66%	1,355	4.18%	15.01%	10.97%	
82	46202	4.15%	38229	4452	11.65%	27,656	72.34%	4,223	11.05%	11.73%	9.19%	
83	43956	-0.91%	33127	18076	54.57%	10,512	31.73%	3,131	9.45%	53.80%	57.74%	
84	42520	-4.15%	33192	6617	19.94%	20,038	60.37%	3,528	10.63%	22.10%	20.24%	
85	44303	-0.13%	33223	11800	35.52%	12,616	37.97%	7,053	21.23%	39.45%	35.28%	
86	45736	3.10%	35545	8512	23.95%	23,762	66.85%	1,988	5.59%	21.33%	18.28%	
87	45538	2.66%	34404	20324	59.07%	7,533	21.90%	3,881	11.28%	64.92%	63.65%	
88	42542	-4.10%	31076	4149	13.35%	23,576	75.87%	2,416	7.77%	12.80%	11.64%	
89	45218	1.93%	34586	1288	3.72%	29,303	84.74%	2,419	6.99%	3.58%	2.73%	
90	43451	-2.05%	33711	7077	20.99%	22,435	66.55%	2,468	7.32%	16.74%	20.01%	
91	42508	-4.17%	35352	14399	40.73%	16,801	47.52%	2,867	8.11%	45.45%	44.05%	
92	45176	1.84%	34713	10471	30.16%	13,446	38.73%	9,328	26.87%	28.94%	34.98%	
93	44224	-0.31%	36953	20916	56.60%	12,647	34.22%	2,159	5.84%	59.15%	58.40%	
94	45685	2.99%	35786	3381	9.45%	25,408	71.00%	4,855	13.57%	6.96%	6.25%	
95	43337	-2.31%	32291	4402	13.33%	25,405	78.68%	1,381	4.28%	8.53%	11.15%	
96	45706	3.03%	34335	18929	55.13%	13,499	39.32%	1,010	2.94%	53.76%	58.46%	
97	45713	3.05%	36692	26543	72.34%	7,438	20.27%	1,933	5.27%	76.47%	74.58%	
98	43431	-2.09%	37340	6639	17.78%	25,485	68.25%	4,583	12.27%	22.82%	17.35%	
99	45922	3.52%	33962	26528	78.11%	5,546	16.33%	1,563	4.60%	80.38%	77.09%	
100	44360	0.00%	32734	26444	80.78%	1,348	4.12%	1,655	5.06%	82.34%	83.50%	
101	45346	2.22%	33658	20270	60.22%	8,126	24.14%	3,069	9.12%	64.99%	63.71%	
102	45264	2.04%	34363	22534	65.58%	8,140	23.69%	2,499	7.27%	67.68%	66.22%	
103	43764	-1.34%	31775	7944	25.00%	18,091	56.93%	4,028	12.68%	22.09%	21.38%	
104	45197	1.89%	34489	4842	14.04%	25,211	73.10%	2,704	7.84%	13.90%	13.03%	
105	43366	-2.24%	32692	11733	35.89%	15,022	45.95%	2,788	8.53%	38.33%	36.73%	

#### Total 2020

**Pop.**     **4,657,757**     **9.80%**     **3,570,548**     **1,115,769**     **31.25%**     **2,082,110**     **58.31%**     **223,662**     **6.26%**

Source for % Citizen Voting Age (CVAP) -- 2017-21 Citizen Voting Age Population by Race and Ethnicity Special Tabulation (U.S. Census Bureau)

<https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html>

-- calculated by disaggregating 2017-2021 ACS block group estimates to 2020 census blocks via

Source for CVAP disaggregation: Redistricting Data Hub

<https://redistrictingdatahub.org/dataset/louisiana-cvap-data-disaggregated-to-the-2020-block-level-2021/>

Source for Voter Registration Stats: State of Louisiana via Redistricting Data Hub

# **Exhibit 3**

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# Transcript of Michael McClanahan, Designated Representative

**Date:** September 8, 2023

**Case:** Naine, et al. -v- Ardoin

**Planet Depos**

**Phone:** 888.433.3767

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**www.planetdepos.com**

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

DR. DOROTHY NAIRNE, : CIVIL ACTION NO.:  
et al., : 3:22-cv-00178-SDD-SDJ  
Plaintiffs, :  
v. : Chief Judge  
R. KYLE ARDOIN, in his : Shelly D. Dick  
official capacity as : Magistrate Judge  
Secretary of State of : Scott D. Johnson  
Louisiana, :  
Defendant. :

-----x

30(b)(6) DEPOSITION  
OF LOUISIANA STATE CONFERENCE OF THE NAACP  
through their representative  
MICHAEL McCLANAHAN  
CONDUCTED VIRTUALLY  
FRIDAY, SEPTEMBER 8, 2023  
10:04 a.m. EST

Job No.: 506194

Pages 1 - 137

Reported by: APRIL REID

Transcript of Michael McClanahan, Designated Representative  
Conducted on September 8, 2023

2

1 Deposition of MICHAEL McCLANAHAN, held  
2 virtually. All appeared remotely.

3  
4 A P P E A R A N C E S

5  
6 ON BEHALF OF THE NAACP LEGAL DEFENSE AND  
7 EDUCATIONAL FUND, INC.:

8 VICTORIA "TORI" WENGER, ESQ.

9 SARA ROHANI, ESQ.

10 STUART NAIFEH, ESQ.

11 40 Rector Street

12 Fifth Floor

13 New York, NY 10006

14  
15 ON BEHALF OF THE DEFENDANT:

16 CASSIE HOLT, ESQ.

17 ALYSSA M. RIGGINS, ESQ.

18 NELSON MULLINS RILEY & SCARBOROUGH, LLP

19 301 Hillsborough Street

20 Suite 1400

21 Raleigh, NC 27603

22 (919) 877-3800

Transcript of Michael McClanahan, Designated Representative  
Conducted on September 8, 2023

3

1 A P P E A R A N C E S cont'd

2

3 ALSO ON BEHALF OF THE DEFENDANT:

4 JOHN C. WALSH, ESQ.

5 JOHN C. CONINE, JR., ESQ.

6 SHOWS, CALL & WALSH, L.L.P.

7 628 St. Louis Street

8 Baton Rouge, LA 70802

9 (225) 346-1461

10

11 ON BEHALF OF LEGISLATIVE INTERVENORS:

12 ERIKA PROUTY, ESQ.

13 BAKER HOSTETLER

14 200 Civic Center Drive

15 Suite 1200

16 Columbus, OH 43215

17 (614) 462-4710

18

19

20

21

22

23

24

25

Transcript of Michael McClanahan, Designated Representative  
Conducted on September 8, 2023

4

1 A P P E A R A N C E S cont'd

2

3 ALSO PRESENT:

4

5 AMANDA LAGROUE,

6 Louisiana Attorney General's Office

7

8 ROB CLARK, ESQ.

9 AMANDA GIGLIO, ESQ.

10 DAKOTA KNEHANS, ESQ.

11 Cozen O'Connor - observing only

12

13 ALORA THOMAS-LUNDBORG, ESQ.

14 ACLU

15

16 JACK ADCOCK

17

18 JACKSON SCHUELER,

19 Remote Technician

20

21

22

23

24

25

Transcript of Michael McClanahan, Designated Representative  
Conducted on September 8, 2023

19

1 state president, you're expected to follow the  
2 constitution and by-laws?

3 A. Yes.

4 MS. ROHANI: Objection.

5 Q. What is the -- now, you said "branches."  
6 Is there a difference between branches and units?

7 A. In my mind, no.

8 Q. Okay. Why -- why do you say in your  
9 mind?

10 A. Because -- you know, because we use  
11 those terms here in Louisiana interchangeable, you  
12 know, unit, branches.

13 Q. Okay. Great.

14 Do all branches or units have to report  
15 to the State Conference?

16 A. All do. In the State of Louisiana, they  
17 do.

18 Q. Okay. How many adult branches does the  
19 Louisiana State Conference have?

20 A. About -- about 40. About 40 or so, I  
21 would imagine.

22 Q. And is that the same number for units?

23 A. Yes.

24 Q. Okay. Great.

25 And what -- what do the branches or

Transcript of Michael McClanahan, Designated Representative  
Conducted on September 8, 2023

20

1 units have to do to stay in good standing with the  
2 State Conference?

3 A. They have to maintain a membership --  
4 registered membership of at least 50 members.  
5 They have to file an annual financial report, pay  
6 the national assessment, and pay the state  
7 assessment.

8 Q. And who monitors whether branches meet  
9 those requirements?

10 A. Well, the national office has -- has an  
11 office that assigns it. If they fall below it,  
12 then they're -- if they file below 50 members,  
13 then they're deemed to be out of compliance first.  
14 But if they don't file the AFR or pay the  
15 assessment, then they're out of compliance that  
16 way, too.

17 Q. Now, the -- you mentioned the annual  
18 financial reports. Who are those sent to?

19 A. They're sent to the financial department  
20 for the international office.

21 Q. Does the State Conference have a  
22 physical office?

23 A. Yes.

24 Q. And where is that office?

25 A. We -- we recently moved this year to

Transcript of Michael McClanahan, Designated Representative  
Conducted on September 8, 2023

21

1 7600 Airline Highway.

2 Q. And do you report to that office?

3 A. Yes, I do.

4 Q. Do you go there daily?

5 A. It all depends, you know, because it's  
6 not a paid position, so...

7 Q. Right.

8 A. You know. As the need arises, I -- I  
9 will stop by.

10 Q. Okay. Does the State Conference have  
11 any paid employees?

12 A. No, we don't.

13 Q. And how is the State Conference funded?

14 A. It's funded by -- we have a -- we have a  
15 convention and a Freedom Fund banquet. We -- by  
16 that way. Or if we have -- host any type of  
17 events, like a prayer breakfast, we receive funds  
18 that way.

19 Q. You mentioned the convention. Who can  
20 attend the convention?

21 A. Anyone. It's open and free to the  
22 public.

23 Q. And are you having the convention this  
24 year?

25 A. Yes.

Transcript of Michael McClanahan, Designated Representative  
Conducted on September 8, 2023

22

1                   And we would like to have all of you  
2                   come attend. Go to our website and register and  
3                   come down and look at what we're doing and have a  
4                   great time.

5                   Q.     Well, where is it at? Let me ask you  
6                   that.

7                   A.     I'm glad you asked. I like you.

8                   It's going to be dinner at Paragon  
9                   Casino. And we're going to have a great time.  
10                  It's a three-day event, Thursday, Friday, and  
11                  Saturday. And you're welcome to -- we have  
12                  trainings for all kinds of activities. And you  
13                  will love it.

14                  (Alora Thomas-Lundborg, Esq. entered the  
15                  virtual deposition room.)

16                  Q.     Thank you very much.

17                  All right. So getting back to the  
18                  organization, does the State Conference have a  
19                  board of directors?

20                  A.     No.

21                  Q.     Does the State Conference have an  
22                  executive committee?

23                  A.     Yes.

24                  Q.     And what is the role of the Executive  
25                  Committee?

Transcript of Michael McClanahan, Designated Representative  
Conducted on September 8, 2023

23

1           A.    Executive Committee is really the -- the  
2    brain trust of the State Conference.  They -- the  
3    Executive Committee acts as, lack of a better  
4    term, the board.  But there's only one board in  
5    the NAACP, which is the national board, which I  
6    serve on also.  So the committee sets the tone for  
7    anything; the new business, the old business,  
8    anything that we do.

9           Q.    And who is on the Executive Committee  
10   for the State Conference?

11          A.    All of the officers.  You know, all of  
12   the officers.  That means vice presidents,  
13   secretary, the treasurer, they make up -- and the  
14   committee chairs make up the Executive Committee.

15          Q.    Does someone have to be a member of the  
16   NAACP to be on the Executive Committee?

17          A.    Yes.

18          Q.    Does the State Conference have any other  
19   officers?

20                I believe you mentioned VP, president,  
21   but are there -- are there other officers?

22          A.    Not at the State Conference.  There are  
23   no officers other than those, that I'm aware of.

24          Q.    Now, I believe you mentioned district  
25   vice presidents.  Do you know how many the

Transcript of Michael McClanahan, Designated Representative  
Conducted on September 8, 2023

24

1 Louisiana State Conference has?

2 A. I want to say eight. I want to say  
3 eight.

4 Q. And does someone have to be a member of  
5 the NAACP to be a district vice president?

6 A. Yes.

7 Q. Does that person have to live in a  
8 particular place?

9 A. Has to live in that particular district  
10 that that position comes from.

11 Q. Okay. And the -- I'm going to call it  
12 the jurisdiction of the VPs, because that's the  
13 way that I think about it, but please correct me  
14 if you'd like to call it something different.

15 Does the jurisdiction of the VPs cover  
16 multiple parishes?

17 A. Yes.

18 Q. So is it fair to say that a district VP  
19 needs to live in one of the parishes in their  
20 jurisdiction?

21 A. Right.

22 Q. And, Mr. McClanahan, I believe you  
23 mentioned that the State Conference has a website.

24 A. Yes.

25 Q. And that website is publicly available?

Transcript of Michael McClanahan, Designated Representative  
Conducted on September 8, 2023

28

1 Q. Sure.

2 So my understanding of the Louisiana  
3 NAACP's position is that its members' identities  
4 are protected by First Amendment associational  
5 standing or First Amendment -- First Amendment  
6 privilege. I -- excuse me.

7 MS. ROHANI: Objection. This calls for  
8 legal conclusion.

9 MS. HOLT: Okay. I'm going to move --  
10 move on from that.

11 Q. What are the qualifications for  
12 membership in the NAACP?

13 A. Membership, all I know -- all I'm  
14 familiar with is you have to pay your membership  
15 dues, for lack of a better term, and you can  
16 become a member of the NAACP.

17 MS. HOLT: And we can take down that  
18 Exhibit 2. Thank you.

19 Q. Is there a minimum age for someone to  
20 become a member?

21 A. No. You can be a baby.

22 Q. Do you have to be a certain race?

23 A. No. You could be -- we're all  
24 inclusive.

25 Q. That includes nationality as well?

Transcript of Michael McClanahan, Designated Representative  
Conducted on September 8, 2023

29

1 A. We are all inclusive.

2 Q. Do you have to be a registered voter?

3 A. Not to my knowledge, it's not -- not --  
4 it's not a requirement.

5 Q. Once an adult becomes a member, what  
6 does he or she have to do to remain in good  
7 standing?

8 A. We would like to hope that you keep your  
9 membership dues paid up. As long as your  
10 membership dues is paid up, then you're good.

11 Q. And how does someone become a member of  
12 the State Conference?

13 A. Well, they don't become members of the  
14 State Conference, per se. Not individually. They  
15 just have to become a member of the branch.

16 Q. Okay.

17 A. The branch is a member of the State  
18 Conference.

19 Q. Great.

20 So if someone becomes a member of a  
21 particular branch in Louisiana, is it fair to say  
22 they're automatically a member of the State  
23 Conference?

24 (Jack Adcock entered the virtual  
25 deposition room.)

Transcript of Michael McClanahan, Designated Representative  
Conducted on September 8, 2023

30

1           A.    Per se. Per se. But the branch has to  
2   be in good standing. So if not, then they're not  
3   in -- then the branch is not really technically a  
4   member unless it stays in good standing.

5           Q.    How does the State Conference monitor  
6   whether a branch is in good standing?

7           A.    Goes back to what I said earlier, the  
8   national office keeps track and lets us know who's  
9   in compliance and who's not.

10          Q.    Are there any branches in Louisiana  
11   currently that are not in good standing?

12          A.    I haven't checked recently because, you  
13   know, my staff -- I mean, the secretaries and  
14   those persons keep -- kind of keep that stuff up.  
15   But as it gets closer to our state convention,  
16   they'll let me know.

17          Q.    Do you recall during last year's state  
18   convention if there were any branches that weren't  
19   in good standing?

20          A.    You're asking a 58-year-old some  
21   questions that I -- I -- just -- I don't know the  
22   number, if you're asking for a number. I wouldn't  
23   know a number.

24          Q.    Well, I don't need a number, per se, but  
25   what's -- do you recall there being at least one

Transcript of Michael McClanahan, Designated Representative  
Conducted on September 8, 2023

31

1 branch not in good standing?

2 A. At least one branch not in good  
3 standing.

4 Q. Do you remember what that branch was?

5 A. I don't. Because I'm trying to get them  
6 all to be in good standing, so...

7 Q. That's fair.

8 So what does the State Conference do to  
9 make sure its members and the members of the  
10 branches, by explanation, are in good standing?

11 A. Repeat that.

12 Q. Sure.

13 So let -- let me rephrase that. You  
14 said that members pay dues; right?

15 A. Right.

16 Q. If you can audibly say that for the  
17 record, that would be great.

18 A. Right. Right. Right.

19 Q. And they need to pay dues to continue to  
20 be in good standing, I believe is what you --

21 A. Right.

22 Q. How does the State Conference track  
23 whether or not a member has paid their dues?

24 A. The national office does that because  
25 all membership fees, dues, goes to the national

Transcript of Michael McClanahan, Designated Representative  
Conducted on September 8, 2023

32

1 office.

2 Q. Does the national office send you  
3 reports on which members have and haven't paid  
4 their dues?

5 A. It would probably go to the branch as  
6 opposed to coming to me. Branches look after the  
7 members, and I look after the branches.

8 Q. And how often does the national office  
9 send reports?

10 A. I don't know. I don't know if they send  
11 them monthly, quarterly, I don't know that, but  
12 they send them. They send them periodically, I  
13 know that.

14 Q. And what happens when a nonpaying member  
15 is identified?

16 A. Well, if he's a nonpaying member -- what  
17 you mean by "nonpaying member"?

18 Q. Well, to pay his dues.

19 A. Okay. If he failed to pay his dues,  
20 then I would imagine -- I would imagine the branch  
21 would get some type of notification. I  
22 wouldn't -- I don't really look at memberships.  
23 Those things go to the branches. I deal with the  
24 branches.

25 Q. And do you know who in the branches

Transcript of Michael McClanahan, Designated Representative  
Conducted on September 8, 2023

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1 that recorded?

2 A. It's not recorded, per se. Only when we  
3 have -- only when the branch has memorial services  
4 and they would notify -- identify that that member  
5 has more or less transitioned to -- to be with the  
6 Lord. But outside of that, I don't think there's  
7 nothing that is recorded officially. I'm not  
8 familiar with it, if it is.

9 Q. Does the State Conference know when a  
10 member has passed away?

11 A. Not all. Not all persons that pass away  
12 I would get a notice of, you know. But I pretty  
13 much get notices, you know, regularly, but I may  
14 not get all notices.

15 Q. And what do you do with those notices  
16 when you get them?

17 A. Well, what we do is try to find out --  
18 talk to the family and probably send a -- some  
19 type of flower or some type of plant, or I may  
20 attend the service, the services for the -- for  
21 the fallen soldier, transitioned soldier.

22 Q. And is their name removed from any  
23 membership list?

24 A. It is. I don't know if -- I don't know  
25 where the removing part starts that, but it is.

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1 wouldn't look at names.

2 Q. Do you compile those numbers?

3 A. Depends. Depends if we're getting ready  
4 to go to the national convention or the state  
5 convention.

6 Q. And those numbers they send to you, are  
7 they numbers to be added, numbers to be removed?

8 A. No. They're just numbers.

9 Q. They're just numbers.

10 So what do you do with those numbers?

11 A. Well, if -- if there's a branch -- if  
12 there's a branch, I look at the numbers because  
13 the numbers -- they have to be above 50. So 50 is  
14 their trigger number, that they're in  
15 compliance -- at least in compliance with that  
16 aspect. And so when we preparing for, you know,  
17 the state convention, the national convention,  
18 those numbers -- anything above 50 is a check, a  
19 check mark because they're at least complying in  
20 terms of membership.

21 Q. Okay. So do they just tell you there's  
22 50 or do you personally -- or do they provide a --  
23 a list of the 50 for you to check?

24 A. No, I never receive a list of anything  
25 other than each branch may send me a -- their

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1 number, how many -- how many persons they have on  
2 their roll. And that -- for me, that means that  
3 they're complying in terms of membership. That's  
4 the only thing that that number there means.

5 Q. So just to be clear, you don't -- do you  
6 do anything to verify that number?

7 A. No, I don't do anything to verify that  
8 number.

9 Q. And how many members does the Louisiana  
10 NAACP currently have?

11 A. You say the NAACP -- repeat that  
12 question.

13 Q. The State Conference. Excuse me.

14 A. We don't have members, per se, because  
15 we are the -- we are the -- for lack of a better  
16 term, we're the corporate office for the state --  
17 for the state of Louisiana. So we don't have  
18 members. The members are made up in the branches.

19 Q. Okay. I see.

20 And do you know how many members of the  
21 branches there are in Louisiana?

22 A. So if you're asking how many branches we  
23 have statewide, from all the branches, probably --  
24 the number's in the thousands.

25 Q. And the number of individual NAACP

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1 members in the State of Louisiana, do you know  
2 that number?

3 A. I haven't added the number up, but I  
4 know it's in the thousands because we have --  
5 because, you know, we have large branches and  
6 there are small numbers. So the number, it's  
7 all -- it's probably in the thousands, thousands  
8 of members.

9 Q. And when you say "in the thousands," are  
10 you relying on the representations of the branches  
11 as to their numbers?

12 A. Yes. If -- if a branch tells me that  
13 they have 50 or so -- and also, the national  
14 office tells you. So between those two bodies,  
15 safe to say that we're in the thousands.

16 Q. So just -- just so I'm understanding you  
17 correctly, is it your testimony that the Louisiana  
18 State Conference of the NAACP does not have any  
19 members?

20 A. We have -- our members are branches,  
21 they're not persons.

22 Q. Okay. And the -- and the thousands of  
23 members, are all of those registered to vote, do  
24 you know?

25 A. I don't know.

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1 Q. Okay. So it's not a 501(c)(3)?

2 A. We are a -- we are an association, a  
3 member of the national association, and so our  
4 status is 501(c)(4).

5 Q. Okay.

6 A. Based upon the association, the national  
7 association.

8 Q. Great.

9 And are the branches separate entities  
10 or separate 501(c)(4)s?

11 A. Yes.

12 Q. Okay. And we looked at the Amended  
13 Complaint in this matter.

14 We don't need to pull it back up.

15 But do you remember when this litigation  
16 was first brought?

17 A. In terms of the date and time and that  
18 type of stuff you're asking?

19 Q. Does the spring of 2022 sound right?

20 A. Right. I think you -- I think it  
21 said -- yeah, spring of 2022.

22 Q. Do you have a specific recollection of  
23 any meetings with state branch presidents before  
24 the spring of 2022?

25 A. I meet with -- I meet with the

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1 Q. Thank you.

2 MS. HOLT: And if we can look down on  
3 page 2 to the response. Great.

4 Q. Can you please read that first paragraph  
5 in the response to paragraph (a). I'm sorry.  
6 It's the second paragraph down under Supplemental  
7 Response, starting with -- it starts with the  
8 subsection (a).

9 A. Do I read it silently or out loud?

10 Q. If you can read it out loud for the  
11 record, please.

12 A. "Plaintiff has identified at least one  
13 member who resides in, among others, each of the  
14 following Louisiana senate districts: 2, 5, 7, 8,  
15 10, 14, 15, 17, 19, 31, 36, 38 and 39."

16 Q. Great. Thank you.

17 Is every senate district listed in this  
18 response?

19 MS. ROHANI: Objection, calls for a  
20 legal conclusion.

21 You can answer.

22 A. Now repeat your question again.

23 Q. Sure.

24 How many senate districts does Louisiana  
25 have?

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1 MS. ROHANI: Objection.

2 You can answer.

3 A. I don't know. Off the top of my head, I  
4 don't know. I know --

5 Q. That's totally fine.

6 Do you see the number 1 in this  
7 response?

8 A. I see 1 down by the house districts.

9 Q. Okay.

10 A. But I don't see nothing by the senate.

11 Q. So what I'm getting at is: Can we agree  
12 that there are numbers missing between 1 and 39 in  
13 this response?

14 A. Okay. All right. We can.

15 Q. So what does the Louisiana State  
16 Conference mean when it says it has identified at  
17 least one member?

18 MS. ROHANI: Objection.

19 You can answer.

20 A. Okay. It means that we have at least  
21 one member living in these identified senatorial  
22 districts, 2, 5, 7, 8, 10, 14, 15, 17, 19, 31, 36,  
23 38, and 39.

24 Q. And how do you know that?

25 MS. ROHANI: Objection.

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1 there.

2 So I'm familiar with having members  
3 in -- at least one member that reside in each one  
4 of these questioned senatorial districts.

5 Q. Do you know those members' home  
6 addresses?

7 MS. ROHANI: Objection, to the extent  
8 that this is protected by attorney-client  
9 privilege.

10 But you can answer.

11 A. I've gone to some of their homes. I  
12 haven't -- probably haven't gone to all of them,  
13 but I've gone to a lot of homes. And not only  
14 eaten gumbo, but crackers. I'm telling you.

15 I was up in Cottonport last night.  
16 That's right outside of Marksville, right.

17 And I've gone to those places and I've  
18 sat down.

19 And I've also attended funerals.

20 But I might not have gone to each home,  
21 but I've gone to enough of them to understand that  
22 we have members that reside there.

23 Q. So let me -- let me try it this way. So  
24 do you see how it lists Senate District 2?

25 A. Yes.

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1 Q. The member identified in that  
2 district -- I'm not asking for their identity, but  
3 do you know their home address?

4 MS. ROHANI: Objection.

5 A. I know they live there, yes.

6 Q. How do you know that?

7 A. Because I've already looked at that  
8 particular area, and I know we have at least one.  
9 I might not know every one at -- at that  
10 particular senatorial dist- -- address, but I know  
11 at least one of the membership that stays in that  
12 area. And I know -- I've been to the homes. I've  
13 been -- most of these homes I've been to.

14 And Louisiana is a welcoming state.  
15 We -- we love to bring you in, watch some LSU,  
16 southern football and eat some barbecue and some  
17 dirty rice and some -- so I've been to many of  
18 those homes. And so I -- I can get to most of  
19 their homes from -- just on memory alone.

20 Q. Okay. Now, Mr. McClanahan, I'm -- I'm  
21 not doubting that you go to certain members'  
22 homes.

23 What I'm getting at is: This response  
24 says that plaintiff has identified at least one  
25 member who resides in Senate District 2. Now, I

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1 want to know how you know that.

2 MS. ROHANI: Objection.

3 You can answer.

4 A. Okay. So as I alluded to earlier, the  
5 senate districts are a whole lot larger than the  
6 house representative districts, right. So I do  
7 know, based upon looking -- and looking at the  
8 maps that have the parishes -- Louisiana has  
9 parishes, not counties. So looking at the  
10 parishes, cross-referencing them with our  
11 branches, where our branch is located, it's easy.  
12 I know that easily, that we have branches in and  
13 the members that make up the branches in these  
14 particular senatorial districts.

15 Q. Does "member" mean member in good  
16 standing?

17 MS. ROHANI: Objection.

18 A. Either you're a member or you're not.  
19 Either you're a member -- paid dues member or  
20 you're not. I don't know if there's a quasi -- a  
21 place where members go until they get in good  
22 standing. I'm not aware of anything like that.

23 So if your \$30 paid up, then I want  
24 everybody on the call, on this Zoom, that paid  
25 their \$30 to become a member of the oldest and the

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1 the identification of members in Louisiana senate  
2 districts.

3 And do -- do you see the senate  
4 districts identified in 3(a), Mr. McClanahan?

5 A. Yes, I do.

6 Q. Did you review any list or document with  
7 addresses and names to verify that a branch member  
8 lives in each of these districts?

9 A. I didn't -- I didn't look at a list. I  
10 didn't have a list. But I do know, and -- and in  
11 reviewing this, talked with my lawyers and we took  
12 the legal maps and illustrative maps, put  
13 together. And based upon our conversations -- and  
14 I told them that I've been all over these places,  
15 and I could identify where members live in these  
16 particular senatorial districts.

17 Q. Did you speak with any branch leaders  
18 for the purpose of identifying these districts?

19 MS. ROHANI: Objection.

20 You can answer.

21 A. Did I speak to any -- any leadership  
22 about the districts?

23 Q. Any branch leaders.

24 A. What do you mean, "speak with" them?

25 Q. Did you ask any branch leaders whether

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1 BY MS. HOLT:

2 Q. All right. So let's now go to that  
3 second paragraph of this response.

4 Mr. McClanahan, can you please read that  
5 out loud, for the record?

6 A. "Plaintiff has identified at least one  
7 member who lives in, among others, each of the  
8 following Louisiana House Districts: 1, 2, 3, 4,  
9 5, 6, 7, 8, 9, 13, 22, 25, 27, 34, 35, 36, 37, 47,  
10 57, 58, 59, 60, 61, 62, 63, 65, 66, 67, 68, 69,  
11 70, 80, 88, and 101.

12 Q. Thank you, Mr. McClanahan.

13 Is that -- do you know how many house  
14 districts Louisiana has?

15 A. No, I don't. Not off the top of my  
16 head.

17 Q. Let's see. Do you see number 10 in this  
18 response?

19 A. No, I don't.

20 Q. So is it fair to say that not all the  
21 Louisiana house districts are listed in this  
22 response?

23 A. Right.

24 Q. Okay. Now, did you review any list or  
25 documents with names and addresses to verify that

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1 a member lives in each of these house districts?

2 A. I didn't have a list.

3 Q. Okay. What did you have?

4 MS. ROHANI: Objection.

5 Q. You can answer, I believe.

6 MS. ROHANI: No. Direct not to answer.

7 MS. HOLT: Direct not to answer? Okay.

8 MS. ROHANI: Yeah. It's confidential.

9 MS. HOLT: Okay.

10 BY MS. HOLT:

11 Q. On -- Mr. McClanahan, do you have  
12 personal knowledge of at least one member  
13 identified in each of these house districts?

14 A. Yes.

15 Q. And how do you know that?

16 MS. ROHANI: Objection.

17 Direct not to answer.

18 MS. HOLT: Sara, I'm a little confused.

19 MS. ROHANI: My apologies, Cassie. I  
20 merely object to the extent that this may be  
21 covered by attorney-client privileges;  
22 however, Mr. McClanahan can answer how. My  
23 apologies.

24 MS. HOLT: Okay.

25 A. Okay. Well, as I alluded to you in the

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1 answer to (a), that I'm a native Louisianan. How  
2 I travel this whole state, bad roads and all, and  
3 I looked at the illustrative maps, I looked at the  
4 illegal maps, and I know -- I know that we have  
5 members in the house district because the house  
6 district is smaller than the senatorial district.

7 So we eat, watch football games. We go  
8 to festivals. We go to Freedom Fund banquets. I  
9 go to protest police brutality. We go to stand in  
10 the school district or -- or kicking our kids out  
11 of school for literally nothing. I go there to  
12 test medication or -- or healthcare, inadequate  
13 healthcare. I've been to these areas and I've  
14 stood with members. Stood with members in all of  
15 these areas.

16 And so I know, based upon looking at the  
17 illustrative maps, looking at the illegal maps,  
18 and just knowledge of Louisiana, talked with our  
19 lawyers, knowing that we have a plaintiff -- we've  
20 identified at least one member in each one of  
21 these house districts.

22 Q. Mr. McClanahan, how many house -- do you  
23 know how many house districts Baton Rouge has?

24 A. I don't, not off the top of my head.

25 Q. Sure.

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1 Is it more than one?

2 A. Yes.

3 Q. How did you verify that at least one  
4 member lives in at least two house districts in  
5 Baton Rouge?

6 MS. ROHANI: Again, objection, to the  
7 extent that there are maybe privileged  
8 communications.

9 However, President McClanahan, you can  
10 answer.

11 THE WITNESS: Okay.

12 A. You say Baton Rouge?

13 Q. Yes, sir.

14 A. I used to be Baton Rouge vice president,  
15 so I know for a fact that we have at least one or  
16 two members living in each of the house districts  
17 in Baton Rouge area.

18 Q. How do you know that those members  
19 didn't move?

20 A. I live in Baton Rouge. I know them  
21 personally.

22 Q. Okay.

23 A. On more times than not I've been to  
24 their house. And then I've probably helped fix  
25 their house, repair their house.

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1 Q. Okay.

2 A. You know, we've been through floods and  
3 all that, hurricane. So I've been there. I've  
4 been the president -- when I was branch  
5 president -- branch president, that they can call  
6 on me to also pray for them and to welcome them,  
7 you know, when they have bursts and to help grieve  
8 with them when they've had losses.

9 So I've been to many of the houses.  
10 Been on the Southern University branch. I've been  
11 to these homes and cheered on the Jaguars. Been  
12 to these homes to cheer on the Tigers. And so  
13 we're familiar with those here in the Baton Rouge  
14 area in the house districts.

15 Q. When you go to a home, do you know which  
16 house district you're in when you visit?

17 A. Probably so.

18 Q. Probably so?

19 A. Probably so. In the State of Louisiana,  
20 probably. And in Baton Rouge, probably so.

21 Q. Now, there's -- there's other house  
22 districts listed outside of Baton Rouge in this  
23 response; is that correct?

24 A. Yes.

25 Q. Did you speak with any branch leaders

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1 within New Orleans?

2 A. I'm not -- I'm not that good. I  
3 don't -- I don't even know where my kids' rooms  
4 are in my own house.

5 Q. Do you know if any of the members  
6 identified in these house districts are registered  
7 voters?

8 A. No, I don't.

9 Q. Do you know if they are black?

10 A. No, I don't. Because the membership is  
11 diverse. And then when you talk about Orleans,  
12 you're talking about really diversity, so I  
13 wouldn't know.

14 Q. Okay. Now, let's see, house district  
15 or -- yeah, House District 1, who is the member  
16 who you identified that lives in House District 1?

17 MS. ROHANI: Again, objection.

18 Direct not to answer.

19 MS. HOLT: All right. And, Sara, is  
20 your objection and instruction going to be  
21 the same for every house district --

22 MS. ROHANI: Yes, ma'am.

23 MS. HOLT: -- listed here?

24 MS. ROHANI: Yes, Cassie.

25 MS. HOLT: All right.

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1 to the organization, its members, and Black  
2 communities in Louisiana caused by the enacted  
3 maps, the lack of responsiveness of elected  
4 officials in addressing issues faced by Black  
5 Louisianans, and other topics relevant to  
6 Plaintiffs' claims. The other plaintiffs in the  
7 case will also likely testify, including  
8 representatives from the Black Voters Matter Fund  
9 and the individual plaintiffs. Other witnesses  
10 Plaintiff may call will be identified as their  
11 identities are determined and in accordance with  
12 the pre-trial schedule and Plaintiffs' discovery  
13 obligations."

14 Q. Thank you, Mr. McClanahan.

15 I didn't want to interrupt you, but  
16 we -- we could have stopped it at "claims."

17 I'm going to ask you a few questions  
18 about the first part of that paragraph.

19 What harm has the Louisiana State  
20 Conference suffered as an organization as a result  
21 of the enacted maps?

22 MS. ROHANI: Objection.

23 But you can answer.

24 A. Okay. What we've had to do since the  
25 enactment of these illegal maps is that we have

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1 had to shift our -- our -- our action plan, for  
2 lack of a better term. You know, we had to get  
3 geared up during the -- during the time from the  
4 census through the Road Shows, the legislative  
5 Road Shows to the legislative sessions. And so we  
6 had members get up because the -- because when the  
7 census came back, it identified that we had --  
8 that we had gained population, black population,  
9 in certain areas. We're excited about that  
10 because we knew that we were going to get some  
11 additional majority-minority representatives. And  
12 so when the -- when the house passed the illegal  
13 maps, the areas that we were shifting to do the  
14 work in and keep going, because these areas were  
15 going to get excited about having a representative  
16 of their choice, possibly somebody who looks just  
17 like them, and when that didn't happen, we had to  
18 shift the resources and manpower to -- to take  
19 into account that this area that we thought was  
20 gonna have a -- probably a black representative or  
21 an Asian, if that was the case -- excuse me, or  
22 Hispanic, if that was the case, would no longer  
23 have that.

24 And we were having radio spots already  
25 getting ready to be cut. And we were doing

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1 trainings to get people excited about going to  
2 these particular areas and talking about, finally,  
3 Louisiana got it right this time.

4 But, no, we had to say that Louisiana is  
5 still Lousyana because it's going to keep us in  
6 bandage. And so we suffered not only because the  
7 people were emotionally distressed, but having to  
8 redirect manpower and resources to these areas.

9 It makes our work a little bit harder  
10 because it's easier to get you excited about  
11 something that you know is coming your way. It's  
12 easier. But it's a lot bit tougher to get you  
13 excited about something that you know should have  
14 happened but you will tell me, "I told you that  
15 things were not going to change in Louisiana."

16 You have that mindset. It's really  
17 tough for me to get you excited about just wanting  
18 to participate in the process because you know the  
19 process is not -- is not kin to you, is not liken  
20 to you. The process -- we know that in Louisiana,  
21 the good ol' boy still wins out.

22 "The good ol' boy still wins out; power  
23 does not concede power," those are the things that  
24 I would hear. And how would I combat that? And  
25 how would I combat that? I would have to pray all

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1 the time, just pray all the time that we -- that I  
2 be given encouragement, that I could encourage my  
3 members to go in these areas in Louisiana to talk  
4 about we're trying to -- we're trying to -- the  
5 process is still going to work, we just have to  
6 keep the faith. And that's tough, trying to tell  
7 somebody to keep the faith and you just slapped  
8 them in the face. It's tough.

9 It's tough going into these areas and  
10 saying, look -- I think Sam Cook says, "If changes  
11 don't come, can't stay in that zone, can't sit on  
12 the dock of the bay, can't do that." So it's a  
13 little bit tougher.

14 When you talk about harm to the -- to  
15 the State Conference, people would tell me, "Man,  
16 y'all lying, y'all are not good." It damaged our  
17 reputation because I'm getting geared up, I'm  
18 pumping them up. We'd like to do right -- for  
19 once in Louisiana's history, we're about to do  
20 right. Once. We're about to get this right.

21 And I was saying it all along because I  
22 have faith in Louisiana. I have faith in the  
23 members in the House and members in the Senate. I  
24 have faith in them. And I would tell people  
25 throughout the state, just watch, you're going to

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1 have somebody that you like, get ready. You ready  
2 to run? Let's get you ready to run. Let's get  
3 you excited about running for an office, and a --  
4 for a office position, the House or the Senate,  
5 get excited about that. And only to go back  
6 behind myself and tell them, well, next time.

7 And then that's a slap in their face  
8 because they say, you lied then, you're lying now,  
9 things ain't going to change. This is Louisiana.

10 So trying to get the harm -- the harm is  
11 to this whole state of Louisiana because our kids,  
12 as they grow up -- they grew up under the Jim Crow  
13 law. They grew up understanding what Jim Crow law  
14 is. And now they're young adults. And they  
15 saying, "It ain't gonna change. Let me move out  
16 of the state of Louisiana. Let me go to another  
17 state."

18 So let's try to keep families together.  
19 Because that breaks up families. And so the harm  
20 to the Louisiana NAACP, but it harms us all.

21 So now I'm still -- I'm still going from  
22 town to town shouting that change is gonna come  
23 some day, change is gonna come sooner than you  
24 think.

25 Q. Thank you.

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1           So you said -- I believe one part of  
2           your answer was sending members to go into these  
3           areas. What areas are you referring to?

4           A. Well -- well, when we were -- we were  
5           sending members into areas where the elections or  
6           maps saying we were going to get a -- a  
7           majority-minority representative there, right.  
8           Sending them there to get people excited about  
9           participating again in the process, the democratic  
10          process. Getting them geared up to maybe my uncle  
11          or maybe my brother's about to become a state  
12          senator or state representative, and getting them  
13          excited about what's about to happen, what's going  
14          to come, what's down the road.

15          Q. Are you aware of any specific resources  
16          that have been diverted as a result of the enacted  
17          maps?

18          A. Well, we talk about resources. Do you  
19          mean resources from the State Conference or  
20          resources from any other -- any other areas  
21          that...

22          Q. Sure, from the State Conference.

23          A. I'm aware because -- you know, because,  
24          you know, I have to make sure that we have the  
25          resources. And so we -- we've diverted resources.

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1 I'm aware of things like that. I'm aware of -- we  
2 didn't have -- we had planned to have maybe a -- a  
3 town hall or -- or a rally, I'm familiar with  
4 that. But we had to postpone that or we had to  
5 downsize or we're going to be staying and talking  
6 about the people that we were gonna make sure that  
7 got there. I'm familiar with those type of  
8 things.

9 Q. What -- I believe you mentioned town  
10 halls. What specific town halls were canceled?

11 MS. ROHANI: Objection.

12 You can answer.

13 A. Well, we're looking to go into a town  
14 called Bogalusa and engage the memberships there,  
15 the town there. We've been looking to go to  
16 Orleans because they're always excited about  
17 getting geared up to get people excited about  
18 transform to government. But we had to downsize  
19 that, or not change that at all. And other areas  
20 that we've had to do specifically, we just  
21 couldn't do.

22 Q. Now, the State Conference is still  
23 having their annual conference this year?

24 A. I like you, Cassie, because you're  
25 excited about it, just like I am.

# **Exhibit 4**

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# Transcript of Omari Ho-Sang, Corporate Representative

**Date:** August 29, 2023  
**Case:** Naine, et al. -v- Ardoin

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

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DR. DOROTHY NAIRNE, :

et al., :

Plaintiffs, : Civil Action No.

v. : 3:22-cv-00178-SDD-SDJ

R. KYLE ARDOIN, in :

his official capacity :

as Secretary of :

Louisiana, :

Defendants. :

- - - - - x

Deposition of Black Voters Matter

By Omari Ho-Sang, Corporate Representative

(Conducted Remotely)

Tuesday, August 29, 2023

10:31 a.m.

Job No.: 504602

Pages: 1 - 68

Reported By: Leonora L. Walker, Court Reporter

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1 Deposition of OMARI HO-SANG, held at the  
2 offices of:  
3  
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5 (All parties appeared remotely via Zoom.)  
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10 Pursuant to notice, before Leonora L. Walker,  
11 Court Reporter, Notary Public in and for the State  
12 of New York.  
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Transcript of Omari Ho-Sang, Corporate Representative  
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A P P E A R A N C E S

ON BEHALF OF PLAINTIFFS:

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Amanda LaGroue, Esquire - Louisiana Attorney

General

Stuart Naifeh - NAACP Legal Defense Fund

Sara Rohani - NAACP Legal Defense Fund

John Conine and John Walsh for Defendants

Michael Safee - Technician Specialist

Transcript of Omari Ho-Sang, Corporate Representative  
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1 A Yes, I am.

2 Q And what is your current job title?

3 A My current job title is senior state  
4 organizing manager for Louisiana.

5 Q Okay. How long have you held that  
6 position?

7 A I was first hired in April 2020 as the  
8 Louisiana state coordinator which is essentially  
9 the same position.

10 Q Okay. So I believe you said there's a  
11 senior state organizer now in the title.

12 A Yes.

13 Q When did that title change occur?

14 A We became state organizing managers around  
15 2021, and then I became a senior state organizing  
16 manager in 2023.

17 Q And is that a full-time job?

18 A Yes.

19 Q And it's paid or unpaid?

20 A It is paid.

21 Q And what are your job duties?

22 A As the state organizing manager, I'm  
23 responsible for working with our partners in  
24 Louisiana across the state to help them get out  
25 the vote, to increase voter participation, and to

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1 also support their work around other community  
2 issues that they or their members or constituents  
3 or community are concerned about. I'm also  
4 responsible for assisting with our mini grant  
5 process for our partners and making  
6 recommendations around grants and providing  
7 training for partners based on their needs.

8 Q And I believe I heard you say a few times  
9 the term "partners."

10 A Yes.

11 Q Can you tell me what "partners" means?

12 A A partner is an organization or entity  
13 that we work with around increasing voter  
14 participation. Many times they are grassroots or  
15 community-based organizations that work -- have a  
16 specific mission and we provide support around  
17 that mission. And we also help them to increase  
18 their capacity to address their concerns as well  
19 as increase their capacity to get out the vote in  
20 their community.

21 Q And in your current role, who do you  
22 report to?

23 A I report to my deputy field director.

24 Q And who is that?

25 A Fenika Miller.

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1 Q Would you mind spelling that for the  
2 record?

3 A Sure. Fenika, F-E-N-I-K-A; last name  
4 Miller, M-I-L-L-E-R.

5 Q Great. Thank you.

6 Do any other BVM employees report to you?

7 A Yes. I have one person who reports to me,  
8 and that is the southern regional organizer,  
9 Keturah Butler-Reed.

10 Q What is the Black Voters Matter Fund?

11 A The Black Voters Matter Fund is the C4 arm  
12 of BVM.

13 Q What is the difference between the fund  
14 and the Capacity Building Institute?

15 A The BVM Capacity Building Institute is the  
16 C3 nonpartisan arm of Black Voters Matter. And  
17 that is -- that represents a bulk of the work that  
18 we do. The majority of the work that I do as a  
19 state organizing manager is -- concerns BVM  
20 Capacity Building Institute function or work. And  
21 then the Black Voters Matter Fund is the C4 arm of  
22 Black Voters Matter.

23 Q Okay. They are separate entities, but do  
24 they have shared staff?

25 A Yes.

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1 Q Okay. Do they have the same board of  
2 directors?

3 A Yes.

4 Q And your employment is with the C3 arm; is  
5 that correct?

6 A My employment is with Black Voters Matter  
7 Fund.

8 Q With the fund, okay. Yeah, I just want to  
9 make clear for the record here, but you understand  
10 that you're here today testifying for the Capacity  
11 Building Institute?

12 A Yes.

13 Q Okay. And I believe you have an e-mail  
14 address that's at Black VotersMatterFund.org?

15 A Correct.

16 Q Do you have one that's for the Capacity  
17 Building Institute?

18 A No. We utilize our Black Voters Matter  
19 Fund address.

20 Q Okay. And what is your role within --  
21 well, I believe you said you were employed by the  
22 Fund.

23 Is your position within the Fund the same  
24 as it is with the Capacity Building Institute?

25 A Yes, it is.

Transcript of Omari Ho-Sang, Corporate Representative  
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1 parishes outside of Shreveport that All Streets,  
2 All People works in?

3 A We've organized across the state in  
4 various parishes.

5 Q I'd like to switch gears a little bit and  
6 ask you a few questions about BVM's operations.

7 Where is BVM's corporate office?

8 A BVM's corporate office is in Atlanta,  
9 Georgia.

10 Q And what states does BVM operate in?

11 A It operates in 25-plus states. There are  
12 core states, which Louisiana is one of the core  
13 states. There are about 12 of those states.  
14 Louisiana, Mississippi, Texas, Georgia, Florida,  
15 North Carolina, Pennsylvania, Michigan. Tennessee  
16 I believe is a core state, but I'm not absolutely  
17 sure about Tennessee. And then are -- so maybe  
18 that's not 12 that I've just named. And then are  
19 what we call light states that does not have  
20 dedicated staff. Like Louisiana has a -- two  
21 dedicated staff. Those are light states, and  
22 there are many more. I'm not completely aware of  
23 all of the light states that we have, but those  
24 states have a deputy director that runs those  
25 light states.

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1 Q What makes a state a core state?

2 A So as mentioned, a core state is defined  
3 by having a permanent staff member or a team that  
4 is employed by Black Voters Matter, and -- I mean,  
5 that's one of the key -- the key markings, and I  
6 would say that they're -- because of having  
7 personnel there, there's a budget that is  
8 dedicated to funding partners in the core states.  
9 Whereas, with light states, there's not a core  
10 staff person dedicated to that state alone.

11 Q And who decides if a state is a core state  
12 or a light state?

13 A Our effective leadership.

14 Q And who is your executive leadership?

15 A Cliff Albright is our executive director  
16 as well as LaTosha Brown, our chief doer is her  
17 title, and April Albright our legal counsel. They  
18 comprise our executive leadership.

19 Q Does BVM have physical offices in all of  
20 its core states?

21 A So I'm not absolutely sure about physical  
22 offices in all the core states. Now, we have a  
23 physical office that I utilize in Shreveport, in  
24 Louisiana, and we have a physical office  
25 headquartered in Atlanta. Those are the two I

Transcript of Omari Ho-Sang, Corporate Representative  
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1 know for sure about.

2 Q And you said utilize that physical office  
3 in Shreveport.

4 Do you report to that office every day --

5 A No.

6 Q -- for work?

7 A No. All of BVM's employees work remote,  
8 so...

9 Q So Ms. Butler-Reed does she report to that  
10 physical office?

11 A She's our southern regional organizer, so  
12 she works in the southern half of the state, so  
13 no.

14 Q I see. And how long has BVM had that  
15 Shreveport office space?

16 A I've utilized it since 2021.

17 Q Do you know if BVM had the office before  
18 then?

19 A No, it did not.

20 Q So I believe you said previously that you  
21 and Ms. Butler-Reed are the BVM employees in  
22 Louisiana.

23 Are there any other BVM employees in the  
24 state?

25 A No.

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1 Q Okay, great.

2 So if you can read that first sentence to  
3 yourself, and I'm going to ask you a couple of  
4 questions about that. If you can just let me know  
5 once you're done reviewing.

6 A Okay. I've read it.

7 Q What does a constituency of individuals  
8 and organizations mean in the context of this  
9 case?

10 A Yes. So a constituency is essentially our  
11 partners, their communities, their members.

12 Q Okay. Does BVM have any individual  
13 members?

14 A No, we don't have members. We just have  
15 partners.

16 Q And how many partners does BVM have?

17 A Roughly, based on my last count, around  
18 50, in the upper 50s, or around 57 or 58 partners.

19 Q Is there a criteria to become a partner  
20 organization?

21 A So there is a process to become a partner  
22 that individual groups would go through and it  
23 looks different each time. Kind of how that  
24 partnership happens. But Louisiana has a process  
25 where we meet with our potential partners, and we

Transcript of Omari Ho-Sang, Corporate Representative  
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1 kind of do an assessment of their capacity.  
2 Because again, you know, a majority of the work  
3 that we do is capacity building, and so we assess  
4 their needs of our resources.

5 Q And when you say "we assess," is that you  
6 personally that's doing that assessment?

7 A So it's staff. So either myself or  
8 Keturah, the southern regional organizer, we'll  
9 conduct assessment or partner intake as we call  
10 the process.

11 Q Now, to become an official -- well, I'm  
12 going to say official partner in the sense that  
13 you're using the term.

14 Does an organization have to have members?

15 A No. You know, sometimes an organization  
16 will not have been formed yet, but they would like  
17 to build an organization because again we are a  
18 capacity building institute, and so we have the  
19 resources to help a group become an organization,  
20 so there are no requirements necessarily of what  
21 that organization has to look like. We do have  
22 organizations that are members, that do have  
23 members rather.

24 Q Okay. So if I was interested in becoming  
25 a partner with BVM and I didn't have an

Transcript of Omari Ho-Sang, Corporate Representative  
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1 organization yet, what would you look for, like,  
2 for me to come into this assessment process? What  
3 would I need to have?

4 A You would really just need to understand  
5 what do you want to focus on, what is your  
6 community concern, and then we build from there.  
7 You know, capacity kind of looks different for  
8 different people and it can be defined in  
9 different ways. And so, you know, do you have the  
10 people or the access to people to help volunteer  
11 for a cause. You know, how easily will you be  
12 able to address the issue that you're most  
13 concerned about. We start there and then we help  
14 them build to be able to address the concern that  
15 they bring to the table.

16 A majority of the organizations that we  
17 work with are focused on increasing voter  
18 engagement in their community, and so that is a  
19 majority of what we deal with. However, there are  
20 a lot of community concerns and issues that are  
21 brought to us, and so we want -- our end goal is  
22 to be able to help an organization or a group be  
23 able to meaningfully and substantively address  
24 their issue of concern.

25 Q Now, does it have to be a specific issue

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1 of concern in order to be granted partnership  
2 status?

3 A No. It could be just a general concern  
4 about the state of their community. Or it could  
5 just -- they want to lend their talents or skills  
6 or time to helping our general mission, right, of  
7 increasing black voter turnout.

8 So, you know, as I mentioned earlier, it  
9 looks different, you know, based on the community  
10 or the group or the issue, and our end goal is to  
11 help them to address whatever general concern  
12 however they want to engage in helping us reach  
13 our ultimate goal or objective of increasing black  
14 voter turnout as well as black civic engagement.

15 Q So speaking about the overall mission of  
16 BVM, and I believe you've used the phrase engaging  
17 with the community.

18 What does BVM do to engage with its  
19 communities?

20 A So we support partner initiatives or  
21 events that they're planning, we help with the  
22 planning process if needed by the partner  
23 organization. One of our most well-known  
24 engagements is our bus tour that we conduct across  
25 the country. That looks different again. And so

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1 Q It wasn't all of them; it was part?

2 A So in terms of, like, our partner leaders  
3 that helped us to lead the mobilization, all of  
4 them are registered voters. However, you know,  
5 earlier we talked about, like, engagement and how  
6 we engage with people at the pep rally, we engage  
7 with people along the way. There are many people  
8 who we come into contact with who are not yet  
9 registered which is a part of the purpose of our  
10 tours is to come into contact with those who are  
11 not register, educate them, and register them to  
12 vote.

13 MS. HOLT: You can take down this exhibit.

14 BY MS. HOLT:

15 Q Ms. Ho-Sang, how has BVM been harmed by  
16 the legislative maps in this case?

17 MS. KEENAN: Objection to the extent it  
18 calls for a legal conclusion, but you can answer.

19 THE WITNESS: So, you know, there are a  
20 few ways that I view, you know, harm. And, you  
21 know, one way is that we had to spend a lot of  
22 time that we did not foresee on redistricting.  
23 And so my time, staff time, partner time, in  
24 addition, because of the outcome of the special  
25 session, we, you know, spend additional time

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1 really responding to that. You know, even before  
2 the maps became law and we -- our partners started  
3 to see them and became concerned about them, that  
4 is where the redistricting takeover and  
5 mobilization was born out of those concerns. That  
6 was not something that we entered 2022 saying,  
7 hey, we're going to do this massive mobilization  
8 to the capitol in the way that it happened. So,  
9 you know, we had to take away our focus from,  
10 like, our core, you know, our core mission which  
11 is increase black voter turnout to the polls to  
12 really focus on redistricting which there was a  
13 huge learning curve for me and our team around  
14 redistricting to begin with.

15 So I think apart of the harm is, you know,  
16 a diversion of our attention, our focus, and our  
17 resources because we did provide mini grants to  
18 partners that participated in the process. So  
19 there's kind of a financial harm in a way, too,  
20 because those funds could have been used for more  
21 general GOTV to really increase the number of  
22 registered voters in a community or to have more  
23 teachings, or, you know, kind of, like, really  
24 focus on that core piece, and so there's the  
25 financial aspect of it as well.

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1 And then another way is that when we go --  
2 you know, it was referenced in the transcript,  
3 when we talk to people a lot of people talk about  
4 how they feel that their vote does not count. The  
5 outcome of this redistricting process has made  
6 that sentiment even worse because now people --  
7 especially because the awareness has increased  
8 around it. Now people are like, well, now my vote  
9 really doesn't count, and so we have to really  
10 have a nuanced approach to how we organize because  
11 there is an increasing sentiment among the people  
12 who we want to engage with that their vote does  
13 not count, so...

14 BY MS. HOLT:

15 Q Okay. So I'm going to try to break those  
16 down in the same three ways that I heard you break  
17 them down.

18 The first, what specific funding has been  
19 diverted due to these legislative maps?

20 A So we provided mini grants to our partners  
21 to participate in the redistricting takeover  
22 because we did a mobilization from their home  
23 cities into Baton Rouge. Many of the partners  
24 that attended were not local to Baton Rouge, and  
25 so we wanted to make sure that they had the funds

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1 necessary to transport themselves, their members,  
2 and their community members that wanted to  
3 participate. We also brought the big bus for the  
4 redistricting takeover and there are expenses that  
5 are associated with rolling the bus because it's  
6 not headquartered -- it doesn't live in Louisiana,  
7 so there are expenses that are associated with  
8 that.

9 In addition to also lodging partners and  
10 we took on some of the responsibility of paying  
11 for lodging for our out-of-town partners during  
12 the redistricting takeover as well.

13 And so just to be kind of more concise,  
14 the mini grant funding that went to partners  
15 specific to the redistricting takeover, the  
16 expenses associated with the big bus rolling to  
17 Baton Rouge for the tour as well as the cost  
18 associated with lodging our partners, and the food  
19 and, you know, the cost of the events, and, you  
20 know, the event planners that we worked with to  
21 make sure that the event took place. So there  
22 were a lot of expenses, you know, around just that  
23 one mobilization, but there were also other events  
24 that we took part in with other partners leading  
25 up to the event where we did some cost sharing as

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1 well.

2 Q So all of the items you just listed are  
3 for that one two-day event in Baton Rouge,  
4 correct?

5 A Except for the latter half of what I just  
6 said, like leading into it.

7 Q Leading into it.

8 A Yes. There were a lot of expenses. And  
9 then when we give a grant, or when we provide a  
10 grant to our partner there, of course, within that  
11 was a line item for this particular event, but  
12 also just general outreach in their community  
13 around redistricting, the utilized those funds for  
14 that as well. And so I couldn't say that all of  
15 the funding went just specifically to the  
16 mobilization. There was a significant amount that  
17 did, but there were also expenses associated with  
18 just the whole redistricting process. The more we  
19 got involved, the more resolve. We had to do more  
20 outreach, more awareness. We even sent a  
21 broadcast text, which of course there are costs  
22 associated with broadcast texting, to get people  
23 engaged around the session. But also the  
24 follow-up after when we -- when our partners were  
25 urging the governor to veto the maps, so, you

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1 know, there were costs leading into the  
2 redistricting, there were costs during the  
3 redistricting takeover, and then there were costs  
4 after as well.

5 Q You mentioned a broadcast text.

6 A Yes.

7 MS. HOLT: And I'm going to ask the  
8 technician to, please, pull up document that's  
9 been previously marked as BVM LA LEG 977.

10 BY MS. HOLT:

11 Q Ms. Ho-Sang, is this that campaign that  
12 you were mentioning previously?

13 A This is a -- this is the text campaign  
14 that we did for the redistricting takeover.

15 Q Okay. And do you see the event date?

16 A Event date, February 8, 2022.

17 Q And was that before the legislative maps  
18 were passed?

19 A Yes.

20 Q And the launch date was for this campaign  
21 was February 2, 2022; is that correct?

22 A Yes.

23 MS. HOLT: Now, I'd like the tech to,  
24 please, turn to the second page of this PDF, and  
25 I'll give you a chance to review.

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1 Q Is that alignment a condition to receiving  
2 a grant?

3 A Yes. We grant to organizations that, from  
4 one perspective or another, will help to increase  
5 the black voter engagement and black civic  
6 participation.

7 Q Were there any specific grants that were  
8 not awarded due to these legislative maps?

9 MS. KEENAN: Objection to form.

10 MS. HOLT: Yeah, let me ask that a  
11 different way. That was a poor question.

12 BY MS. HOLT:

13 Q So were there any mini grant applications  
14 for other goals of BVM that were diverted to  
15 redistricting?

16 A Oh, I think I understand your question.  
17 We have a finite granting budget. When we grant  
18 money, that money is gone, and so that means less  
19 money for our other key purposes. And so there  
20 was a significant amount, I don't have an exact  
21 figure of how much we granted for redistricting,  
22 but there was a significant amount of granting  
23 that did go towards redistricting.

24 Q And you said there is a specific granting  
25 amount. Does that change from year to year?

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1 A Insignificantly, but it does change. It  
2 has changed during my time.

3 Q Do you have an example of a specific grant  
4 that wasn't -- that didn't make it through the  
5 process because the funds were already fully  
6 disbursed?

7 A No, I don't have a grant that I can refer  
8 to, no.

9 Q Okay. Now, in terms of a generally  
10 diversion of resources that you've talked about,  
11 has BVM's -- (connectivity interruption.)

12 So in terms of a general diversion of  
13 resources, has BVM's Get Out The Vote initiatives  
14 continued?

15 A Yes.

16 Q So they haven't ceased because this  
17 lawsuit is pending?

18 A No, they have not.

19 Q And has BVM started new Get Out The Vote  
20 initiatives in Louisiana as this lawsuit has been  
21 pending?

22 A Yes.

23 Q And what are those initiatives?

24 A So we are conducting GOTV for our upcoming  
25 gubernatorial election, and we've had one bus tour

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1 but it's part of the Shreveport community. So  
2 there are many places that are target areas across  
3 the state that contain partners, and our partners  
4 are involved in the work that happens in those  
5 areas. And so as a matter of supporting our  
6 partners, we expanded to those areas as well.

7 Q Okay. So you've listed certain parishes  
8 for me. Does BVM operate in every single parish  
9 in Louisiana?

10 A No.

11 Q How many parishes are covered in full?

12 A Approximately inclusive of our target,  
13 plus the additional parishes that we picked up,  
14 we're -- we most likely have partners in at least  
15 25 parishes that we work with.

16 Q Okay. So 25 --

17 A That's an approximate number.

18 Q All right. Now, switching to the mini  
19 grants, has All Streets, All People received  
20 grants from the BVM?

21 A Yes.

22 Q About how many grant?

23 A ASAP has received three to five grants  
24 from BVM.

25 Q And what years were those received?