UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

PRESS ROBINSON, EDGAR CAGE, DOROTHY NAIRNE, EDWIN RENE SOULE, ALICE WASHINGTON, CLEE EARNEST LOWE, DAVANTE LEWIS, MARTHA DAVIS, AMBROSE SIMS, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ("NAACP") LOUISIANA STATE CONFERENCE, AND POWER COALITION FOR EQUITY AND JUSTICE,

Plaintiffs,

v.

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

Defendant.

Civil Action No. 3:22-cv-00211

Chief Judge Shelly D. Dick

Magistrate Judge Richard L. Bourgeois, Jr.

MOTION OF THE PRESIDING OFFICERS OF THE LOUISIANA LEGISLATURE TO INTERVENE

Pursuant to Fed. R. Civ. P. 24, Clay Schexnayder, Speaker of the Louisiana House of Representatives, and Patrick Page Cortez, President of the Louisiana Senate, in their respective official capacities (collectively, the "Proposed Intervenors"), respectfully move this Court to grant them leave to intervene in this action. This lawsuit challenges the congressional redistricting plan that was recently enacted by the Louisiana Legislature. Plaintiffs allege that the plan "continues the State of Louisiana's long history of maximizing political power for white citizens by disenfranchising and discriminating against Black Louisianans," "by 'packing' large numbers of Black voters into a single majority-Black congressional district, and 'cracking' the State's remaining Black voters among the five remaining districts" "in violation of the Voting Rights Act of 1965." (Doc. 1, ¶ 1.) Plaintiffs ask the Court to declare the plan unlawful, enjoin its use in future

elections, order the Legislature to enact a new redistricting plan with two majority-minority districts, and—if no such plan is enacted—fashion redistricting plans to govern Louisiana elections to the U.S. House of Representatives. (Doc. 1, p.52–53 (Prayer for Relief).)

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

THE LEGAL STANDARD

Rule 24(a) requires a federal court to permit intervention of a non-party who "claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest," and Rule 24(b) permits a federal court to allow intervention of non-parties that tender "a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(a)(2) and (b)(1)(B). "Rule 24 is to be liberally construed" in favor of intervention. *Brumfield v. Dodd*, 749

F.3d 339, 341 (5th Cir. 2014)*; see also Wal-Mart Stores, Inc. v. Tex. Alcoholic Beverage Comm'n*, 834 F.3d 562, 565 (5th Cir. 2016) (same). "The inquiry is a flexible one, and a practical analysis of the facts and circumstances of each case is appropriate." *Brumfield*, 749 F.3d at 341 (quotation marks omitted). "Intervention should generally be allowed where no one would be hurt and greater justice could be attained." *Ross v. Marshall*, 426 F.3d 745, 753 (5th Cir. 2005).

ARGUMENT

I. Proposed Intervenors Are Entitled To Intervene as of Right

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

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

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

A. Timeliness

This intervention motion is timely. The complaint was filed on March 30, 2022, the deadline for responsive pleadings has not yet passed, and no meaningful case events have occurred. As a result, "timeliness is not at issue." *Brumfield*, 749 F.3d at 342; *see Edwards v. City of Houston*, 78 F.3d 983, 1000 (5th Cir. 1996) (finding that delays of "only 37 and 47 days . . . are not unreasonable"); *Ross*, 426 F.3d at 755 (permitting post-judgment intervention); *United States v. Commonwealth of Virginia*, 282 F.R.D. 403, 405 (E.D. Va. 2012) ("Where a case has not progressed beyond the initial pleading stage, a motion to intervene is timely."); *Mullins v. De Soto Securities Co.*, 3 F.R.D. 432, 433 (W.D. La. 1944) (finding motion to intervene timely during the initial pleading stage).

B. Direct Interest

Proposed Intervenors also "have a 'direct, substantial, legally protectable interest in the proceedings.'" *Edwards*, 78 F.3d at 1004 (quoting *New Orleans Pub. Serv., Inc. v. United Gas Pipe Line Co.*, 732 F.2d 452, 463 (5th Cir. 1984)). "A 'legally protectable' right" for intervention purposes "is not identical to a 'legally enforceable' right, such that 'an interest is sufficient if it is of the type that the law deems worthy of protection, even if the intervenor . . . would not have standing to pursue her own claim.'" *DeOtte v. State*, 20 F.4th 1055, 1068 (5th Cir. 2021) (citations omitted); *see also Wal-Mart Stores,* 834 F.3d at 566 (same). Rather, "[a] movant found to be a 'real party in interest' generally establishes sufficient interest." *League of United Latin Am. Citizens, Council No. 4434 v. Clements*, 884 F.2d 185, 187 (5th Cir. 1989) ("*LULAC, Council No. 4434*"). "[A] 'real party in interest' may be ascertained by determining whether that party caused the injury and, if so, whether it has the power to comply with a remedial order of the court." *Id.* at 187. Proposed Intervenors have multiple interests implicated in this case.

1. *Legislative Role in Redistricting*. Proposed Intervenors are the presiding officers of the legislative chambers that enacted the challenged congressional redistricting plan and, as such, have legally protectable interests in the defense of those plans. *See Karcher v. May*, 484 U.S. 72, 77 (1987) (recognizing that "presiding officers" of state legislature had authority to intervene in lawsuit challenging state legislation). These include an interest in seeking to prevent their votes in favor of the challenged plans from being nullified by an order deeming the plans violative of the Voting Rights Act. *See Ariz. State Leg. v. Ariz. Indep. Redistricting Comm'n*, 576 U.S. 787, 803–04 (2015) (finding Arizona Legislature's interest in enacting congressional redistricting plan sufficient to create Article III standing)[1]; *I.N.S. v. Chadha*, 462 U.S. 919, 930 & n.5, 931 n.6 (1983)

[1] Because the interest showing for intervention purposes is lower than the injury showing for Article III standing purposes, cases on standing establish what interests are sufficient to establish

(similar holding as to Houses of Congress). Proposed Intervenors also have an interest in defending the injury to the legislative department of Louisiana, and the State itself, that would result from an injunction against the challenged plans. *Arizonans for Official English v. Arizona*, 520 U.S. 43, 65 (1997) ("We have recognized that state legislators have standing to contest a decision holding a state statute unconstitutional if state law authorizes legislators to represent the State's interests."); *cf. Swenson v. Bostelmann*, No. 20-cv-459, 2020 WL 8872099, at *1 (W.D. Wis. June 23, 2020) (granting state legislature intervention as of right in election law-related case reasoning that "the Legislature has an interest in the continued enforceability of its laws").[2]

These legislative interests are of paramount importance because the United States Constitution affords the Legislature of each state the power to establish "[t]he Times, Places and Manner of holding Elections for Senators and Representatives." U.S. Const., art. I, § 4. By consequence, the Supreme Court's "precedent teaches that redistricting is a legislative function, to be performed in accordance with the State's prescriptions for lawmaking," *Ariz. State Legislature*, 576 U.S. at 808. Plaintiffs acknowledge that "the Legislature must redraw district boundaries for the congressional districts." (Doc. 1, ¶ 40; *see also id.* ¶ 43.) But their suit seeks to override the Legislature's redistricting choices and potentially to transfer redistricting authority from the Legislature and to the court. And that injury to their interests would be especially stark, given that

intervention but do not establish what is necessary. *See Virginia House of Delegates v. Bethune-Hill*, 139 S. Ct. 1945, 1955 (2019) (distinguishing standing from intervention).

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

support for those policies was sufficient within the Legislature to override the Governor's veto. (Doc. 1, ¶ 86.)

2. *Diversion of Resources*. Proposed Intervenors also have an interest in avoiding a second redistricting process, which "is never easy," *Abbott v. Perez*, 138 S. Ct. 2305, 2314 (2018), and would be required if this Court finds the redistricting plans unlawful, *see, e.g.*, *Chapman v. Meier*, 420 U.S. 1, 27 (1975). Plaintiffs' Prayer for Relief requests that this Court "[o]rder the adoption of a valid congressional redistricting plan for Louisiana that includes two districts in which Black voters have an opportunity to elect candidates of their choice." (Doc. 1, p.53 (Prayer for Relief ¶ C).) But the Louisiana Legislature spent months crafting, deliberating over, seeking public input regarding, and enacting the challenged plans, and the Legislature was required to call a veto override session to enact the plan over the Governor's veto. (*See* Doc. 1, ¶¶ 47–86.) An injunction in Plaintiffs' favor would compel Proposed Intervenors and their colleagues to divert time and resources from other pressing legislative items. (*Cf. id.* ¶ 41 (asserting cognizable harm to Plaintiff NAACP because it will, they allege, be required "to divert resources from its broader voter registration and community empowerment initiatives").) This is an independent interest supporting intervention.

3. *Legislative Policies and Legal Choices*. Proposed Intervenors have a compelling and justiciable interest in defending and advancing legitimate legislative policies. The Complaint alleges that alternative proposals were offered to the Legislature during redistricting and criticizes the Legislature for choosing differently. (*See, e.g.*, Doc. 1, ¶¶ 48–53.) The Legislature is directly concerned in responding to those and related assertions and defending its policy choices.

Moreover, if this Court ultimately issues a remedy in this case, Proposed Intervenors have an interest in ensuring that such a remedy implements legitimate legislative policies. "[A] court,

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

Proposed Intervenors have a distinct but related interest in the ultimate adoption of redistricting plans that do not, "without sufficient justification," "separate[e] . . . citizens into different voting districts on the basis of race." *Bethune-Hill v. Va. State Bd. of Elections*, 137 S. Ct. 788, 797 (2017) (citation omitted). The purposeful creation of an additional majority-minority district would likely trigger strict scrutiny under the U.S. Constitution's Equal Protection Clause. *See Cooper v. Harris*, 137 S. Ct. 1455, 1468–69 (2017). The U.S. Supreme Court recently summarily reversed a Wisconsin Supreme Court order adopting legislative redistricting plans creating "one more [majority-minority district] than the current map"—"by reducing the black voting-age population in the other six majority-black districts"—because the plans were obvious racial gerrymanders. *Wis. Leg. v. Wis. Elections Comm'n*, No. 21A471, 2022 WL 851720, at *1 & n.1, *2–4 (U.S. Mar. 23, 2022). The appeal of the Wisconsin Legislature upheld the right of equal-

protection of Wisconsin citizens against such race-based discrimination. Plaintiffs appear to be asking this Court to make the error the Wisconsin Supreme Court made. Proposed Intervenors, like the Wisconsin Legislature in *Wisconsin Legislature*, have a compelling interest in ensuring that Louisiana citizens' equal protection rights are honored in any future redistricting plan.

For all these reasons, Proposed Intervenors are real parties in interest in this case. Plaintiffs allege that the Legislature "caused the injury" and the Legislature "has the power to comply with a remedial order of the court." *LULAC, Council No. 4434*, 884 F.2d at 187. The Fifth Circuit has recognized that the legislative body that played a "part in creating" challenged districts is a real party in interest. *See id.* (denying intervention of a county in redistricting suit because other state bodies, not the county, had authority to redistrict); *see also Miss. State Conf. of N.A.A.C.P. v. Barbour*, No. 3:11-cv-00159, 2011 WL 1327248, at *3 (S.D. Miss. Apr. 1, 2011) (finding that the Mississippi House of Representatives Apportionment and Elections Committee had the right to intervene in redistricting case); *Theriot v. Parish of Jefferson*, CIV. A. No. 95-2453, 1996 WL 383130, at *4 (E.D. La. July 8, 1996), *on reconsideration,* No. 95-2453, 1996 WL 517695 (E.D. La. Sept. 11, 1996) (denying intervention by neighboring city council because the neighboring city council did not have the power to redraw the councilmanic district lines in question). Plaintiffs' Complaint repeatedly references the Louisiana Legislature and challenges its legislative choices. (*See, e.g.*, Doc. 1, ¶¶ 68, 84, 93, 150–63.) The Court should not entertain such allegations without affording those most directly concerned the opportunity to respond. And, if the Court ultimately issues an injunction, only the Legislature "has the power to comply with a remedial order of the court," *LULAC, Council No. 4434*, 884 F.2d at 187, since no other body is empowered to redistrict Louisiana's congressional districts.

C. Impairment

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

D. Adequacy of Representation

Proposed Intervenors' interests are not adequately represented by existing parties to this action. "The Supreme Court has decided '[this] requirement . . . is satisfied if the applicant shows that representation of his interest 'may be' inadequate; and the burden of making that showing should be treated as minimal." *Edwards*, 78 F.3d at 1005 (quoting *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972)). Here, the sole Defendant is Louisiana's Secretary of State, who has no legal duty or authority to enact redistricting legislation and does not share or

represent Proposed Intervenors' interests. No presumption of adequacy arises, and any such presumption is, in any event, overcome.

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

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

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

plans if they are enjoined. *Cf. League of Women Voters of Mich. v. Johnson*, 902 F.3d 572, 579 (6th Cir. 2018) (explaining that district maps do not affect the State Secretary of State, who "just ensures the maps are administered fairly and accurately," whereas "the contours of the maps affect the Congressmen directly and substantially by determining which constituents the Congressmen must court for votes and represent[.]"). For these reasons, it is common for legislative intervenors in redistricting cases to "intervene[] and assume[] responsibility for defending the plan." *Bethune-Hill*, 137 S. Ct. at 796; *see also Arrington v. Elections Bd.*, 173 F. Supp. 2d 856, 858, 867 (E.D. Wis. 2001) (permitting intervention as of right by Wisconsin Assembly Speaker and Senate Minority Leader).

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

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

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

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

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

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

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

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

II. Proposed Intervenors Should Be Permitted To Intervene

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

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

Mich., 902 F.3d at 577 (finding intervenors in redistricting case satisfied this element where they intended to defend the challenged plan); *Hunter v. Bostelmann*, No. 21-cv-512, 2021 WL 3856081, at *1 (W.D. Wis. Aug. 27, 2021) (granting permissive intervention by Wisconsin Legislature in redistricting case); *Baldus v. Members of Wis. Govt. Accountability Bd.*, No. 11-cv-562, 2011 WL 5834275, at *1 (E.D. Wis. Nov. 21, 2011) (granting permissive intervention by congress members because "[w]hile, in the eyes of the law, the intervenors may have no greater interest than the average citizen-of-age in the outcome of this case, as a matter of logic, the intervenors are much more likely to run for congressional election and thus have a substantial interest in establishing the boundaries of their congressional districts."); *Carter v. Degraffenreid,* 266 A.3d 1208, 2021 WL 4735059, at *1 n.2 (Pa. Commnw. Ct. Oct. 8, 2021) (permitting legislative leaders to intervene in redistricting litigation). Nor will intervention prejudice existing parties. Plaintiffs have squarely placed the Legislature's work at issue and cannot claim injury from Proposed Intervenors' defense of that work.

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

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

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

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

All relevant facts and considerations therefore favor permissive intervention.

CONCLUSION

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

Respectfully submitted,

/s/ Michael W. Mengis

Michael W. Mengis, LA Bar No. 17994
BAKERHOSTETLER LLP
811 Main Street, Suite 1100
Houston, Texas 77002
Phone: (713) 751-1600
Fax: (713) 751-1717
Email: mmengis@bakerlaw.com

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

E. Mark Braden*
Katherine L. McKnight*
Richard B. Raile*
BAKERHOSTETLER LLP
1050 Connecticut Ave., N.W., Ste. 1100
Washington, D.C. 20036
(202) 861-1500
mbraden@bakerlaw.com
kmcknight@bakerlaw.com
rraile@bakerlaw.com

Patrick T. Lewis*
BAKERHOSTETLER LLP
127 Public Square, Ste. 2000
Cleveland, Ohio 44114
(216) 621-0200
plewis@bakerlaw.com

Erika Dackin Prouty*
BAKERHOSTETLER LLP
200 Civic Center Dr., Ste. 1200
Columbus, Ohio 43215
(614) 228-1541
eprouty@bakerlaw.com

* *Pro hac vice motions to be filed*

CERTIFICATE OF SERVICE

I certify that on April 6, 2022, this document was filed electronically on the Court's electronic case filing system. Notice of the filing will be served on all counsel of record through the Court's system. Copies of the filing are available on the Court's system.

/s/ Michael W. Mengis
Michael W. Mengis, LA Bar No. 17994

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

EXHIBIT A

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

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

STIPULATION REGARDING PARTY APPEARANCES AND LEGISLATIVE INTERVENTION

MAY IT PLEASE THE COURT:

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

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

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

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

[SIGNATURE BLOCK ON NEXT PAGE]

Dated: March 28, 2022

Respectfully submitted,

ELIAS LAW GROUP LLP

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

Lalitha D. Madduri**
Olivia N. Sedwick*
Jacob D. Shelly*
10 G Street NE, Suite 600
Washington, D.C. 20002
Phone: (202) 968-4518
Fax: (202) 968-4498
Email: lmadduri@elias.law
Email: osedwick@elias.law
Email: jshelly@elias.law

*_Pro hac vice_ application pending
**_Pro hac vice_ application forthcoming

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

Counsel for the Bullman *Plaintiffs*

By: */s/John Adcock*

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

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

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

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

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

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

Sarah Brannon*
American Civil Liberties Union Foundation
915 15th St., NW
Washington, DC 20005
sbrannon@aclu.org

**Pro hac vice* applications forthcoming

Counsel for the NAACP Plaintiffs

JENNER & BLOCK LLP

Sam Hirsch*
Jessica Ring Amunson*
Alex S. Trepp**
JENNER & BLOCK LLP
1099 New York Avenue, NW, Suite 900
Washington, D.C. 20001
(202) 639-600
shirsch@jenner.com
jamunson@jenner.com
atrepp@jenner.com

Keri L. Holleb Hotaling**
Andrew J. Plague**
JENNER & BLOCK LLP
353 North Clark Street
Chicago, IL 60654
(312) 923-2975
khotaling@jenner.com
aplague@jenner.com

BARRASSO USDIN KUPPERMAN FREEMAN & SARVER, L.L.C.

/s/Judy Y. Barrasso
Judy Y. Barrasso (La. Bar No. 2814)
Viviana Aldous (La. Bar No. 38653)
BARRASSO USDIN KUPPERMAN FREEMAN &SARVER, L.L.C.
909 Poydras Street, Suite 2350
New Orleans, LA 70112
Tel: (504) 589-9700
Fax: (504) 589-9701
jbarrasso@barrassousdin.com
valdous@barrassousdin.com

Counsel for the Math/Science Intervenors

* *Pro hac vice application forthcoming*
***Pro hac vice application pending*

JEFF LANDRY
ATTORNEY GENERAL

BY: /s/ Jeffrey M. Wale
Carey T. Jones (LSBA #07474)
Angelique Duhon Freel (LSBA #28561)
Jeffrey M. Wale (LSBA #36070)
Lauryn A. Sudduth (LSBA #37945)
Assistant Attorneys General
Louisiana Department of Justice, Civil Division
P.O. Box 94005
Baton Rouge, LA 70802
Telephone: (225) 326-6060
Facsimile: (225) 326-6098
Email: jonescar@ag.louisiana.gov
freela@ag.louisiana.gov
walej@ag.louisiana.gov
sudduthl@ag.louisiana.gov

Jennifer O. Bollinger (LSBA # 32349)
P.O. Box 94125
Baton Rouge, LA 70804-9125
Telephone: 225-922-2880
Fax: 225-922-2003
Email: jennifer.bollinger@sos.la.gov

Counsel for the Secretary of State

/s/ Christina B. Peck

Christina B. Peck, LA Bar No. 14302
Sheri M. Morris, LA Bar No. 20937
DAIGLE, FISSE, & KESSENICH, PLC
8900 Bluebonnet Boulevard
Baton Rouge, LA 70810
Phone: (225) 421-1800 Fax: (225) 421-1792
E-mail: CPeck@DaigleFisse.com
SMorris@DaigleFisse.com

E. Mark Braden*
Katherine L. McKnight*
Richard B. Raile*
BAKERHOSTETLER LLP
1050 Connecticut Ave., N.W., Ste. 1100
Washington, D.C. 20036
(202) 861-1500
mbraden@bakerlaw.com
kmcknight@bakerlaw.com
rraile@bakerlaw.com

Patrick T. Lewis*
BAKERHOSTETLER LLP
127 Public Square, Ste. 2000
Cleveland, Ohio 44114
(216) 621-0200
plewis@bakerlaw.com

Erika Dackin Prouty*
BAKERHOSTETLER LLP
200 Civic Center Dr., Ste. 1200
Columbus, Ohio 43215
(614) 228-1541
eprouty@bakerlaw.com

* Pro hac vice motions to be filed

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

CERTIFICATE OF SERVICE

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

/s/ Darrel J. Papillion
Darrel J. Papillion

NINETEENTH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

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

ORDER PURSUANT TO STIPULATION
REGARDING PARTY APPEARANCES AND LEGISLATIVE INTERVENTION

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

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

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

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

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

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

HONORABLE DONALD R. JOHNSON, 19TH JDC

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

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

DONE AND MAILED ON APRIL 01, 2022

Dawna Robichaux

DEPUTY CLERK OF COURT

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

PRESS ROBINSON, EDGAR CAGE, DOROTHY NAIRNE, EDWIN RENE SOULE, ALICE WASHINGTON, CLEE EARNEST LOWE, DAVANTE LEWIS, MARTHA DAVIS, AMBROSE SIMS, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ("NAACP") LOUISIANA STATE CONFERENCE, AND POWER COALITION FOR EQUITY AND JUSTICE, *Plaintiffs,* v. KYLE ARDOIN, in his official capacity as Secretary of State for Louisiana, *Defendant.*	Civil Action No. 3:22-cv-00211 Chief Judge Shelly D. Dick Magistrate Judge Richard L. Bourgeois, Jr.

ANSWER OF INTERVENORS TO PLAINTIFFS' COMPLAINT

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

I. INTRODUCTION

1. Intervenors state that the demographics of the State of Louisiana speak for themselves. Intervenors admit that House Bill 1 was enacted into law after the Louisiana Legislature voted to override the veto of Governor John Bel Edwards, but deny that Senate Bill 5 was enacted into law. Intervenors deny the remaining allegations in paragraph 1 of the Complaint.

2. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations that Plaintiffs are Black Louisiana voters and Louisiana nonprofit

organizations. Intervenors deny that Plaintiffs are entitled to any requested relief. Intervenors deny any remaining allegations in paragraph 2 of the Complaint.

3. Intervenors deny the allegations of paragraph 3 of the Complaint.

4. Intervenors deny the allegations in the first sentence of paragraph 4 of the Complaint. The allegations in the last sentence of paragraph 4 of the Complaint purport to characterize the demographics of the State of Louisiana and the congressional districts enacted by House Bill 1, which speak for themselves. The remaining allegations of paragraph 4 of the Complaint purport to characterize the demographics of vaguely defined "areas" of Louisiana, Intervenors are without knowledge of their precise meaning, and they therefore deny the same.

5. Intervenors deny the allegations in the first sentence of paragraph 5 of the Complaint. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 5 of the Complaint, and, therefore, deny the same.

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

7. Intervenors deny the allegations in the first sentence of paragraph 7 of the Complaint. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 7 of the Complaint and, therefore, deny the same.

8. Intervenors admit that the U.S. Department of Justice has previously objected to voting-related changes in Louisiana jurisdictions, and that those objections speak for themselves. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 8 of the Complaint, and, therefore, deny the same.

9. Intervenors deny the allegations in the first sentence of paragraph 9 of the Complaint. Intervenors deny that "H.B. 5 and S.B. 1" were congressional redistricting plans passed

by the Legislature. The remaining allegations in paragraph 9 of the Complaint purport to characterize submissions by members of the public and bills introduced by legislators, which speak for themselves. Intervenors deny any remaining allegations in paragraph 9 of the Complaint.

10. The allegations in the first and second sentences of paragraph 10 of the Complaint purport to quote from and characterize statements by Governor Edwards, which speak for themselves. Intervenors deny that the Legislature entered into a veto session on March 29, 2022. Intervenors admit that the Legislature voted to override the Governor's veto of House Bill 1. Intervenors deny any remaining allegations in paragraph 10 of the Complaint.

11. The first sentence of paragraph 11 of the Complaint contains only legal conclusions to which no response is required. To the extent that sentence is interpreted to contain any factual allegations, any such allegations are denied. Intervenors deny the remaining allegations in paragraph 11 of the Complaint.

II. JURISDICTION AND VENUE

12. Intervenors admit that the Middle District of Louisiana has jurisdiction over this matter, but deny that Plaintiffs are entitled to any relief, and deny any remaining allegations in paragraph 12 of the Complaint.

13. Intervenors admit that the Middle District of Louisiana has jurisdiction over this matter, but deny that Plaintiffs are entitled to any relief, and deny any remaining allegations in paragraph 13 of the Complaint.

14. Intervenors admit the allegations in paragraph 14 of the Complaint.

III. PARTIES

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

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

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

18. Intervenors deny the allegations in paragraph 18 of the Complaint.

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

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

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

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

23. Intervenors deny the allegations in the fifth and sixth sentences of paragraph 23 of the Complaint. Intervenors are without knowledge or information sufficient to form a belief as to

the truth of the remaining allegations in paragraph 23 of the Complaint, and, therefore, deny the same.

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

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

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

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

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

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

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

IV. LEGAL BACKGROUND

31. Paragraph 31 of the Complaint contains only legal conclusions to which no response is required.

32. Paragraph 32 of the Complaint contains only legal conclusions to which no response is required. To the extent paragraph 32 of the Complaint is interpreted to contain any factual allegations, any such allegations are denied.

33. Paragraph 33 of the Complaint contains only legal conclusions to which no response is required.

34. Paragraph 34 of the Complaint contains only legal conclusions to which no response is required.

35. Paragraph 35 of the Complaint contains only legal conclusions to which no response is required.

36. Paragraph 36 of the Complaint contains only legal conclusions to which no response is required.

37. Paragraph 37 of the Complaint contains only legal conclusions to which no response is required.

38. Paragraph 38 of the Complaint contains only legal conclusions to which no response is required.

V. FACTUAL BACKGROUND

39. Intervenors admit that the allegations in paragraph 39 of the Complaint purport to summarize the results of the 2020 Census, which speak for themselves.

40. Paragraph 40 of the Complaint contains only legal conclusions to which no response is required.

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

42. Intervenors admit that the allegations in paragraph 42 of the Complaint purport to summarize the results of the 2020 Census, which speak for themselves.

43. Intervenors admit the allegations in paragraph 43 of the Complaint.

44. Intervenors admit that the allegations in paragraph 44 of the Complaint purport to describe the requirements of Joint Rule 21, which speaks for itself.

45. Intervenors deny the allegations in the first sentence of paragraph 45 of the Complaint. The remaining allegations in paragraph 45 of the Complaint purport to characterize submissions to the House and Senate Governmental Affairs Committees, which speak for themselves. Intervenors deny the allegations of paragraph 45 of the Complaint to the extent inconsistent with such submissions.

46. Intervenors deny the allegations in the first sentence of paragraph 46 of the Complaint. Intervenors further admit that legislative staff provided members of the Legislature with training and education on the Legislature's redistricting obligations under state and federal law. The remaining allegations in paragraph 46 of the Complaint purport to quote from and characterize those materials, which speak for themselves, and Intervenors deny those allegations to the extent inconsistent with the statements on the record.

47. Intervenors admit the allegations in the first and second sentences of paragraph 47 of the Complaint. The allegations in the last sentence of paragraph 47 purport to quote from and characterize the Legislature's redistricting website, which speaks for itself.

48. The allegations in paragraph 48 of the Complaint purport to quote from and characterize public comments that were offered during the joint public meetings held by the House and Senate Governmental Affairs Committees, which speak for themselves. Intervenors deny any remaining allegations in paragraph 48 of the Complaint.

49. The allegations in paragraph 49 of the Complaint purport to quote from and characterize public comments that were offered during the joint public meetings held by the House and Senate Governmental Affairs Committees, which speak for themselves. Intervenors deny any remaining allegations in paragraph 49 of the Complaint.

50. The allegations in paragraph 50 of the Complaint purport to quote from and characterize public comments that were offered during the joint public meetings held by the House and Senate Governmental Affairs Committees, which speak for themselves. Intervenors deny any remaining allegations in paragraph 50 of the Complaint.

51. The allegations in paragraph 51 of the Complaint purport to quote from and characterize public comments that were offered during the joint public meetings held by the House and Senate Governmental Affairs Committees, which speak for themselves. Intervenors deny any remaining allegations in paragraph 51 of the Complaint.

52. The allegations in paragraph 52 of the Complaint purport to quote from and characterize live testimony that was offered during the joint public meetings held by the House and Senate Governmental Affairs Committees, which speaks for itself. Intervenors deny any remaining allegations in paragraph 52 of the Complaint.

53. The allegations in paragraph 53 of the Complaint purport to quote from and characterize live testimony that was offered during the joint public meetings held by the House and Senate Governmental Affairs Committees, which speaks for itself. Intervenors deny any remaining allegations in paragraph 53 of the Complaint.

54. The allegations in paragraph 54 of the Complaint purport to quote from and characterize live testimony that was offered during the joint public meetings held by the House and Senate Governmental Affairs Committees, which speaks for itself. Intervenors deny any remaining allegations in paragraph 54 of the Complaint.

55. The allegations in paragraph 55 of the Complaint purport to quote from and characterize email testimony and submissions that were offered to the House and Senate Governmental Affairs Committees, which speak for themselves. Intervenors deny any remaining allegations in paragraph 55 of the Complaint.

56. The allegations in paragraph 56 of the Complaint purport to quote from and characterize statements made by Representative John Stefanski, which speak for themselves. Intervenors deny any remaining allegations in paragraph 56 of the Complaint.

57. The allegations in paragraph 57 of the Complaint purport to quote from characterize a letter submitted to the House and Senate Governmental Affairs Committees, which speaks for itself. Intervenors deny any remaining allegations in paragraph 57 of the Complaint.

58. Intervenors admit the allegations in the first sentence of paragraph 58 of the Complaint, and are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 5 of the Complaint, and, therefore, deny the same.

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

60. Intervenors admit that during the 2022 First Extraordinary Session, bills, and amendments to those bills, proposing congressional redistricting plans were offered, and that these bills speak for themselves.

61. Intervenors admit the allegations in the first sentence of paragraph 61 of the Complaint. The remaining allegations in paragraph 61 of the Complaint purport to quote from and characterize testimony that was offered during the Senate Committee on Senate and Governmental Affairs hearing on February 2, 2022, which speaks for itself. Intervenors deny any remaining allegations in paragraph 61 of the Complaint.

62. Intervenors admit the allegations in the first sentence of paragraph 62 of the Complaint. The remaining allegations in paragraph 62 of the Complaint purport to characterize bills proposing congressional redistricting plans introduced by various legislators, which speak for themselves. Intervenors deny any remaining allegations in paragraph 62 of the Complaint.

63. The allegations in paragraph 63 of the Complaint purport to characterize testimony offered by Senator Fields and other legislators, which speaks for itself. Intervenors deny any remaining allegations in paragraph 63 of the Complaint.

64. Intervenors deny that Senator Hewitt's statements were "without evidence." The remaining allegations in paragraph 64 of the Complaint purport to characterize statements by Senator Hewitt, which speak for themselves. Intervenors deny any remaining allegations in paragraph 64 of the Complaint.

65. The allegations in paragraph 65 of the Complaint purport to characterize statements by Senator Hewitt, which speak for themselves. Intervenors deny any remaining allegations in paragraph 65 of the Complaint.

66. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 66 of the Complaint, and, therefore, deny the same.

67. Intervenors admit the allegations in the first sentence of paragraph 67 of the Complaint. Intervenors further admit that the Senate Committee on Senate and Governmental Affairs reported Senate Bill 5 favorably on February 4, 2022, and that other bills proposing congressional redistricting plans, which speak for themselves, were not reported favorably by the Committee.

68. Intervenors deny that Senator Hewitt's statements were "without evidence." The remaining allegations in paragraph 68 of the Complaint purport to characterize statements by Senator Hewitt, which speak for themselves. Intervenors deny any allegations of paragraph 68 of the Complaint to the extent inconsistent with Senator Hewitt's statements.

69. The allegations in paragraph 69 of the Complaint purport to characterize statements by Senator Hewitt and others, which speak for themselves. Intervenors deny any allegations of paragraph 69 of the Complaint to the extent inconsistent with Senator Hewitt's statements.

70. Intervenors admit the allegations in the first, fourth, fifth, and sixth sentences in paragraph 70 of the Complaint. The remaining allegations purport to characterize an amendment offered by Senator Fields, which speaks for itself. Intervenors deny any remaining allegations in paragraph 70 of the Complaint.

71. Intervenors admit the allegations in paragraph 71 of the Complaint.

72. The allegations in paragraph 72 of the Complaint purport to characterize House Bill 1, testimony provided by Intervenor Schexnayder, and questions by other members of the Legislature, which speak for themselves. Intervenors deny any remaining allegations in paragraph 72 of the Complaint.

73. The allegations in paragraph 73 of the Complaint purport to characterize House Bill 1, proposed amendments to House Bill 1, and testimony provided by Intervenor Schexnayder and Representative Magee, which speak for themselves. Intervenors deny any remaining allegations in paragraph 73 of the Complaint.

74. The allegations in paragraph 74 of the Complaint purport to characterize statements by Representative Stefanski and Representative Duplessis, which speak for themselves. Intervenors deny any remaining allegations in paragraph 74 of the Complaint.

75. Intervenors admit that the House Committee on House and Governmental Affairs voted to report House Bill 1 favorably by a vote of 13 to 5.

76. Intervenors admit that House Bills 4, 7, 8, and 9, which speak for themselves, were heard by the House Committee on House and Governmental Affairs on February 10, 2022, and that the bills were not reported favorably by the Committee. Intervenors deny the remaining allegations in paragraph 76 of the Complaint.

77. The allegations in paragraph 77 of the Complaint purport to characterize statements by Representative Marcelle and other legislators, which speak for themselves. Intervenors deny any remaining allegations in paragraph 77 of the Complaint.

78. Intervenors admit that the House passed House Bill 1 on February 10, 2022, by a vote of 70 to 33. Intervenors further admit that the House vote to not adopt the amendments proposed by Representatives Marcelle and Gaines by margins of 30 to 71 and 33 to 70, respectively. The remaining allegations in paragraph 78 of the Complaint purport to characterize those amendments and statements made by various legislators, which speak for themselves. Intervenors deny any remaining allegations in paragraph 78 of the Complaint.

79. Intervenors admit that Representative Ivey introduced House Bill 22, which speaks for itself, and that House Bill 22 was reported favorably by the House Committee on House and Governmental Affairs and tabled by the House. Intervenors deny any remaining allegations of paragraph 79 of the Complaint.

80. Intervenors admit that Senate Bill 5 was reported favorably by the House Committee on House and Governmental Affairs on February 15, 2022, and that the Committee did not adopt Amendment 116 offered by Representative Duplessis by a vote of 5-9. The remaining allegations in paragraph 80 of the Complaint purport to characterize that amendment and testimony provided by Representative Duplessis, which speak for themselves. Intervenors deny any remaining allegations in paragraph 80 of the Complaint.

81. Intervenors admit that House Bill 1 was reported favorably by the Senate Committee on Senate and Governmental Affairs on February 15, 2022 by a vote of 6 to 2, and that the Committee did not adopt Amendment 153 offered by Senator Price, which speaks for itself. The remaining allegations in paragraph 81 of the Complaint purport to characterize that amendment and statements by Intervenor Schexnayder and Senator Hewitt, which speak for themselves. Intervenors deny any remaining allegations in paragraph 81 of the Complaint.

82. Intervenors admit the allegations in paragraph 82 of the Complaint but lack knowledge sufficient to form a belief as to the accuracy of the depiction of the congressional plan depicted in the map adjacent to paragraph 82 of the Complaint.

83. Intervenors admit that the Senate passed House Bill 1, as amended, by a vote of 27 to 10, and concurred in the House's amendments to Senate Bill 5 by a of vote 26 to 9. Intervenors admit that the House passed Senate Bill 5, as amended, by a vote of 64 to 31, and concurred in the Senate's amendments to House Bill 1 by a vote of 62 to 27. Intervenors admit that Senate Bill 5

and House Bill 1 were sent to Governor Edwards on February 21, 2022. The remaining allegations in paragraph 83 of the Complaint purport to characterize Article III, Section 18 of the Louisiana Constitution, which speaks for itself.

84. Intervenors admit that Governor Edwards vetoed both House Bill 1 and Senate Bill 5. The remaining allegations in paragraph 84 of the Complaint purport to quote from and characterize statements by Governor Edwards, which speak for themselves. Intervenors deny any remaining allegations in paragraph 84 of the Complaint.

85. Intervenors admit the allegations in paragraph 85 of the Complaint.

86. Intervenors admit that the Legislature voted to override the Governor's veto of House Bill 1, but deny the remaining allegations in paragraph 86 of the Complaint.

The *Thornburg v. Gingles* Preconditions Are Satisfied Here

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

***Gingles* Precondition One: Size and Compactness of Black Voting Age Population**

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

89. Intervenors admit that on February 8, 2022, Senator Fields introduced an amendment to Senate Bill 5, which speaks for itself. Intervenors deny the remaining allegations in paragraph 89 of the Complaint.

90. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 90 of the Complaint, and, therefore, deny the same.

91. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 91 of the Complaint, and, therefore, deny the same.

92. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 92 of the Complaint, and, therefore, deny the same.

93. Intervenors admit that members of the public submitted proposed redistricting plans and members of the Legislature introduced bills proposing redistricting plans, which speak for themselves, and deny the remaining allegations in paragraph 93 of the Complaint.

***Gingles* Precondition Two: Political Cohesiveness of Black Voters**

94. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 94 of the Complaint, and, therefore, deny the same.

95. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 95 of the Complaint, and, therefore, deny the same.

96. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 96 of the Complaint, and, therefore, deny the same.

97. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 97 of the Complaint, and, therefore, deny the same.

***Gingles* Precondition Three: Bloc Voting by White Voters**

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

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

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

Under the Totality of the Circumstances, H.B. 1/S.B. 5 Violate Section 2 of the VRA

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

Factor 1: History of Official Voting-Related Discrimination

A. Suppression Targeting Black Voters Before the Voting Rights Act

102. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 102 of the Complaint, and, therefore, deny the same.

103. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 103 of the Complaint, and, therefore, deny the same.

104. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 104 of the Complaint, and, therefore, deny the same.

105. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 105 of the Complaint, and, therefore, deny the same.

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

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

B. Continued Efforts After the Voting Rights Act to Minimize Black Voting Power

108. Intervenors admit that Congress passed the Voting Rights Act in 1965 and that Louisiana was a covered jurisdiction under Section 4(b), but are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in the first sentence of paragraph 108 of the Complaint, and, therefore, deny the same. Intervenors admit the remaining allegations in paragraph 108 of the Complaint.

109. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 109 of the Complaint, and, therefore, deny the same. Intervenors deny the allegations in the second sentence of paragraph 109 of the

Complaint and state affirmatively that preclearance can be denied under Section 5 or liability found under Section 2 without a finding of intentional "efforts to discourage Black voting."

110. Intervenors admit that the U.S. Department of Justice has previously objected to voting-related changes in Louisiana jurisdictions, and that those objections speak for themselves. Intervenors deny the remaining allegations in paragraph 110 of the Complaint. Intervenors affirmatively state that preclearance can be denied under Section 5 or liability found under Section 2 without a finding of intentional "efforts…to dilute, limit, or otherwise adversely impact minority voting access and strength."

111. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 111 of the Complaint, and, therefore, deny the same. Intervenors affirmatively state that preclearance can be denied under Section 5 or liability found under Section 2 without a finding of intentional "efforts…to dilute, limit, or otherwise adversely impact minority voting access and strength."

112. Intervenors admit that prior redistricting plans have been challenged under the VRA. Intervenors deny the allegations in the second and last sentences of paragraph 112. The remaining allegations in paragraph 112 of the Complaint purport to characterize legal opinions including *Major v. Treen*, 574 F. Supp. 325 (E.D. La. 1983), which speak for themselves. Intervenors deny any remaining allegations in paragraph 112 of the Complaint.

113. Intervenors admit that the U.S. Department of Justice objected to the redistricting plan proposed by the Legislature in 1981, and that the plan did not become effective after that objection. Intervenors deny the remaining allegations in paragraph 113 of the Complaint.

114. Intervenors admit that the U.S. Department of Justice objected to the redistricting plan proposed by the Legislature in 1991, and that the objection speaks for itself.

115. Intervenors deny the allegations in the first sentence of paragraph 115 of the Complaint. Intervenors admit that the Legislature sought preclearance of its redistricting plan in 2001 in a federal action in the D.C. District Court, and that the Legislature enacted a revised redistricting plan that redrew the disputed districts. The remaining allegations in paragraph 115 of the Complaint purport to characterize those proceedings, which speak for themselves.

116. The allegations in paragraph 116 of the Complaint purport to characterize the proceedings in *Johnson v. Ardoin*, No. 3:18-cv-00625 (M.D. La.), which speak for themselves. Intervenors deny any remaining allegations in paragraph 116 of the Complaint, and deny the other allegations of paragraph 116 of the Complaint to the extent inconsistent with the holdings of the cases cited.

117. The allegations in paragraph 117 of the Complaint purport to characterize the proceedings in various actions under the VRA, which speak for themselves. Intervenors affirmatively state that liability can be found under Section 2 without a finding of intentional "efforts…to dilute, limit, or otherwise adversely impact minority voting access and strength." Intervenors deny the allegations of paragraph 117 of the Complaint to the extent inconsistent with the holdings of the cases cited therein.

118. The allegations of paragraph 118 of the Complaint purport to characterize other legal proceedings, which speak for themselves. Intervenors deny the allegations of paragraph 118 of the Complaint to the extent inconsistent with the holdings of the cases cited therein..

119. The allegations in the first sentence of paragraph 119 of the Complaint purport to characterize a plan adopted by the Legislature in 2001, which speaks for itself. The allegations in the second sentence of paragraph 119 of the Complaint purport to characterize the proceedings in *St. Bernard Citizens for Better Gov't v. St. Bernard Par. Sch. Bd.*, No. CIV.A. 02-2209, 2002 WL

2022589 (E.D. La. Aug. 26, 2002), which speak for themselves. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 119 of the Complaint, and, therefore, deny the same.

120. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 120 of the Complaint, and, therefore, deny the same.

Factor 2: The Extent of Racial Polarization

121. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 121 of the Complaint, and, therefore, deny the same.

Factor 5: Effects of Louisiana's History of Discrimination

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

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

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

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

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

127. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 127 of the Complaint, and, therefore, deny the same.

128. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 128 of the Complaint, and, therefore, deny the same.

Factor 6: Presence of Racial Campaign Appeals

129. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 129 of the Complaint, and, therefore, deny the same.

130. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 130 of the Complaint, and, therefore, deny the same.

131. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 131 of the Complaint, and, therefore, deny the same.

132. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 132 of the Complaint, and, therefore, deny the same.

133. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 133 of the Complaint, and, therefore, deny the same.

134. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 134 of the Complaint, and, therefore, deny the same.

135. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 135 of the Complaint, and, therefore, deny the same.

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

136. Intervenors deny the allegations in paragraph 136 of the Complaint.

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

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

139. Intervenors admit the allegations in paragraph 139 of the Complaint.

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

141. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 141 of the Complaint, and, therefore, deny the same.

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

Factor 8: Lack of Responsiveness to the Particularized Needs of Black Voters

143. Intervenors deny the allegations in paragraph 143 of the Complaint.

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

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

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

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

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

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

Factor 9: Tenuousness of Justifications for Restricting Black Voters to One Majority-Black District

150. Intervenors deny the allegations in paragraph 150 of the Complaint.

151. The last sentence in paragraph 151 of the Complaint contains only legal conclusions to which no response is required. To the extent those allegations are interpreted to contain any factual allegations, any such allegations are denied. Intervenors deny the allegations in the second sentence of paragraph 151 of the complaint. The remaining allegations in paragraph 151 of the Complaint purport to quote from and characterize statements by Representative Stefanski, which speak for themselves.

152. The allegations in paragraph 152 of the Complaint purport to quote from and characterize statements by Representative Farnum, which speak for themselves.

153. The allegations in paragraph 153 of the Complaint purport to characterize statements by Representative Stefanski, which speak for themselves.

154. The allegations in the first sentence of paragraph 154 of the Complaint purport to characterize statements by Representative Stefanski, which speak for themselves. The remaining allegations in paragraph 154 of the Complaint purport to characterize submissions by members of the public and bills introduced by legislators, which speak for themselves.

155. Intervenors deny the allegations in paragraph 155 of the Complaint.

156. Intervenors deny the sixth and last sentences in paragraph 156 of the Complaint. The remaining allegations in paragraph 156 of the Complaint purport to quote from and characterize statements made by and bills proposed by various legislators, which speak for themselves.

157. The allegations in paragraph 157 of the Complaint purport to quote from and characterize statements made by and bills proposed by various legislators, which speak for themselves.

158. Intervenors deny the allegations in the third sentence of paragraph 158 of the Complaint. Intervenors admit that the House Committee on House and Governmental Affairs did not adopt the amendment to Senate Bill 5 offered by Representative Duplessis. The remaining allegations in paragraph 158 of the Complaint purport to quote from and characterize submissions by members of the public, amendments offered by legislators, and statements by those legislators, which speak for themselves.

159. The allegations in paragraph 159 of the Complaint purport to quote from and characterize statements by Senator Hewitt, which speak for themselves.

160. The allegations in paragraph 160 of the Complaint purport to quote from and characterize statements by Senator Hewitt, which speak for themselves.

161. The allegations in paragraph 161 purport to quote from and characterize statements made by Representative Stefanski and Senator Hewitt, which speak for themselves.

162. Intervenors deny the first sentence of paragraph 162 of the Complaint. Intervenors admit that Representative Ivey introduced House Bill 22, which speaks for itself, and that House Bill 22 was reported favorably by the House Committee on House and Governmental Affairs and tabled by the House of Representatives. Intervenors deny any remaining allegations in paragraph 162 of the Complaint.

163. Intervenors deny the first and last sentences in paragraph 163 of the Complaint. The remaining allegations in paragraph 163 of the Complaint contain only legal conclusions to which

no response is required. To the extent those allegations are interpreted to contain any factual allegations, any such allegations are denied.

CAUSE OF ACTION

Count One
H.B. 1/S.B. 5 violate Section 2 of the Voting Rights Act of 1965
52 U.S.C. § 10301; 42 U.S.C. § 1983
(Vote Dilution)

164. Intervenors incorporate their responses to paragraphs 1-163 of the Complaint as if fully re-stated herein.

165. Paragraph 165 of the Complaint contains only legal conclusions to which no response is required. To the extent those allegations are interpreted to contain any factual allegations, any such allegations are denied.

166. Intervenors deny the allegations in paragraph 166 of the Complaint.

167. Intervenors deny the allegations in paragraph 167 of the Complaint.

168. Intervenors deny the allegations in paragraph 168 of the Complaint.

169. Intervenors deny the allegations in paragraph 169 of the Complaint.

170. Intervenors deny the allegations in paragraph 170 of the Complaint.

ANSWER TO PRAYER FOR RELIEF

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

AFFIRMATIVE DEFENSES

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

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

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

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

Respectfully submitted,

/s/ Michael W. Mengis

Michael W. Mengis, LA Bar No. 17994
BAKERHOSTETLER LLP
811 Main Street, Suite 1100
Houston, Texas 77002
Phone: (713) 751-1600
Fax: (713) 751-1717
Email: mmengis@bakerlaw.com

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

E. Mark Braden*
Katherine L. McKnight*
Richard B. Raile*
BAKERHOSTETLER LLP
1050 Connecticut Ave., N.W., Ste. 1100
Washington, D.C. 20036
(202) 861-1500
mbraden@bakerlaw.com
kmcknight@bakerlaw.com
rraile@bakerlaw.com

Patrick T. Lewis*
BAKERHOSTETLER LLP
127 Public Square, Ste. 2000
Cleveland, Ohio 44114
(216) 621-0200
plewis@bakerlaw.com

Erika Dackin Prouty*
BAKERHOSTETLER LLP
200 Civic Center Dr., Ste. 1200
Columbus, Ohio 43215
(614) 228-1541
eprouty@bakerlaw.com

* *Pro hac vice motions to be filed*

CERTIFICATE OF SERVICE

I certify that on April 6, 2022, this document was filed electronically on the Court's electronic case filing system. Notice of the filing will be served on all counsel of record through the Court's system. Copies of the filing are available on the Court's system.

/s/ Michael W. Mengis
Michael W. Mengis, LA Bar No. 17994

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

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

PRESS ROBINSON, EDGAR CAGE, DOROTHY NAIRNE, EDWIN RENE SOULE, ALICE WASHINGTON, CLEE EARNEST LOWE, DAVANTE LEWIS, MARTHA DAVIS, AMBROSE SIMS, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ("NAACP") LOUISIANA STATE CONFERENCE, AND POWER COALITION FOR EQUITY AND JUSTICE,

Plaintiffs,

v.

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

Defendant.

Civil Action No. 3:22-cv-00211

Chief Judge Shelly D. Dick

Magistrate Judge Richard L. Bourgeois, Jr.

[PROPOSED] ORDER

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

ORDERED that the motion is GRANTED; and further

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

SO ORDERED.

This ____ day of _____ 2022.

_____
United States District Judge