

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

PRESS ROBINSON, et al.,

Plaintiffs,

v.

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

Defendant.

Civil Action No. 3:22-cv-00211-SDD-SDJ

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

EDWARD GALMON, SR., et al.,

Plaintiffs,

v.

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

Defendant.

Consolidated with

Civil Action No. 3:22-cv-00214-SDD-SDJ

**LEGISLATIVE INTERVENORS' RESPONSE TO STATE OF LOUISIANA'S
MOTION FOR EXTENSION OF TIME**

Legislative Intervenors support the motion of the State of Louisiana to extend the deadlines of this Court's order dated June 17, 2022, Doc. 206. The Court's order is unworkable for reasons stated in the State's motion. *See Galmon* Doc. 32-1 at 4–5. The remedy that will emerge from this proceeding will, absent intervention from the Fifth Circuit or Supreme Court, govern elections to the 118th United States Congress. It would be improper to rush to a judgment of such magnitude with so little by way of adversarial proceedings (particularly where this matter has not yet proceeded to a trial on the merits). The Fifth Circuit criticized a remedial proceeding to draw city council districts for one modest-sized city that occurred “less than a month and a half following

judgment on the merits.” *Jones v. City of Lubbock*, 727 F.2d 364, 386 (5th Cir. 1984). This Court should not pick a much larger statewide plan with even less consideration here.

Legislative Intervenors also agree with the State that the *Purcell* principle does not command such an expedited proceeding. If anything, it *forbids* this. The concern of *Purcell* is that “considerations specific to election cases and [a court’s] own institutional procedures” limit injunctions in the period close to an election. *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006) (per curiam). If a court is unable to implement a remedy with appropriate care and proceedings, then *Purcell* bars an injunction in the first instance. Here, Legislative Intervenors believe this to be the case and continue to assert as much on appeal. But they admit that, without appellate intervention, this Court’s injunction will stand for this coming election. That being so, it is necessarily implied in the Court’s preliminary-injunction decision that there is time for an appropriately careful remedial proceeding; otherwise, no injunction could have issued.

To the extent the Court is not inclined to grant the full relief the State seeks, Legislative Intervenors respectfully submit that the Court has before it an appropriate schedule, which Legislative Intervenors previously submitted, that takes into account the Court’s institutional interests in making the right choice of a new congressional plan. *See* Doc. 201 at 7. Those deadlines include appropriate disclosure and responsive deadlines, a discovery period, and—above all—an opportunity to fully vet the plan that may have real-world impact. The Court should, if nothing else, amend its order and adopt that schedule.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on June 21, 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/ Erika Dackin Prouty

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