

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA

PRESS ROBINSON, et al., Plaintiffs,

Defendant Case No.: 3:22-CV-00211-SDD-RLB

v.

KYLE ARDOIN, IN HIS OFFICIAL CAPACITY

AS LOUISIANA SECRETARY OF STATE,

EDWARD GALMON, SR., et al., Plaintiffs,

Defendant Case No.: 3:22-CV-00214-BAJ-
RLB

v.

KYLE ARDOIN, IN HIS OFFICIAL CAPACITY

AS LOUISIANA SECRETARY OF STATE

**LOUISIANA LEGISLATIVE BLACK CAUCUS OPPOSITION DEFENDANT STATE
OFFICIALS' EMERGENCY MOTION TO CANCEL REMEDY HEARING**

With all due respect to the Attorney General (and candidate for governor) whose name is so prominently displayed in the motion at issue and the memorandum in support of same; Defendants lay a trap for Plaintiffs with this motion.

It may be technically true that if the issues stay perfectly squared up and all parties proceed with deliberate speed the permanent injunction might barely have enough time to be prosecuted to final judgment before the 2024 elections. The problem is that neither deliberate speed nor the issues being squared up are likely events without the existence of a remedy fixed by the Court.

Plaintiffs have established the right to have a remedy in place while the case proceeds. That ruling has been appealed but the 5th Circuit Court of Appeal denied three emergency stay motions due to a lack of strong showing that the appeal had a likelihood of success and has

expedited the appeal of the preliminary injunction to the point that the appeal may be decided before a decision on the remedy.

The Court allowed the Louisiana legislature an opportunity to cure the Voter Rights Act violation and the legislature declined to do so. There will be another legislative session in 2024 before the 2024 elections and intervenor Louisiana Legislative Black Caucus believes that when faced with a loss in the 5th Circuit on the preliminary injunction the legislature will follow the Alabama model. It has been widely reported that after the United States Supreme Court¹ affirmed the determination that the plaintiffs in Alabama established that the plaintiffs would probably prevail in a case remarkably like this one, Alabama then adopted a new congressional district map on July 21, S.B. 5, called “the Livingston Plan.” The “Livingston Plan” did not create a second majority minority district and the case remains in litigation.² There would be little time in the present case to address a new map adopted by the Louisiana legislature in the 2024 session, making it very possible that the Louisiana 2024 congressional elections would be held using a new, but still illegal map.

If this Court goes forward as scheduled with the hearing on the remedial plan the remedial plan would establish the congressional districts until the Court modifies the order. This protects the rights of the Plaintiffs and avoids the trap.

Respectfully submitted,

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¹ Allen v. Millican 599 U. S. ____ (6/8/2023)

² Singleton v. Allen Case 2:21-cv-01530 (N.D. Ala.)

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CERTIFICATE OF SERVICE

I do certify that on this 38th day of August 2023, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which gives notice of filing to all counsel of record.

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