

# Holtzman Vogel

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK PLLC

October 20, 2023

The Honorable Lyle W. Cayce  
Clerk  
U.S. Court of Appeals for the  
Fifth Circuit  
600 S. Maestri Place, Ste 115  
New Orleans, LA 70130

**Re: *Robinson v. Ardoin*, No. 22-30333,  
Defendants-Appellants Rule 28(j) Letter**

Dear Mr. Cayce,

Pursuant to Rule 28(j), Defendants-Appellants bring to the Court's attention two recent developments relevant to this matter.

The first is the United States Supreme Court's order denying the requests to stay pending appeal this Court's writ of mandamus in *In re: Jeff Landry*, No. 23- 30642 (5th Cir.). *In re: Jeff Landry* vacated a previously scheduled remedial hearing regarding the congressional voting maps at issue in this case. In *Robinson v. Ardoin*, No. 23A281 (U.S.), and *Galmon v. Ardoin*, No. 23A282 (U.S.), the Plaintiffs tried, but were unable, to convince the Supreme Court to disturb this Court's writ.

The second is an order entered in the portion of this case that remains pending before the district court. The order reflects that the district court held a status conference on October 17, 2023, where "[t]he parties discussed potential deadlines for proceedings for the remedy phase of the preliminary injunction." *Robinson v. Ardoin*, No. 3:22-cv-00178-SDD-SDJ, ECF No. 301, at 2 (M.D. La. Oct. 17, 2023). It further ordered the parties to "meet and confer to submit a Joint Scheduling Order by 10/20/2023," and it set a "hearing on the remedy phase of the preliminary injunction . . . for February 5, 2024, to February 9, 2024." *Id.*

“By agreement of the parties, each side shall be limited to the presentation of one proposed remedial map,” and “[d]iscovery cut off shall be 14 days prior to the hearing.” *Id.* No trial date was addressed in this order by the district court.

These developments underscore the reasons this Court should reverse the preliminary-injunction order and remand with instructions to set this case for trial. It should do so promptly before the district court takes further action that may make a timely trial unworkable.

Both orders are attached.

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Dated: October 20, 2023

Respectfully Submitted

*/s/ Richard B. Raile\**

RICHARD B. RAILE  
KATHERINE L. MCKNIGHT  
E. MARK BRADEN  
RENEE M. KNUDSEN  
BAKER & HOSTETLER LLP  
Washington Square, Suite  
1100  
1050 Connecticut Avenue,  
N.W.  
Washington, DC 20036  
(202) 861-1711  
rraile@bakerlaw.com

MICHAEL W. MENGIS  
BAKER & HOSTETLER LLP  
811 Main Street, Suite 1100  
Houston, TX 77002

PATRICK T. LEWIS  
BAKER & HOSTETLER LLP  
127 Public Square, Suite 2000  
Cleveland, OH 44114

ERIKA DACKIN PROUTY  
BAKER & HOSTETLER LLP  
200 Civic Center Dr., Suite  
1200  
Columbus, OH 43215

*Attorneys for Clay Schexnayder  
and Patrick Page Cortez*

*/s/ Jason B. Torchinsky\**

JEFF LANDRY  
*Louisiana Attorney General*  
ELIZABETH B. MURRILL  
*Solicitor General*  
SHAE MCPHEE  
*Deputy Solicitor General*  
MORGAN BRUNGARD  
*Assistant Solicitor General*  
ANGELIQUE DUHON FREEL  
CAREY TOM JONES  
JEFFREY M. WALE  
*Assistant Attorneys General*  
OFFICE OF THE ATTORNEY GENERAL  
LOUISIANA DEPARTMENT OF  
JUSTICE  
P.O. Box 94005  
Baton Rouge, LA 70804  
murrille@ag.louisiana.gov

JASON B. TORCHINSKY  
PHILLIP M. GORDON  
EDWARD M. WENGER  
HOLTZMAN VOGEL BARAN  
TORCHINSKY & JOSEFIK, PLLC  
15405 John Marshall Highway  
Haymarket, VA 20169

*Attorneys for the State of  
Louisiana*

*/s/ Phillip J. Strach\**

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PHILLIP J. STRACH  
THOMAS A. FARR  
ALYSSA M. RIGGINS  
NELSON MULLINS RILEY &  
SCARBOROUGH LLP  
301 Hillsborough Street  
Ste. 1400  
Raleigh, NC 27603  
T 919.329.3810  
F 919.329.3799  
phil.strach@nelsonmullins.com

*\*Signed with permission*

JOHN C. WALSH  
SHOWS, CALI & WALSH, LLP  
P.O. Box 4046  
Baton Rouge, LA 70821

*Attorneys for the Secretary of State*

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**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing is 293 words, which complies with the limit in Federal Rule of Appellant Procedure 28(j) (counting only “the body of the letter”). It complies with the typeface and type-style requirements of Rule 32(a)(5) and Rule 32(a)(6) because it is printed in 14-point Century Schoolbook font, a proportionally spaced typeface with serifs.

Dated: October 20, 2023

/s/ Jason B. Torchinsky  
JASON B. TORCHINSKY

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 20th day of October, 2023, a true copy of the foregoing was filed electronically with the Clerk of Court using the Court's CM/ECF system, which will send by email a notice of docketing activity to the registered Attorney Filer on the attached electronic service list.

Dated: October 20, 2023

/s/ Jason B. Torchinsky  
JASON B. TORCHINSKY

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