

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

_____		)	
NAIRNE, <i>et al</i> ,		)	
	Plaintiffs,	)	
v.		)	Docket No. 3:22-cv-0178-SDD-SDJ
		)	
ARDOIN, <i>et al</i> .		)	
	Defendants,	)	
_____		)	

**MOTION TO MOVE THE SCHEDULING  
CONFERENCE TO AN EARLIER DATE IN  
ORDER TO PREVENT A SITUATION IN WHICH FINAL  
JUDGMENT COMES TOO CLOSE TO THE ELECTION DEADLINES**

COME NOW, Plaintiffs, by and through undersigned counsel, who respectfully request this Honorable Court move the date for the June 23 scheduling conference to the week of May 23 or May 31 and waive the 21 days deadline for holding the Rule 26(f) conference for the parties.

The reasons for granting this motion are more fully laid out in the attached memorandum of law.

For the foregoing reasons, Plaintiffs respectfully request that this Court (1) move the Scheduling Conference to the week of May 23 or May 31 and (2) waive the requirement that the Rule 26(f) conference be held within 21 days of the scheduling conference.

Respectfully submitted,

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

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NAIRNE, <i>et al.</i> ,		)	
	Plaintiffs,	)	
v.		)	Docket No. 3:22-cv-0178-SDD-SDJ
		)	
ARDOIN, <i>et al.</i>		)	
	Defendants,	)	
_____		)	

**MEMORANDUM IN SUPPORT OF MOTION TO  
MOVE THE SCHEDULING CONFERENCE TO AN EARLIER  
DATE IN ORDER TO PREVENT A SITUATION IN WHICH FINAL  
JUDGMENT COMES TOO CLOSE TO THE ELECTION DEADLINES**

COME NOW, Plaintiffs, by and through undersigned counsel, who respectfully files this Memorandum of Law in support of their request that this Honorable Court move the date for the June 23 scheduling conference to the week of May 23 or May 31 and waive the 21 days deadline for holding the Rule 26(f) conference for the parties.

*I. Introduction.*

This case involves a Voting Rights Act challenge to the district maps for the Louisiana Senate and Houses of Representatives. Those elections and their deadlines fall on the latter half of the 2023 calendar. In order to reach a final judgment before those deadlines in time to avoid the risk of potentially coming up against the deadlines, trial would ideally begin early 2023 to allow plenty of time for the appellate process to run its course during the spring and summer of 2023. In an effort to facilitate this process, Plaintiffs’ counsel twice reached out to Defendants’

counsel with proposed deadlines in a draft status report, invited counsel to comment on the proposed deadlines, asked for counsel's availability for a Rule 26(f) conference and their consent to move the scheduling conference forward. Other than one email to say they would reply with an answer later – over a week ago—Plaintiffs have not received a response from Defendants. The undersigned informed opposing counsel that it would file this motion should it not hear from them.

The Supreme Court disfavors injunctions involving state elections when an election is imminent. *Purcell v. Gonzalez*, 549 U.S. 1, 4-6 (2006). In order to better avoid concerns like those raised by *Purcell* Plaintiffs seek to expedite the timing of the scheduling conference.

*II. Plaintiffs attempts at resolution without court intervention.*

On March 25, 2022, this Court set a scheduling conference for June 23, 2022. Doc. 7, at 1. It ordered the parties to submit a status report before June 9 and to hold their Rule 26(f) conference at least 21 days prior to the date of the scheduling conference. *Id.*

On April 26, 2022, Plaintiffs' counsel emailed a proposed status report to all counsel of record. Exhibit A, *Adcock Email, April 26, 2022*; Exhibit B, *Plaintiffs' Draft Status Report*. The status report proposed the following deadlines:

<b>Proposed Date</b>	<b>Event</b>
July 1	Deadline to join other parties
July 15	Plaintiffs disclose identities of experts
July 22	Defendants disclose identities of experts
Aug. 5	Plaintiffs turn over expert reports
Aug. 26	Defendants turn over expert reports
Oct. 1	Completion of all discovery incl. fact and expert discovery
Oct. 7	File dispositive / Daubert motions
Dec. 5	Deadline to file pretrial order
Dec. 19	Pretrial Conference
Dec. 23	Deadline for trial briefs
Jan. 17, 2023	Trial

Ex. B, at 4-6.<sup>1</sup> In the same communication, Plaintiffs' counsel informed all counsel as follows:

Because we want to avoid the *Purcell* problems raised by litigating this case on a regular schedule, we would like to submit a status report to the court that has us trying this case in January 2023. To that end, attached is our draft status report. Do you have time later this week or next for our Rule 26(f) conference?

For the same reasons, we would like your consent to our motion to move the status conference forward from June 23 to the week of May 23 or 31. Please advise as to your position.

The attached draft includes a trial date of January 17, 2023, a fact and expert discovery period from June 1 to October 1 and an October 7 deadline for summary judgment motions.

I look forward to hearing from you

Ex. A, at 1. Defense counsel did not respond to this email.

On May 3, 2022, Plaintiff counsel emailed all counsel to say he had not received a response to the April 26 email request and explained:

I know many of us are busy with *Robinson*<sup>2</sup>; yet, I would like to address this soon so we are not jammed on time down the line.

I plan to file a motion before Thursday or Friday this week to request that (1) the Court move the scheduling conference up to late May and (2) waive the 21 day period between our Rule 26(f) conference and the scheduling conference. Please provide me with (1) your position on the dates proposed in the attached status report or, if you are in disagreement, please propose alternative dates, (2) your position on moving up the scheduling conference and waiving the 21 day period, and (3) your availability for a Rule 26(f) conference later this week.

Ex. A, at 2-3.

Counsel for Secretary Ardoin responded to say he would discuss with his client and colleagues. Counsel for the Attorney General responded to say, "From the AG's standpoint, we

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<sup>1</sup> Since this will be a bench trial, Plaintiffs removed the deadlines for motions in limine, jury instructions, voir dire, verdict forms, and the affidavit of settlement efforts. Also, in order to expedite matters further, Plaintiffs propose to do fact and expert discovery simultaneously.

<sup>2</sup> *Robinson* refers to the Voting Rights Act challenge to the Congressional maps set for preliminary injunction hearing to begin May 9. Many of the attorneys serving as counsel on both sides of that case are also enrolled as counsel in this case. See *Robinson v. Ardoin*, 22-211-SDD-SDJ.

can't see a reason for altering the court's customary practices and deadlines. If there's a reason we're not aware of, let us know and we can consider it."<sup>3</sup> Ex. A, at 5.

On the same day, the undersigned responded as follows:

Thank you Mr. Farr.

Mr. Jones, I mentioned the reasons in my original email: a normal MDLa trial schedule and subsequent appeal to the 5th Circuit would, generously speaking, put us into late2023, at the time of the elections at issue in this case. This timeline would potentially hinder any relief applicable to those elections according to *Purcell v. Gonzalez*, 549 U.S.1 (2006). Hence, the reason I suggest an expedited schedule.

I look forward to hearing your thoughts further.

Ex. A, at 6. Counsel for the Attorney General responded that they would be filing a stay.

Having received no other response in a timely manner, this motion follows.

*III. Request for the Court.*

With this request, Plaintiffs aim to add in judicial efficiency and an orderly resolution of Plaintiffs' claims.

Supreme Court precedent cautions "lower federal courts [from] altering the election rules on the eve of an election." *Republican Nat'l Committee v. Democratic Nat'l Committee*, 140 S. Ct. 1205, 1207 (2020) (per curium) (citing *North Carolina v. League of Women Voters of N.C.*, 574 U.S. 927 (2014) (mem.) (staying a lower court order that changed election laws thirty-two days before the election); *Husted v. Ohio State Conference of NAACP*, 573 U.S. 988 (2014) (mem.) (staying a lower court order that changed election laws sixty-one days before the election); *Purcell*, supra (staying a lower court order that changed election laws thirty-three days before the election). Moving the scheduling conference and its attendant deadlines forward by approximately one month will be prudent given this precedent and the 2023 election deadlines.

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<sup>3</sup> To date the Attorney General has only made an appearance on behalf of the State as part of the State's motion for intervention. However, they were included as a courtesy to this email exchange.

The qualifying period for the primary is August 8-10, 2023.<sup>4</sup> It would significantly benefit all parties and the general voting population in Louisiana for there to be certainty about the Legislative districts at as early a date as possible.

*IV. Conclusion.*

For the foregoing reasons, Plaintiffs respectfully request that this Court (1) move the Scheduling Conference to the week of May 23 or May 31 and (2) waive the requirement that the Rule 26(f) conference be held within 21 days of the scheduling conference.

Respectfully submitted,

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/s/ Sarah Brannon  
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<sup>4</sup> The relevant dates can be found on the Secretary of State's website, available at <https://www.sos.la.gov/ElectionsAndVoting/PublishedDocuments/ElectionsCalendar2023.pdf> (last visited April 26, 2022).

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**Attorneys for Plaintiff Louisiana State Conference of the NAACP**

\*Pro hac vice motions forthcoming

\*\*Bar admission forthcoming

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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

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	)	
Defendants,	)	
_____	)	

**ORDER**

Upon Consideration of the Foregoing Motion;

IT IS HEREBY ORDERED that the Motion is GRANTED;

IT IS FURTHER ORDERED that the Court waives the requirement that the Rule 26(f) conference be held within 21 days of the scheduling conference with the Court;

IT IS FURTHER ORDERED that the Scheduling Conference set for June 23, 2022 at 10am is not set for the \_\_\_\_\_ day of May, 2022 at \_\_\_\_\_.

Done this \_\_\_\_ day of May, 2022 in Baton Rouge, Louisiana.

\_\_\_\_\_  
**HON. SCOTT JOHNSON**  
**UNITED STATES MAGISTRATE JUDGE**

# Exhibit

A

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John Adcock &lt;jnadcock@gmail.com&gt;

## Nairne scheduling

30 messages

John Adcock &lt;jnadcock@gmail.com&gt;

Tue, Apr 26, 2022 at 10:12 PM

To: phil.strach@nelsonmullins.com, tom.farr@nelsonmullins.com, karie.rankine@nelsonmullins.com, john.branch@nelsonmullins.com, cassie.holt@nelsonmullins.com, alyssa.riggins@nelsonmullins.com  
Cc: "Jones, Carey" <JonesCar@ag.louisiana.gov>, "Freel, Angelique" <FreelA@ag.louisiana.gov>, "Boutte, Michelle" <BoutteM@ag.louisiana.gov>, jamesm@ag.state.la.us, "Murrill, Elizabeth" <murrille@ag.louisiana.gov>, barbalichl@ag.louisiana.gov, "Prouty, Erika Dackin" <eprouy@bakerlaw.com>, "Wale, Jeffrey M." <walej@ag.louisiana.gov>, williamsm@ag.louisiana.gov, john@scwllp.com, kimk@scwllp.com, Kathryn Sadasivan <ksadasivan@naacpldf.org>, Leah Aden <LAden@naacpldf.org>, "de Leeuw, Michael" <MdeLeeuw@cozen.com>, nmerle@naacpldf.org, rrozoz@naacpldf.org, mmengis@bakerlaw.com, csauceda@bakerlaw.com, kmcknight@bakerlaw.com, mbraden@bakerlaw.com, rraile@bakerlaw.com, mkocak@laaclu.org, Megan Snider <msnider@laaclu.org>, Nora Ahmed <Nahmed@laaclu.org>, plewis@bakerlaw.com, Ron Wilson <cabral2@aol.com>, sullivates@aol.com, Samantha Osaki <sosaki@aclu.org>, Sarah Brannon <sbrannon@aclu.org>, Sophia LIn Lakin <slakin@aclu.org>, Brett Schratz <bschratz@aclu.org>, Stuart Naifeh <snaifeh@naacpldf.org>, Alora Thomas <athomas@aclu.org>, Victoria Wenger <vwenger@naacpldf.org>

### Counsel:

Because we want to avoid the Purcell problems raised by litigating this case on a regular schedule, we would like to submit a status report to the court that has us trying this case in January 2023. To that end, attached is our draft status report. Do you have time later this week or next for our Rule 26(f) conference?

For the same reasons, we would like your consent to our motion to move the status conference forward from June 23 to the week of May 23 or 31. Please advise as to your position.

The attached draft includes a trial date of January 17, 2023, a fact and expert discovery period from June 1 to October 1 and an October 7 deadline for summary judgment motions.

I look forward to hearing from you.

Best,

John.

 2022.04.26 Status Report Draft.docx  
45K

Mail Delivery Subsystem &lt;mailer-daemon@googlemail.com&gt;

Tue, Apr 26, 2022 at 10:12 PM

To: jnadcock@gmail.com



## Address not found

Your message wasn't delivered to [plewis@bkerlaw.com](mailto:plewis@bkerlaw.com) because the domain [bkerlaw.com](http://bkerlaw.com) couldn't be found. Check for typos or unnecessary spaces and try again.

The response was:

DNS Error: DNS type 'mx' lookup of [bkerlaw.com](http://bkerlaw.com) responded with code NXDOMAIN Domain name not found: [bkerlaw.com](http://bkerlaw.com)

Final-Recipient: rfc822; [plewis@bkerlaw.com](mailto:plewis@bkerlaw.com)

Action: failed

Status: 4.0.0

Diagnostic-Code: smtp; DNS Error: DNS type 'mx' lookup of [bkerlaw.com](http://bkerlaw.com) responded with code NXDOMAIN Domain name not found: [bkerlaw.com](http://bkerlaw.com)

Last-Attempt-Date: Tue, 26 Apr 2022 20:12:28 -0700 (PDT)

----- Forwarded message -----

From: John Adcock <[jnadcock@gmail.com](mailto:jnadcock@gmail.com)>

To: [phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com), [tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com), [karie.rankine@nelsonmullins.com](mailto:karie.rankine@nelsonmullins.com), [john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com), [cassie.holt@nelsonmullins.com](mailto:cassie.holt@nelsonmullins.com), [alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)

Cc: "Jones, Carey" <[JonesCar@ag.louisiana.gov](mailto:JonesCar@ag.louisiana.gov)>, "Freel, Angelique" <[FreelA@ag.louisiana.gov](mailto:FreelA@ag.louisiana.gov)>, "Boutte, Michelle" <[BoutteM@ag.louisiana.gov](mailto:BoutteM@ag.louisiana.gov)>, [jamesm@ag.state.la.us](mailto:jamesm@ag.state.la.us), "Murrill, Elizabeth" <[murrille@ag.louisiana.gov](mailto:murrille@ag.louisiana.gov)>, [barbalichl@ag.louisiana.gov](mailto:barbalichl@ag.louisiana.gov), "Prouty, Erika Dackin" <[eprouty@bakerlaw.com](mailto:eprouty@bakerlaw.com)>, "Wale, Jeffrey M." <[walej@ag.louisiana.gov](mailto:walej@ag.louisiana.gov)>, [williamsm@ag.louisiana.gov](mailto:williamsm@ag.louisiana.gov), [john@scwllp.com](mailto:john@scwllp.com), [kimk@scwllp.com](mailto:kimk@scwllp.com), Kathryn Sadasivan <[ksadasivan@naacpldf.org](mailto:ksadasivan@naacpldf.org)>, Leah Aden <[LAden@naacpldf.org](mailto:LAden@naacpldf.org)>, "de Leeuw, Michael" <[MdeLeeuw@cozen.com](mailto:MdeLeeuw@cozen.com)>, [nmerle@naacpldf.org](mailto:nmerle@naacpldf.org), [rrozos@naacpldf.org](mailto:rrozos@naacpldf.org), [mmengis@bakerlaw.com](mailto:mmengis@bakerlaw.com), [csauceda@bakerlaw.com](mailto:csauceda@bakerlaw.com), [kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com), [mbraden@bakerlaw.com](mailto:mbraden@bakerlaw.com), [rraile@bakerlaw.com](mailto:rraile@bakerlaw.com), [mkocak@laaclu.org](mailto:mkocak@laaclu.org), Megan Snider <[mnsnider@laaclu.org](mailto:mnsnider@laaclu.org)>, Nora Ahmed <[Nahmed@laaclu.org](mailto:Nahmed@laaclu.org)>, [plewis@bkerlaw.com](mailto:plewis@bkerlaw.com), Ron Wilson <[cabral2@aol.com](mailto:cabral2@aol.com)>, [sullivates@aol.com](mailto:sullivates@aol.com), Samantha Osaki <[sosaki@aclu.org](mailto:sosaki@aclu.org)>, Sarah Brannon <[sbrannon@aclu.org](mailto:sbrannon@aclu.org)>, Sophia LIn Lakin <[slakin@aclu.org](mailto:slakin@aclu.org)>, Brett Schratz <[bschratz@aclu.org](mailto:bschratz@aclu.org)>, Stuart Naifeh <[snaifeh@naacpldf.org](mailto:snaifeh@naacpldf.org)>, Alora Thomas <[athomas@aclu.org](mailto:athomas@aclu.org)>, Victoria Wenger <[vwenger@naacpldf.org](mailto:vwenger@naacpldf.org)>

Bcc:

Date: Tue, 26 Apr 2022 22:12:15 -0500

Subject: Nairne scheduling

----- Message truncated -----

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**John Adcock** <[jnadcock@gmail.com](mailto:jnadcock@gmail.com)>

Tue, May 3, 2022 at 1:41 PM

To: [phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com), [tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com), [karie.rankine@nelsonmullins.com](mailto:karie.rankine@nelsonmullins.com), [john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com), [cassie.holt@nelsonmullins.com](mailto:cassie.holt@nelsonmullins.com), [alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)

Cc: "Jones, Carey" <[JonesCar@ag.louisiana.gov](mailto:JonesCar@ag.louisiana.gov)>, "Freel, Angelique" <[FreelA@ag.louisiana.gov](mailto:FreelA@ag.louisiana.gov)>, "Boutte, Michelle" <[BoutteM@ag.louisiana.gov](mailto:BoutteM@ag.louisiana.gov)>, [jamesm@ag.state.la.us](mailto:jamesm@ag.state.la.us), "Murrill, Elizabeth" <[murrille@ag.louisiana.gov](mailto:murrille@ag.louisiana.gov)>, [barbalichl@ag.louisiana.gov](mailto:barbalichl@ag.louisiana.gov), "Prouty, Erika Dackin" <[eprouty@bakerlaw.com](mailto:eprouty@bakerlaw.com)>, "Wale, Jeffrey M." <[walej@ag.louisiana.gov](mailto:walej@ag.louisiana.gov)>, [williamsm@ag.louisiana.gov](mailto:williamsm@ag.louisiana.gov), [john@scwllp.com](mailto:john@scwllp.com), [kimk@scwllp.com](mailto:kimk@scwllp.com), Kathryn Sadasivan <[ksadasivan@naacpldf.org](mailto:ksadasivan@naacpldf.org)>, Leah Aden <[LAden@naacpldf.org](mailto:LAden@naacpldf.org)>, "de Leeuw, Michael" <[MdeLeeuw@cozen.com](mailto:MdeLeeuw@cozen.com)>, [nmerle@naacpldf.org](mailto:nmerle@naacpldf.org), [rrozos@naacpldf.org](mailto:rrozos@naacpldf.org), [mmengis@bakerlaw.com](mailto:mmengis@bakerlaw.com), [csauceda@bakerlaw.com](mailto:csauceda@bakerlaw.com), [kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com), [mbraden@bakerlaw.com](mailto:mbraden@bakerlaw.com), [rraile@bakerlaw.com](mailto:rraile@bakerlaw.com), [mkocak@laaclu.org](mailto:mkocak@laaclu.org), Megan Snider <[mnsnider@laaclu.org](mailto:mnsnider@laaclu.org)>, Nora Ahmed <[Nahmed@laaclu.org](mailto:Nahmed@laaclu.org)>, Ron Wilson <[cabral2@aol.com](mailto:cabral2@aol.com)>, [sullivates@aol.com](mailto:sullivates@aol.com), Samantha Osaki <[sosaki@aclu.org](mailto:sosaki@aclu.org)>, Sarah Brannon <[sbrannon@aclu.org](mailto:sbrannon@aclu.org)>, Sophia LIn Lakin <[slakin@aclu.org](mailto:slakin@aclu.org)>, Brett Schratz <[bschratz@aclu.org](mailto:bschratz@aclu.org)>, Stuart Naifeh <[snaifeh@naacpldf.org](mailto:snaifeh@naacpldf.org)>, Alora Thomas <[athomas@aclu.org](mailto:athomas@aclu.org)>, Victoria Wenger <[vwenger@naacpldf.org](mailto:vwenger@naacpldf.org)>, [plewis@bakerlaw.com](mailto:plewis@bakerlaw.com)

Counsel:

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Sincerely yours,

John Adcock.

[Quoted text hidden]

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 **2022.04.26 Status Report Draft.docx**  
45K

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**Tom Farr** <tom.farr@nelsonmullins.com>

Tue, May 3, 2022 at 1:45 PM

To: John Adcock <jnadcock@gmail.com>, Phil Strach <phil.strach@nelsonmullins.com>, Karie Rankine <Karie.Rankine@nelsonmullins.com>, John Branch <john.branch@nelsonmullins.com>, Cassie Holt <cassie.holt@nelsonmullins.com>, Alyssa Riggins <alyssa.riggins@nelsonmullins.com>  
Cc: "Jones, Carey" <JonesCar@ag.louisiana.gov>, "Freel, Angelique" <FreelA@ag.louisiana.gov>, "Boutte, Michelle" <BoutteM@ag.louisiana.gov>, "jamesm@ag.state.la.us" <jamesm@ag.state.la.us>, "Murrill, Elizabeth" <murrille@ag.louisiana.gov>, "barbalichl@ag.louisiana.gov" <barbalichl@ag.louisiana.gov>, "Prouty, Erika Dackin" <eprouy@bakerlaw.com>, "Wale, Jeffrey M." <walej@ag.louisiana.gov>, "williamsm@ag.louisiana.gov" <williamsm@ag.louisiana.gov>, "john@scwllp.com" <john@scwllp.com>, "kimk@scwllp.com" <kimk@scwllp.com>, Kathryn Sadasivan <ksadasivan@naacpldf.org>, Leah Aden <LAden@naacpldf.org>, "de Leeuw, Michael" <MdeLeeuw@cozen.com>, "nmerle@naacpldf.org" <nmerle@naacpldf.org>, "rrozos@naacpldf.org" <rrozos@naacpldf.org>, "mmengis@bakerlaw.com" <mmengis@bakerlaw.com>, "csauceda@bakerlaw.com" <csauceda@bakerlaw.com>, "kmcknight@bakerlaw.com" <kmcknight@bakerlaw.com>, "mbraden@bakerlaw.com" <mbraden@bakerlaw.com>, "rraile@bakerlaw.com" <rraile@bakerlaw.com>, "mkocak@laaclu.org" <mkocak@laaclu.org>, Megan Snider <msnider@laaclu.org>, Nora Ahmed <Nahmed@laaclu.org>, Ron Wilson <cabral2@aol.com>, "sullivates@aol.com" <sullivates@aol.com>, Samantha Osaki <sosaki@aclu.org>, Sarah Brannon <sbrannon@aclu.org>, Sophia Lln Lakin <slakin@aclu.org>, Brett Schratz <bschratz@aclu.org>, Stuart Naifeh <snaifeh@naacpldf.org>, Alora Thomas <athomas@aclu.org>, Victoria Wenger <vwenger@naacpldf.org>, "plewis@bakerlaw.com" <plewis@bakerlaw.com>

John

Thank you for your email and I apologize for not responding earlier. Let us discuss with our clients and colleagues

Thank you.



---

THOMAS A. FARR PARTNER

tom.farr@nelsonmullins.com

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4140 PARKLAKE AVENUE | RALEIGH, NC 27612

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**From:** John Adcock <jnadcock@gmail.com>

**Sent:** Tuesday, May 3, 2022 2:42 PM

**To:** Phil Strach <phil.strach@nelsonmullins.com>; Tom Farr <tom.farr@nelsonmullins.com>; Karie Rankine <karie.rankine@nelsonmullins.com>; John Branch <john.branch@nelsonmullins.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Alyssa Riggins <alyssa.riggins@nelsonmullins.com>

**Cc:** Jones, Carey <JonesCar@ag.louisiana.gov>; Freel, Angelique <FreelA@ag.louisiana.gov>; Boutte, Michelle <BoutteM@ag.louisiana.gov>; jamesm@ag.state.la.us; Murrill, Elizabeth <murrille@ag.louisiana.gov>; barbalichl@ag.louisiana.gov; Prouty, Erika Dackin <eprouty@bakerlaw.com>; Wale, Jeffrey M. <walej@ag.louisiana.gov>; williamsm@ag.louisiana.gov; john@scwllp.com; kimk@scwllp.com; Kathryn Sadasivan <ksadasivan@naacpldf.org>; Leah Aden <LAden@naacpldf.org>; de Leeuw, Michael <MdeLeeuw@cozen.com>; nmerle@naacpldf.org; rrozos@naacpldf.org; mmengis@bakerlaw.com; csauceda@bakerlaw.com; kmcknight@bakerlaw.com; mbraden@bakerlaw.com; rraile@bakerlaw.com; mkocak@laaclu.org; Megan Snider <msnider@laaclu.org>; Nora Ahmed <Nahmed@laaclu.org>; Ron Wilson <cabral2@aol.com>; sullivates@aol.com; Samantha Osaki <sosaki@aclu.org>; Sarah Brannon <sbrannon@aclu.org>; Sophia LIn Lakin <slakin@aclu.org>; Brett Schratz <bschratz@aclu.org>; Stuart Naifeh <snaifeh@naacpldf.org>; Alora Thomas <athomas@aclu.org>; Victoria Wenger <vwenger@naacpldf.org>; plewis@bakerlaw.com

**Subject:** Re: Nairne scheduling

◀External Email▶ - From: jnadcock@gmail.com

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---

Jones, Carey <JonesCar@ag.louisiana.gov>

Tue, May 3, 2022 at 1:44 PM

To: John Adcock <jnadcock@gmail.com>, "phil.strach@nelsonmullins.com" <phil.strach@nelsonmullins.com>, "tom.farr@nelsonmullins.com" <tom.farr@nelsonmullins.com>, "karie.rankine@nelsonmullins.com" <karie.rankine@nelsonmullins.com>, "john.branch@nelsonmullins.com" <john.branch@nelsonmullins.com>,

"cassie.holt@nelsonmullins.com" <cassie.holt@nelsonmullins.com>, "alyssa.riggins@nelsonmullins.com" <alyssa.riggins@nelsonmullins.com>  
Cc: "Freel, Angeliq" <FreelA@ag.louisiana.gov>, "Boutte, Michelle" <BoutteM@ag.louisiana.gov>, "James, Margaret" <JamesM@ag.louisiana.gov>, "Murrill, Elizabeth" <MurrillE@ag.louisiana.gov>, "Barbalich, Lauren" <BarbalichL@ag.louisiana.gov>, "Prouty, Erika Dackin" <eprouty@bakerlaw.com>, "Wale, Jeffrey M." <WaleJ@ag.louisiana.gov>, "Williams, Monick" <WilliamsM@ag.louisiana.gov>, "john@scwllp.com" <john@scwllp.com>, "kimk@scwllp.com" <kimk@scwllp.com>, Kathryn Sadasivan <ksadasivan@naacpldf.org>, Leah Aden <LAden@naacpldf.org>, "de Leeuw, Michael" <MdeLeeuw@cozen.com>, "nmerle@naacpldf.org" <nmerle@naacpldf.org>, "rrozos@naacpldf.org" <rrozos@naacpldf.org>, "mmengis@bakerlaw.com" <mmengis@bakerlaw.com>, "csauceda@bakerlaw.com" <csauceda@bakerlaw.com>, "kmcknight@bakerlaw.com" <kmcknight@bakerlaw.com>, "mbraden@bakerlaw.com" <mbraden@bakerlaw.com>, "rraile@bakerlaw.com" <rraile@bakerlaw.com>, "mkocak@laaclu.org" <mkocak@laaclu.org>, Megan Snider <msnider@laaclu.org>, Nora Ahmed <Nahmed@laaclu.org>, Ron Wilson <cabral2@aol.com>, "sullivates@aol.com" <sullivates@aol.com>, Samantha Osaki <sosaki@aclu.org>, Sarah Brannon <sbrannon@aclu.org>, Sophia Lln Lakin <slakin@aclu.org>, Brett Schratz <bschratz@aclu.org>, Stuart Naifeh <snaifeh@naacpldf.org>, Alora Thomas <athomas@aclu.org>, Victoria Wenger <vwenger@naacpldf.org>, "plewis@bakerlaw.com" <plewis@bakerlaw.com>

From the AG's standpoint, we can't see a reason for altering the court's customary practices and deadlines. If there's a reason we're not aware of, let us know and we can consider it.

---

**From:** John Adcock <jnadcock@gmail.com>

**Sent:** Tuesday, May 03, 2022 1:42 PM

**To:** phil.strach@nelsonmullins.com; tom.farr@nelsonmullins.com; karie.rankine@nelsonmullins.com; john.branch@nelsonmullins.com; cassie.holt@nelsonmullins.com; alyssa.riggins@nelsonmullins.com

**Cc:** Jones, Carey <JonesCar@ag.louisiana.gov>; Freel, Angeliq <FreelA@ag.louisiana.gov>; Boutte, Michelle <BoutteM@ag.louisiana.gov>; James, Margaret <JamesM@ag.louisiana.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Barbalich, Lauren <BarbalichL@ag.louisiana.gov>; Prouty, Erika Dackin <eprouty@bakerlaw.com>; Wale, Jeffrey M. <WaleJ@ag.louisiana.gov>; Williams, Monick <WilliamsM@ag.louisiana.gov>; john@scwllp.com; kimk@scwllp.com; Kathryn Sadasivan <ksadasivan@naacpldf.org>; Leah Aden <LAden@naacpldf.org>; de Leeuw, Michael <MdeLeeuw@cozen.com>; nmerle@naacpldf.org; rrozos@naacpldf.org; mmengis@bakerlaw.com; csauceda@bakerlaw.com; kmcknight@bakerlaw.com; mbraden@bakerlaw.com; rraile@bakerlaw.com; mkocak@laaclu.org; Megan Snider <msnider@laaclu.org>; Nora Ahmed <Nahmed@laaclu.org>; Ron Wilson <cabral2@aol.com>; sullivates@aol.com; Samantha Osaki <sosaki@aclu.org>; Sarah Brannon <sbrannon@aclu.org>; Sophia Lln Lakin <slakin@aclu.org>; Brett Schratz <bschratz@aclu.org>; Stuart Naifeh <snaifeh@naacpldf.org>; Alora Thomas <athomas@aclu.org>; Victoria Wenger <vwenger@naacpldf.org>; plewis@bakerlaw.com

**Subject:** Re: Nairne scheduling

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---

**John Adcock** <jnadcock@gmail.com>

To: "Jones, Carey" <JonesCar@ag.louisiana.gov>

Tue, May 3, 2022 at 1:55 PM



Cc: "phil.strach@nelsonmullins.com" <phil.strach@nelsonmullins.com>, "tom.farr@nelsonmullins.com" <tom.farr@nelsonmullins.com>, "karie.rankine@nelsonmullins.com" <karie.rankine@nelsonmullins.com>, "john.branch@nelsonmullins.com" <john.branch@nelsonmullins.com>, "cassie.holt@nelsonmullins.com" <cassie.holt@nelsonmullins.com>, "alyssa.riggins@nelsonmullins.com" <alyssa.riggins@nelsonmullins.com>, "Freel, Angelique" <FreelA@ag.louisiana.gov>, "Boutte, Michelle" <BoutteM@ag.louisiana.gov>, "James, Margaret" <JamesM@ag.louisiana.gov>, "Murrill, Elizabeth" <MurrillE@ag.louisiana.gov>, "Barbalich, Lauren" <BarbalichL@ag.louisiana.gov>, "Prouty, Erika Dackin" <eprouy@bakerlaw.com>, "Wale, Jeffrey M." <WaleJ@ag.louisiana.gov>, "Williams, Monick" <WilliamsM@ag.louisiana.gov>, "john@scwllp.com" <john@scwllp.com>, "kimk@scwllp.com" <kimk@scwllp.com>, Kathryn Sadasivan <ksadasivan@naacpldf.org>, Leah Aden <LAden@naacpldf.org>, "de Leeuw, Michael" <MdeLeeuw@cozen.com>, "nmerle@naacpldf.org" <nmerle@naacpldf.org>, "rrozos@naacpldf.org" <rrozos@naacpldf.org>, "mmengis@bakerlaw.com" <mmengis@bakerlaw.com>, "csauceda@bakerlaw.com" <csauceda@bakerlaw.com>, "kmcknight@bakerlaw.com" <kmcknight@bakerlaw.com>, "mbraden@bakerlaw.com" <mbraden@bakerlaw.com>, "rraile@bakerlaw.com" <rraile@bakerlaw.com>, "mkocak@laaclu.org" <mkocak@laaclu.org>, Megan Snider <msnider@laaclu.org>, Nora Ahmed <Nahmed@laaclu.org>, Ron Wilson <cabral2@aol.com>, "sullivates@aol.com" <sullivates@aol.com>, Samantha Osaki <sosaki@aclu.org>, Sarah Brannon <sbrannon@aclu.org>, Sophia LIn Lakin <slakin@aclu.org>, Brett Schratz <bschratz@aclu.org>, Stuart Naifeh <snaifeh@naacpldf.org>, Alora Thomas <athomas@aclu.org>, Victoria Wenger <vwenger@naacpldf.org>, "plewis@bakerlaw.com" <plewis@bakerlaw.com>

Thank you Mr. Farr.

Mr. Jones, I mentioned the reasons in my original email: a normal MDLa trial schedule and subsequent appeal to the 5th Circuit would, generously speaking, put us into late 2023, at the time of the elections at issue in this case. This timeline would potentially hinder any relief applicable to those elections according to Purcell v. Gonzalez, 549 U.S. 1 (2006). Hence, the reason I suggest an expedited schedule.

I look forward to hearing your thoughts further.

Best,

John.

[Quoted text hidden]

**Freel, Angelique** <FreelA@ag.louisiana.gov>

Wed, May 4, 2022 at 8:54 AM

To: John Adcock <jnadcock@gmail.com>, "Jones, Carey" <JonesCar@ag.louisiana.gov>

Cc: "phil.strach@nelsonmullins.com" <phil.strach@nelsonmullins.com>, "tom.farr@nelsonmullins.com" <tom.farr@nelsonmullins.com>, "karie.rankine@nelsonmullins.com" <karie.rankine@nelsonmullins.com>, "john.branch@nelsonmullins.com" <john.branch@nelsonmullins.com>, "cassie.holt@nelsonmullins.com" <cassie.holt@nelsonmullins.com>, "alyssa.riggins@nelsonmullins.com" <alyssa.riggins@nelsonmullins.com>, "Boutte, Michelle" <BoutteM@ag.louisiana.gov>, "James, Margaret" <JamesM@ag.louisiana.gov>, "Murrill, Elizabeth" <MurrillE@ag.louisiana.gov>, "Barbalich, Lauren" <BarbalichL@ag.louisiana.gov>, "Prouty, Erika Dackin" <eprouy@bakerlaw.com>, "Wale, Jeffrey M." <WaleJ@ag.louisiana.gov>, "Williams, Monick" <WilliamsM@ag.louisiana.gov>, "john@scwllp.com" <john@scwllp.com>, "kimk@scwllp.com" <kimk@scwllp.com>, Kathryn Sadasivan <ksadasivan@naacpldf.org>, Leah Aden <LAden@naacpldf.org>, "de Leeuw, Michael" <MdeLeeuw@cozen.com>, "nmerle@naacpldf.org" <nmerle@naacpldf.org>, "rrozos@naacpldf.org" <rrozos@naacpldf.org>, "mmengis@bakerlaw.com" <mmengis@bakerlaw.com>, "csauceda@bakerlaw.com" <csauceda@bakerlaw.com>, "kmcknight@bakerlaw.com" <kmcknight@bakerlaw.com>, "mbraden@bakerlaw.com" <mbraden@bakerlaw.com>, "rraile@bakerlaw.com" <rraile@bakerlaw.com>, "mkocak@laaclu.org" <mkocak@laaclu.org>, Megan Snider <msnider@laaclu.org>, Nora Ahmed <Nahmed@laaclu.org>, Ron Wilson <cabral2@aol.com>, "sullivates@aol.com" <sullivates@aol.com>, Samantha Osaki <sosaki@aclu.org>, Sarah Brannon <sbrannon@aclu.org>, Sophia LIn Lakin <slakin@aclu.org>, Brett Schratz <bschratz@aclu.org>, Stuart Naifeh <snaifeh@naacpldf.org>, Alora Thomas <athomas@aclu.org>, Victoria Wenger <vwenger@naacpldf.org>, "plewis@bakerlaw.com" <plewis@bakerlaw.com>

John:



We plan to file a motion to stay pending Merrill. What is your position on the motion?

Sincerely,



**Angelique Freel**

Director Civil Division  
Office of Attorney General Jeff Landry  
Direct: 225-326-6001; Main: 225-326-6010; Fax: 225-326-6096

[www.AGJeffLandry.com](http://www.AGJeffLandry.com)



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**John Adcock** <jnadcock@gmail.com>

Wed, May 4, 2022 at 11:21 AM

To: "Freel, Angelique" <FreelA@ag.louisiana.gov>

Cc: "Jones, Carey" <JonesCar@ag.louisiana.gov>, "phil.strach@nelsonmullins.com" <phil.strach@nelsonmullins.com>, "tom.farr@nelsonmullins.com" <tom.farr@nelsonmullins.com>, "karie.rankine@nelsonmullins.com" <karie.rankine@nelsonmullins.com>, "john.branch@nelsonmullins.com" <john.branch@nelsonmullins.com>, "cassie.holt@nelsonmullins.com" <cassie.holt@nelsonmullins.com>, "alyssa.riggins@nelsonmullins.com" <alyssa.riggins@nelsonmullins.com>, "Boutte, Michelle" <BoutteM@ag.louisiana.gov>, "James, Margaret" <JamesM@ag.louisiana.gov>, "Murrill, Elizabeth" <MurrillE@ag.louisiana.gov>, "Barbalich, Lauren" <BarbalichL@ag.louisiana.gov>, "Prouty, Erika Dackin" <eprouty@bakerlaw.com>, "Wale, Jeffrey M." <WaleJ@ag.louisiana.gov>, "Williams, Monick" <WilliamsM@ag.louisiana.gov>, "john@scwllp.com" <john@scwllp.com>, "kimk@scwllp.com" <kimk@scwllp.com>, Kathryn Sadasivan <ksadasivan@naacpldf.org>, Leah Aden <LAden@naacpldf.org>, "de Leeuw, Michael" <MdeLeeuw@cozen.com>, "nmerle@naacpldf.org" <nmerle@naacpldf.org>, "rrozos@naacpldf.org" <rrozos@naacpldf.org>, "mmengis@bakerlaw.com" <mmengis@bakerlaw.com>, "csauceda@bakerlaw.com" <csauceda@bakerlaw.com>, "kmcknight@bakerlaw.com" <kmcknight@bakerlaw.com>, "mbraden@bakerlaw.com" <mbraden@bakerlaw.com>, "rraile@bakerlaw.com" <rraile@bakerlaw.com>, "mkocak@laaclu.org" <mkocak@laaclu.org>, Megan Snider <msnider@laaclu.org>, Nora Ahmed <Nahmed@laaclu.org>, Ron Wilson <cabral2@aol.com>, "sullivates@aol.com" <sullivates@aol.com>, Samantha Osaki <sosaki@aclu.org>, Sarah Brannon <sbrannon@aclu.org>, Sophia LIn Lakin <slakin@aclu.org>, Brett Schratz <bschratz@aclu.org>, Stuart Naifeh <snaifeh@naacpldf.org>, Alora Thomas <athomas@aclu.org>, Victoria Wenger <vwenger@naacpldf.org>, "plewis@bakerlaw.com" <plewis@bakerlaw.com>

### Counsel:

Please clarify whether the Attorney General is requesting a stay on behalf of the State or the Secretary of State.

Your office's motion to intervene on behalf of the State has not been ruled on (and we have filed an opposition to the intervention). The State is not formally a party to the Nairne litigation. We intend to file a supplemental brief to our opposition to inform the court of your intent to seek a stay of proceedings as further evidence that the Attorney General is "obstructionist and an agent of delay". See Robinson et al v. Ardoin, 3:22-cv-211, ECF 108 at 23 n.10.

We oppose your request for a stay.

Best,

John.

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**Freel, Angelique** <FreelA@ag.louisiana.gov>

Wed, May 4, 2022 at 12:59 PM

To: John Adcock <jnadcock@gmail.com>

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John:

You do what you think you need to do. If you think you need to threaten the attorneys for the State of Louisiana because we believe the United States Supreme Court is about to issue an opinion dealing with the Voting Rights Act that may impact the law you do that.

And when you oppose the State of Louisiana's intervention, and if it is denied by the District Court, we will seek an immediate review of the case by the Fifth Circuit. We are not obstructionist, we have a right to put on a defense, and we have legitimate concerns as to the state of the law.

Further, do not preach to me about litigation tactics. The State of Louisiana is still footing the bill for the frivolous lawsuit you filed in state court.

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[Quoted text hidden]

# Exhibit

# B

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**UNITED STATES DISTRICT COURT**

**MIDDLE DISTRICT OF LOUISIANA**

**NAIRNE, et al**

**CIVIL ACTION**

**VERSUS**

**NO. 22-178-SDD-SDJ**

**ARDOIN**

**STATUS REPORT**

**A. JURISDICTION**

What is the basis for the jurisdiction of the Court? This Court has jurisdiction pursuant to 28 U.S.C. § 1331 because it arises under federal law and pursuant to 28 U.S.C. §§ 1343(a)(4) and 1357 because this is a civil action to secure equitable relief under Section 2 of the Voting Rights Act, which is an Act of Congress that protects the right to vote.

**B. BRIEF EXPLANATION OF THE CASE**

1. Plaintiff claims:

Section 2 of the Voting Rights Act requires the redistricting body to ensure that voters of color have an equal opportunity “to participate in the political process and to elect candidates of their choice.” Defendants violate the mandates of Section 2 of the Voting Rights Act by enacting maps that unlawfully deprive Louisiana’s Black voters of a meaningful opportunity to elect candidates of their choice to the State Senate and House of Representatives. Plaintiffs seek a judgment (i) declaring that Louisiana’s 2022 State Legislative Maps violate Section 2, (ii) enjoining Defendant from conducting State legislative elections in accordance with the State Legislative Maps, and (iii) setting a reasonable deadline for the State to enact or adopt redistricting plans for the Louisiana State Senate and the Louisiana State House that do not abridge or dilute the ability of Black voters to elect candidates of choice. If the State fails to enact or adopt valid redistricting plans by the Court’s deadline, Plaintiffs further seek an order of the adoption of remedial redistricting plans that comply with Section 2, including by providing for fourteen Senate districts in which Black voters comprise the majority of the voting age population and thirty-five to thirty-nine House districts in which Black voters comprise the majority of the voting age population (“opportunity districts”).

2. Defendant claims:

**C. PENDING MOTIONS**

List any pending motion(s), the date filed, and the basis of the motion(s):

**D. ISSUES**

List the principal legal issues involved and indicate whether or not any of those issues are in dispute:

1. Whether the enacted Louisiana’s 2022 redistricting plan for the State Senate or State House of Representatives (the “State Maps” or “State Legislative Maps”), violates Section 2 of the Voting Rights Act.
2. Whether the State Legislative Maps violate Section 2 of the Voting Rights Act by depriving Louisiana’s Black voters of a equal opportunity to elect candidates of their choice to the state legislature.
3. Whether the State Legislative Maps violate Section 2 of the Voting Rights Act by denying Louisiana’s Black voters an equal opportunity to participate in the political process.
4. Whether the Black Population in Louisiana is “sufficiently large and geographically compact to constitute a majority” in six to nine additional single-majority House districts and three additional single-member Senate districts according to *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986).
5. Whether voting in Louisiana is highly polarized along racial lines according to *Thornburg v. Gingles*, supra.
6. Whether under the State Legislative Maps, racially polarized voting will usually result in the defeat of Black Louisianans’ preferred candidates in majority-white districts according to *Thornburg v. Gingles*, supra.

**E. DAMAGES**

Separately, for each party who claims damages or an offset, set forth the computation of damages or the offset:

1. Plaintiff’s calculation of damages: None, plaintiffs do not request damages.
2. Defendant’s calculation of offset and/or plaintiff’s damages:



3. Counterclaimant/cross claimant/third party's calculation of damages:

**F. SERVICE:**

Identify any unresolved issues as to waiver or service of process, personal jurisdiction, or venue: None.

**G. DISCOVERY**

1. Initial Disclosures:

A. Have the initial disclosures required under FRCP 26(a)(1) been completed?

YES  NO

In accordance with Local Rule 26(b), the parties shall provide their initial disclosures to the opposing party no later than 7 days before the date of the scheduling conference, unless a party objects to initial disclosures during the FRCP 26(f) conference and states the objection below.

B. Do any parties object to initial disclosures?

YES  NO

For any party who answered *yes*, please explain your reasons for objecting.

2. Briefly describe any discovery that has been completed or is in progress:

By plaintiff(s): None

By defendant(s):

3. Please describe any protective orders or other limitations on discovery that may be required/sought during the course of discovery. (For example: are there any confidential business records or medical records that will be sought? Will information that is otherwise privileged be at issue?) None at this time.

4. Discovery from experts:

Identify the subject matter(s) as to which expert testimony will be offered:

By plaintiffs: (1) The demographics of the state of Louisiana; (2) whether the Black population in Louisiana is sufficiently geographically compact and numerous to create additional majority-minority districts in the State Senate or State House; (3) whether voting in Louisiana is polarized along racial lines such that Black voters are generally cohesive in their choice of candidates and white voters vote sufficiently as a bloc to usually defeat Black-preferred candidates; (4) whether, in the totality of the circumstances, Black voters have less opportunity in Louisiana to participate in the electoral process and elect their candidates of choice.

By defendant(s):

**H. PROPOSED SCHEDULING ORDER**

1. If the parties propose an alternative timeframe for exchanging initial disclosures, please provide that proposed deadline: \_\_\_\_\_.

2. Recommended deadlines to join other parties or to amend the pleadings:  
July 1, 2022.

3. Filing all discovery motions and completing all discovery except experts:  
The Plaintiffs propose that expert and fact discovery take place during the same time frame. Hence, Plaintiffs proposed that all discovering, including expert discovery, should be completed by October 1, 2022.

4. Disclosure of identities and resumés of expert witnesses (if appropriate, you may suggest different dates for disclosure of experts in different subject matters):

Plaintiff(s): July 15, 2022.

Defendant(s): July 22, 2022.

5. Exchange of expert reports:

Plaintiff(s): August 5, 2022.

Defendant(s): August 26, 2022.

6. Completion of all discovery - including expert and fact discovery: October 1, 2022.

7. Filing dispositive motions and Daubert motions: October 7, 2022.

8. All remaining deadlines and the pre-trial conference and trial date will be included in the initial scheduling order. The deadlines will be determined based on the presiding judge's schedule, within the following general parameters.<sup>1</sup> The parties should not provide any proposed dates for these remaining deadlines.

- a. Deadline to file pre-trial order (approximately 16 weeks after dispositive motion deadline).
- b. Deadline to file motions in limine (approximately 20-22 weeks after dispositive motion deadline).
- c. Deadline to file an affidavit of settlement efforts (approximately 22-24 weeks after dispositive motion deadline).
- d. Deadline to submit joint jury instructions, voir dire, verdict forms, and trial briefs to the presiding judge (approximately 25-27 weeks after dispositive motion deadline).

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<sup>1</sup> The date ranges provided for the new deadlines, pre-trial conference, and trial date are a general guideline only. The actual dates may vary depending on the complexity of a particular case. All requests for subsequent changes to the deadlines set in the scheduling order under number 7 must be by motion directed to the presiding judge.

- e. Pre-trial conference date (approximately 18-20 weeks after dispositive motion deadline).
  - f. Trial date (approximately 27-29 weeks after dispositive motion deadline).
9. If the general outline of proposed deadlines does not fit the circumstances of your particular case, please provide a proposed joint schedule of deadlines which is more appropriate for your case.

**Dec. 5, 2022** - Deadline to file pretrial order

NA - Deadline to file motions in limine

NA - Deadline to file an affidavit of settlement efforts

**Dec. 19, 2022** - Pretrial conference

**Dec. 23, 2022** - Deadline for jury instructions, voir dire, verdict forms, and trial briefs

**Jan. 17, 2023** - Trial date

**I. TRIAL**

1. Has a demand for trial by jury been made?

YES  NO

2. Estimate the number of days that trial will require.

Seven

**J. OTHER MATTERS**

Are there any specific problems the parties wish to address at the scheduling conference?

YES  NO

- i. If the answer is *yes*, please explain:

Plaintiffs respectfully state that this case should proceed on the somewhat expedited schedule proposed because the Louisiana Legislative elections are approaching in 2023.<sup>1</sup> The Gubernatorial Primary is October 14, 2023, with a filing deadline of August 8, 2023-August 10, 2023. *Id.* While it might be possible for election officials and potential candidates to proceed with the 2023 Legislative elections even if the boundaries of the districts are not finalized until closer to the August 2023 candidate filing deadline, it would significantly benefit all parties and the general voting population in Louisiana for there to be certainty about the Legislative districts at as early a date as possible.

Furthermore, this is a complicated case and, as such, the Court will need time to consider all the issues raised at trial before issuing an opinion. In addition, this case will very likely result in an appeal by one party or another, which may further delay final resolution. A decision is needed as soon as possible in early 2023 to allow for the appeal process and still finalize Legislative maps sufficiently in advance of the August 2023 candidate filing deadline to minimize disruption.

- ii. If the answer is *no*, do the parties want the court to cancel the scheduling conference and to enter a scheduling order based on the deadlines set out in this report? **CHECK “NO” IF YOU HAVE NOT SUBMITTED JOINT PROPOSED DEADLINES.**

YES  NO

#### K. SETTLEMENT

1. Please set forth what efforts, if any, the parties have made to settle this case to date. None.
2. Do the parties wish to have a settlement conference:

YES  NO

If your answer is *yes*, at what stage of litigation would a settlement conference be most beneficial?

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<sup>1</sup> The relevant dates can be found on the Secretary of State’s website, available at <https://www.sos.la.gov/ElectionsAndVoting/PublishedDocuments/ElectionsCalendar2023.pdf> (last visited April 26, 2022).

**L. CONSENT TO JURISDICTION BY A MAGISTRATE JUDGE**

You have the right to waive your right to proceed before a United States District Judge and may instead consent to proceed before a United States Magistrate Judge.

Indicate whether, at this time, all parties will agree, pursuant to 28 U.S.C. § 636(c), to have a Magistrate Judge handle all the remaining pretrial aspects of this case and preside over a jury or bench trial, with appeal lying to the United States Court of Appeals for the Fifth Circuit.

All parties agree to jurisdiction by a Magistrate Judge of this court:

[ ] YES [X] NO

**If your response was “yes” to the preceding question, all attorneys and unrepresented parties should sign the attached form to indicate your consent.**

Report dated: \_\_\_\_\_

Attorney(s) for Plaintiff(s)<sup>3</sup> or Pro Se Plaintiff

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<sup>3</sup> See L.R. 11(a) regarding Signing of Pleadings, Motions and Other Papers and L.R. 5(f) regarding Certificate of Service.

**NOTICE OF RIGHT TO CONSENT TO DISPOSITION OF  
CIVIL CASE BY A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. 636(c), you are hereby notified that all of the parties in this civil case may consent to allow a United States Magistrate Judge of this district court to conduct any and all proceedings, including trial of the case and entry of a final judgment.

You may consent by signing the form contained within the status report, or you may use the attached form at any later stage of the proceedings should you decide at that time to proceed before the United States Magistrate Judge. A copy of a consent form is enclosed and is also available from the clerk of court. In the event all parties consent to proceed before the Magistrate Judge, the signed consent form must be filed with the court electronically, but **ONLY AFTER ALL PARTIES HAVE SIGNED THE FORM.**

You should be aware that your decision to consent, or not to consent, to the disposition of your case before a United States Magistrate Judge is entirely voluntary. Either the district judge or the magistrate judge may again advise the parties of the availability of the magistrate judge, but in doing so, shall also advise the parties that they are free to withhold consent without adverse consequences.

Please note that the parties may appeal the magistrate judge's decision directly to the court of appeals in the same manner as an appeal from any other judgment of the district court.

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

**PLAINTIFF**

**CIVIL ACTION**

**VERSUS**

**NO.**

**DEFENDANT**

**CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. 636(c), the parties to the above captioned civil proceeding hereby waive their right to proceed before a United States District Judge and consent to have a United States Magistrate Judge conduct any and all further proceedings in the case, including but not limited to the trial of the case, and order the entry of judgment in the case.

The parties are aware that in accordance with 28 U.S.C. 636(c)(3), any aggrieved party may appeal from the judgment directly to the United States Court of Appeals for the Fifth Circuit in the same manner as an appeal from any other judgment of the district court.

<b>Date</b>	<b>Party Represented</b>	<b>Pro Se or Atty. Name</b>	<b>Pro Se or Atty. Signature</b>