

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

DR. DOROTHY NAIRNE, JARRETT
LOFTON, REV. CLEE EARNEST LOWE, DR.
ALICE WASHINGTON, STEVEN HARRIS,
ALEXIS CALHOUN, BLACK VOTERS
MATTER CAPACITY BUILDING
INSTITUTE, and THE LOUISIANA STATE
CONFERENCE OF THE NAACP,

Plaintiffs,

v.

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

Defendant.

Case No. 3:22-cv-00178-SDD-SDJ

JOINT MOTION TO STAY PROCEEDINGS

Pursuant to the Court's inherent power "to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for the litigants," *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936), Defendant the State of Louisiana, by and through its Attorney General, Jeff Landry, the Secretary of State of Louisiana, and the Legislative Intervenors respectfully moves the Court to stay all proceedings pending resolution of *Merrill v. Milligan*, No. 21-1086, 2022 U.S. LEXIS 1626 (U.S., March 21, 2022) in the Supreme Court of the United States.

1.

Plaintiffs brought this action seeking declaratory and injunctive relief under Section 2 of the Voting Rights Act. Compl., *Nairne, et al. v. Ardoin*, No. 3:22-cv-178-SDD-SDJ (M.D. La.) (filed Mar. 14, 2022) (ECF No. 1). In their Complaint, they allege that Louisiana's 2022 state

legislative map “unlawfully deprive[s] Louisiana’s Black voters of a meaningful opportunity to elect candidates of their choice to the State Senate and House of Representatives.” *Id.* at 1.

2.

On June 28, 2022, the United States Supreme Court granted the State’s emergency application for a stay in separate litigation concerning a related legal challenge to Louisiana’s 2022 congressional district map. *See Ardoin, et al. v. Robinson, et al.*, No. 21-1596 (U.S., June 28, 2022). The Supreme Court also treated the application as a petition for certiorari before judgment, granted that petition, and then ordered the case held in abeyance until the Court’s upcoming decision in *Merrill v. Milligan*, Nos. 21-1086 and 21-1087.

3.

This case involves similar issues as the congressional challenge that was recently stayed by the Supreme Court concerning the proper interpretation of Section 2 of the Voting Rights Act. As there is a case pending before the Supreme Court that will inevitably impact this proceeding (and could very well be determinative of the ultimate issue), the Attorney General now moves to stay these proceedings pending resolution of *Merrill v. Milligan* at the Supreme Court of the United States.

4.

The reasons why the State’s interests and the interest of judicial economy counsel in favor of granting a stay are fully outlined in the accompanying memorandum in support.

5.

The State contacted all parties and the remaining Defendants consent to the relief sought herein. Plaintiffs oppose the relief requested herein.

6.

Therefore, for the reasons detailed in the attached Memorandum of Law, the State respectfully requests that the Court grant this Motion to Stay this case pending the timely resolution of *Merrill v. Milligan*, Nos. 21-1086 and 21-1087 (U.S., Feb. 7, 2022).

Dated: July 18, 2022

Respectfully submitted,

JEFF LANDRY
ATTORNEY GENERAL

Jason B. Torchinsky (*admitted pro hac vice*)
Phillip Gordon (*admitted pro hac vice*)
Andrew B. Pardue (*admitted pro hac vice*)
HOLTZMAN VOGEL BARAN
TORCHINSKY JOSEFIK PLLC
15405 John Marshall Hwy.
Haymarket, VA 20169
Telephone No. 540-341-8808
Facsimile No. 540-341-8809
E-Mail Address:
jtorchinsky@holtzmanvogel.com
pgordon@holtzmanvogel.com
apardue@holtzmanvogel.com

/s/ Angelique Duhon Freel
Jeffrey M. Landry (La. Bar Roll #29942)
Angelique D. Freel (La. Bar #28561)
Jeffrey Wale (La. Bar #36070)
Assistant Attorneys General
LOUISIANA DEPARTMENT OF JUSTICE
1885 North Third Street
Post Office Box 94005
Baton Rouge, Louisiana 70804-9005
Telephone No. 225-326-6766
Facsimile No. 225-326-6793
E-Mail Address:
landryj@ag.louisiana.gov
freela@ag.louisiana.gov
walej@ag.louisiana.gov

Michael W. Mengis (La. Bar #17994)
BAKERHOSTETLER LLP
811 Main Street, Suite 1100
Houston, Texas 77002
Telephone No.: 713-751-1600
Facsimile No.: 713-751-1717
mmengis@bakerlaw.com

E. Mark Braden (*admitted pro hac vice*)
Katherine McKnight (*admitted pro hac vice*)
Richard B. Raile (*admitted pro hac vice*)
BAKERHOSTETLER LLP
1050 Connecticut Ave., N.W., Ste. 1100
Washington, D.C. 20036
Telephone No.: 202-861-1500
mbraden@bakerlaw.com
kmcknight@bakerlaw.com
rraile@bakerlaw.com

Patrick T. Lewis (*admitted pro hac vice*)
BAKERHOSTETLER LLP
127 Public Square, Suite 2000
Cleveland, Ohio 44114
Telephone No.: 216-621-0200
plewis@bakerlaw.com

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

Erika Dackin Prouty (*admitted pro hac vice*)

BAKERHOSTETLER LLP
200 Civic Center Drive, Suite 1200
Columbus, Ohio 43215
Telephone No.: 614-228-1541
eprouty@bakerlaw.com

Phillip J. Strach (*admitted pro hac vice*)
Thomas A. Farr (*admitted pro hac vice*)
John E. Branch, III (*admitted pro hac vice*)
Alyssa M. Riggins (*admitted pro hac vice*)
Cassie A. Holt (*admitted pro hac vice*)

NELSON MULLINS RILEY &
SCARBOROUGH LLP
4140 Parklake Avenue, Suite 200
Raleigh, North Carolina 27612
Telephone No.: 919-329-3800
Phillip.strach@nelsonmullins.com
Tom.far@nelsonmullins.com
Alyssa.riggins@nelsonmullins.com
Cassie.holt@nelsonmullins.com

John C. Walsh (La. Bar #24903)
SHOWS, CALL & WALSH LLP
Baton Rouge, Louisiana
Telephone No.: 225-383-1461
Facsimile No.: 225-346-5561

*Counsel for Defendant R. Kyle Ardoin, in
his Official Capacity as Secretary of State
of Louisiana*

CERTIFICATE OF SERVICE

I certify that on July 18, 2022, the foregoing was filed using the Court's CM/ECF system,
which constitutes service on all counsel having appeared of record in this proceeding.

/s/ Jason Torchinsky
Jason Torchinsky