

**IN THE 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 official capacity
as Secretary of State of Louisiana,

Defendant.

Civil Action No. 3:22-cv-00178
SDD-SDJ

PLAINTIFFS' MOTION TO VACATE STAY

Plaintiffs, 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, by and through undersigned counsel, move this court for an order vacating the stay of proceedings granted on August 30, 2022.

For the reasons stated in the accompanying memorandum in support, Plaintiffs respectfully request that this Court grant the motion to vacate the stay of proceedings. And for the reasons explained in Plaintiffs' simultaneously-filed motion for an expedited briefing schedule, Plaintiffs request that the Court resolve this motion on an expedited basis.

Date: June 9, 2023

Respectfully submitted,

John Adcock (La. Bar No. 30372)
Adcock Law LLC
Louisiana Bar No. 30372
3110 Canal Street
New Orleans, LA 701119
jnadcock@gmail.com

Ron Wilson (La. Bar No. 13575)
701 Poydras Street, Suite 4100
New Orleans, LA 70139
cabral2@aol.com

Leah Aden*
Stuart Naifeh*
Victoria Wenger*
NAACP Legal Defense & Educational
Fund
40 Rector Street, 5th Floor
New York, NY 10006
laden@naacpldf.org
snaifeh@naacpldf.org
vwenger@naacpldf.org

I. Sara Rohani*
NAACP Legal Defense & Educational
Fund
700 14th Street, Suite 600
Washington, DC 20005
srohani@naacpldf.org

Michael de Leeuw*
Amanda Giglio*
Cozen O'Connor
3 WTC, 175 Greenwich St.,
55th Floor
New York, NY 10007
MdeLeeuw@cozen.com
AGiglio@cozen.com

/s/ Sarah Brannon
Sarah Brannon*
Megan C. Keenan**
American Civil Liberties Union
Foundation
915 15th St. NW
Washington, DC 20005
sbrannon@aclu.org
mkeenana@aclu.org

Sophia Lin Lakin*
Dayton Campbell-Harris**
Luis Manuel Rico Román**
American Civil Liberties Union
Foundation
125 Broad Street, 18th Floor
New York, NY 10004
slakin@aclu.org
dcampbell-harris@aclu.org
lroman@aclu.org

T. Alora Thomas-Lundborg*
Election Law Clinic
Harvard Law School
6 Everett Street, Ste. 4105
Cambridge, MA 02138
tthomaslundborg@law.harvard.edu

Nora Ahmed (N.Y. Bar. No. 5092374)
ACLU Foundation of Louisiana
1340 Poydras St., Suite 2160
New Orleans, LA 70112
NAhmed@laaclu.org

Josephine Bahn**
Cozen O'Connor
1200 19th Street NW
Washington, D.C. 20036
JBahn@cozen.com

Attorneys for Plaintiffs
*Admitted Pro Hac Vice
**Pro Hac Vice Motion Forthcoming

**IN THE 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 official capacity
as Secretary of State of Louisiana,

Defendant.

Civil Action No. 3:22-cv-00178
SDD-SDJ

**MEMORANDUM IN SUPPORT OF
PLAINTIFFS' MOTION TO VACATE STAY**

Plaintiffs, 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, by and through undersigned counsel, move this court for an order vacating the stay of proceedings granted on August 30, 2022. For the reasons explained further in Plaintiffs' simultaneously-filed motion for an expedited briefing schedule, Plaintiffs request that the Court resolve this motion on an expedited basis.

BACKGROUND

Plaintiffs filed the instant action on March 14, 2022, alleging that the 2022 redistricting plans for the Louisiana House of Representatives and Senate unlawfully

diluted their votes in violation of Section 2 of the Voting Rights Act of 1965, 52 U.S.C. § 10301. On August 30, 2022, this Court stayed all proceedings in this case, pending the Supreme Court’s resolution of *Allen v. Milligan* (formerly “*Merrill v. Milligan*”). See Ruling on Stay Motion, ECF No. 79. This Court concluded that this proceeding’s outcome was intertwined with *Allen*’s, and that the case could only proceed once the *Allen* case was decided. *Id.* at 4.

On June 8, 2023, the Supreme Court published its decision in *Allen v. Milligan*, No. 21-1086, 599 U.S. ____ (2023), affirming the preliminary injunction granted by the U.S. District Court for the Northern District of Alabama. No further grounds exist to prohibit this case from moving forward and being litigated. Accordingly, this Court should vacate the stay.

ARGUMENT

The decision to stay a case “lies within the sound discretion of the District Court.” *Francois v. City of Gretna*, No. CIV.A. 13-2640, 2014 WL 1118091, at *1 (E.D. La. Mar. 20, 2014) (citing *Campbell v. Eastland*, 307 F.2d 478, 487 (5th Cir. 1962). Discretion “calls for the exercise of judgment, which must weigh competing interests and maintain an even balance.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254–55 (1936). However, *Landis* makes a stay improper if it is not “so framed in its inception that its force will be spent within reasonable limits.... When those limits have been reached, the fetters should fall off.” *In re Papst Licensing GmbH*, No. CIV.A. 99-MD-1298, 2006 WL 4017753, at *2 (E.D. La. Oct. 23, 2006) (citing *Landis*, 299 U.S. at 257).

No further grounds remain to allow the stay to persist. Here, exercising its discretion, this Court stayed the present case stating that “once [Allen] is decided, this important case can be litigated.” Ruling on Stay Motion at 4, ECF No. 79. Thus, this Court set the stay’s end point as the issuance of the *Allen* decision, because *Allen* would guide this Court’s reasoning in resolving this matter. Any prolongation of the stay is not necessary.

On balance, any furtherance of the stay does not advance judicial efficiency and risks damaging the fundamental voting rights of Louisianans. The rationale for the stay no longer exists, and this case should move forward.

Date: June 9, 2023

Respectfully submitted,

John Adcock (La. Bar No. 30372)
Adcock Law LLC
Louisiana Bar No. 30372
3110 Canal Street
New Orleans, LA 701119
jnadcock@gmail.com

Ron Wilson (La. Bar No. 13575)
701 Poydras Street, Suite 4100
New Orleans, LA 70139
cabral2@aol.com

Leah Aden*
Stuart Naifeh*
Victoria Wenger*
NAACP Legal Defense & Educational
Fund
40 Rector Street, 5th Floor
New York, NY 10006
laden@naacpldf.org
snaifeh@naacpldf.org
vwenger@naacpldf.org

/s/ Sarah Brannon
Sarah Brannon*
Megan C. Keenan**
American Civil Liberties Union
Foundation
915 15th St. NW
Washington, DC 20005
sbrannon@aclu.org
mkeenana@aclu.org

Sophia Lin Lakin*
Dayton Campbell-Harris**
Luis Manuel Rico Román**
American Civil Liberties Union
Foundation
125 Broad Street, 18th Floor
New York, NY 10004
slakin@aclu.org
dcampbell-harris@aclu.org
lroman@aclu.org

T. Alora Thomas-Lundborg*
Election Law Clinic

I. Sara Rohani*
NAACP Legal Defense & Educational
Fund
700 14th Street, Suite 600
Washington, DC 20005
srohani@naacpldf.org

Michael de Leeuw*
Amanda Giglio*
Cozen O'Connor
3 WTC, 175 Greenwich St.,
55th Floor
New York, NY 10007
MdeLeeuw@cozen.com
AGiglio@cozen.com

Harvard Law School
6 Everett Street, Ste. 4105
Cambridge, MA 02138
tthomaslundborg@law.harvard.edu

Nora Ahmed (N.Y. Bar. No. 5092374)
ACLU Foundation of Louisiana
1340 Poydras St., Suite 2160
New Orleans, LA 70112
NAhmed@laaclu.org

Josephine Bahn**
Cozen O'Connor
1200 19th Street NW
Washington, D.C. 20036
JBahn@cozen.com

Attorneys for Plaintiffs

*Admitted Pro Hac Vice

**Pro Hac Vice Motion Forthcoming

RETRIEVED FROM DEMOCRACYDOCKET.COM