

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

THE CHRISTIAN MINISTERIAL ALLIANCE, et
al.,

Plaintiffs,

v.

ASA HUTCHINSON, et al.,

Defendants.

Civil Case No. 4:19-cv-402-JM

**PLAINTIFFS' RESPONSE TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

Come Plaintiffs, Christian Ministerial Alliance, Arkansas Community Institute, Marion Humphrey, and Kymara Hill Seals (collectively, "Plaintiffs"), by and through their attorneys, NAACP Legal Defense and Educational Fund, Shearman & Sterling LLP, Howell Shuster & Goldberg LLP, and Mays, Byrd & Associates, PA, and hereby DENY that Defendants are entitled to judgment as a matter of law under Federal Rule of Civil Procedure 56 for the reasons explained in the accompanying brief. Plaintiffs also attach their consolidated Response to Defendants' Statement of Material Facts and Statement of Additional Material Facts in Opposition to Summary Judgment, accompanied by the following exhibits:

Exhibit A—Secretary of State's Responses to Plaintiffs' First Set of Interrogatories (Apr. 5, 2021)

Exhibit B—Expert Report of Dr. John R. Alford, Ph.D (Jul. 9, 2021)

Exhibit C—Supplemental Declaration of William S. Cooper (Sept. 13, 2021)

Exhibit D—Revised Declaration of William S. Cooper (Jun. 15, 2021)

Exhibit E—Expert Report of Dr. Baodong Liu, Ph.D. (May 25, 2021)

- Exhibit F—Declaration of Peyton McCrary (May 25, 2021)
- Exhibit G—Maxine Allen Deposition Transcript (Aug. 11, 2021)
- Exhibit H—Leslie Bellamy Deposition Transcript (Jun. 7, 2021)
- Exhibit I—Mary Casteel Deposition Transcript (Jun. 11, 2021)
- Exhibit J—William S. Cooper Deposition Transcript (Aug. 17, 2021)
- Exhibit K—Joyce Elliott Deposition Transcript (Sep. 9, 2021)
- Exhibit L—Victor Hill Deposition Transcript (Sep. 7, 2021)
- Exhibit M—Marion Humphrey Deposition Transcript (Aug. 12, 2021)
- Exhibit N—Timothy Humphries Deposition Transcript (Jul. 13, 2021)
- Exhibit O—Peyton McCrary Deposition Transcript (Aug. 9, 2021)
- Exhibit P—Peter Morrison Deposition Transcript (Aug. 20, 2021)
- Exhibit Q—Olan Reeves Deposition Transcript (Jun. 30, 2021)
- Exhibit R—Kymara Hill Seals Deposition Transcript (Aug. 11, 2021)
- Exhibit S—Elisabeth Walker Deposition Transcript (Jul. 15, 2021)
- Exhibit T—Mary Casteel Deposition Exhibit 39—Memorandum from Assistant Attorney General Tim Gauger to Butch Reeves re: Lake View Settlement (Sept. 13, 2000)
- Exhibit U—Excerpt from James Gingerich Deposition Exhibit 66—Court of Appeals Apportionment Commission Report to the Arkansas General Assembly (2003)
- Exhibit V—AG0275-AG0288—Attorney General Opinion No. 97-198 (Aug. 6, 1997)
- Exhibit W—GOV008-0067—Constituent complaints received by the Governor’s Office regarding discrimination
- Exhibit X—PLTFS_0000513—Max Brantley, *UPDATE: Vote suppression in Arkansas wins after all*, Arkansas Times (Apr. 26, 2021)
- Exhibit Y—SOS0901-SOS0914 (Excerpt from SOS0831-5006)—Court of Appeals Apportionment Commission Report to the Arkansas General Assembly (Mar. 1, 1997)
- Exhibit Z—SOS0949-SOS0980 (Excerpt from SOS0831-5006)—Court of Appeals Apportionment Commission Report to the Arkansas General Assembly (Mar. 1, 1995)

Exhibit AA—SOS0981-SOS0987 (Excerpt from SOS0831-5006)—Memorandum by Tim Humphries re: Court of Appeals Districts (Sept. 12, 1994)

Exhibit BB—SOS1507 (Excerpt from SOS0831-5006)—Memorandum by Tim Humphries to Frank Arrey re: Court of Appeals Districting (Aug. 21, 1996)

Exhibit CC—SOS1547 (Excerpt from SOS0831-5006)—Letter from D. Franklin Arey, III, Arkansas Governor's Chief Legal Counsel, to J.D. Gingerich, Administrative Office of the Courts Director re: Court of Appeals Apportionment Commission (Oct. 8, 1996)

Exhibit DD—SOS2667-SOS2700 (Excerpt from SOS0831-5006)—Transcript of Public Hearing of the State of Arkansas Court of Appeals Apportionment Commission (Aug. 29, 2002)

Exhibit EE—SOS5294-SOS5295 (Excerpt from SOS5012-5325)—Letter from Attorney General Winston Bryant to Representative Mike Wilson re: the constitutionality of HB 2089 (Mar. 29, 1995)

Exhibit FF—SOS5310-SOS5314 (Excerpt from SOS5012-5325)—Memorandum by Tim Humphries re: New Court of Appeals Procedure (Mar. 14, 1995)

Exhibit GG—Google Maps – Pulaski County to Dallas County

Exhibit HH—U.S. Census Bureau – Median Income Comparison: Jefferson, Pulaski, Dallas, Cleveland, Calhoun, Ouachita Counties

Exhibit II—U.S. Census Bureau – Median Income: Grant County

Exhibit JJ—John Alford Deposition Transcript (Aug. 23, 2021)

Exhibit KK—Baodong Liu Deposition Transcript (Aug. 6, 2021)

Exhibit LL—SOS0042—Letter from Senior Assistant Attorney General Wendy Michaelis to Acting Chief of the Voting Rights Section of the U.S. DOJ Civil Rights Division Joseph D. Rich regarding VRA Section 3(c) preclearance for Act 1789 (May 16, 2001)

Exhibit MM—Analysis of the Statewide Election of the Arkansas Supreme Court, Report of Tristan D. Greene Report prepared for the Office of the Arkansas Attorney General (December 2007)

WHEREFORE, Plaintiffs pray that Defendants' Motion for Summary Judgment and all relief requested therein be denied, and to be awarded all other relief to which they may be entitled.

Dated: October 7, 2021

Respectfully submitted,

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