

UNITED STATES DISTRICT COURT
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

MOTION FOR PARTIAL 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 & Educational Fund, Shearman & Sterling LLP, Holwell Shuster & Goldberg LLP, and Mays, Byrd & Associates, PA, and for their Motion for Partial Summary Judgment, brought pursuant to Rule 56(a) of the Federal Rules of Civil Procedure, state:

1. There is no genuine issue of material fact that Arkansas’s Black population is sufficiently large and geographically compact to constitute a majority in a single-member district for the Supreme Court and two single-member districts for the Court of Appeals. Therefore, Plaintiffs meet the first precondition enumerated in *Thornburg v. Gingles*, 478 U.S. 30, 49-51 (1986) (“*Gingles I*”) and are entitled to summary judgment in their favor as a matter of law.
2. This Motion is supported by the pleadings of record, which are incorporated herein by reference.

3. On March 2, 2020, Plaintiffs filed their Second Amended Complaint against Defendants, Governor Asa Hutchinson, in his official capacity, Secretary of State John Thurston, in his official capacity, and Attorney General Leslie Rutledge's, in her official capacity, (collectively, "Defendants"), alleging that Defendants' methods of electing Justices to the Arkansas Supreme Court and judges to the Court of Appeals violate Section 2 of the Voting Rights Act by illegally diluting the voting strength of Black voters in Arkansas.
4. Plaintiffs' expert William S. Cooper has submitted several illustrative plans identifying viable opportunities for such districts.
5. Defendants' expert Dr. Peter Morrison offered no opinion in rebuttal.
6. For the reasons set forth in more detail in Plaintiffs' Supporting Brief, and as a matter of law and indisputable fact, Plaintiffs are entitled to summary judgment on *Gingles I*.
7. A Brief in Support of this Motion is filed simultaneously herewith and incorporated herein.
8. Attached hereto and incorporated into this Motion and accompanying Brief in Support are the following exhibits:
 - Exhibit A – Declaration of William S. Cooper (May 25, 2021)
 - Exhibit B – Revised Declaration of William S. Cooper (June 15, 2021)
 - Exhibit C – Supplemental Declaration of William S. Cooper (September 13, 2021)
 - Exhibit D – Expert Declaration of Peter Morrison, Ph.D. (July 9, 2021)
 - Exhibit E – William S. Cooper Deposition Transcript (August 17, 2021)
 - Exhibit F – Peter Morrison, Ph.D. Deposition Transcript (August 20, 2021)
 - Exhibit G – Timothy Humphries Deposition Transcript (July 13, 2021)
 - Exhibit H – Leslie Bellamy (SOS 30(b)(6)) Deposition Transcript (June 7, 2021)

Exhibit I – Excerpt from James Gingerich Deposition Exhibit 66

Exhibit J – SOS0949-SOS0980 (Excerpt from SOS0831-5006)

Exhibit K – SOS0901-SOS0914 (Excerpt from SOS0831-5006)

Exhibit L – SOS2667-SOS2700 (Excerpt from SOS0831-5006)

WHEREFORE, Plaintiffs respectfully request that this Court grant their Partial Motion for Summary Judgment.

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Dated: September 16, 2021

Respectfully submitted,

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