Nos. 24-109 & 24-110

In the Supreme Court of the United States

STATE OF LOUISIANA,

Appellant,

v.

PHILLIP CALLAIS, ET AL.,

Appellees.

PRESS ROBINSON, ET AL.,

Appellants,

v.

PHILLIP CALLAIS, ET AL.,

Appellees.

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APPELLANTS' UNOPPOSED JOINT MOTION FOR DIVIDED ARGUMENT

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RULE 29.6 DISCLOSURE STATEMENT

The Louisiana State Conference of the NAACP is a non-profit membership organization. There are no parents, subsidiaries and/or affiliates of the Louisiana State Conference of the NAACP that have issued shares or debt securities to the public.

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MOTION

Pursuant to Rules 21 and 28.4 of this Court, appellant in No. 24-109, the State of Louisiana, and appellants in No. 24-110, Press Robinson, Edgar Cage, Dorothy Nairne, Edwin René Soulé, Alice Washington, Clee Earnest Lowe, Martha Davis, Ambrose Sims, Davante Lewis, NAACP Louisiana State Conference, and Power Coalition for Equity and Justice (the *Robinson* Intervenors) jointly move for divided argument.

The Court has consolidated these cases and allotted a total of one hour for oral argument. In addition, the Clerk's Office has advised counsel that the Court will hear argument in the consolidated cases in the March sitting. The State and the *Robinson* Intervenors each request 15 minutes of argument time. This division of time will enable the Court to receive the benefit of these appellants' distinct perspectives and arguments, while ensuring that all appellants' interests are fully represented.

This Court has granted divided argument in other consolidated cases presenting similar situations. The Court should follow the same approach here. Appellees' counsel has informed appellants' counsel that they take no position on this request to divide appellants' time equally.

In support of divided argument, appellants state:

1. The core question presented is whether this Court should reverse the district court's determination that District 6 in S.B. 8—Louisiana's congressional district map—is an unconstitutional racial gerrymander. All appellants argue in favor of reversal.

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2. The State's and the *Robinson* Intervenors' perspectives, however, are fundamentally different, not least because S.B. 8 is the product of the *Robinson* Intervenors' prior lawsuit *against* the State. *See Robinson v. Ardoin*, 605 F. Supp. 3d 759 (M.D. La. 2022); *Robinson v. Ardoin*, 86 F.4th 574 (5th Cir. 2023). Indeed, the history and effects of the *Robinson* litigation—and in particular, the Louisiana Legislature's adoption of S.B. 8 in response to the *Robinson* decisions—bear directly on the outcome of this appeal. For that reason, the State and the *Robinson* Intervenors have consistently filed separate briefing both in the district court and in this Court. Because the State and the *Robinson* Intervenors are, in effect, adversarial opponents joined on one side of the v. in these cases, therefore, it makes good sense to divide time equally between them.

3. In addition, the State has raised alternative procedural arguments in favor of reversal that the *Robinson* Intervenors have not raised. Specifically, the State has argued that plaintiff-appellees failed to substantiate their claim of Article III standing, and that this case is non-justiciable. *See* Op. Br. in No. 24-109 at 22–32, 53–54. Accordingly, equally divided time will ensure that those alternative arguments may be sufficiently aired by the State.

4. Allowing divided argument here would be consistent with this Court's approach in similar circumstances. "Having more than one lawyer argue on a side is justifiable ... when they represent different parties with different interests or positions." Stephen M. Shapiro, *et al.*, Supreme Court Practice § 14.5 (11th ed. 2019). As a result, this Court has often granted divided argument in consolidated cases

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where the parties have emphasized different arguments or interests in support of the same result, including in voting cases and cases where a State party and private parties appear on the same side. *See, e.g.*, *Becerra v. San Carlos Apache Tribe*, 144 S. Ct. 1005 (2024) (mem.); *Truck Ins. Exch. v. Kaiser Gypsum Co.*, 144 S. Ct. 996 (2024) (mem.); *Brown v. United States*, 144 S. Ct. 64 (2023) (mem.); *Moore v. Harper*, 143 S. Ct. 401 (2022) (mem.); *Harris v. Ariz. Indep. Redistricting Comm'n*, 577 U.S. 1001 (2015) (mem.); *Masterpiece Cakeshop, Ltd. v. Colo. Civ. Rights Comm'n*, 138 S. Ct. 466 (2017) (mem.). Appellants respectfully submit that divided argument is similarly appropriate here.

* * *

For the foregoing reasons, appellants respectfully request that the Court divide oral argument time equally between appellant in No. 24-109 and appellants in No. 24-110.

Appellants understand that the Solicitor General of the United States—who filed an *amicus curiae* brief in support of neither party—intends to seek 10 minutes of argument time and propose the following enlargement and division of time: 30 minutes for appellants; 10 minutes for the Solicitor General; and 30 minutes for appellees. Appellants consent to that proposal (with appellants' time equally divided), which aligns with the Court's prior order in consolidated cases presenting materially similar circumstances. *See Alabama Leg. Black Caucus v. Alabama*, 135 S. Ct. 434 (2014) (mem.) ("[T]he time is to be divided as follows: 30 minutes for appellants, 30 minutes for appellees, and 10 minutes for the Solicitor General as *amicus curiae*.").

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Respectfully submitted,

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