

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

LOUISIANA STATE CONFERENCE,
OF THE NATIONAL ASSOCIATION
FOR THE ADVANCEMENT OF
COLORED PEOPLE; ANTHONY
ALLEN; AND STEPHANIE ANTHONY

VERSUS

STATE OF LOUISIANA; and
R. KYLE ARDOIN, in his capacity as
Secretary of State of Louisiana

CIVIL ACTION

NO: 19-479-JWD-SDJ

A status conference by Zoom was held in the above matter before District Judge John W. deGravelles on April 24, 2024.

PRESENT:

Meryl Macklin, Arthur Ray Thomas, and Pooja Chaudhuri
Counsel for Plaintiffs

John Carroll Walsh, Jason Brett Torchinsky, and Jeffrey K. Cody
Counsel for Defendants

Elizabeth Murrill
Attorney General

The Court began by explaining how on Monday, April 22, 2024, the Court's Courtroom Deputy received a call from Mr. Torchinsky and Ms. Macklin requesting a status conference with the Court to discuss the status of a joint Proposed Order submitted in March of 2024 to the Court at jwd_orders@lamd.uscourts.gov. Counsel was advised by the Courtroom Deputy that the wrong procedure had been used in notifying the Court of the Proposed Order and that the Court had not seen the order. The order was sent to a proposed order box that is not monitored by the

Court's staff, nor was the order submitted in connection with a pending motion that would explain the basis for the Proposed Order. Later during the day on April 22, 2024, the parties filed into the record a Motion with the Proposed Order attached. The Motion consisted of a single sentence without any explanation, evidence, or legal authority.

The Court expressed its unhappiness with the Proposed Order, which commits the Court to incredibly short deadlines and raises other issues that seem to bear considerable explanation. While Mr. Torchinsky explained to the Courtroom Deputy that this proposed redistricting plan and map is in the Legislature, has passed the Senate, and is in the House, there is nothing in the Motion or the record establishing this, and the Court did not receive this information until Monday, and only then through the Courtroom Deputy.

The Court questioned counsel regarding its authority to impose a map on the Legislature and State based purely on an agreement of the parties without a hearing or findings.

The Court then brought to the attention of the parties that an Amended Complaint was filed without leave of court. The parties explained that Defendants consented to the amendment. The Court replied that it believed there was nothing in the record to indicate that Defendants consented.

The Court's next question for counsel was: if the parties have already reached an agreement between themselves, and if it appears likely the new map will pass the Legislature (because the House is on its third reading of the bill, and the Senate has already passed it), why does this Court need to take any action? The parties explained that they believed this action would (1) help the matter move through the Legislature, where the new map has recently stalled; and (2) impose some deadlines on the Court. The Court replied (1) that the Proposed Order does far more than what the parties were expressing at the status conference; (2) that the parties' goals

concerning the Proposed Order do not answer the question of whether the Court has the authority to take such action or to force the Legislature to act in such an expedited manner (particularly in light of *Robinson v. Ardoin*, 86 F.4th 574, 600–01 (5th Cir. 2023)); and (3) that the Court will not serve as a rubberstamp for any order offered by the parties regardless of its content.

The final question for the parties from the Court was regarding the last paragraph of the Proposed Order: where is the authority that the Court can limit its own jurisdiction in this way, and why should the Court do so? The parties stated they wished to avoid a situation like in *Chisom* where the Court retained jurisdiction over future maps at the Legislature. The parties did not indicate the Court's authority to do so, however.

The parties indicated that they submitted the Proposed Order in the manner that they did (i.e., to jwd_orders without any motion in the record) due to the sensitive nature of the settlement negotiations and the subject matter of the case. The parties also indicated that a driving force behind their attempt to impose short deadlines on the Court was the desire to resolve this case before the next Supreme Court election and the Secretary of State's May 15, 2024 deadline to prepare for that election. The Court expressed its frustration that none of the parties contacted the Court before this week to inquire about the status of the Proposed Order, despite the May 15, 2024 deadline, and despite the fact that no action had been taken on the Proposed Order since its submission to the unmonitored work box on March 21, 2024. The parties explained that the reason they did not contact the Court sooner was because, until recently, the new map had been moving through the Legislature.

For oral reasons assigned, **IT IS ORDERED** that the Joint Motion to Enter Agreed Proposed Oder (Doc. 214) is **DENIED**.

As unhappy as the Court is, the Court remains willing to help the parties reach an

amicable resolution of this matter. If the parties want the Court to do so, they should submit a new motion and proposed order and provide the Court with whatever legal authorities and factual support are necessary for the Court to make an informed decision. Additionally, any deadlines the parties wish to implement should take into account the Court's need to review the parties' submissions and render a decision, considering other matters on the Court's docket (including criminal matters, which necessarily take priority).

Signed in Baton Rouge, Louisiana, on April 25, 2024.

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**JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

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