

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

HAROLD HARRIS, PASTOR ROBERT
TIPTON, JR., DELTA SIGMA THETA
SORORITY, INC., and DESOTO
COUNTY MS NAACP UNIT 5574,

Plaintiffs,

v.

DESOTO COUNTY, MISSISSIPPI;
DESOTO COUNTY BOARD OF
SUPERVISORS; and DESOTO
COUNTY ELECTION COMMISSION,

Defendants.

No. 3:24-cv-00289-GHD-RP

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

Plaintiffs Harold Harris, Pastor Robert Tipton, Jr., Delta Sigma Theta Sorority, Inc., and DeSoto County MS NAACP Unit 5574 respectfully submit this response in opposition to Defendants' Motion for Summary Judgment, ECF No. 297. For the reasons set forth below and in the memorandum that accompanies this response, the Court should deny Defendants' motion and allow this case to proceed to trial.

This case concerns a challenge to DeSoto County's district map under Section 2 of the Voting Rights Act. See 52 U.S.C. § 10301. "[T]he question of vote dilution is 'peculiarly dependent upon the facts of each case.'" *Thomas v. Bryant*, 919 F.3d 298, 308 (5th Cir. 2019) (quoting *Thornburg v. Gingles*, 478 U.S. 30, 79 (1986)). Section 2 requires a "flexible, fact-intensive inquiry based on 'an intensely local appraisal of the design and impact of the contested

electoral mechanisms.” *Nairne v. Landry*, 151 F.4th 666, 700 (5th Cir. 2025) (citation omitted). Ultimately, as most Section 2 cases do, this case turns on competing expert testimony and assessments of how to weigh lay and expert evidence. Plaintiffs will prove that each of the three *Thornburg v. Gingles* preconditions are met and that the totality of the circumstances merit relief. 478 U.S. at 43, 50; *see also Allen v. Milligan*, 599 U.S. 1, 18 (2023). The factual record in this case is extensive. In many instances, Plaintiffs’ evidence is un rebutted. In others, there is competing evidence for the Court to weigh. None of these questions can be answered at the summary judgment stage. This case is fit for trial.

In addition to the memorandum accompanying their opposition, Plaintiffs offer the following exhibits in support:

Exhibit “A” – Expert Report of Mr. William S. Cooper.

Exhibit “B” – Expert Report of Dr. Jacob M. Grumbach.

Exhibit “C” – Supplemental Report of Dr. Jacob M. Grumbach.

Exhibit “D” – Portions of the Deposition of Dr. Darryl Todd.

Exhibit “E” – Exhibit D3 to the Expert Report of Mr. William S. Cooper, titled “Communities of Interest (Condensed)” for the “DeSoto_2022_Enacted_Plan_”

Exhibit “F” – Expert Report of Dr. Marvin King.

Exhibit “G” – Portions of the Deposition of Sharon P. Wofford.

Exhibit “H” – Compendium of DeSoto County Board of Supervisors Redistricting Minutes, 2021–22.

Exhibit “I” – DeSoto County Board of Supervisors Meeting Agenda for November 15, 2021.

Exhibit “J” – Portions of the Deposition of County Administrator Vanessa Lynchard.

Exhibit “K” – Portions of the Deposition of Supervisor Mark Gardner.

Exhibit “L” – Portions of the Deposition of Supervisor Lee Caldwell.

Exhibit “M” – Portions of the Deposition of Supervisor Jessie Medlin.

Exhibit “N” – Email chain between Christopher Watson, Vanessa Lynchard, and DeSoto County Supervisors.

Exhibit “O” – Email from Christopher Watson to Supervisor Ray Denison.

Exhibit “P” – Memorandum from Christopher Watson to Board of Supervisors.

Exhibit “Q” – Portions of the Deposition of James Woodard.

Exhibit “R” – Portions of the Deposition of Christopher Watson.

Exhibit “S” – Portions of the Deposition of Melvin Young.

Exhibit “T” – Defendants’ Third Supplemental Responses to Plaintiffs’ First Set of Interrogatories.

Exhibit “U” – Portions of the Deposition of Vanessa Lynchard, as DeSoto County designee pursuant to Fed. R. Civ. Pro. 30(b)(6).

Exhibit “V” – Portions of the Deposition of Harold Harris.

Exhibit “W” – Exhibit H to the Expert Report of Mr. William S. Cooper, titled “Selected Socio-Economic Data: DeSoto County, Mississippi – Single-Race African Americans vis-à-vis Non-Hispanic Whites.”

Exhibit “X” – Portions of the Deposition of Lovie West.

Exhibit “Y” – Portions of the Deposition of Theresa G. Isom.

Exhibit “Z” – Portions of the Deposition of Dr. Bacardi Harris.

Exhibit “AA” – Portions of the Deposition of Pastor Robert Tipton, Jr.

Exhibit “BB” – Portions of the Deposition of Sissie Ferguson, as DeSoto County Election Commission designee pursuant to Fed. R. Civ. Pro. 30(b)(6).

Exhibit “CC” – Plaintiff Harold Harris’ Responses and Objections to Defendants First Set of Interrogatories.

Exhibit “DD” – Plaintiff Pastor Robert Tipton, Jr.’s Responses and Objections to Defendants’ First Set of Interrogatories.

Exhibit “EE” – Plaintiff DeSoto County MS NAACP Unit 5574’s Third Supplemental Response to Defendants’ First Set of Interrogatories.

Exhibit “FF” – Plaintiff Delta Sigma Theta Sorority, Inc.’s Third Supplemental Response to Defendants’ First Set of Interrogatories.

Exhibit “GG” – Composite exhibit of flyers and emails regarding Plaintiff Delta Sigma Theta Sorority, Inc.’s involvement in redistricting education.

Exhibit “HH” – Screenshot of “Political Awareness and Involvement” webpage from the website of DeSoto County Alumnae Chapter of Delta Sigma Theta Sorority, Inc.

Exhibit “II” – Portions of the Deposition of Dr. Jackie Nickson, as Delta Sigma Theta Sorority, Inc. designee pursuant to Fed. R. Civ. Pro. 30(b)(6).

Exhibit “JJ” – Bylaws for Units of National Association for the Advancement of Colored People.

Exhibit “KK” – Reply Report of Mr. William S. Cooper.

Exhibit “LL” – Expert Report of Sean P. Trende, Ph.D.

Exhibit “MM” – Portions of the Deposition of Dr. Sean P. Trende.

Exhibit “NN” – Reply Report of Dr. Jacob M. Grumbach.

Exhibit “OO” – Reply Report of Dr. Marvin King.

Exhibit “PP” – Expert Report of Dr. Christopher W. Bonneau.

Exhibit “QQ” – Portions of the Deposition of Dr. Christopher W. Bonneau.

Exhibit “RR” – Portions of the Deposition of Dr. Marvin King.

Accordingly, Plaintiffs respectfully request that the Court deny Defendants’ motion.

Dated: November 10, 2025

Respectfully submitted,

/s/ Joshua Tom

Joshua Tom (Miss. Bar No. 105392)

ACLU OF MISSISSIPPI

101 South Congress Street

Jackson, MS 39201

Telephone: (601) 354-3408

jtom@aclu-ms.org

Brenda Wright*

Victor Genecin*

Breanna Williams*

Jory Burks*

**NAACP LEGAL DEFENSE AND
EDUCATIONAL FUND, INC.**

40 Rector Street, 5th Floor
New York, NY 10006

Telephone: (212) 965-2200

Facsimile: (212) 226-7592

bwright@naacpldf.org

vgenecin@naacpldf.org

bwilliams@naacpldf.org

jburks@naacpldf.org

Amir Badat (Miss. Bar No. 106599)

BADAT LEGAL PLLC

P.O. Box 15

Tougaloo, MS 39174

Phone: (601) 462-9592

amir.badat@gmail.com

/s/ Daniel J. Hessel

Daniel J. Hessel*

Ruth Greenwood*

ELECTION LAW CLINIC

HARVARD LAW SCHOOL

6 Everett Street, Ste. 4105

Cambridge, MA 02138

(617) 496-0222

dhessel@law.harvard.edu

rgreenwood@law.harvard.edu

Victor Jones*

Pilar Whitaker*

**NAACP LEGAL DEFENSE AND
EDUCATIONAL FUND, INC.**

700 14th Street NW, Suite 600
Washington, DC 20005

Telephone: (202) 216-2720

Facsimile: (202) 682-1312

vjones@naacpldf.org

pwhitaker@naacpldf.org

Attorneys for Plaintiffs

**Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I, Daniel J. Hessel, do certify that on this day I filed the foregoing with the ECF System which sent notification to all counsel of record.

This the 10th day of November, 2025.

/s/ Daniel J. Hessel

Daniel J. Hessel

RETRIEVED FROM DEMOCRACYDOCKET.COM