

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

TENNESSEE STATE CONFERENCE
OF THE NAACP, *et al.*,

Plaintiffs,

v.

TRE HARGETT, in his official capacity as
Secretary of State of Tennessee, *et al.*,

Defendants.

No. 3:26-cv-00638

THREE-JUDGE COURT

DEFENDANTS' NOTICE OF SUPPLEMENTAL REPORT

Plaintiffs submitted a reply in support of their pending motion for a preliminary injunction on June 30, 2026. Dkt. 45. With that reply, Plaintiffs submitted a "Second declaration concerning Tennessee congressional redistricting" from Dr. Moon Duchin. Dkt. 45-1. That "Second declaration" describes a new set of computer-simulated redistricting plans that were not previously analyzed or disclosed in Plaintiffs' preliminary injunction motion or attached expert declarations. *Id.* at 4-6 (describing "an additional set of maps," distinct from "the ensembles in my earlier declaration"); *see* Dkt. 31-4 (first declaration by Dr. Duchin). Defendants submit the attached supplemental report from Dr. Michael Barber to respond to Dr. Duchin's newly offered simulation set and conclusions. Detailed in the attached, the new simulation set is based on a starting map that was not one of the millions of race-neutral simulated plans from Dr. Duchin's first declaration; among other differences when compared to the 2026 Plan, Dr. Duchin inexplicably splits a series of

rural counties along the State's southern border, seemingly in pursuit of a racial goal. Ex. 1, Barber Supp. Decl. at 4-11. These late-breaking "simulations show different racial demographics would have resulted had the legislature [also] split [that] string of rural counties. They are not useful for proving any racial motivation" in the 2026 Plan. *Id.* at 11.

Dated: July 7, 2026

Respectfully submitted,
JONATHAN SKRMETTI
Attorney General and Reporter

/s/ Zachary L. Barker
ZACHARY L. BARKER (BRP #035933)
Senior Assistant Attorney General

ANDREW DENNING (BPR #042208)
Assistant Attorney General
Office of the Tennessee Attorney General
P.O. Box 20207
Nashville, Tennessee 37202-0207
Phone: (615) 532-7400
Zachary.barker@ag.tn.gov
Andrew.denning@ag.tn.gov
(615) 532-4098

TAYLOR A.R. MEEHAN*
BRYAN K. WEIR*
THOMAS A. WILSON (PHV pending)
SOREN GEIGER*
Consovoy McCarthy PLLC
1600 Wilson Blvd., Suite 700
Arlington, VA 22209
taylor@consovoymccarthy.com
bryan@consovoymccarthy.com
twilson@consovoymccarthy.com
soren@consovoymccarthy.com
*Admitted pro hac vice

Counsel for Defendants

CERTIFICATE OF SERVICE

I certify that the foregoing Notice was filed electronically on July 7, 2026. A true and correct copy of that filing was forwarded via the Court's CM/ECF system upon all counsel who have appeared for Plaintiffs.

/s/ Zachary L. Barker
ZACHARY L. BARKER
Senior Assistant Attorney General

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