UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA

DR. DOROTHY NAIRNE, JARRETT LOFTON, REV. CLEE EARNEST LOWE, DR. ALICE WASHINGTON, STEVEN HARRIS, ALEXIS CALHOUN, BLACK VOTERS MATTER CAPACITY BUILDING INSTITUTE, and THE LOUISIANA STATE CONFERENCE OF THE NAACP Plaintiffs, v. KYLE ARDOIN, IN HIS OFFICIAL CAPACITY AS LOUISIANA SECRETARY OF STATE, Defendant	Case No.: 3:22-cv-000178-SDD-SDJ

THE STATE OF LOUISIANA'S MOTION TO INTERVENE

The State of Louisiana, by and through Attorney General Jeff Landry, moves to intervene pursuant to Federal Rule of Civil Procedure 24. The Court should grant the State's motion to intervene because it satisfies the requirements of intervention as of right and of permissive intervention under Federal Rule of Civil Procedure 24.

BACKGROUND

Plaintiffs challenge the Louisiana House and Senate redistricting plans, enacted by the Louisiana Legislature. Amended Complaint, ECF No. 14. Plaintiffs ask the Court to declare the challenged plans to be in violation of Section 2 of the Voting Rights Act; enjoin their use in future elections; set deadlines for the Legislature to enact new redistricting plans in conformance with Plaintiffs' view of

what the VRA requires, and, if necessary, fashion redistricting plans to govern elections to the Legislature. *Id.* at 58 (Prayer for Relief).

Plaintiffs name the Louisiana Secretary of State as the sole defendant but level many of their allegations directly against the State of Louisiana. Plaintiffs allege that the redistricting plans enacted by the Legislature embody "Louisiana's legacy of discrimination, including de jure discrimination, against its Black citizens, and the ongoing, accumulated effects of that legacy." *Id.* at 4, ¶ 6. Plaintiffs allege that "[u]ntil Louisiana complies with Section 2, it is incumbent on this Court to remedy the harms to Black Louisiana caused by *the State's* manipulation of the redistricting process." *Id.* at 4, ¶ 9 (emphasis added). Plaintiffs allege that *the State's* map dilutes their voting power and denies them an equal opportunity to elect candidates of their choosing to the Louisiana Legislature. *Id.* at 5–8, ¶¶15–17, 19, 21, 24, 25. Plaintiffs allege that *the State of* "*Louisiana's* unfair and discriminatory redistricting frustrates and impedes [Plaintiff Black Voters Matter Capacity Building Institute (BVM's)] organizational priorities by diminishing the voices and diluting the voting strength of Black Louisianans . . . ." *Id.* at 11, ¶ 24 (emphasis added). Plaintiffs allege that "*the State's* maps also dilute votes of individuals who are constituents and supporters of BVM, and who are members of the organizations in BVM's network." *Id.* at 12, ¶ 36 (emphasis added). Plaintiffs maintain that "individuals have been and, if *the State's* maps are not enjoined, will continue to be harmed by *the State's* maps as *the State's* maps impermissibly dilute their votes." *Id.* at 12, ¶ 37 (emphasis added).

The Court should not entertain the serious allegations of discrimination made against the State without affording the State the opportunity to appear and respond. Under Rule 24, the State satisfies the elements of intervention as of right and of permissive intervention. The State is entitled to intervene as of right because this motion is timely, the State's interests in the challenged plans are directly implicated in this case, and no current litigant adequately represents those interests. Alternatively, the Court should grant the State permissive intervention because the State clearly raises issues in common with Plaintiffs' Complaint, the State's participation would enhance the Court's ability to resolve issues raised in this litigation, and Plaintiffs will not be prejudiced by the State's participation.

ARGUMENT

Federal Rule of Civil Procedure 24(a) requires a federal court to permit intervention of a non-party who "claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest." Fed. R. Civ. P. 24(a)(2). Rule 24(b) permits a federal court to allow intervention of non-parties that tender "a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1)(B).

"Rule 24 is to be liberally construed" in favor of intervention. *Brumfield v. Dodd*, 749 F.3d 339, 341 (5th Cir. 2014); *accord Wal-Mart Stores, Inc. v. Tex. Alcoholic Beverage Comm'n*, 834 F.3d 562, 565 (5th Cir. 2016). "The inquiry is a flexible one,

and a practical analysis of the facts and circumstances of each case is appropriate." *Brumfield*, 749 F.3d at 341 (internal quotation marks omitted). "Intervention should generally be allowed where no one would be hurt and greater justice could be attained." *Ross v. Marshall*, 426 F.3d 745, 753 (5th Cir. 2005).

I. LOUISIANA SATISFIES THE REQUIREMENTS FOR INTERVENTION AS OF RIGHT.

Under Rule 24(a), "[a] party seeking to intervene as of right must satisfy four requirements:

> (1) The application must be timely; (2) the applicant must have an interest relating to the property or transaction that is the subject of the action; (3) the applicant must be so situated that the disposition of the action may, as a practical matter, impair or impede its ability to protect its interest; and (4) the applicant's interest must be inadequately represented by the existing parties to the suit."

Brumfield, 749 F.3d at 341 (quoting *Sierra Club v. Espy*, 18 F.3d 1202, 1204–05 (5th Cir. 1994)). The State of Louisiana satisfies each of those elements.

A. The State's Application Is Timely.

This intervention motion is timely. The Amended Complaint was filed on April 4, 2022, and no meaningful case events have occurred. As a result, "timeliness is not at issue." *Id.* at 342; *see also Edwards v. City of Houston*, 78 F.3d 983, 1000 (5th Cir. 1996) (finding that delays of "only 37 and 47 days . . . are not unreasonable"); *Ross,* 426 F.3d at 755 (permitting post-judgment intervention); *Mullins v. De Soto Securities Co.*, 3 F.R.D. 432, 433 (W.D. La. 1944) (finding motion to intervene timely during the initial pleading stage); *United States v. Virginia*, 282 F.R.D. 403, 405 (E.D. Va. 2012) ("Where a case has not progressed beyond the initial pleading stage, a motion to intervene is timely.").

B. The State Has the Requisite Interest in the Subject of this Case.

The State "has a 'direct, substantial, legally protectable interest in the proceedings.'" *Edwards*, 78 F.3d at 1004 (quoting *New Orleans Pub. Serv., Inc. v. United Gas Pipe Line Co.*, 732 F.2d 452, 463 (5th Cir. 1984)). "A 'legally protectable' right" for intervention purposes "is not identical to a 'legally enforceable' right, such that 'an interest is sufficient if it is of the type that the law deems worthy of protection, even if the intervenor . . . would not have standing to pursue her own claim.'" *DeOtte v. Nevada*, 20 F.4th 1055, 1068 (5th Cir. 2021) (quoting *Texas v. United States*, 805 F.3d 653, 659 (5th Cir. 2015)); *accord Wal-Mart Stores*, 834 F.3d at 566. Rather, "[a] movant found to be a 'real party in interest' generally establishes sufficient interest." *League of United Latin Am. Citizens, Council No. 4434 v. Clements*, 884 F.2d 185, 187 (5th Cir. 1989) (LULAC). "[A] 'real party in interest' may be ascertained by determining whether that party caused the injury and, if so, whether it has the power to comply with a remedial order of the court." *Id.* at 187.

Jeff Landry is the duly elected Attorney General for the State of Louisiana. As the State's "chief legal officer," he is charged with "the assertion and protection of the rights and interests" of the State and its taxpayers and citizens, and he has a sworn duty to uphold the State's Constitution and laws. La. Const. art. IV., § 8. The Louisiana Constitution gives him authority "to institute, prosecute, or *intervene* in any civil action or proceeding." *Id.* (emphasis added). The State's intervention is necessary here as a matter of right, through its constitutionally designated officer, Attorney General Jeff Landry, to defend the State's legislative plan.

The Attorney General also has a right under state and federal law to defend the legality and constitutionality of state laws. When a state statute has been challenged, article 1880 of the Louisiana Code of Civil Procedure requires certification of the issue to the state attorney general. The Federal Rules of Civil Procedure require the same. *See* Fed. R. Civ. P. 5.1(B)(2) (requiring parties to "serve the notice and paper on . . .the state attorney general if a state statute is questioned"). Here, Plaintiffs' complaint calls into question the legality of state law.

Additionally, the Louisiana Attorney General maintains a longstanding history of defending the State in Voting Rights litigation in Louisiana.[1] *See, e.g.*, *Chisom v. Edwards*, No. 2:86-cv-4075 (E.D. La. 1986); *Clark v. Edwards*, No. 86-cv-435 (M.D. La. 1986); *Prejean v. Foster*, No. 99-30360 (M.D. La. 1999); *Hall v. Louisiana*, No. 3:12-cv-0657 (M.D. La. 2012); *Terrebonne Par. Branch NAACP v. Jindal*, No. 3:14-cv-0069 (M.D. La. 2014); *La. State Conf. of the NAACP v. Louisiana*, No. 3:19-cv-00479 (M.D. La. 2019).

In short, the State of Louisiana, through Attorney General Jeff Landry, has the requisite interest in the subject of this case, and so has a right to intervene to protect the interests of the State.

C. The Disposition of this Case May Substantially Impair or Impede the State's Interests.

[1] Attorneys general routinely defend their states against challenges to electoral methods for judicial and non-judicial offices. *See Houston Lawyers Ass'n v. Att'y Gen. of Tex.*, 501 U.S. 149 (1991) (Texas attorney general); *Thornburg v. Gingles*, 478 U.S. 30 (1986) (North Carolina attorney general); *S. Christian Leadership Conf. of Ala. v. Sessions*, 56 F.3d 1281 (11th Cir. 1995) (en banc) (Alabama attorney general); *LULAC v. Clements*, 999 F.2d 831 (5th Cir. 1993) (en banc) (Texas attorney general).

Without intervention, disposition of this case will impair the State of Louisiana's ability to protect its interests, it will impair and impede the Attorney General from carrying out his constitutional duties to defend and uphold the laws of the State of Louisiana, and the Court's determination could have long lasting impacts on the State. As discussed above, Plaintiffs mount serious allegations against the State that the State cannot defend without intervening. The State has both a right and obligation to defend against them.

Moreover, the State of Louisiana provides the Attorney General of Louisiana with an active role in elections, which warrants intervention as a matter of right. The Attorney General is required by state law to approve election forms prepared by the Louisiana Secretary of State, *see* La. R.S. 18:18(A)(3); he is statutory counsel for each parish's Registrar of Voters, *see La.* R.S. 18:64; and he is statutory counsel for each Parish Board of Election Supervisors, *see La.* R.S. 18:423(G). Additionally, he serves as a member on the State's Board of Election Supervisors. *See* La. R.S. 18:23(A)(3).

The Attorney General also carries out other election responsibilities for the State of Louisiana as established in the Louisiana Election Code, including approving summaries of constitutional amendments, *see La.* R.S. 18:431(C); standing to initiate actions against convicted felons from running for office, *see La.* R.S. 18:495; authority to enforce laws regarding the establishment of precincts and precinct boundaries, *see La.* R.S. 18:537; authority to initiate actions to declare an office vacant, *see La.* R.S. 18:671(C); making appointments to the Voting System Commission, *see La.* R.S. 18:1362.1; collections for election expenses, *see La.* R.S. 18:1400.6; receiving

allegations of election fraud, *see La.* R.S. 18:1412; preparing the election offense packet for candidates, *see La.* R.S. 18:1472; and authority to initiate criminal actions for campaign finance violations, *see* La. R.S. 18:1511.6.

Disposing of this case without intervention will impair the State's interests in providing a defense to Plaintiffs' challenge to the method of electing members to the State Legislature. Further, the Court's determination could have long lasting impacts on the State.

D. The State's Interests are Inadequately Represented by the Existing Parties.

The State's interests are inadequately represented by the existing parties to the suit. The Attorney General has an interest in defending the injury to the State itself that would result from an injunction against or changes to the challenged plans, and/or a determination that the current plan passed by the State Legislature is unlawful.

In *Miller v. Vilsack,* the Fifth Circuit established two presumptions that must be considered when determining if representation by the current parties is inadequate. No. 21-11271, 2022 WL 851782 (5th Cir. Mar. 22, 2022). The burden by the proposed intervenor is minimal. *Id.* (citing *Espy*, 18 F.3d at 1207). The burden, however, "cannot be treated as so minimal as to write the requirement completely out of the rule." *Id.* The first presumption applies "when the would-be intervenor has the same ultimate objective as a party to the lawsuit." *Id.* The second presumption applies in cases where a party "is presumed to represent the interests of all of its citizens," *Hopwood v. Texas*, 21 F.3d 603, 605 (5th Cir. 1994) (per curiam), such as

"when the putative representative is a governmental body or officer charged by law with representing the interests of the [intervenor]," *Texas v. United States*, 805 F.3d at 661 quoting *Edwards*, 78 F.3d at 1005). This presumption is limited, however, to "suits involving matters of sovereign interest." *Edwards*, 78 F.3d at 1005.

There is no reason to believe that the State's sovereign interests will be represented by existing parties for two reasons. First, this is not a case where "the would-be intervenor has the same ultimate objective as a party to the lawsuit." *See Entergy Gulf States La., L.L.C. v. EPA*, 817 F.3d 198, 203 (5th Cir. 2016) (quoting *Brumfield*, 749 F.3d at 345). The State has unique sovereign interests not shared by the other parties. Any proposed judgment involving injunctive relief or federal oversight would have future consequences for the State and necessarily involve the State's sovereign interests. As pointed out recently by the United States Supreme Court, it is one thing for a State to change its election laws close to its own elections. But it is different for a federal court to swoop in and redo a state's election laws in the period close to an election. *See Merrill v. Milligan,* 595 U.S. ____ (2022).

Second, the Attorney General and the Secretary of State are separate constitutional offices with separate interests. The State of Louisiana has "a substantial legal interest" in this case "that sounds in deeper, constitutional considerations." *See Cameron v. EMW Women's Surgical Ctr., P.S.C.*, 142 S. Ct. 1002, 1011 (2022). After all, the State of Louisiana, not its officers like the Secretary of State, shares a dual sovereign relationship with the federal government. *See Gregory v. Ashcroft*, 501 U.S. 452, 457–58 (1991) ("As every schoolchild learns, our

Constitution establishes a system of dual sovereignty between the States and the Federal Government" in which their power is "balance[d]." (quoting *Atascadero State Hospital v. Scanlon*, 473 U.S. 234, 242 (1985))). "Paramount among" Louisiana's "retained sovereign powers is the power to enact and enforce any [of its] laws that do not conflict with federal law." *Id.* (citing U.S. Const., Art. VI, § 2). For this reason, Louisiana "clearly has a legitimate interest in the continued enforceability of its own statutes, and a federal court must respect the place of [Louisiana] in our federal system." *Id.* (cleaned up). "This means that [Louisiana's] opportunity to defend its laws in federal court should not be lightly cut off." *Id.*

The Louisiana Constitution deems the Attorney General "the chief legal officer of the state" with authority to "intervene" in this case and represent the rights and interests of the State *as a whole*. La. Const. art. 4 § 8. This Court's "[r]espect for state sovereignty must . . . take into account the authority of [Louisiana] to structure its executive branch in a way that empowers multiple officials to defend its sovereign interests in federal court." *See Cameron*, 142 S. Ct. at 1011. The Attorney General should not be forced to "make whatever arguments in defense of" the Louisiana Legislature's voting districts that the Attorney General "sees fit . . . from the position" of counsel for the Secretary. *See Hoffman v. Jindal*, No. 12-CV-796, 2021 WL 2333628, at *3 (M.D. La. June 8, 2021).

Congress has also recognized the "importance of ensuring that [Louisiana has] a fair opportunity to defend [its] laws in federal court." *See Cameron*, 142 S. Ct. at 1011. Although the requirement that federal courts notify the state attorney general

"when a state law 'affecting the public interest is drawn in question' and neither the State nor any state agency or officer is a party . . .is not directly applicable in this case because [the Secretary of State] was a party when the [State filed its intervention motion], it nevertheless reflects the weighty interest that [Louisiana] has in protecting its own laws." *See id.* "The way in which [Louisiana] divides executive authority . . . should not obscure the important constitutional consideration at stake." *See id.*

And unique to redistricting cases, the State has a sovereign interest in avoiding a preclearance "bail in" under Section 3(c) of the Voting Rights Act, an interest shared by neither the Secretary nor the Legislature. Plaintiffs' Complaints are replete with allegations that the State passed discriminatory election laws. While the risk of a Section 3(c) bail-in may be minimal, the State has a legitimate interest in protecting against that concern. The State should be allowed to intervene to protect that interest if no other.

The Secretary of State's interests, on the other hand, are much narrower. "The Secretary of State's duties with regard to election laws are . . . ministerial" and "are established by the legislature, and he carries out election laws without regard to how election districts are formed or election methods are established." *Terrebonne Par. NAACP v. Jindal,* 154 F. Supp. 3d 354, 363 (M.D. La. 2015). Specifically, "the Secretary of [S]tate shall administer the laws relating to custody of voting machines and voter registration" with nine sub-responsibilities to carry out that "purpose." La. Rev. Stat. § 18:18(A).

To protect those interests, the Secretary has a fundamental right to choose his own lawyer. *See McCuin v. Tex. Power & Light Co.*, 714 F.2d 1255, 1262 (5th Cir. 1983); *Potashnick v. Port City Const. Co.*, 609 F.2d 1101, 1117 (5th Cir. 1980); *Woods v. Covington Cty. Bank*, 537 F.2d 804, 810 (5th Cir. 1976). Under Louisiana law, the Secretary chooses his own representation in non-risk covered cases like this one, and submits his contract to the Attorney General for approval. La. R.S. 49:257, La. R.S. 49:258. *See also*, La. R.S. 42:261, 42:262.

In short, the State of Louisiana and its officer, the Secretary of State, are different parties with different interests in this case and different relationships with the federal courts. The Attorney General's representation of those two very different parties does not automatically merge their distinct interests. If the State is denied intervention, the Attorney General cannot commandeer the interests of the Secretary, to represent those of the *entire* State. Plaintiffs have alleged that the House and Senate redistricting plan for Louisiana is invalid and unlawful and that the Court should enjoin the Secretary of State from enforcing or giving effect to boundaries of the House and Senate districts and from conducting elections. It is necessary that Louisiana's Chief Legal Officer be allowed to intervene to make sure that the State's interests are adequately protected.

II. IN THE ALTERNATIVE, THE STATE SHOULD BE GRANTED PERMISSIVE INTERVENTION.

Federal Rule of Civil Procedure 24(b)(1) provides that "[o]n timely motion, the court may permit anyone to intervene who: (A) is given a conditional right to intervene by a federal statute; or (B) has a claim or defense that shares with the

main action a common question of law or fact." "In exercising its discretion, the court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(3). Permissive intervention under Rule 24(b) "is wholly discretionary with the [district] court . . . even though there is a common question of law or fact, or the requirements of Rule 24(b) are otherwise satisfied." *Kneeland v. Nat'l Collegiate Athletic Ass'n*, 806 F.2d 1285, 1289 (5th Cir. 1987). Intervention is appropriate when: "(1) timely application is made by the intervenor, (2) the intervenor's claim or defense and the main action have a question of law or fact in common, and (3) intervention will not unduly delay or prejudice the adjudication of the rights of the original parties." *See Frazier v. Wireline Solutions, LLC*, 2010 WL 2352058, at *4 (S.D. Tex. June 10, 2010) (citation omitted); *In re Enron Corp. Sec., Derivative & "ERISA" Litig.*, 229 F.R.D. 126, 131 (S.D. Tex. 2005).

As discussed above, the intervention is timely; the Attorney General's claims or defense and the main action have a question of law or fact in common; and the intervention will not unduly delay or prejudice the adjudication of the rights of the original parties. Moreover, the Attorney General's intervention will facilitate an equitable result. The Attorney General can provide a crucial perspective on the important issues implicated by the Complaint. This case has significant implications; therefore, it is essential that all arguments in attack of the continued viability of the Legislature's plan receive full attention. For the reasons stated above, this Court should grant this motion permissively, if it does not grant it as of right.

CONCLUSION

The Court should grant the State of Louisiana's Motion to Intervene, and Attorney General Jeff Landry should be allowed to fulfill his constitutional duty to represent the State's interests.

Dated: April 19, 2022

Respectfully Submitted,

Jeff Landry
Louisiana Attorney General

/s/ Angelique Duhon Freel
Elizabeth B. Murrill (LSBA No. 20685)
Solicitor General
Shae McPhee's (LSBA No. 38565)
Angelique Duhon Freel (LSBA No. 28561)
Carey Tom Jones (LSBA No. 07474)
Jeffery M. Wale (LSBA No. 36070)
OFFICE OF THE ATTORNEY GENERAL
LOUISIANA DEPARTMENT OF JUSTICE
1885 N. Third St.
Baton Rouge, LA 70804
(225) 326-6000 phone
(225) 326-6098 fax
murrille@ag.louisiana.gov
freela@ag.louisiana.gov
walej@ag.louisiana.gov
jonescar@ag.louisiana.gov
mcphees@ag.louisiana.gov

CERTIFICATE OF SERVICE

I do hereby certify that, on this 19th day of April 2022, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which gives notice of filing to all counsel of record.

/s/ Angelique Duhon Freel
Angelique Duhon Freel

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA

DR. DOROTHY NAIRNE, JARRETT LOFTON, REV. CLEE EARNEST LOWE, DR. ALICE WASHINGTON, STEVEN HARRIS, ALEXIS CALHOUN, BLACK VOTERS MATTER CAPACITY BUILDING INSTITUTE, and THE LOUISIANA STATE CONFERENCE OF THE NAACP Plaintiffs, v. KYLE ARDOIN, IN HIS OFFICIAL CAPACITY AS LOUISIANA SECRETARY OF STATE, Defendant	Case No.: 3:22-cv-000178-SDD-SDJ

ORDER

Upon consideration of the State of Louisiana's motion to intervene, and considering the grounds presented, it is hereby ORDERED that the motion is GRANTED; and further ORDERED that the Proposed Intervenors are permitted to participate in the above captioned matter as Intervenor-Defendants; SO ORDERED.

This ____ day of _____ 2022.

_____
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF LOUISIANA

DR. DOROTHY NAIRNE, et al., Plaintiffs, v. R. KYLE ARDOIN, in his official capacity as Secretary of State of the State of Louisiana, Defendant.	Civil Action No. 3:22-000178-SDD-SDJ

ORIGINAL ANSWER TO PLAINTIFFS' AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND AFFIRMATIVE DEFENSES BY DEFENDANT-INTERVENOR, STATE OF LOUISIANA, THROUGH ATTORNEY GENERAL JEFF LANDRY

NOW INTO COURT, through undersigned counsel, comes Defendant Intervenor, State of Louisiana, through Louisiana Attorney General Jeff Landry, who responds to Plaintiffs' Complaint (ECF NO. 14), filed on April 4, 2022, by denying each allegation contained in those pleadings, except as specifically admitted below.

AFFIRMATIVE DEFENSES

First Defense - Lack of Subject Matter Jurisdiction

A.

These claims are not justiciable claims capable of resolution by the federal courts to the extent they assert or involve partisan gerrymandering that is traditionally and historically beyond the reach of the courts as political questions.

B.

Some or all of the plaintiffs fail to show a sufficient interest and/or injury arising from the challenged Louisiana law establishing U.S. Congressional Districts and so lack standing to assert the claims set out in the Complaint.

Second Defense - Failure to State a Claim Upon Which Relief Can Be Granted

Some or all of the plaintiffs fail to state a claim upon which relief can be granted and do not assert a cognizable claim that would entitle them to relief under existing law if the facts they plea d are assumed true.

AND NOW FURTHERING ANSWERING the particular allegations and averments of the Complaint, the State pleads as follows:

1.

The cited statutes speak for themselves, the remaining allegations of Paragraph 1 are denied.

2.

The allegations in Paragraph 2 contain a prayer for relief and do not require an answer. To the extent a response is required, the State of Louisiana denies that Plaintiffs are entitled to any of the relief they seek, and the allegations are denied. The remaining allegations of Paragraph 2 are conclusory, jumbled and require no response but are denied out of an abundance of caution.

3.

The allegations of Paragraph 3 are conclusory, jumbled and require no response but are denied out of an abundance of caution, except to admit that the new legislative maps became law on March 9, 2022.

4.

The allegations of Paragraph 4 are conclusory and require no response but are denied out of an abundance of caution.

5.

The allegations of Paragraph 5 are conclusory, jumbled and require no response but are denied out of an abundance of caution. As the Supreme Court recently noted remote history is no longer germane to voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs.

6.

The allegations of Paragraph 6 are conclusory, jumbled and require no response but are denied out of an abundance of caution. As the Supreme Court recently noted remote history is no longer germane to voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs.

7.

The allegations in Paragraph 7 are denied. Any cited statutes, court decisions, and objections asserted by the United States Department of Justice speak for themselves.

8.

It is admitted that the cited statutes and statements by the Governor speak for themselves. The remaining allegations in Paragraph 8 are denied.

9.

The allegations of Paragraph 9 are denied to the extent a response is deemed required.

JURISDICTION AND VENUE

10.

Reserving the jurisdictional objections raised in its Affirmative Defenses and without waiving the right to bring motions on other grounds, the State admits that the jurisdictional statutes cited in Paragraph 10 are the correct jurisdictional statutes for this claim, but the State avers that

the claims asserted in the Complaint arise, in whole or in part, under the United States Constitution, particularly the Fourteenth and Fifteenth Amendments.

11.

The allegations of Paragraph 11 are denied.

12.

The allegations of Paragraph 12 require no response from the State.

13.

To the extent the court has jurisdiction, the State admits that the venue statute cited in Paragraph 13 is the correct venue provision for these claims.

PARTIES

14.

The allegations in Paragraph 14 are denied for lack of information to justify a belief therein.

15.

The allegations in Paragraph 15 are denied for lack of information to justify a belief therein.

16.

The allegations in Paragraph 16 are denied for lack of information to justify a belief therein.

17.

The allegations in Paragraph 17 are denied for lack of information to justify a belief therein.

18.

The allegations in Paragraph 18 are denied for lack of information to justify a belief therein.

19.

The allegations in Paragraph 19 are denied for lack of information to justify a belief therein.

20.

The allegations in Paragraph 20 are denied for lack of information to justify a belief therein.

21.

The allegations in Paragraph 21 are denied for lack of information to justify a belief therein.

22.

The allegations in Paragraph 22 are denied for lack of information to justify a belief therein.

23.

The allegations in Paragraph 23 are denied for lack of information to justify a belief therein.

24.

The allegations in Paragraph 24 are denied for lack of information to justify a belief therein.

25.

The allegations in Paragraph 25 are denied for lack of information to justify a belief therein.

26.

The allegations in Paragraph 26 are denied for lack of information to justify a belief therein.

27.

The allegations in Paragraph 27 are denied for lack of information to justify a belief therein.

28.

The allegations in Paragraph 28 are denied for lack of information to justify a belief therein.

29.

The allegations in Paragraph 29 are denied for lack of information to justify a belief therein.

30.

The allegations in Paragraph 30 are denied for lack of information to justify a belief therein.

31.

The allegations in Paragraph 31 are denied for lack of information to justify a belief therein.

32.

The allegations in Paragraph 32 are denied for lack of information to justify a belief therein.

33.

The allegations in Paragraph 33 are denied for lack of information to justify a belief therein.

34.

The allegations in Paragraph 34 are denied.

35.

The allegations in Paragraph 35 are denied.

36.

The allegations in Paragraph 36 are denied.

37.

The allegations in Paragraph 37 are denied.

38.

The allegations in Paragraph 38 are denied.

39.

Paragraph 39 does not comport with the pleadings requirements of Fed. R. Civ. P. 8 and should be stricken from the pleading but the allegations are denied for lack of sufficient information to justify a belief therein to the extent a response is deemed to be required.

40.

The allegations in Paragraph 40 are denied for lack of sufficient information to justify a belief therein.

41.

The allegations in Paragraph 41 are denied for lack of sufficient information to justify a belief therein.

42.

The allegations in Paragraph 42 are denied.

43.

The allegations in Paragraph 43 are denied.

44.

The allegations in Paragraph 44 are denied.

45.

The allegations in Paragraph 45 are denied for lack of sufficient information to justify a belief therein.

LEGAL BACKGROUND

46.

Paragraph 46 contains no more than partial quotations from statutes and legal conclusions that require no response but are denied, nonetheless, out of an abundance of caution. Defendant-Intervenor admits that the cited statute speaks for itself.

47.

Paragraph 47 contains no more than legal conclusions that require no response but are denied, nonetheless, out of an abundance of caution. Defendant-Intervenor admits that the cited statute speaks for itself.

48.

Paragraph 48 contains no more than legal conclusions that require no response but are denied, nonetheless, out of an abundance of caution. Defendant-Intervenor admits that the cited statute and case speak for themselves.

49.

Paragraph 49 contains no more than partial quotations from cases and legal conclusions that require no response but are denied, nonetheless, out of an abundance of caution. Defendant admits that the cited statute speaks for itself.

50.

Paragraph 50 contains no more than partial quotations from cases and legal conclusions that require no response but are denied, nonetheless, out of an abundance of caution. Defendant-Intervenor admits that the cited case speaks for itself. However, the State suggests that the United States Supreme Court appears to be poised to address head-on the test for vote dilution claims arising under Section 2 of the Voting Rights Act and, therefore, its precedent in *Gingles*.

51.

Paragraph 51 contains no more than partial quotations from cases and legal conclusions that require no response but are denied, nonetheless, out of an abundance of caution. Defendant-Intervenor admits that the cited case speaks for itself. However, the State suggests that the United States Supreme Court appears to be poised to address head-on the test for vote dilution claims arising under Section 2 of the Voting Rights Act and, therefore, its precedent in *Gingles*.

52.

Paragraph 52 contains no more than partial excerpts from cases and legal conclusions that require no response but are denied, nonetheless, out of an abundance of caution. Defendant-Intervenor admits that the cited case speaks for itself. However, the State suggests that the United States Supreme Court appears to be poised to address head-on the test for vote dilution claims arising under Section 2 of the Voting Rights Act and, therefore, its precedent in *Gingles*.

53.

Paragraph 53 contains no more than partial excerpts from cases and legal conclusions that require no response but are denied, nonetheless, out of an abundance of caution. Defendant-Intervenor admits that the cited case speaks for itself. However, the State suggests that the United States Supreme Court appears to be poised to address head-on the test for vote dilution claims arising under Section 2 of the Voting Rights Act and, therefore, its precedent in *Gingles*.

54.

Paragraph 54 contains no more than partial quotations from cases and legal conclusions that require no response but are denied, nonetheless, out of an abundance of caution. Defendant-Intervenor admits that the cited report speaks for itself.

55.

Paragraph 55 contains no more than partial and subjective quotes and summaries from cases together with legal conclusions that require no response but the allegations are denied, nonetheless, out of an abundance of caution. The State suggests that the United States Supreme Court appears to be poised to address head-on the test for vote dilution claims arising under Section 2 of the Voting Rights Act and, therefore, its precedent in *Gingles*.

STATEMENT OF FACTS

A. State Enacted Legislative Maps

56.

The allegations in Paragraph 56 are denied.

57.

The allegations in Paragraph 57 are denied.

58.

Defendant-Intervenor admits that Exhibits A and B speak for themselves. In all other respects, the allegations in Paragraph 58 are denied.

59.

Defendant-Intervenor admits that Exhibits C and D speak for themselves. In all other respects, the allegations in Paragraph 59 are denied.

B. Louisiana State Legislative Redistricting Process and Criteria

60.

Except to admit that the Louisiana Legislature is required to reapportion/redistrict both houses of the legislature pursuant to La. Const. art. III, § 6, Paragraph 60 is denied or denied for lack of sufficient information to justify a belief therein. The State moves to strike website references as non-conformance to the pleading requirements of Fed. R. Civ. P. 8. Allegations cannot be incorporated by reference.

61.

Plaintiffs' Paragraph 61 misstates Louisiana's constitutional provision relative to members of the house and senate; therefore, the allegations are denied. The Louisiana Constitution in Article III, § 3 actually provides that the number of members of the legislature shall be provided by law with the number of senators not to exceed 39 and the number of representatives 105.

62.

Except to admit that by Concurrent Resolution the legislature adopted Joint Rule 21 to set out criteria for redistricting and that the best evidence of the rule is contained in the resolution, the allegations of Paragraph 62 are denied. Otherwise, the State moves to strike any website that Plaintiffs cite to for incorporation into the Amended Complaint as it violates the pleading requirements of Fed. R. Civ. P. 8.

C. Louisiana's Growing Black Population

63.

Paragraph 63 offers no more than an editorial comment inconsistent with the pleading requirements of Fed. R. Civ. P. 8 that requires no response but is denied out of an abundance of caution.

64.

In response to Paragraph 64, the best evidence of census data is the official census report, and excerpts or estimates by the Plaintiffs are incomplete and misleading. Defendant-Intervenor admits that the results of the 2020 Census speak for itself. The remaining allegations are denied.

65.

In response to Paragraph 65, the best evidence of census data is the official census report, and excerpts or estimates by the Plaintiffs are incomplete and misleading. The remaining allegations are denied.

D. The Process Leading to Enactment of New Plan for the State Legislative Districts

1. Roadshows

66.

Except to admit that the legislature held public meetings at various locations throughout Louisiana that included the opportunity for public comment, the allegations in Paragraph 66 are denied, and the State moves to strike the incorporation of a website into the Amended Complaint.

67.

The allegations in Paragraph 67 are denied. "Defendants" in Paragraph 67 are not identified or defined, and the State cannot attest to or deny what unidentified defendants might or might not have known. To the extent records of proceedings referenced in Paragraph 67, those

records constitute the best evidence thereof. As to excerpts concerning census data, the official census report is the best and most complete evidence thereof.

68.

The allegations in Paragraph 68 are denied. "Voters" in Paragraph 68 are not identified or defined, and the State cannot attest to or deny what unidentified voters might or might not have known or said. To the extent records of proceedings referenced in Paragraph 68, those records constitute the best evidence thereof. As to excerpts concerning census data, the official census report is the best and most complete evidence thereof.

69.

The allegations in Paragraph 69 are denied. "Members of the public" in Paragraph 69 are not identified or defined, and the State cannot attest to or deny what unidentified members of the public might or might not have known or said. Nor can the State attest to communications received from "our coalition." To the extent records of proceedings referenced in Paragraph 68, those records constitute the best evidence thereof. As to excerpts concerning census data, the official census report is the best and most complete evidence thereof.

70.

The allegations in Paragraph 70 are denied. To the extent records of proceedings referenced in Paragraph 70, those records constitute the best evidence thereof. As to excerpts concerning census data, the official census report is the best and most complete evidence thereof.

71.

The allegations in Paragraph 71 are denied. Again, "the public" in Paragraph 71 is not identified or defined, and the State cannot attest to or deny what unidentified members of the public

might or might not have known or said. To the extent records of proceedings referenced in Paragraph 71, those records constitute the best evidence thereof.

2. Special Legislative Session

72.

The allegations in Paragraph 72 are admitted.

73.

Except to admit that nine bills proposing state legislative districts were introduced in the February 2022 Special Session, the allegations in Paragraph 73 are denied. The bills constitute the best evidence of their content.

a. Senate Map

74.

The allegations in Paragraph 74 are denied. To the extent records of proceedings are referenced in Paragraph 70, those records constitute the best evidence thereof.

75.

The allegations in Paragraph 75 are denied. To the extent records of proceedings are referenced in Paragraph 75, those records constitute the best evidence thereof.

76.

The allegations in Paragraph 76 are denied. To the extent records of proceedings are referenced in Paragraph 76, those records constitute the best evidence thereof.

77.

The allegations in Paragraph 77 are denied. To the extent records of proceedings are referenced in Paragraph 77, those records constitute the best evidence thereof.

78.

The allegations in Paragraph 78 are denied. To the extent records of proceedings are referenced in Paragraph 78, those records constitute the best evidence thereof.

79.

The allegations in Paragraph 79 are denied. To the extent records of proceedings are referenced in Paragraph 79, those records constitute the best evidence thereof.

b. House Map

80.

The allegations in Paragraph 80 are denied. To the extent records of proceedings are referenced in Paragraph 80, those records constitute the best evidence thereof.

81.

The allegations in Paragraph 81 are denied. To the extent records of proceedings are referenced in Paragraph 81, those records constitute the best evidence thereof.

82.

The allegations in Paragraph 82 are denied. To the extent records of proceedings are referenced in Paragraph 82, those records constitute the best evidence thereof.

83.

The allegations in Paragraph 83 are denied. To the extent records of proceedings are referenced in Paragraph 83, those records constitute the best evidence thereof.

84.

The allegations in Paragraph 84 are denied. To the extent records of proceedings are referenced in Paragraph 84, those records constitute the best evidence thereof.

85.

The allegations in Paragraph 85 are denied. To the extent records of proceedings are referenced in Paragraph 85, those records constitute the best evidence thereof.

86.

The allegations in Paragraph 86 are denied. To the extent records of proceedings are referenced in Paragraph 86, those records constitute the best evidence thereof.

c. Governor and the State Legislative Maps

87.

Except to admit that legislative districts were adopted by the legislature in the February 2022 Special Session and sent to the Governor who neither signed nor vetoed the bills adopted in that regard, Paragraph 87 is denied or denied for lack of sufficient information to justify a belief therein.

E. The Newly Enacted Legislative Maps Dilute Black Voting Power in the Face of an Increasingly Diverse Louisiana

88.

The allegations in Paragraph 88 are denied.

89.

The allegations in Paragraph 89 are denied, and the best evidence of the legislative redistricting plan are the laws that establish the districts.

90.

The allegations in Paragraph 90 are denied.

91.

The allegations in Paragraph 91 are denied.

92.

The allegations in Paragraph 92 represents no more than an opinion on the part of the pleader and requires no response but is denied out of an abundance of caution. To the extent records of proceedings are referenced in Paragraph 92, those records constitute the best evidence thereof.

93.

Paragraph 93 represents no more than an opinion on the part of the pleader and requires no response but is denied out of an abundance of caution. To the extent records of proceedings are referenced in Paragraph 93, those records constitute the best evidence thereof.

94.

Paragraph 94 represents no more than an opinion on the part of the pleader and requires no response but is denied out of an abundance of caution. To the extent records of proceedings are referenced in Paragraph 94, those records constitute the best evidence thereof.

95.

Paragraph 95 represents no more than an opinion on the part of the pleader and requires no response but is denied out of an abundance of caution. To the extent records of proceedings are referenced in Paragraph 95, those records constitute the best evidence thereof.

96.

The allegations in Paragraph 96 are denied.

97.

Paragraph 97 is denied. To the extent records of proceedings are referenced in Paragraph 97, those records constitute the best evidence thereof.

F. The Redistricting Plan Illegally Dilutes Black Voting Strength

98.

Paragraph 98 represents no more than an opinion on the part of the pleader and requires no response but is denied out of an abundance of caution. Defendant-Intervenor admits that the Gingles decision speaks for itself.

I. The Redistricting Plan Satisfies the First *Gingles* Precondition.

99.

The allegations in Paragraph 99 are denied. Defendant-Intervenor admits that the Gingles decision speaks for itself.

100.

The allegations in Paragraph 100 are denied.

101.

The allegations in Paragraph 101 are denied.

a. Senate

102.

It is admitted that Exhibit A and B speak for themselves The remaining allegations in Paragraph 102 are denied.

103.

It is admitted that Exhibit A and B speak for themselves. The remaining allegations in Paragraph 103 are denied.

104.

The allegations of Paragraph 104 are denied.

105.

The allegations of Paragraph 105 are denied.

106.

The allegations of Paragraph 106 are denied.

107.

The allegations of Paragraph 107 are denied.

108.

The allegations of Paragraph 108 are denied.

b. House

109.

It is admitted that Exhibit C and D speak for themselves. The remaining allegations of Paragraph 109 are denied.

110.

It is admitted that Exhibit D speaks for itself. The remaining allegations of Paragraph 110 are denied.

111.

The allegations of Paragraph 111 are denied.

112.

The allegations of Paragraph 112 are denied.

113.

The allegations of Paragraph 113 are denied.

114.

The allegations of Paragraph 114 are denied.

115.

The allegations of Paragraph 115 are denied.

116.

The allegations of Paragraph 116 are denied.

2. The State Legislative Maps Satisfy the Second and Third *Gingles* Preconditions.

117.

The allegations of Paragraph 117 are denied.

118.

Paragraph 118 is no more than a conclusory statement by the pleader that requires no response but is denied out of an abundance of caution.

119.

Paragraph 119 is denied for lack of sufficient information to justify a belief therein.

120.

Paragraph 120 is denied for lack of sufficient information to justify a belief therein.

121.

Paragraph 121 is denied for lack of sufficient information to justify a belief therein. Racial partisanship is not necessarily determinative of this claim.

122.

Paragraph 122 is denied for lack of sufficient information to justify a belief therein. Racial partisanship is not necessarily determinative of this claim.

3. Under the "Totality of Circumstances," the State Legislative Plans Fail to Ensure that the Electoral Process is Equally Open to Black Louisianans.

123.

Paragraph 123 is no more than the conclusion of the pleader and requires no response but is denied out of an abundance of caution.

124.

The allegations in Paragraph 124 are denied.

a. Senate Factor 1: History of Official Voting-Related Discrimination

125.

The allegations in Paragraph 125 are denied as characterized in the Amended Complaint, Even if assumed true the allegations are immaterial to an evaluation of the current legislative redistricting plan. As the Supreme Court recently noted remote history is no longer germane to voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs.

126.

The allegations in Paragraph 126 are denied as characterized in the Amended Complaint. Even if assumed true the allegations are immaterial to an evaluation of the current legislative redistricting plan. As the Supreme Court recently noted remote history is no longer germane to voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs.

127.

The allegations in Paragraph 127 are denied as characterized in the Amended Complaint. Even if assumed true the allegations are immaterial to an evaluation of the current legislative redistricting plan. As the Supreme Court recently noted remote history is no longer germane to voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs.

128.

The allegations in Paragraph 128 are denied as characterized in the Amended Complaint. Even if assumed true the allegations are immaterial to an evaluation of the current legislative redistricting plan. As the Supreme Court recently noted remote history is no longer germane to voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs.

129.

The allegations in Paragraph 129 are denied as characterized in the Amended Complaint. Even if assumed true the allegations are immaterial to an evaluation of the current legislative redistricting plan. As the Supreme Court recently noted remote history is no longer germane to voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs.

130.

Except to admit that Congress passed the Voting Rights Act of 1965 in the year 1965, the terms of the Act constitute the best evidence of its requirements, and Louisiana was a covered jurisdiction under the Act until the Act expired and its renewal was held to be unconstitutional and outmoded, Paragraph 130 is denied.

131.

The allegations in Paragraph 131 are denied as written.

132.

The allegations in Paragraph 132 are denied as written. The State moves to strike the references to letters and a website Plaintiffs seek to incorporate into the allegation for failing to conform to the pleading requirements of Fed. R. Civ. P. 8.

133.

The allegations in Paragraph 133 are denied.

134.

The allegations in Paragraph 134 are no more than an argumentative and conclusory statement of the pleader that is immaterial to the Amended Complaint. To the extent a response is needed, the allegations in Paragraph 134 are denied as written.

135.

Paragraph 135 is no more than an argumentative and conclusory statement of the pleader that is immaterial to the Amended Complaint. To the extent a response is needed the allegations in Paragraph 135 are denied. DOJ objection letters speak for themselves.

136.

Paragraph 136 is no more than an argumentative and conclusory statement of the pleader that is immaterial to the Amended Complaint. To the extent Paragraph 136 refers to a writing, that writing is the best evidence of its contents.

137.

The allegations in Paragraph 137 are denied as characterized in the Amended Complaint. Even if assumed true the allegations are immaterial to an evaluation of the current legislative redistricting plan. As the Supreme Court recently noted remote history is no longer germane to voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs.

138.

The allegations in Paragraph 138 are denied as characterized in the Amended Complaint. Even if assumed true is immaterial to an evaluation of the current legislative redistricting plan. As

the Supreme Court recently noted remote history is no longer germane to voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs.

139.

The allegations in Paragraph 139 are denied.

b. Senate Factor 2: The Extent of Racial Polarization

140.

The allegations in Paragraph 140 require no response but are denied out of an abundance of caution.

141.

The allegations in Paragraph 141 are denied.

142.

The allegations in Paragraph 142 are denied.

c. Senate Factor 5: Effects of Louisiana's History of Discrimination.

143.

The allegations in Paragraph 143 are denied as characterized in the Amended Complaint. Even if assumed true the allegations are immaterial to an evaluation of the current legislative redistricting plan. As the Supreme Court recently noted remote history is no longer germane to voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs. It is admitted that the case cited speaks for itself.

144.

The allegations in Paragraph 144 are denied as characterized in the Amended Complaint. Even if assumed true the allegations are immaterial to an evaluation of the current legislative redistricting plan. As the Supreme Court recently noted remote history is no longer germane to

voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs. It is admitted that the case cited speaks for itself.

145.

The allegations in Paragraph 145 are denied for lack of information and further denied to the extent that old desegregation orders have not been cleared off the books and may be deemed relevant to the 2022 legislative redistricting plans.

146.

The allegations in Paragraph 146 are denied for lack of information and further denied to the extent that school discipline and academics may be deemed relevant to the 2022 legislative redistricting plans.

147.

The allegations in Paragraph 147 are denied for lack of information and to the extent that individual employment experience may be deemed relevant to the 2022 legislative redistricting plans.

148.

The allegations in Paragraph 148 are denied for lack of information and to the extent that health may be deemed relevant to the 2022 legislative redistricting plans.

149.

The allegations in Paragraph 149 are denied for lack of information to form a belief therein.

d. Senate Factor 6: Presence of Racial Campaign Appeals

150.

Except to admit that David Duke was an aberration in Louisiana politics and that he ran for public office in Louisiana, the allegations of Paragraph 150 are denied.

151.

The allegations in Paragraph 151 are denied for lack of sufficient information to justify a belief therein.

152.

The allegations in Paragraph 152 are denied for lack of sufficient information to justify a belief therein.

153.

The allegations in Paragraph 153 are denied for lack of sufficient information to justify a belief therein.

154.

The allegations in Paragraph 154 are denied for lack of sufficient information to justify a belief therein.

155.

The allegations in Paragraph 155 are denied for lack of sufficient information to justify a belief therein.

156.

The allegations in Paragraph 156 are denied.

e. Senate Factor 7: Extent to which Black Louisianans Have Been Elected to Public Office.

157.

The allegations in Paragraph 157 are denied or denied for lack of sufficient information to justify a belief therein. The State suggests that Black voters have many times voted for their candidate of choice in their elections to office.

158.

The allegations in Paragraph 158 are denied except to admit that Justice Ortique was appointed pursuant to the Chisom consent decree.

f. Senate Factor 9: Tenuousness

159.

The allegations in Paragraph 159 are no more than a legal conclusion drawn by the pleader and requires no response but is denied out of an abundance of caution.

160.

The allegations in Paragraph 160 are denied or denied for lack of sufficient information to justify a belief therein. It is admitted that the cited transcript speaks for itself.

161.

The allegations in Paragraph 161 are no more than argumentative and conclusory statements by the pleader and require no response but are denied out of an abundance of caution. It is admitted that the cited transcript speaks for itself.

162.

The allegations in Paragraph 162 are no more than argumentative and conclusory statements by the pleader and require no response but are denied out of an abundance of caution.

163.

The allegations in Paragraph 163 are denied.

g. Other Relevant Factors

164.

The allegations in Paragraph 164 are no more than argumentative and conclusory statements by the pleader and require no response but are denied out of an abundance of caution.

165.

The allegations in Paragraph 165 are denied.

CLAIMS FOR RELIEF

Count 1: Section 2 of the Voting Rights Act and 42 U.S.C. § 1983

1.

Defendant-Intervenor adopts and incorporates the foregoing responses to Paragraph 1 through 165 as if fully set forth herein.

2.

The allegations in Paragraph 2 are no more than conclusory statements by the pleader and require no response but are denied out of an abundance of caution. Defendant-Intervenor admits that the cited statute speaks for itself.

3.

The allegations in Paragraph 3 are no more than argumentative and conclusory statements by the pleader and require no response but are denied out of an abundance of caution.

4.

The allegations in Paragraph 4 are denied.

5.

The allegations in Paragraph 5 are denied.

6.

The allegations in Paragraph 6 are denied.

7.

The allegations in Paragraph 7 are denied.

8.

The allegations in Paragraph 8 are denied.

9.

The allegations in Paragraph 9 are denied.

10.

The allegations in Paragraph 10 are denied.

11.

The allegations in Paragraph 11 are denied.

WHEREFORE, having fully answered the Complaint, the State of Louisiana prays as follows:

1) That this Answer be deemed good and sufficient;
2) That, after all proceedings are had, there be judgment rendered in his favor, dismissing Plaintiffs' claims with prejudice and at their costs;
3) For all general and equitable relief that justice requires.

Dated: April 19, 2022 Respectfully Submitted,

Jeff Landry
Louisiana Attorney General

/s/ Angelique Duhon Freel
Elizabeth B. Murrill (LSBA No. 20685)
Solicitor General
Shae McPhee's (LSBA No. 38565)
Angelique Duhon Freel (LSBA No. 28561)
Carey Tom Jones (LSBA No. 07474)
Jeffery M. Wale (LSBA No. 36070)
OFFICE OF THE ATTORNEY GENERAL
LOUISIANA DEPARTMENT OF JUSTICE

1885 N. Third St.
Baton Rouge, LA 70804
(225) 326-6000 phone
(225) 326-6098 fax
murrille@ag.louisiana.gov
freela@ag.louisiana.gov
walej@ag.louisiana.gov
jonescar@ag.louisiana.gov
mcphees@ag.louisiana.gov

CERTIFICATE OF SERVICE

I do hereby certify that, on this 19th day of April 2022, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which gives notice of filing to all counsel of record.

/s/ Angelique Duhon Freel
Angelique Duhon Freel