

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

DR. DOROTHY NAIRNE, REV. CLEE
EARNEST LOWE, DR. ALICE
WASHINGTON, STEVEN HARRIS, BLACK
VOTERS MATTER CAPACITY BUILDING
INSTITUTE, and THE LOUISIANA STATE
CONFERENCE OF THE NAACP,

Plaintiffs,

v.

R. KYLE ARDOIN, in his official capacity as
Secretary of State of Louisiana,

Defendant.

Civil Action No. 3:22-cv-00178
SDD-SDJ

MOTION SEEKING APPOINTMENT OF SPECIAL MASTER

Plaintiffs, through undersigned counsel, respectfully move the Court under its inherent authority and pursuant to Fed. R. Civ. P. 53(a)(1)(c) to appoint a special master who can provide advice, assistance, and consultation to the Court in connection with developing an appropriate remedy for Defendants’ Section 2 violations. Plaintiffs approached Defendants to submit a joint request to appoint a special master. Defendants declined.

Having found liability under the Voting Rights Act, this Court appropriately gave Louisiana’s Legislature the first opportunity to cure its violations. It has failed to do so. ECF No. 284 at 23:6–15. When, despite having that first opportunity to draw new maps, state legislatures abdicate their “redistricting responsibilities,” courts take on the “unwelcome obligation” of remedying Section 2 violations themselves by ordering new redistricting plans. *Milligan v. Allen*, No. 2:21-cv-01530, Doc. 129 at 2–3 (N.D. Ala. Feb. 3, 2022) (quoting *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 416 (2006); *Wise v. Lipscomb*, 437 U.S. 535, 540 (1978) (opinion

of White, J.)). Courts sometimes appoint special masters in these circumstances to assist them during the remedial phase. *See, e.g., Citizens for Good Gov't v. City of Quitman*, 148 F.3d 472, 474 (5th Cir. 1998); *Milligan v. Allen*, 690 F.Supp.3d 1226, 1320–21 (N.D. Ala. 2023); *Dillard v. City of Greensboro*, 956 F. Supp. 1576, 1577 (M.D. Ala. 1997).

Appointing a special master is especially appropriate here where two remedies remain needed. Despite this Court's order enjoining S.B. 1 and H.B. 14 over fifteen months ago and the clear need for new maps before the scheduled state legislature elections in 2027, Louisiana's Legislature has failed to remedy the Section 2 violations. This failure is ongoing, despite special elections spurring an immediate need for new maps. As a result, Louisiana elections transpired under unlawful maps to fill two Senate seats following the 2024 general election, ECF No. 286-1, and again two months later to fill two House seats that became vacant. ECF No. 308.

This Court has been clear that it was requiring “the State [to] remain active in creating new House and Senate elections maps, even amidst the appeal.” ECF No. 272 at 5. And this Court confirmed that “it has jurisdiction to move forward with [the] remedial phase” and set a remedial evidentiary hearing for August 25, 2025 at 9:00 A.M., along with discovery and motions deadlines prior to the hearing. *See* ECF No. 279. The Legislature, therefore, has been on notice for over a year that the Court would select and enact remedial maps if the Legislature failed to act. This Court has also afforded the Legislature significantly more time than other courts usually do to permit states to enact remedial plans. *See, e.g., North Carolina v. Covington*, 585 U.S. 969, 971 (2018) (state legislature given a month to enact a remedial plan); *Robinson v. Ardoin*, 86 F.4th 574, 601 (5th Cir. 2023) (nine weeks); *Thomas v. Bryant*, 919 F. 3d 298, 312–13 (5th Cir. 2019) (19 days). Indeed, the Fifth Circuit has held up Alabama's post-*Milligan* process as an example of “an adequate opportunity to accomplish a redistricting compliant with final judgment,” highlighting

that the court afforded Alabama’s legislature six weeks following the Supreme Court’s remand. *In re Landry*, 83 F.4th 300, 306 (5th Cir. 2023).¹

This Court afforded the Louisiana Legislature from February 8, 2024 until “the conclusion of the 2024 Regular Legislative Session” on June 3, 2024—more than 16 weeks—“to enact VRA compliant State House and Senate maps” before even considering Plaintiffs’ request to set a remedial hearing. *See* ECF No. 272 at 10. The Legislature failed to pass new maps during that time.² And although the Legislature has been in session this year since April 14, 2025, to date, no new maps have been passed. Counsel for the Legislature Intervenors has already conceded that the Legislature “took their opportunity seriously and they could not meet it,” ECF No. 284 at 23:6-15, leaving the task of developing a remedy to this Court.

A special master would aid the Court in developing two appropriate remedies here. Redistricting requires compliance with a “complex array” of legal requirements, making it one of the “most difficult tasks” that courts, legislative bodies, and others undertake. *See Covington v. North Carolina*, 316 F.R.D. 117, 125 (M.D.N.C. 2016), *aff’d*, 137 S. Ct. 2211 (2017) (citations omitted). Consistent with the Federal Rules of Civil Procedure 53, a special master must have clear competence in current redistricting methodologies to help the Court reach an effective and timely resolution of this post-trial remedial matter. Fed. R. Civ. P. 53(a)(1)(c). This approach is comparable to similar cases. *See, e.g., Citizens for Good Gov’t*, 148 F.3d at 474; *Milligan*, No. 2:21-cv-01530, Docs. 129, 273; *Terrebonne Parish Branch NAACP*, 399 F. Supp. 3d at 611 (M.D. La. 2019); *Personhuballah v. Alcorn*, No. 3:13-cv-678, Doc. 241 (E.D. Va. Sept. 25, 2015). Upon

¹ The *Milligan* court also appointed a special master to assist in developing a proper remedy. *See* No. 2:21-cv-01530-AMM, Docs. 129, 273 (N.D. Ala. 2023).

² La. State Legislature, *Acts of the 2024 Regular Session*, <https://perma.cc/37PR-RAGK> (last visited May 12, 2025).

consideration of the technical nature of determining appropriate remedies when district lines are at issue, exceptional circumstances exist for the appointment of a special master.

WHEREFORE, Plaintiffs respectfully request that the Court enter an order directing that:

- (A) A special master be appointed to assist and advise the Court on the redistricting remedy;
- (B) The parties shall submit the names and qualifications of candidates to serve as special master no later than May 21, 2025; and
- (C) The parties shall submit any comments and objections on the candidates for special master proposed by other parties no later than May 30, 2025.

Date: May 12, 2025

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CERTIFICATE OF SERVICE

I certify that on May 12, 2025, this document was filed electronically on the Court's electronic case filing system on behalf of all parties. Notice of the filing will be served on all counsel of record through the Court's system. Copies of the filing are available on the Court's system.

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