

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOUISIANA HOUSE)
OF REPRESENTATIVES)
by Speaker Jim Tucker)
Box 94062 (900 North Third Street))
Baton Rouge, Louisiana 70804)
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)
)
Plaintiff)
)
v.)
)
UNITED STATES and ERIC HOLDER)
as Attorney General of the United States)
United States Department of Justice)
Washington, DC 20530)

11-CV-00770 (ABK)

Federal Defendants.

**PLAINTIFF’S MEMORANDUM IN SUPPORT OF MOTION FOR RULE 16
CONFERENCE TO EXPEDITE DISPOSITION OF THE ACTION**

In support of Plaintiff’s Motion for Rule 16 Conference to Expedite Disposition,
Plaintiff hereby submits the following.

Section 5 of the Voting Rights Act, as amended, 42 U.S.C. 1973c, prohibits the
State of Louisiana from implementing the House of Representatives redistricting plan at
issue in this litigation unless and until this Court issues a declaratory judgment that the
plan is nondiscriminatory within the meaning of Section 5. The Louisiana House of

Representatives desires to use the new House of Representatives redistricting plan for the 2011 elections which begin with the opening of candidate qualification on September 6, 2011. The defendants, and all interested parties who may seek intervention in this action are, or should be, in a position to resolve this action under timetable which would allow plan implementation this year if the requested declaratory judgment is issued.

By this action, the Louisiana House of Representatives presents to this Court the voting changes to be occasioned by the recently enacted House of Representatives redistricting plan for the State of Louisiana for the determination required by Section 5 of the Voting Rights Act.

The State desires to utilize the submitted voting changes during the House of Representatives election process in 2011. Under the State election schedule, the candidate qualification period for seats in the House of Representatives begins on September 6, 2011. The Primary Election is scheduled for October 22, 2011, and the General Election is scheduled for November 19, 2011.

An expedited schedule is required to allow the determination required by Section 5 and to allow the State to use the new House of Representatives reapportionment plan in this year's elections if the Section 5 substantive standard is satisfied.

The United States Department of Justice has been provided substantial information about the House of Representatives reapportionment plan which might be necessary for the Department to state its views as to whether the Section 5 substantive standards are satisfied. Thus, the Department would not be prejudiced by an expedited schedule.

Other interested parties who may seek intervention in this proceeding also have substantial factual information about the House of Representatives reapportionment plan since the debate over and adoption of the plan was conducted in public, and records are readily accessible on the Louisiana House of Representatives internet site.

Wright & Miller have noted that although the Federal Rules of Civil Procedure "do not expressly give the court power to shorten the period [for serving an answer], [the Court] probably has inherent power to do so in the face of special circumstances..." C. Wright & A. Miller, *Federal Practice and Procedure* § 1346 (2001). The Court certainly has the authority to "issue all writs necessary to aid [its] jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. § 1651(a). In the special circumstances presented, we suggest that the defendants be required to answer the Complaint within 30 days of service.

Rule 16 of the Federal Rules of Civil Procedure authorizes the Court to conduct the requested conference for the purpose of "expediting the disposition of the action." We suggest that the expedited schedule to be considered at the conference include deadlines for answering the complaint, intervention of other parties, voluntary exchange of information required by local rules and the Federal Rules of Civil Procedure, shortened time for responding to discovery requests, and a deadline for completion of discovery. All parties participating should be prepared to present evidence under a timetable and procedures convenient to the three-judge court.

Plaintiff has conferred with the defendants' anticipated counsel in this matter, and are not yet in a position to support or oppose this motion. In further effort to expedite the

matter, however, counsel will fax a copy of this motion, memorandum in support and proposed order to the Voting Section, Civil Rights Division, United States Department of Justice.

Respectfully submitted,

For Plaintiff Louisiana House of Representatives,

/s/ Jason Torchinsky
Special Assistant Attorney General
State of Louisiana

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CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2011, copies of the foregoing motion, memorandum in support, and proposed schedule were served by facsimile and US Mail on the following parties:

Attorney General Eric H. Holder, Jr.
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530

/s/ Jason Torchinsky
JASON TORCHINSKY