

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

TELISA CLARK, et al.,

Plaintiffs,

v.

JOHN BEL EDWARDS, et al.,

Defendants.

Case No.: 3:20-cv-00308-SDD-RLB

POWER COALITION FOR EQUITY AND
JUSTICE, et al.

Plaintiffs,

v.

JOHN BEL EDWARDS, et al.,

Defendants.

Case No.: 3:20-cv-00283-SDD-RLB

**CLARK PLAINTIFFS' MEMORANDUM IN OPPOSITION TO JURISDICTIONAL
ARGUMENTS IN ATTORNEY GENERAL LANDRY'S MOTION TO DISMISS**

Defendant Attorney General Jeff Landry has moved to dismiss the *Clark* Plaintiffs' Complaint on the same grounds that the State of Louisiana ("the State") invokes in its motion to dismiss. *See* ECF Nos. 29, 35. The Attorney General explains the reasoning behind filing this substantively similar motion to dismiss in the first footnote in his Motion:

With its Motion to Intervene, the Attorney General, on behalf of the State of Louisiana, filed a Motion to Dismiss in *Power Coalition* in order to avoid potential waiver issues resulting from filing an answer as required under Fed. R. Civ. P. 24(c). Therefore, in order to avoid confusion and properly preserve error, Defendant, Jeff Landry, in his official capacity as Attorney General of Louisiana, files this Motion to Dismiss in the *Clark* matter (20-cv-308-SDD-RLB). This motion is notwithstanding filing a substantively similar Motion to Dismiss in *Power Coalition* (20-cv-283-SDD-RLB) prior to the Court establishing consolidated pleading schedules and granting the State's Motion to Intervene in

Power Coalition. The Attorney General represents to the Court that aside from references to the differing pleadings (which are very similar) and nuances in the relief the different Plaintiffs are seeking in the now consolidated cases— along with some minor updates on the State’s current response to COVID-19—this Motion is substantively similar to the State’s Motion to Dismiss in *Power Coalition*.

See ECF No. 35 at 1 n.1. Given this Motion is substantively the same as the State’s motion to dismiss, ECF No. 29, the *Clark* Plaintiffs incorporate by reference their arguments from Plaintiffs’ Joint Memorandum in Opposition to Jurisdictional Arguments in State’s and Parish Registrars of Voters’ Motions to Dismiss, filed on June 11, 2020. ECF No. 36. Those same arguments are now directed against Attorney General Landry’s Motion to Dismiss.¹

DATED this 15th day of June, 2020.

Respectfully submitted,

/s/ Caren E. Short

Caren E. Short*
Nancy G. Abudu*
SOUTHERN POVERTY LAW CENTER
P.O. Box 1287
Decatur, GA 30031
P: (404) 521-6700
F: (404) 221-5857
caren.short@splcenter.org
nancy.abudu@splcenter.org

Danielle E. Davis, La. Bar No. 37995
SOUTHERN POVERTY LAW CENTER
P.O. Box 57089
New Orleans, LA 70157
T: (504) 486-8982
C: (504) 376-7085
F: (504) 486-8947

¹ As noted in Plaintiffs’ Joint Memorandum in Opposition to Jurisdictional Arguments in State’s and Parish Registrars of Voters’ Motions to Dismiss, ECF No. 36, the *Clark* Plaintiffs note that this filing only responds to the jurisdictional arguments raised in Attorney General Landry’s Motion to Dismiss, pursuant to the Court’s June 8, 2020 Order. Plaintiffs will respond to the non-jurisdictional arguments raised in the motion in accord with the schedule set forth under the Federal Rules of Civil Procedure and Local Rules.

danielle.davis@splcenter.org

Jon Sherman* (D.C. Bar No. 998271)
Michelle Kanter Cohen* (D.C. Bar No.
989164)
Cecilia Aguilera* (D.C. Bar No. 1617884)
Fair Elections Center
1825 K St. NW, Ste. 450
Washington, D.C. 20006
P: (202) 331-0114
jsherman@fairelectionscenter.org
mkantercohen@fairelectionscenter.org
caguilera@fairelectionscenter.org

John A. Freedman*
ARNOLD & PORTER
KAYE SCHOLER LLP
601 Massachusetts Avenue, N.W.
Washington, D.C. 20001
P: (202) 942-5000
John.Freedman@arnoldporter.com

*Admitted *pro hac vice*

Attorneys for Plaintiffs