

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF LOUISIANA

FILED  
U.S. DIST COURT  
MIDDLE DIST. OF LA

2005 DEC 29 P 1:58

SIGN \_\_\_\_\_  
BY DEPUTY CLERK

G. SCOTT LOVE, as Administrator of the  
Estate of his unemancipated minor child  
JULIA CATHERINE LOVE,

Plaintiff,

v.

KATHLEEN BABINEAUX BLANCO,  
Governor of Louisiana, and AL ATER,  
Secretary of State of Louisiana,

Defendants.

Civil Action No. 05-1439-BET-CN

**PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF APPLICATION FOR  
PRELIMINARY INJUNCTION, MOTION FOR CONSOLIDATION OF HEARING  
WITH TRIAL ON THE MERITS, AND MOTION FOR CONSOLIDATION OF  
HEARING/TRIAL ON THE MERITS WITH HEARING IN RELATED CIVIL ACTION  
NO. 95-788-B-M1**

In the interest of judicial economy, this Court should consolidate the hearing on Plaintiff's application for a preliminary injunction with a trial on the merits that will dispose of the case. There are no issues of fact, and under Fed. R. Civ. P. 65(a)(2), this Court may convert a preliminary injunction hearing into a trial on the merits for a final disposition of the cause. In this case, there is no reason to defer a full and final hearing on the merits, which can be consolidated with Plaintiff's application for a preliminary injunction.

Moreover, as the merits of this claim involve substantially the same issues involved in Civil Action No. 95-788-B-M1, this Court should consolidate the hearing on Plaintiff's application for a preliminary injunction and trial on the merits with the hearing currently scheduled for Monday, January 23, 2006 in Civil Action No. 95-788-B-M1.

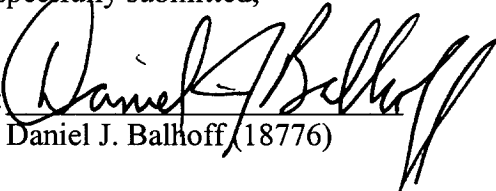
Ret, FJP

Plaintiff Love in this action represents his minor daughter Julia Love, who turns age 18 on October 10, 2006. (Verified Complaint ¶ 3). She has already registered to vote pursuant to La. R.S. 18:101(A)(2) (permitting any person age seventeen to register to vote, but limiting actual voting to persons who have “attained the age of eighteen years” by the time of the election). (Verified Complaint ¶ 3). If Act 282 of the 2005 regular session of the Louisiana Legislature is enforced by Defendants, Louisiana will conduct its primary or initial election for members of Congress on Saturday, October 7, 2006 (Verified Complaint ¶¶ 19, 23, 27), thereby denying Julia Love her right to vote in the “election” for a United States Representative in the Sixth Congressional District in 2006 (Verified Complaint ¶¶ 28–29). This would violate 2 U.S.C. § 7 (establishing the Tuesday next after the First Monday in November as Federal Election Day) as well as the 26th Amendment to the United States Constitution (guaranteeing the right to vote to persons age eighteen or older). (Verified Complaint ¶¶ 27–35).

For the reasons outlined in greater detail in Plaintiffs’ Memorandum in Opposition to Defendants’ Motion to Amend the Order of This Court Issued May 18, 1998, filed in Civil Action No. 95-788-B-M1 on December 22, 2005, which is hereby incorporated by reference, this Court should enter judgment in this action in favor of Plaintiff and enjoin the Defendants from enforcing Act 282 of the 2005 Regular Session of the Louisiana Legislature.

DATED: December 29<sup>th</sup>, 2005

Respectfully submitted,

By:   
Daniel J. Balhoff (18776)

PERRY, ATKINSON, BALHOFF, MENGIS &  
BURNS, L.L.C.

Post Office Drawer 83260

Baton Rouge, Louisiana 70884-3260

Telephone: 225-767-7730

Facsimile: 225-767-7967

McDERMOTT WILL & EMERY LLP

M. Miller Baker (14065)

Richard B. Rogers

600 Thirteenth Street, N.W.

Washington, D.C. 20005-3096

Telephone: 202-756-8000

Facsimile: 202-756-8087

John S. Baker, Jr. (2700)

LSU Law Center Room 414

Baton Rouge, Louisiana 70803

Telephone: 225-388-8846

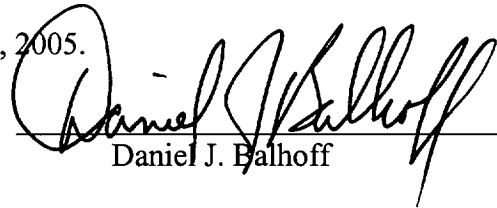
*Counsel for Plaintiff*

**CERTIFICATE**

I hereby certify that a copy of the foregoing **Plaintiff's Memorandum Of Law In Support Of Application For Preliminary Injunction, Motion For Consolidation Of Hearing With Trial On The Merits, And Motion For Consolidation Of Hearing/Trial On The Merits With Hearing In Related Civil Action No. 95-788-B-M1** has been mailed to:

Mr. Roy A. Mongrue, Jr.  
Attorney General's Office  
Post Office Box 94005  
Baton Rouge LA 70804-9005

Baton Rouge, Louisiana, this 29<sup>th</sup> day of December, 2005.

  
\_\_\_\_\_  
Daniel J. Balhoff