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ATTORNEY FOR PLAINTIFFS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

JOHN B. “JACK” SPEIGHT, REX ARNEY,
ROBIN HURLESS, CHRISTOPHER O. BOSWELL,
TAMSIN JOHNSON, DOUG CAMBLIN,
TOM LUBNAU, ANNE LADD, KATHY VETTER,
CHARLES PELKEY, DAN NEAL,
STEVE SIMONTON, GEORGE SIMONTON,
DAVE NORTHRUP, GAIL SYMONS, and
RUTH ANN PETROFF,

Plaintiffs,

[illegible]

W. FRANK EATHORNE in his capacity as
chairman of THE WYOMING REPUBLICAN PARTY,
THE WYOMING REPUBLICAN STATE CENTRAL
COMMITTEE, and MARK GORDON, in his capacity
as Governor of the State of Wyoming

Defendants.

PLAINTIFF'S REPLY BRIEF

COMES NOW Plaintiffs, acting by and through their counsel, Patrick J. Crank, and files this Reply to the briefing provided by the Honorable Governor Mark Gordon in this matter.

The Honorable Mark Gordon argues in his briefing that the case of *Rodriguez v. Popular Democratic Party*, 457 U.S 1 (1982) somehow shows that the Plaintiffs are unlikely to succeed on the merits. This contention must be rejected.

Rodriguez is not on point and involves a much different factual situation than that presented to this Court. Most importantly, the selection process challenged in *Rodriguez* involved a one man one vote election that resulted in the selection of a legislator to occupy the vacant legislative seat. *See, Rodriguez*, 557 U.S 14, N.3. Second, at the time that *Rodriguez* was decided, the Supreme Court had not decided that the 14th Amendment to the United Constitution was even applicable to the territory of Puerto Rico. *Id.* N.6. As admitted by Governor Gordon in his briefing, *Rodriguez* did not involve a one man one vote challenge because a one man one vote election among party members had occurred and the parties to the case had not, and could not have, challenged the selection process on 14th Amendment Equal Protection Grounds. Whatever *Rodriguez* held; it does not establish that the Plaintiffs are unlikely to succeed on the merits.

DATED this 26th day of January, 2022.

/s/ Patrick J. Crank
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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of January, 2022, a true and correct copy of the foregoing was served upon counsel as follows:

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