

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

ROSA SEGUE, JOHN DOE/JANE DOE,

Plaintiffs,

vs.

STATE of LOUISIANA, KATHLEEN BLANCO, the GOVERNOR of the STATE OF LOUISIANA in her official capacity; CHARLES FOTI, the ATTORNEY GENERAL, in his official capacity; JAY DARDENNE, the SECRETARY OF STATE, in his official capacity, AND ANGIE LAPLACE, THE COMMISSIONER OF ELECTIONS IN her official capacity.

Defendants.

Civil Action No. 07-5221

JUDGE: ENGELHARDT

MAGISTRATE: SHUSHAN

**MOTION AND INCORPORATED
MEMORANDUM FOR EXPEDITED
HEARING**

**EX PARTE MOTION AND INCORPORATED MEMORANDUM FOR EXPEDITED
HEARING FOR RELIEF**

NOW INTO COURT, come Plaintiffs ROSA SEGUE, et al., and upon advising the Court that plaintiffs have filed a Memorandum in Support of Motion to Convene a Three-Judge Panel, move for an **Expedited Hearing for Relief** sought by Plaintiffs in their August 29, 2007, Complaint.

As indicated in their filings, Plaintiffs seek that this Court convene a three-judge panel, pursuant to 42 U.S.C. § 1973c and 28 U.S.C. § 2284. Pursuant to the Court's September 14, 2007 Order, Plaintiffs submitted a Motion and Memorandum setting forth the reasons why a three-judge panel is required and warranted in this matter. In addition, pursuant to Local Rule 9.1 (Three Judge Cases), on September 13, 2007, Plaintiffs submitted a Notice Regarding Three-Judge Panel. On August 29, 2007, Plaintiffs requested that this Court convene a three-judge

panel and included the statutory grounds for this request in the Prayer for Relief of Plaintiffs' Complaint.

Should the Court grant Plaintiffs' request to convene a three-judge panel, Plaintiffs request that this Court schedule this matter for final relief on or before October 5, 2007. The State of Louisiana is scheduled to conduct a gubernatorial primary election on October 20, 2007. Eligible voters seeking to participate in that primary election by mail ballot must submit a request to their respective Registrar by October 16, 2007, and must return the voted mail ballot by October 19, 2007.

Those voters who have been removed from the rolls pursuant to the State's voter registration cancellation program will be unable to participate in these elections if they are not reinstated to the registration rolls. Defendants have not yet received the preclearance determination for certain aspects of this voter registration cancellation program from the U.S. Department of Justice and, in fact, recently submitted additional details regarding that program to the Justice Department as recently as September 20, 2007. Effective relief in this matter would very likely require that, at a minimum, Defendants restore the registration of improperly removed voters; and issue notice to Plaintiffs and other impacted voters informing them that their registration has been reinstated and of their eligibility to participate in the October 20, 2007 gubernatorial primary election. Adequate notice in this matter may, for example, require mailings, by certified mail, to both in-state and out-of-state addresses on file for impacted voters, among other things. Given the short period of time that remains between the date of this filing and the October 20, 2007 election, those voters who remain displaced and were removed from the rolls pursuant to Defendants' voter registration cancellation program will not be able to satisfy, or will encounter grave difficulty satisfying, the impending deadlines for requesting and

submitting a mail ballot, even should the Court grant Plaintiffs' requested relief. Plaintiffs now seek an expedited hearing for relief sought in this matter.¹

Without entry of the Order Granting a Three-Judge Court and without an **Order Granting an Expedited Hearing For Relief** sought by Plaintiffs, Plaintiffs ROSA SEGUE, et al., are subject to denial of the right to vote, a federally protected right, during the October 20, 2007, gubernatorial primary election.

WHEREFORE, Plaintiffs request this Honorable Court to enter the attached Order granting an **Expedited Hearing For Relief** sought by Plaintiffs in this proceeding.

¹ The basis for injunctive relief in Section 5 enforcement actions turns upon satisfaction of a three-part test to determine whether: (1) the act or practice at issue is a voting change within the meaning of Section 5; (2) whether said change has been submitted for preclearance; and (3) if not, determining what relief is appropriate. *See U.S. v. State of Louisiana*, 952 F.Supp. 1151, 1159-63 (W.D. La.1997).

RESPECTFULLY SUBMITTED:

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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing Ex Parte Motion and Incorporated Memorandum for an Expedited Hearing for Relief was served by depositing a copy of the same in the United States mail, properly addressed and postage prepaid, or by hand delivery or by facsimile transmission, this 24th day of September, 2007 to the following:

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