

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF LOUISIANA

JAMILA JOHNSON, *et al.*

Plaintiffs,

v.

KYLE ARDOIN, IN HIS OFFICIAL
CAPACITY AS LOUISIANA SECRETARY
OF STATE,

Defendant.

Case No.: 3:18-cv-00625-SDD-EWD

**DEFENDANT SECRETARY OF STATE'S
MOTION FOR RECONSIDERATION OF THE COURT'S DENIAL OF HIS MOTION
TO DISMISS AMENDED COMPLAINT.**

Pursuant to Federal Rule of Civil Procedure 60(b)(6), Defendant Secretary of State of Louisiana respectfully moves the Court to reconsider its May 9, 2019 Order, (ECF No. 68), denying Defendant's Motion to Dismiss Amended Complaint.¹

On September 3, 2019, the United States Court of Appeals for the Fifth Circuit handed down its decision in *Thomas v. Bryant*, No. 19-60133 (5th Cir. Sept. 3, 2019).² The Fifth Circuit clarified that the laches defense *is* applicable under the facts of this case and the Circuit Court also clarified that a Section 2 claim requires the creation of a “*working* majority of the voting age population.” *See Thomas v. Bryant*, 2019 U.S. App. LEXIS 26575, 26-27, 34-35 (5th Cir. 2019).

For the reasons detailed in the attached Memorandum of Law, the Secretary respectfully requests that the Court grant this Rule 60(b)(6) motion to Reconsider and dismiss Plaintiffs' Amended Complaint.

¹ Alternatively, Defendant requests that the Court reconsider its Order Denying Certification in light of this Motion to Reconsider.

² The opinion is also available at *Thomas v. Bryant*, 2019 U.S. App. LEXIS 26575 (5th Cir. 2019).

Dated: September 16, 2019

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I do hereby certify that, on this 16th day of September 2019, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which gives notice of filing to all counsel of record.

/s/ Jason Torchinsky
Jason Torchinsky

Counsel for the Defendant