

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

GOLDEN BETHUNE-HILL, *et al.*,

Plaintiffs,

v.

VIRGINIA STATE BOARD OF ELECTIONS,
et al.,

Defendants.

v.

VIRGINIA HOUSE OF DELEGATES,

Intervenors-Defendants.

Civil Action No. 3:14-cv-00852-REP-
AWA-BMK

PLAINTIFFS' RESPONSE TO SPECIAL MASTER'S FINAL REPORT

Pursuant to the Court's January 22, 2019, Order (Dkt. No. 353), Plaintiffs respectfully submit that the Court should approve and adopt the Special Master's Final Remedial Plan (Dkt. No. 355).

Plaintiffs have previously set out the reasons why—of the various proposals offered by the Special Master—the modules that best accomplish the remedial task before the Court are Richmond 1A, Petersburg 2, Peninsula 2, and Norfolk 1A. *See generally* Dkt. No. 328 at 2-7. In its January 22, 2019, Order, the Court instructed the Special Master to submit a Final Remedial Plan that integrates these four modules into a statewide map. Dkt. No. 353 at 1. The Court further gave the Special Master latitude to propose any necessary minor technical corrections required “to harmonize each module into the larger map.” *Id.*

In his Final Remedial Plan, the Special Master submits the statewide plan as requested by the Court. The Special Master explains that the Final Remedial Plan “is identical to what was presented in my Second Report of January 7, 2019 when one combines Richmond Illustrative Module 1A, Petersburg Illustrative Module 2, Peninsula Illustrative Model 2, and Norfolk Illustrative Module 1A.” Dkt. No. 355 ¶ 2. The Special Master considered whether technical corrections were required and, for the reasons he explains, determined that no technical corrections were necessary or appropriate. *Id.* ¶¶ 3-7. Thus, as Plaintiffs understand, the Special Master has made no further changes since his Second Report. *See id.* ¶ 2.¹

Because the Special Master’s Final Remedial Plan incorporates the Richmond 1A, Petersburg 2, Peninsula 2, and Norfolk 1A modules, and those modules make appropriate remedial changes to the enacted plan for reasons Plaintiffs have previously explained, the Court should adopt the Special Master’s Final Remedial Plan without alteration. To facilitate the prompt implementation of the Final Remedial Plan by the State Defendants and local elections officials, Plaintiffs respectfully submit that the Court should, as necessary, issue an order adopting the Final Remedial Plan with opinion to follow.

¹ Plaintiffs note that in the Second Report, the Reock score for District 94 in the Peninsula 2 module is listed as .14. *See* Dkt. No. 351 at 102. According to Plaintiffs’ calculations, that Reock score is, in fact, .45. That is, District 94 is markedly more compact than indicated in the Second Report. Plaintiffs have not identified any other similar data discrepancies in the Second Report.

Dated: February 1, 2019

By: /s/ Aria Branch

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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of February, 2019, I filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the counsel of record in this case.

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