IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

PAMELIA DWIGHT, an individual; BENJAMIN DOTSON, an individual; MARION WARREN, an individual; AMANDA HOLLOWELL, an individual; DESTINEE HATCHER, an individual; and WILBERT MAYNOR, an individual,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official capacity as Secretary of State of the State of Georgia,

Defendant.

Civil Action No. 1:18-cv-2869-JPB

PLAINTIFFS' REPLY IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT

I. Introduction

Defendant's Opposition to Plaintiffs' Motion for Partial Summary Judgment reveals his fundamental misunderstanding of the legal standards applicable to Section 2 claims, and offers only irrelevant, misleading, and unsupported conclusions that fail to refute any of Plaintiffs' evidence establishing the three *Gingles* preconditions.

First, Defendant presents a false choice between having a "majority-minority" district in CD 12 or in CD 2, omitting the fact that CD 2 is not now and has never been a majority-minority district, and has always been able to elect the African-American voters' candidate of choice with black voting age population ("BVAP") levels lower than those presented in Plaintiffs' illustrative plans.

Second, despite admitting that the evidence "show[s] significant polarization in the elections" in central and southeast Georgia, Def.'s Response in Opp. to Pls.' Mot. for Partial Summ. J. ("Opp."), Dkt. 71, at 5, Defendant invents a requirement that Plaintiffs must disprove the role of partisanship in polarized voting patterns as part of their burden in establishing the second and third *Gingles* preconditions (*Gingles* 2 and 3). But courts in this circuit have made clear that non-racial explanations for racial bloc voting are only relevant, if at all, to the court's assessment of the totality of the circumstances, which occurs during the second

phase of a Section 2 analysis. *See Nipper v. Smith*, 39 F.3d 1494, 1524 n.60 (11th Cir. 1994). And even then, it is Defendant's burden to demonstrate that a non-racial factor caused the polarized voting patterns. *Id.* Defendant's argument on this score is thus wholly irrelevant to the *Gingles* preconditions at issue in Plaintiffs' Motion.

For these reasons, Plaintiffs request that the Court grant their motion for partial summary judgment on the three *Gingles* preconditions.

II. Plaintiffs Have Satisfied *Gingles* 1

Defendant cannot dispute that Georgia's 2011 congressional districting plan ("2011 Plan") cracked the African-American population in CD 12, *see* Decl. of William S. Cooper ("Cooper Report"), Dkt. 66-4, ¶ 59, fig. 13, which impaired the ability of African Americans in that district to elect their candidates of choice. Nor can he dispute the fact that voters in CD 2 consistently elected the African-American candidate of choice, Sanford Bishop, in each election since 1992. Pls.' Resp. to Def.'s Stat. of Undisputed Material Facts ("Pls.' SUMF Resp."), Dkt. 72-1, ¶ 17; Expert Report of Gina H. Wright ("Wright Report"), Dkt. 66-5, at 5. Plaintiffs' illustrative plans not only create a new majority-minority CD 12—reuniting African-American communities in CD 12 that were dispersed under the 2011 Plan—they return the African-American population of CD 2 to just above its previous levels under the benchmark 2005 plan, create districts that are well within the norm of

objective compactness scores, and adhere to traditional redistricting principles. Mem. in Supp. of Pls.' Mot. for Partial Summ. J. ("Pls.' Mem."), Dkt. 66-1, at 12–19. Defendant's Opposition fails to identify, much less apply, the appropriate legal standards for assessing compliance with *Gingles* 1.

A. Plaintiffs' Illustrative Plans Create a New Majority-Minority District in CD 12, While Still Allowing African Americans in CD 2 to Elect Their Preferred Candidates

Defendant claims erroneously that each of Plaintiffs' illustrative plans engages in a "swap of [a] majority-African-American district[]" from CD 2 to CD 12. Opp. at 9. This assertion at best ignores, and at worst conceals, the applicable standards and authorities.

In fact, no "swap" will occur because CD 2 was never a majority-African-American district to begin with. A district is "majority-minority" for purposes of *Gingles* 1 only if the minority group constitutes more than half of the district's voting age population. Pls.' Mem. at 10–12; Pls.' Opp. to Def.'s Mot. for Summ. J. ("Pls.' Opp."), Dkt. 72, at 18–19; *Negron v. City of Miami Beach, Fla.*, 113 F.3d 1563, 1568–69 (11th Cir. 1997). It is undisputed that CD 2's voting-age population is currently less than 50% African American. Cooper Report Ex. G-2, Dkt. 66-4, at Page 80 of 306; Wright Report Ex. 5, Dkt. 66-5, at Page 39 of 65. Defendant argues that more than 50% of the *registered* voters in CD 2 are African American, Opp. at

9 n.3, yet fails to identify a single case that relied on that metric in conducting a *Gingles* 1 analysis.[1] To the contrary, courts have made clear that the voting-age population is the proper statistic as it includes voting-eligible individuals "who can readily become voters through the simple step of registering to vote." *Negron*, 113 F.3d at 1569.[2]

Furthermore, the assertion that African Americans in CD 2 would lose the ability to elect candidates of their choice defies reality. It is undisputed that in elections prior to 2011, CD 2 consistently elected the African-American-preferred candidate, *see* Pls.' SUMF Resp. ¶ 17; Wright Rep. at 5, even with a BVAP *lower*

[1] Even if it were proper to consider voter registration numbers in this analysis, Defendant is incorrect that Plaintiffs' Illustrative Plans would reduce the African-American community to less than 50% of registered voters in CD 2. Under Illustrative Plans 1, 2, and 3, African Americans respectively constitute 50.93%, 51.10%, and 50.85% of the registered voters in CD 2. Cooper Report, Exs. H-5, I-5, Dkt. 66-4, at Pages 100, 112 of 306; Second Decl. of William S. Cooper ("Second Cooper Report"), Ex. B-5, Dkt. 66-6, at Page 32 of 40. While Ms. Wright asserts that these percentages are lower, her method of calculating this figure is deeply flawed. She assumes that *none* of the registered voters in Georgia whose race is "unknown"—almost 10% of the state's registered voters—are African American. Second Cooper Report ¶ 15. This "preposterous" assumption greatly underestimates the number of African-American registered voters in CD 2. *Id.*; Third Declaration of Abha Khanna ("Third Khanna Decl."), Ex. 1, Deposition of William S. Cooper, Dkt. 60, at 157:18–24.

[2] In fact, in his motion to dismiss, Defendant expressly recognized that voting age population was the proper metric in this analysis, arguing that Plaintiffs' claim failed because they had not "allege[d] that it is possible to draw CD 12 in a manner that increases the African-American ***voting age population*** above 50%." Def.'s Br. in Supp. of Mot. to Dismiss, Dkt. 13-1, at 6–7.

than that in Plaintiffs' illustrative CD 2s. *See* Wright Rep. Exs. 2B, 2C; Cooper Report Exs. G-2 & H-2, Dkt. 66-4, at Pages 91, 103 of 306; Second Cooper Report Ex. B-2, Dkt. 66-6, at Page 21 of 40. Thus, none of the illustrative plans would in any way risk depriving African Americans in CD 2 the opportunity to continue to elect their candidate of choice.

These facts reveal the absurdity of Defendant's assertion that Georgia had to increase CD 2's African-American population in 2011 to avoid retrogression. For one, that argument contradicts the testimony of Defendant's own expert and the architect of the 2011 Plan, Gina Wright, who admitted that avoiding retrogression or complying with any other legal standard *was not* the reason why she added Bibb County to CD 2. Pls.' Second Stat. of Undisputed Material Facts, Dkt. 72-2, ¶ 3 (Third Khanna Decl. Ex. 2, Deposition of Gina H. Wright ("Wright Dep."), Dkt. 64, at 92:4–20, 164:14–21). Moreover, as explained at length in Plaintiffs' prior briefing, Defendant makes no attempt to reconcile his argument with the legal standard for retrogression, which imposes no magic number requirement, but instead focuses on the ability of African-American voters to elect their candidates of choice. *Ala. Legislative Black Caucus v. Ala.*, 135 S. Ct. 1257, 1272 (2015) ("Section 5 . . . does not require a covered jurisdiction to maintain a particular numerical minority percentage."); Pls.' Opp. at 16–17. Tellingly, Defendant does not claim that the

BVAP or African-American registered voter percentages in Plaintiffs' illustrative CD 2s would actually impair the ability of African Americans to elect their preferred candidate. *See Alabama*, 135 S. Ct. at 1273 ("[Section] 5 is satisfied if minority voters retain the ability to elect their preferred candidates."). That argument would make little sense given the success of African Americans in electing their preferred candidate even with lower population percentages than proposed in Plaintiffs' plans. Pls.' Opp. at 16–20. Defendant's vague references to retrogression without any attempt to apply the relevant standards are woefully insufficient to avoid summary judgment. *Ellis v. England*, 432 F.3d 1321, 1327 (11th Cir. 2005) (per curiam) ("unsupported, conclusory statements" cannot "demonstrate . . . a genuine issue of material fact").[3]

B. Plaintiffs' Illustrative Plans Reunite Sufficiently Compact African-American Communities in CD 12, While Complying with Traditional Redistricting Principles

In response to Plaintiffs' evidence that their illustrative plans adhere to

[3] Defendant claims that Plaintiffs' expert Dr. McDonald testified that "eliminating District 2 as a majority-minority-African-American district would have been retrogressive in 2011." Opp. at 4 (citing McDonald Dep. at 40:22–41:3, 41:12–16). Dr. McDonald said no such thing. He noted only that "*dismantling* or [] making [CD 2] *unwinnable* for Congressman Bishop," could have elicited an objection from the Department of Justice, Third Khanna Decl. Ex. 3, Deposition of Laughlin McDonald, Dkt. 61, at 40:22–41:3, 41:12–16 (emphases added), neither of which justified adding *more* African-American voters to CD 2. Pls.' Opp. at 16–20.

traditional redistricting principles—that is, that they all contain a CD 12 that is similarly compact to its current configuration, reunite African-American communities that previously comprised CD 12, follow political boundaries, displace fewer CD 12 residents than the current plan, are contiguous, achieve population equality, and avoid pairing incumbents, *see* Pls.' Mem. at 12–19—Defendant offers only bare assertions and excerpts of inconclusive deposition testimony.

Defendant argues, for instance, that his expert concluded that "the minority community in Plaintiffs' proposed District 12 is not geographically compact," Opp. at 13 (citing Wright Dep. at 141:10–14), but in doing so ignores testimony in which Ms. Wright expressly disclaimed reaching that conclusion.[4] When asked whether the African-American population in Plaintiffs' proposed CD 12s was sufficiently compact, she responded that Plaintiffs' expert's ability to "draw this district and achieve the percentages that would yield it to be a majority-minority district . . . impl[ies] that it is." Wright Dep. at 140:10–18. She later confirmed that the *only*

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[4] The testimony upon which Defendant relies refers to the compactness of the district, rather than the minority population, demonstrated by the fact that Ms. Wright relied on Reock and Polsby-Popper district compactness tests to reach her conclusion. Wright Dep. at 142:18–143:2. The Section 2 compactness inquiry, however, "refers to the compactness of the minority population, not . . . the contested district." *Ga. State Conf. of NAACP v. Fayette Cty. Bd. of Commr's*, 996 F. Supp. 2d 1353, 1361 n.10 (N.D. Ga. 2014) (quoting *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 433 (2006) ("*LULAC*")).

opinion she has offered on the issue of compactness is that Plaintiffs' illustrative CD 12s are "less compact than the current C.D. 12." *Id.* at 146:7–12. It is well-settled, meanwhile, that plaintiffs in Section 2 cases are not required to demonstrate that their proposed districts are more compact than the offending districts. *See* Pls.' Mem. at 14–17.

With respect to traditional redistricting principles, Defendant's reliance on Ms. Wright's report and testimony also falls short because she fails to rebut Plaintiffs' evidence with anything other than (1) conclusory assertions that race predominated in the drawing of the illustrative plans, and (2) compactness scores that she admittedly does not understand. For instance, Ms. Wright's report faulted Plaintiffs' illustrative plans for splitting precincts and highlighted this as evidence of racial predominance, but she later testified that splitting precincts, even with the specific goal of reaching a certain number of African-American voters, does not mean that race predominated in drawing a district. Wright Dep. at 226:4–16; *see also* Pls.' Opp. at 23 n.7 (explaining that the predominance inquiry is not relevant at the *Gingles* precondition stage). And while Ms. Wright's report produced compactness scores for Plaintiffs' illustrative CD 12s, she was unable to explain what those scores meant and testified that she has not used the scores throughout her career for any purpose other than preparing an expert report. Wright Dep. at 56:10–59:3.

Defendant, moreover, does not dispute that the compactness scores for Plaintiffs' illustrative CD 12s are within the range of scores for districts in the current plan, or that the illustrative plans split fewer counties than the 2005 benchmark plan and only one (Illustrative Plans 1 and 3) or two (Illustrative Plan 2) more counties than the current plan. Nor does Defendant contest the fact that the illustrative plans are contiguous, achieve population equality, and avoid pairing incumbents, all of which are traditional redistricting principles. *See* Pls.' Mem. at 12–19.

Finally, Defendant points to nothing other than the geographic locations of the so-called "far-flung" communities to conclude that they do not belong in the same district.[5] His conclusory assertions, once again, are refuted by testimony from his own expert, Gina Wright, who stated that "[congressional] districts are so large, communities of interest is not a conversation that's normally held about a congressional district." Wright Dep. at 67:12–15. But more importantly, Defendant avoids entirely the undisputed facts that the illustrative CD 12s: (1) *reunite* African-American voters who, prior to being dispersed in 2011, were located in CD 12, *see*

[5] Even if the distance between the communities connected by Plaintiffs' illustrative CD 12 could be considered unusually large, that fact would not render the illustrative districts non-compact. Defendant has offered no evidence that the communities have disparate needs or interests. *See* Pls.' Opp. at 21–22; *LULAC*, 548 U.S. at 435 (an "enormous geographical distance separating [] communities, *coupled* with the disparate needs and interests of th[o]se populations—*not either factor alone*" renders a district joining such communities non-compact) (emphases added).

Cooper Report ¶ 59, fig. 13 and Exs. H-1 & I-1, Dkt. 66-4, Pages 90, 102 of 306; Second Cooper Report Ex. B-1, Dkt. 66-6, Page 20 of 40; (2) incorporate a portion of Bibb County that already shares a senate district with several counties in the illustrative CD 12s, *see* Cooper Report, Ex. E, Dkt. 66-6, Pages 66–73 of 306; *see also* Pls.' Mem. at 13–14; and (3) are located in the same area as the current CD 12, Wright Dep. at 244:13–14.

Defendant's failure to address these undisputed facts is yet another example of his attempt to defeat summary judgment with buzzwords over substance. *See Irby v. Bittick*, 44 F.3d 949, 953 (11th Cir. 1995) (to defeat summary judgment, the nonmoving party "must come forward with significant, probative evidence demonstrating the existence of a triable issue of fact"). Defendant offers no argument—much less evidence—to explain why it would be improper to reunite counties that were previously in CD 12, or why Bibb County can share a state senate district (SD 26) with other CD 12 counties like Twiggs, Wilkinson, Washington, and Hancock, and yet cannot share the same congressional district. *Welch v. Delta Air Lines, Inc.*, 978 F. Supp. 1133, 1137 (N.D. Ga. 1997) (by failing to respond to an argument offered in a summary judgment motion, the nonmovant "necessarily does not oppose" the argument or the movant's "characterization" of the relevant facts).

Neither the evidence, authorities, nor logic supports Defendant's criticisms of

Plaintiffs' illustrative plans; therefore, Plaintiffs are entitled to summary judgment on the first *Gingles* precondition.

III. There Is No Dispute That African Americans in Central and Southeast Georgia are Politically Cohesive, and the Majority Votes as a Bloc to Defeat the African-American-Preferred Candidate

Defendant's Opposition attempts to create a factual dispute where none exists by conflating the *Gingles* preconditions with the separate and distinct totality-of-the-circumstances analysis, which is reached only *after* the preconditions have been met.[6] On the issues relevant to Plaintiffs' motion—whether African Americans are "politically cohesive" (*Gingles* 2) and whether the white majority votes "sufficiently as a bloc to enable it . . . usually to defeat the minority's preferred candidate" (*Gingles* 3), *Thornburg v. Gingles*, 478 U.S. 30, 50–51 (1986)—the parties' experts are in agreement. African Americans in central and southeast Georgia are "politically cohesive," voting for the same candidate 88 to 98 percent of the time,

[6] Defendant's confusion on this point is apparent when he argues that "Plaintiffs are not entitled to summary judgment" because "courts repeatedly find that totality-of-the-circumstances inquiries are not appropriate for summary judgment." Opp. at 18. Defendant either fundamentally misunderstands the nature of Plaintiffs' motion, which seeks partial summary judgment only on the *Gingles* preconditions, or has conflated the relevant legal standards. The totality-of-the-circumstances test does not apply to the Court's threshold inquiry under the *Gingles* preconditions and is not at issue in Plaintiffs' Motion. Moreover, courts can and do grant summary judgment in favor of plaintiffs on the *Gingles* factors. *See, e.g.*, *United States v. Charleston Cty.*, 318 F. Supp. 2d 302 (D.S.C. 2002); *Harper v. City of Chi. Heights*, 824 F. Supp. 786 (N.D. Ill. 1993).

Pls.' Stat. of Undisputed Material Facts ("SUMF"), Dkt. 66-2, ¶ 59 (Expert Report of Maxwell Palmer ("Palmer Report"), Dkt. 66-8, tbls. 1–5); Rebuttal Report of Maxwell Palmer ("Second Palmer Report"), Dkt. 66-9, tbls. 1–5; Third Khanna Decl. Ex. 4, Deposition of John R. Alford ("Alford Dep."), Dkt. 63, at 87:19–88:12), and the white majority has voted as a bloc to defeat the African-American candidate of choice in every election examined except one, SUMF ¶ 64 (Palmer Report at 6–8, tbls. 1–5; *id.* at ¶ 64 (Alford Dep. at 206:17–22)).[7]

Neither *Nipper v. Smith* nor any other case Defendant cites places upon plaintiffs an affirmative burden to disprove partisanship as an alternative explanation for the electoral defeats of minority-preferred candidates, and certainly not at the *Gingles* preconditions stage. Instead, *Nipper* makes clear that evidence of partisanship is considered only under the totality-of-the-circumstances test, and has no bearing on the *Gingles* preconditions. 39 F.3d 1494, 1524 (11th Cir. 1994).

[7] Defendant argues that Dr. Alford agreed with Dr. Palmer's methodology, and not his methods, but makes no attempt to explain the meaning of this distinction. Opp. at 22. The only actual disagreement that Defendant has identified is Dr. Palmer's use of the label "racially polarized voting," which falls well short of Defendant's burden to demonstrate a genuine dispute of material fact on *Gingles* 2 and 3. *See Fabela v. City of Farmers Branch, Tex.*, No. 3:10-CV-1425-D, 2012 WL 3135545, at *9 (N.D. Tex. Aug. 2, 2012) (finding *Gingles* 2 and 3 satisfied where parties' experts' substantially agreed upon factual data and "disagreement lie[d] instead in the legal significance of the data").

Nipper further clarified that by presenting partisanship evidence, "a defendant is not rebutting the plaintiff's evidence of racial bloc voting." *Id.* at 1525 n.60. Rather, such evidence is one of the "non-racial factors" a defendant may attempt to establish "under the *totality of the circumstances standard*." *Id.* at 1513 (emphasis added); *see also Ga. State Conference of the NAACP v. Fayette Cty. Bd. of Comm'rs*, 118 F. Supp. 3d 1338, 1345–46 (N.D. Ga. 2015) (defendant's contention that "racial bloc voting is actually nothing more than partisanship at work . . . brings the Court to the final step of the analysis—[] the 'totality of the circumstances'").[8] This is consistent with the Supreme Court's plurality opinion in *Gingles*, which held that "the reasons black and white voters vote differently have no relevance to the central inquiry of § 2" under the *Gingles* factors. *Gingles*, 478 U.S. at 63.

In any event, even if *Gingles* 2 and 3 required evidence of causation in addition to polarization, Plaintiffs' expert Dr. Vincent Hutchings' unrebutted testimony and report establish that "[r]ace is the single greatest demographic factor shaping the current partisan divide in the South" and "partisan polarization is . . .

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[8] Defendant's reliance on *Wright* and *Fayette County* is also misplaced. In both cases, summary judgment was reversed due to improper credibility determinations or impermissible weighing of evidence under the totality of the circumstances, and not at the *Gingles* preconditions phase. *See Wright v. Sumter Cty. Bd. of Elections & Registration*, 657 F. App'x 871, 873 (11th Cir. 2016); *Ga. State Conference of NAACP v. Fayette Cty. Bd. of Comm'rs*, 775 F.3d 1336, 1348 (11th Cir. 2015).

inextricably linked with race." Decl. of Vincent Hutchings, Dkt. 66-12, ¶ 1.[9] Dr. Alford, meanwhile, made clear that he was "not offering an opinion" "as to the reason why African-American voters . . . vote cohesively in favor of Democratic candidates." SUMF ¶¶ 70, 77 (Alford Dep. 124:9–125:21). The only evidence of "partisan polarized voting" that Defendant offers is Dr. Alford's observation that "the race of the candidates does not appear to be particularly influential," Opp. at 23 (citing Dr. Alford Rep. at 7–10), despite the Eleventh Circuit's admonition that the race of the candidate is not relevant to whether racially polarized voting exists. *City of Carrollton Branch of the N.A.A.C.P. v. Stallings*, 829 F.2d 1547, 1557 (11th Cir. 1987) ("Under Section 2, it is the status of the candidate as the chosen representative

[9] Defendant's attempt to distinguish between racial conservatism and racism has no legal relevance to the Section 2 analysis. *See Askew v. City of Rome*, 127 F.3d 1355, 1382 (11th Cir. 1997) ("The Court is compelled to make clear that it does not understand the law to require Plaintiffs to prove racism determines the voting choices of the white electorate in order to succeed in a voting rights case.") (quoting and affirming district court order). Dr. Hutchings's report and testimony establish that partisanship cannot explain the polarized voting patterns because party affiliation is often driven by factors, like racial conservatism, that are unmistakably about race. Third Khanna Decl. Ex. 5, Deposition of Vincent Hutchings, Dkt. 70, at 102:7–24. Thus, Defendant has failed to present any evidence of a non-racial cause of polarization. *See Nipper*, 39 F.3d at 1525–26 ("[P]roof of the second and third *Gingles* factors will ordinarily create a sufficient inference that racial bias is at work . . . the standard we articulate today simply allows a defendant to rebut proof of vote dilution by showing that losses by minority-preferred candidates are attributable to non-racial causes.")

of a particular racial group, not the race of the candidate that is important."); *Williams v. Orange Cty., Fla.*, 783 F. Supp. 1348, 1361 (M.D. Fla. 1992), *aff'd sub nom. Williams v. Orange Cty., Fla., Bd. of Cty. Comm'rs*, 979 F.2d 1504 (11th Cir.) (same).[10] Because Defendant offers one ultimately irrelevant factor—the race of the candidates—to refute Plaintiffs' evidence under the second and third *Gingles* preconditions, Defendant fails to demonstrate a genuine dispute of material fact. *See, e.g., Brown v. Parker Hannifin Corp.*, No. CIVA98-616CIV-ORL18C, 1999 WL 1449761, at *13 (M.D. Fla. Oct. 13, 1999) ("misplaced reliance" on "irrelevant evidence . . . is insufficient to overcome [a] summary judgment motion").

IV. Conclusion

For all of the foregoing reasons, Plaintiffs respectfully request that the Court grant Plaintiffs' Motion for Partial Summary Judgment.

[10] Contrary to Defendant's suggestion, Opp. at 6, Dr. Palmer never endorsed Defendant's partisan-polarization theory. Rather, he declined to opine on these issues, noting that his opinion only extended to "identifying candidates of choice for each group" without "the reason behind how they choose their candidate of choice," Third Khanna Decl. Ex. 6, Deposition of Maxwell Palmer, Dkt. 62, at 96:8–12—which is the only relevant inquiry under *Gingles* 2 and 3.

Dated: June 20, 2019

Respectfully submitted,

By /s/ *Uzoma N. Nkwonta*

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LOCAL RULE 7.1(D) CERTIFICATION OF COMPLIANCE

I certify that this pleading has been prepared with Times New Roman 14 point, as approved by the Court in L.R. 5.1(C), N.D. Ga.

Respectfully submitted, this 20th day of June, 2019.

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CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2019, I filed a copy of the foregoing Reply in Support of Plaintiffs' Motion for Partial Summary Judgment with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

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