

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

JAMAL BROOKS, an individual; AUSTIN THOMPSON, an individual; WAYNE SWANSON, an individual; DARRYL PAYTON, an individual; AUDRA CUNNINGHAM, an individual; SABRINA MCKENZIE, an individual; JAMIDA ORANGE, an individual, ANDREA SNOW, an individual; SAMMY ARREY-MBI; LYNNE ANDERSON, an individual; and CORETTA JACKSON, an individual,

Plaintiffs,

v.

BRIAN KEMP, in his official capacity as Secretary of State of the State of Georgia,

Defendant.

Civil Action No. 1:17-cv-03856-AT

**Three-Judge Court Requested**

**PLAINTIFFS' NOTICE REGARDING CONSOLIDATION**

Pursuant to this Court's Order issued on October 11, 2017 (ECF No. 11), Plaintiffs Jamal Brooks, Austin Thompson, Wayne Swanson, Darryl Payton, Audra Cunningham, Sabrina McKenzie, Jamida Orange, Andrea Snow, Sammy Arrey-Mbi, Lynne Anderson, and Coretta Jackson ("*Brooks* Plaintiffs") hereby provide notice that they do not oppose Defendant's request that this case be consolidated with

*Georgia State Conference of the NAACP et al., v. Kemp*, 1:17-cv-01427-TCB-WSD-BBM (ECF No. 7) (“the *NAACP* litigation”).

The *Brooks* Plaintiffs and the plaintiffs in the *NAACP* litigation similarly challenge the Georgia General Assembly redistricting plan, Act No. 251 (2015 Ga. Laws 1413) (“H.B. 566”), on the grounds that Georgia State House Districts 105 and 111 were drawn in that plan as racial gerrymanders in violation of the Equal Protection Clause of the Fourteenth Amendment. In addition to alleging a racial gerrymandering claim, the *Brooks* Plaintiffs challenge H.B. 566 on the following two grounds that the *NAACP* Plaintiffs are not pursuing: *first*, that H.B. 566 was enacted with a discriminatory purpose in violation of the “intent” prong of Section 2 of the Voting Rights Act and the Fourteenth and Fifteenth Amendments (Count I of the *Brooks* Complaint), and *second*, that H.B. 566 violates the “results” prong of Section 2 of the Voting Rights Act because the General Assembly failed to draw at least one additional majority-minority state House district in the Atlanta metropolitan area (Count II of the *Brooks* Complaint).

Given that the *Brooks* litigation and the *NAACP* litigation both allege racial gerrymandering, will necessarily involve the discovery of similar factual issues, and the plaintiffs in both cases seek to resolve the litigation prior to the onset of the 2018 election cycle, the *Brooks* Plaintiffs do not oppose consolidation of the two cases.

Indeed, the *Brooks* Plaintiffs intend to proceed with the litigation of the racial gerrymandering claim according to the Scheduling Order that has already been set by the Court in the *NAACP* litigation (ECF No. 29). However, the *Brooks* Plaintiffs seek a modified Scheduling Order to govern the litigation of the two claims that distinguish their case from the *NAACP* litigation – Counts I and II of the *Brooks* Complaint. The *Brooks* Plaintiffs propose the following schedule relating to Counts I and II of their Complaint:

<b>Event</b>	<b>Deadline</b>
Plaintiffs' Expert Reports regarding Counts I and II	November 17, 2017 <sup>1</sup>
Defendants' Expert Reports regarding Counts I and II	December 15, 2017
Plaintiffs' Rebuttal Expert Reports regarding Counts I and II	January 5, 2018
Expert Discovery Ends	January 19, 2018

The *Brooks* Plaintiffs intend to adhere to all other deadlines set by the Court's Scheduling Order in the *NAACP* litigation for litigating Counts I and II of their Complaint. Those deadlines include:

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<sup>1</sup> The *Brooks* Plaintiffs request that their expert disclosure deadlines on Counts I and II adhere to the proposed deadlines in this Notice or the expert disclosure deadlines agreed upon or ordered in the *NAACP* litigation, whichever is later.

<b>Event</b>	<b>Deadline</b>
Dispositive motions (filed)	February 2, 2018
Dispositive motions (response)	February 28, 2018
Dispositive motions (reply)	March 9, 2018
Fact Discovery ends	January 12, 2018

Dated: October 25, 2017

Respectfully submitted,

By /s/ Quinton Washington

Quinton Washington (GA Bar No. 159067)

Bell & Washington LLP

196 Peachtree Street SW, Suite 310

Atlanta, GA 30303

Phone: (404) 437-6641

Email: Quinton@bellwashington.com

Marc Erik Elias (*admitted pro hac vice*)

Aria C. Branch (*admitted pro hac vice*)

**Perkins Coie, LLP**

700 13th St. N.W., Suite 600

Washington, D.C. 20005-3960

Phone: (202) 654-6338

Fax: (202) 654-9106

Email: MElias@perkinscoie.com

Email: ABranch@perkinscoie.com

Abha Khanna (*admitted pro hac vice*)

**Perkins Coie, LLP**

1201 Third Avenue, Ste. 4900

Seattle, WA 98101-3099

Phone: (206) 359-8000

Fax: (206) 359-9000

Email: AKhanna@perkinscoie.com

*Attorneys for Plaintiffs*

## CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of October, 2017, I filed the foregoing Plaintiffs' Response to Motion to Consolidate with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

By /s/ Quinton Washington  
Quinton Washington (GA Bar No. 159067)  
Bell & Washington LLP  
196 Peachtree Street SW, Suite 310  
Atlanta, GA 30303  
Phone: (404) 437-6641  
Email: Quinton@bellwashington.com