

In the Supreme Court of the United States

STATE OF LOUISIANA,

Appellant,

v.

PHILLIP CALLAIS, ET AL.,

Appellees.

PRESS ROBINSON, ET AL.,

Appellants,

v.

PHILLIP CALLAIS, ET AL.,

Appellees.

MOTION FOR DIVIDED REARGUMENT

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MOTION

Pursuant to Rules 21 and 28.4 of this Court, the State of Louisiana—appellant in No. 24-109—respectfully moves for divided reargument. The Court restored these consolidated cases to the calendar for reargument, set reargument for October 15, and allotted a total of one hour for oral argument. Louisiana respectfully requests that the allotted time for reargument be divided as follows or as the Court deems appropriate:

- 30 minutes – for appellants in No. 24-110
- 20 minutes – for appellant in No. 24-109
- 10 minutes – for appellees

In support of divided reargument, Louisiana states:

1. The question presented in these consolidated cases is whether S.B. 8—Louisiana’s congressional district map—is unconstitutional. All appellants’ original briefing argues that S.B. 8 is constitutional under the Court’s existing precedents. In anticipation of the original argument in this case, appellants thus requested—and this Court granted—divided argument reflecting the parties’ posture: 15 minutes for appellant in No. 24-109, 15 minutes for appellants in No. 24-110, and 30 minutes for appellees.

2. In June 2025, the Court restored these cases to the calendar for reargument. In August 2025, the Court announced the question presented for reargument, set a briefing schedule, and set oral argument for October 15.

3. On August 27, appellants filed their opening supplemental briefs. Relevant here, the supplemental brief of the State of Louisiana—appellant in No. 24-109—“decline[s] to defend” S.B. 8 on the question presented for reargument. Louisiana Supp. Br. 1. On that question, Louisiana instead asks the Court to affirm the district court’s injunction against S.B. 8. *Id.* at 47 (“The Court should answer yes to the question presented for reargument—the intentional creation of a second majority-minority district in S.B. 8 is unconstitutional—and affirm the judgment below.”). By contrast, the *Robinson* Intervenors—appellants in No. 24-110—maintain their defense of S.B. 8. *See Robinson* Intervenors Supp. Br. 51 (“The judgment of the district court should be reversed.”).

4. As that contrast illustrates, the Court’s question presented for reargument restored the State and the *Robinson* Intervenors to their original adversarial positions—*i.e.*, the positions they held in *Robinson v. Ardoin*, 86 F.4th 574 (5th Cir. 2023), the original litigation over Louisiana’s congressional map that caused Louisiana to enact S.B. 8. Thus, on reargument in this Court, the State and the *Robinson* Intervenors are the true adversarial parties—the *Robinson* Intervenors seek reversal, while the State seeks affirmance.

5. Because the State vehemently opposes S.B. 8 on the question presented for reargument, the State sought to meet and confer with the parties regarding a division of reargument time that reflects the parties’ posture on reargument. Specifically, the State proposed a division that would allocate to the State both a

portion of appellants' time and a portion of appellees' time. Counsel for the *Robinson* Intervenor consented.

6. Counsel for appellees advised the State's counsel that he would not consent to the proposed division of time. The State's counsel asked if appellees would consent to any division of time. Counsel for appellees stated that he would not cede any appellee time to the State.

7. Because the State of Louisiana seeks affirmance on the question presented for reargument, it makes little sense for the State to use a portion of the 30 minutes allotted to appellants. Because the State also is the true appellee in this reprise of the *Robinson* litigation, moreover, it will be most constructive for the bulk of the argument to be framed between the original parties to the *Robinson* litigation.

8. The State thus proposes that the Court divide the reargument time as follows or as the Court deems appropriate: 30 minutes for the *Robinson* Intervenor (appellants in No. 24-110); 20 minutes for the State (appellant in No. 24-109); and 10 minutes for appellees. Counsel for the *Robinson* Intervenor consent. As discussed above, counsel for appellees will not cede any appellee time.

Accordingly, the State requests that the Court so divide the reargument time.

Respectfully submitted,

/s/ J. Benjamin Aguiñaga

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