

No. 24-109

In the
Supreme Court of the United States

STATE OF LOUISIANA,
Appellant,
v.

PHILLIP CALLAIS, ET AL.,
Appellees.

On Appeal from the United States District Court for the Western District of
Louisiana

**SECRETARY OF STATE NANCY LANDRY'S APPLICATION FOR
ENLARGEMENT AND DIVISION OF TIME FOR ORAL ARGUMENT**

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Pursuant to Rules 21, 28.3, and 28.4 of this Court, Nancy Landry, the Secretary of State of the State of Louisiana (the “Secretary”), respectfully moves for a divided oral argument and for an enlargement of time for argument. Specifically, the Secretary seeks an enlargement of time to 80 minutes and seeks 10 minutes of the appellees’ time. In support of this Motion, the Secretary states as follows:

1. The Secretary raises unique issues in her supplemental brief not raised by other parties. This includes, but is not limited to: (1) information regarding Louisiana’s election administration and upcoming electoral schedule; (2) arguments regarding the *Gingles* I compactness measures, and that illustrative *Gingles* I districts should be required to meet the standards of the Equal Protection Clause; and (3) arguments pertaining to the Robinson Intervenor-Appellants’ shift in position between the original litigation in *Robinson v. Ardoin*, 605 F. Supp. 3d 759 (M.D. La. 2022), and how that shift in position impacts the Legislature’s understanding of the law under *Cooper v. Harris*, 581 U.S. 285, 306 (2017).

2. None of the arguments above were raised in the briefs filed thus far. The Secretary is uniquely situated to raise these and further arguments as the state’s chief election official, and because the Secretary has taken a consistent position on the question posed in this Court’s August 1, 2025 order since the beginning of redistricting litigation this decade.

3. The Secretary reached out to counsel for Louisiana, Robinson Intervenor-Appellants, and Callais Appellees to confer about a divided argument and argument time. Counsel for the Robinson Intervenor-Appellants did not respond.

Counsel for Louisiana stated that: “[t]he State of Louisiana is opposed because the Secretary did not file a jurisdictional statement, did not file merits briefing, and gave ‘notice [to this Court] that she has no interest in the outcome of the appeal in the above-captioned matter.’ Rule 18.2 Letter (Aug. 1, 2024). The State does not intend to file a response.” Counsel for Callais Appellees consent to the request for enlargement, but if enlargement is not granted, Callais Appellees’ “position on division of time is as articulated in [their] statement filed as of September 24, 2025.”

4. As to the response from the State, the State misquotes the Secretary’s notice letter which clearly stated that she had no interest in the outcome of the appeal in its “current posture.” As explained in her Supplemental Appellee Brief, the posture of the case is unquestionably different with the Court’s August 1, 2025 supplemental briefing order, which asked for a response to the precise question that has been the Secretary’s position in congressional districting in Louisiana this decade, which was not at issue in the original portion of the appeal. Nor can the State adequately represent the Secretary’s position. *First*, while the Secretary was the only named defendant in the litigation below, and the Attorney General’s office had the option to defend her, it instead chose to intervene as a separate defendant. This resulted in separate counsel for the Secretary throughout all litigation in this matter. *Second*, the Secretary has unique election administration duties, and never fulsomely defended S.B. 8, because of her consistent position that drawing a second majority-Black congressional district in Louisiana this decade violates the Equal Protection Clause. *Third*, the State cannot adequately represent the Secretary, because the

State's position on this issue has been far from consistent. While the Secretary joined with the State to seek an emergency stay, this was only because the lower court's order regarding timing for the remedial phase exceeded the timeline the Secretary needed to implement a congressional map. *See* Emergency Stay Application, Docket No. 23A1002, at 5-6 n.1. This is a far cry from changing substantive positions on whether the three-judge panel's opinion below should be reversed.

5. Moreover, as acknowledged by Louisiana, in their original request for divided argument, division is especially appropriate in voting cases where the state and private parties appear on the same side. *See* Appellants Joint Motion for Division of Argument at 4-5. As the Court has currently classified the parties, the Secretary is an Appellee, and her brief generally supports the outcome sought by the Callais' Appellees. This Court has also granted motions for divided argument in cases, that like this one, raise constitutional questions and involve litigants with vastly different perspectives. *See, e.g., Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, No. 20-1099 (U.S. Sept. 2022); *Fulton v. City of Philadelphia*, No. 19-123. (U.S. Oct. 2020)

6. By seeking an enlargement of time by 20 minutes, the Secretary ensures that neither the State, the Callais Appellees, nor the Robinson Intervenor Appellants are prejudiced. This also leaves an additional 10 minutes to accommodate either the request by *Galmon* Plaintiffs or another request, should one come, from the United States. Given the complexities of the matter, including the factual complexities of the history of this question, and the impending 2026 election schedule (which the

Secretary is uniquely positioned to address), the additional 20 minutes is warranted. Additional time has been granted in other election related matters, including *Trump v. Anderson*, No. 23-719 (U.S. Feb. 2024) (80 minutes); *Rucho v. Common Cause*, No. 18-422 (U.S. Mar. 2019) (70 minutes); and *Moore v. Harper*, No. 21-1271 (Nov. 2022).

Respectfully Submitted,

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