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HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIK PLLC

December 17, 2024

The Honorable Molly C. Dwyer
Clerk
U.S. Court of Appeals for the Ninth Circuit
James R. Browning Courthouse
95 Seventh Street
San Francisco, CA 94103

Re: Rule 28(j) Letter of Intervenor-Appellants Citing Supplemental Authorities in Nos. 23-35595 & 24-1602, *Soto Palmer et al. v. Hobbs et al.*

Dear Ms. Dwyer:

Pursuant to Rule 28(j), Intervenor-Appellants respectfully submit the U.S. Supreme Court's recent orders noting probable jurisdiction in cases No. 24-109, *Louisiana v. Callais*, and No. 24-110, *Robinson v. Callais*. Order List, 640 U.S. ___ at *4 (Nov. 4, 2024). The cases pertain to Louisiana's congressional redistricting. Robinson Intervenor—purely private, non-governmental parties—filed notices of appeal seeking reversal of a three-judge panel's preliminary injunction invalidating Louisiana's Congressional District Map.¹

In response, Plaintiff-Appellees Callais et al. filed a motion to dismiss, raising arguments challenging the standing of intervenor-defendants strikingly similar to arguments raised in this appeal. Mot. to Dismiss at 14-17, No. 24-110 (Sept. 3,

¹ Copies of the orders as well as a pertinent excerpt of the briefing involved are attached hereto for the Court's convenience.

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2024). In particular, the *Callais* Plaintiffs argued that the Supreme Court must dismiss the Robinson Intervenors from the case on the basis that those Intervenors lacked standing to defend a redistricting map and that only governmental parties have such standing. In support of that contention, the *Callais* Plaintiffs argued (at 14-17) that Robinson Intervenors were “private parties seeking to defend the State’s map” lacking standing under *Virginia House of Delegates v. Bethune-Hill*, 587 U.S. 658, 663 (2019); *Hollingsworth v. Perry*, 570 U.S. 693, 705–07 (2013). That argument is indistinguishable from the no-standing-of-intervenors-to appeal arguments made by *Soto Palmer* Plaintiffs and the State here.

The Supreme Court’s decision not to dismiss the *Robinson* case on that basis—and instead to note probable jurisdiction (not deferring the issue)—is directly relevant here. That decision makes plain that the standing of non-governmental entities to appeal adverse districting decisions must be considered on a case-by-case basis, rather than being categorically barred, as the *Soto Palmer* Plaintiffs and the State contend in this appeal. And for the reasons explained in Intervenor-Appellants’ briefs, both Jose Trevino and Alex Ybarra have established their standing to appeal with record evidence. *Callais* thus supports holding that they have standing here.

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Respectfully submitted,

/s/ Jason B. Torchinsky

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