IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ALABAMA LEGISLATIVE BLACK CAUCUS, et al.,	)	
Plaintiffs,	)	Case No. 2:12-cv-691 WKW-MHT-WHP
THE STATE OF ALABAMA, et al.,	)	
Defendants.	)	
DEMETRIUS NEWTON, et al.,	)	
Plaintiffs,	)	Case No. 2:12-cv-1081 WKW-MHT-WHP
v.	)	
THE STATE OF ALABAMA, et al.,	)	
Defendants.	)	

ANSWER TO COMPLAINT OF NEWTON PLAINTIFFS

The State of Alabama, Robert J. Bentley, in his official capacity as Governor of Alabama, and Beth Chapman, in her official capacity as Secretary of State of Alabama, defendants in this action (the "State Defendants") answer the Complaint of the Newton Plaintiffs (Newton No. 1) as follows:

1. The first sentence of paragraph 1 requires no response. To the extent a response is required to the first sentence of paragraph 1, the State Defendants deny those allegations. The State Defendants deny the remaining allegations of paragraph 1.

2. The State Defendants admit the allegations of paragraph 2.

3. On information and belief, the State Defendants admit the allegations in the first five sentences of paragraph 3 except that the State Defendants deny that the Alabama Democratic Conference has associational standing to pursue the claims made by the *Newton* Plaintiffs, standing to pursue racial gerrymandering claims, or both. The State Defendants state further that, to the extent that the Alabama Democratic Conference states that it assisted in the drawing of the 1990 and 2000 legislative redistricting plans, ADC contributed to, among other things, substantial litigation and the related expense to the State and to complaints from Republican interests about systematic and intentional favoritism of black and Democratic interests. The State Defendants deny the remaining allegations of paragraph 3.

4. On information and belief, the State Defendants admit the allegations of paragraph 4 except that the State Defendants deny any allegation, express or

implied, that Mr. Weaver and any others claiming to be members of the MoWa Choctaw Band have standing to assert claims as American Indians under the Voting Rights Act.

5. On information and belief, the State Defendants admit the allegations of paragraph 5.

6. On information and belief, the State Defendants admit that Rosa Toussaint is an adult, Hispanic citizen of the United States and the State of Alabama who is registered to vote in Madison County, Alabama, and deny the remaining allegations of paragraph 6.

7. On information and belief, the State Defendants admit the allegations of paragraph 7.

8. The State Defendants admit the allegations of paragraph 8.

9. Paragraph 9 requires no response because the parties cannot create federal jurisdiction by consent. To the extent a response is required, the State Defendants deny that this Court has subject matter jurisdiction as to the State of Alabama, which is sued in its own name, and further deny that this Court has subject-matter jurisdiction to any extent to which the *Newton* Plaintiffs seek to

have this Court order, instruct, or enjoin the State Defendants on how to conform their conduct to state law.

10. With respect to the allegations of paragraph 10, the State Defendants admit that a three-judge court has been properly convened to hear this case.

11. The State Defendants admit the allegations of paragraph 11.

12. With respect to the allegations of paragraph 12, the State Defendants admit the allegations in the first two sentences and deny the remaining allegations.

13. The State Defendants admit the allegations of paragraph 13.

14. The State Defendants admit the allegations of paragraph 14.

15. With respect to the allegations of paragraph 15, the State Defendants admit that, in the 2012 Senate plan, there are 8 districts in which a majority of the total population is African-American, and that, in the 2012 House plan, there are 28 districts in which a majority of the total population is African-American, state further that, in the drafting of the 2012 redistricting plans, the Legislature used total population figures as the basis for the apportionment as it has done with previous plans, and deny the remaining allegations.

16. The State Defendants deny the allegations of paragraph 16.

17. The State Defendants deny the allegations of paragraph 17.

18. With respect to the allegations of paragraph 18, the State Defendants admit that, when partisan campaigns are involved, African-American voters in Alabama generally vote for Democratic candidates and that many, but not all, white voters often vote for Republican candidates. They deny that such partisan alignment, in and of itself, constitutes racially polarized voting. The State Defendants further deny that any such partisan alignment is state action for which they, or their predecessors, are responsible. The State Defendants lack knowledge sufficient to admit or deny any allegation, express or implied, that there is a significant degree of racially polarized voting in non-partisan elections and deny them on that basis. The State Defendants deny the remaining allegations of paragraph 18.

19. With respect to the allegations of paragraph 19, the State Defendants admit that, as a historical matter, black citizens in Alabama generally suffer from disparities in income, education, employment, and health. The State Defendants deny any allegation, express or implied, that they have any present responsibility for any such disparity, that such disparity had or has any effect on the 2012 redistricting plans, or both, and further deny the remaining allegations of paragraph 19.

20. With respect to the allegations of paragraph 20, the State Defendants admit that, as an historical matter, white officials in Alabama—who for the past 150 years have been almost exclusively Democrats—acted to deter participation by black citizens and to disrupt and hamper black political organizations. The State Defendants deny any allegation, express or implied, that they have any present responsibility for such past actions, that such past actions had or has any effect on the 2012 redistricting plans, or both, and further deny the remaining allegations of paragraph 20.

21. The State Defendants deny the allegations of paragraph 21.

22. With respect to the allegations of paragraph 22, the State Defendants admit that the State of Alabama has a history of discrimination against black voters. The State Defendants deny any allegation, express or implied, that they have any present responsibility for that history of past discrimination, that that history of past discrimination had or has any effect on the 2012 legislative redistricting plans, or both, and further deny the remaining allegations of paragraph 22.

23. With respect to the allegations of paragraph 23, the State Defendants admit that federal courts have found some State and local voting practices to be

racially discriminatory, that the Attorneys General of the United States have occasionally objected to proposed changes in voting laws submitted by the State or its political subdivisions, that the Attorney General has assigned monitors to observe elections in Alabama, and that the assignment of monitors followed a finding by the Attorney General. The State Defendants deny any allegation, express or implied, that they have any responsibility for the past events referred to, that those past events had or has any effect on the 2012 legislative redistricting plans, or both. The State Defendants state further that the court findings and objections are almost completely, if not completely, from the past, and that any finding by the Attorney General of the United States that monitors are necessary is made ex parte and is unreviewable. The State Defendants deny the remaining allegations of paragraph 23.

24. With respect to the allegations of paragraph 24, the State Defendants admit that, after the 2010 legislative elections, the Republicans held filibuster-proof majorities in both houses of the Alabama Legislature, that the Governor is a Republican, and that black voters and their representatives have had and continue to have influence in the Legislature. The State Defendants state further that, to the extent those legislative majorities are attributable to the electoral process, those

elections took place under districts drawn by the previous Democratic majority, and deny the remaining allegations of paragraph 24.

25. The allegations of paragraph 25 are scandalous, impertinent, and immaterial and should be struck from the Complaint pursuant to Federal Rule of Civil Procedure 12(f), so no response is required. To the extent a response is required, the Plaintiffs selectively refer to this Court's decision in *United States v. McGregor*, 824 F. Supp. 2d 1339 (M.D. Ala. 2011). The State Defendants admit that the decision states what is published on page 1345 and deny the remaining allegations of paragraph 25.

26. With respect to the allegations of paragraph 26, the State Defendants incorporate their response to paragraph 25 as if fully set forth at this point of their Answer and deny the remaining allegations of paragraph 26.

27. The allegations of paragraph 27 are scandalous, impertinent, and immaterial and should be struck from the Complaint pursuant to Federal Rule of Civil Procedure 12(f), so no response is required. To the extent a response is required, Plaintiffs selectively quote from this Court's decision in *United States v. McGregor*. The State Defendants admit that the decision states what is published on pages 1346 and 1347 and deny the remaining allegations of paragraph 27.

28. The allegations of paragraph 28 are scandalous, impertinent, and immaterial and should be struck from the Complaint pursuant to Federal Rule of Civil Procedure 12(f), so not response is required. To the extent a response is required, the State Defendants admit that, in November 2011, the Senate President Pro Tem removed Beason from the Rules Committee, and that Lewis is now a state district trial judge. The State Defendants deny the remaining allegations of paragraph 28.

29. The allegations of paragraph 29 are scandalous, impertinent, and immaterial and should be struck from the Complaint pursuant to Federal Rule of Civil Procedure 12(f), so no response is required. To the extent a response is required, the State Defendants deny the allegations of paragraph 29.

30. The allegations of paragraph 30 are scandalous, impertinent, and immaterial and should be struck from the Complaint pursuant to Federal Rule of Civil Procedure 12(f), so no response is required. To the extent a response is required, the State Defendants admit that the State enacted an immigration law, portions of which were held to be preempted by federal law or otherwise enjoined and other portions of which have survived facial legal challenge, and deny the remaining allegations of paragraph 30.

31. The allegations of paragraph 31 are scandalous, impertinent, and immaterial and should be struck from the Complaint pursuant to Federal Rule of Civil Procedure 12(f), so no response is required. To the extent a response is required, the State Defendants admit that a gambling referendum did not appear on the ballot in November 2010; that the Republicans held filibuster-proof majorities in both houses of the Alabama Legislature after those elections; that, in the special session held in November 2010, the Alabama Legislature passed and then-Governor Riley signed Act No 2010-764, which placed limits under state law on the transfer of funds between and among political action committees and 527 organizations; that in *ADC v. Strange*, the United States District Court for the Northern District of Alabama declared that ban unconstitutional on First Amendment grounds, a ruling that is now on appeal. The State Defendants state further that, to the extent that legal conclusions are asserted in paragraph 31, no response is required and deny the remaining allegations of paragraph 31. The State Defendants state further that the district court dismissed the Section 2 claims asserted by the ADC Plaintiffs in *ADC v. Strange*.

32. The allegations of paragraph 32 are scandalous, impertinent, and immaterial and should be struck from the Complaint pursuant to Federal Rule of

Civil Procedure 12(f), so no response is required. To the extent a response is required, the State Defendants admit that, in the special session held in November 2010, the Alabama Legislature passed and then-Governor Riley signed Act No 2010-761, which bars the use of payroll deductions to fund the activities of public employee and other unions; that the application of Act No. 2010-761 was preliminarily enjoined (though the Eleventh Circuit narrowed the scope of that injunction); and that, in *Knight v. Alabama*, 458 F. Supp. 2d 1273 (M.D. Ala. 2004), the United States District Court for the Middle District of Alabama stated, "In the years between passage of Amendment 325 in 1971 and the *Weissinger* court's 1979 deadline, *Governor Wallace* … was opposed principally by the Alabama Education Association ("AEA"), which had merged with the all-black Alabama State Teachers Association ("ASTA") and was viewed as a liberal, pro-black lobby." *Id*., at 1295 (emphasis added). The State Defendants deny the remaining allegations of paragraph 32. The State Defendants state further that an appeal from the district court's entry of the preliminary injunction is now pending and that the Eleventh Circuit has certified questions of Alabama law to the Supreme Court of Alabama.

33. The State Defendants deny the allegations of paragraph 33. The State Defendants state further that the Guidelines adopted in 2011 are almost identical to those adopted by the Democrats in 2001, that one difference is in the adoption of an overall population deviation of 2% in place of the former 10%, and that an overall deviation of 2% does not violate the United State Constitution or the Constitution of the State of Alabama.

34. With respect to the allegations of paragraph 34, the State Defendants admit that, in the 2012 legislative plans, the allowable total population deviation between districts in both plans is 2% and that, in previous plans, the total allowable population deviation between districts was 10%. The State Defendants deny the remaining allegations of paragraph 34. The State Defendants state further that, in their preclearance submission letters for the State Board of Education, State Senate, and State House of Representatives redistricting plans, they drew the change in the total allowable population deviation between districts to the attention of the Attorney General of the United States, and the Attorney General made no objection to that change.

35. The State Defendants deny the allegations of paragraph 35.

36. The allegations of paragraph 36 plead legal conclusions to which no response is required. To the extent a response is required, the State Defendants deny the allegations of paragraph 36.

37. With respect to the allegations of paragraph 37, the State Defendants admit that state legislative bodies normally consider compliance with the state constitution important and deny the remaining allegations. The State Defendants further deny any allegation, express or implied, that the Alabama Legislature did not consider compliance with the pertinent provisions of the Alabama Constitution important or did not comply with those provisions when they adopted the 2012 legislative redistricting plans. The State Defendants further deny any allegation, express or implied, that this Court has subject-matter jurisdiction to any extent to which the *Newton* Plaintiffs seek to have this Court order, instruct, or enjoin the State Defendants on how to conform their conduct to state law.

38. With respect to the allegations of paragraph 38, the State Defendants admit that the State of Alabama Reapportionment Committee Guidelines for Congressional, Legislative, and State Board of Education Redistricting (May 2011) state, in pertinent part:

6. The following redistricting policies contained in the Alabama Constitution shall be observed to the extent that they do not violate or conflict with requirements prescribed by the Constitution and laws of the United States:

a. Each House and Senate district should be composed of as few counties as practicable.

* * *

7. The following redistricting policies are embedded in the political values, traditions, customs, and usages of the State of Alabama and shall be observed to the extent that they do not violate or subordinate the foregoing policies prescribed by the Constitution and laws of the United States and of the State of Alabama:

* * *

b. The integrity of communities of interest shall be respected. For purposes of these Guidelines, a community of interest is defined as an area with recognized similarities of interests, including but not limited to racial, ethnic, geographic, governmental, regional, social, cultural, partisan, or historic interests; county, municipal, or voting precinct boundaries; and commonality of communications. Public comment will be received by the Reapportionment Committee regarding the existence and importance of various communities of interest. The Reapportionment Committee will attempt to accommodate communities of interest identified by people in a specific location. It is inevitable, however, that some interests will be advanced more than others by the choice of particular district configurations. The discernment,

> weighing, and balancing of the varied factors that contribute to communities of interest is an intensely political process best carried out by elected representatives of the people.
>
> * * *

The State Defendants deny the remaining allegations of paragraph 38 and further deny any allegation, express or implied, that the legislative redistricting plans adopted in 2012 do not comply with the Guidelines.

39. With respect to the allegations of paragraph 39, the State Defendants admit that the State of Alabama Reapportionment Committee Guidelines for Congressional, Legislative, and State Board of Education Redistricting (May 2011) state, in pertinent part:

> **2. Legislative and State Board of Education Districts**
>
> In accordance with the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, legislative and State Board of Education districts will be drawn to achieve "substantial equality of population among the various districts."
>
> a. Any redistricting plan considered by the Reapportionment Committee will comply with all relevant case law regarding the one person, one vote principle of the equal protection clause of the 14th Amendment of the United States Constitution, including but not limited to the cases of *Larios v. Cox*, 300 F. Supp.

> 2d 1320 (N.D. Ga. 2004) *aff'd sub nom Cox v. Larios*, 542 U.S. 947 (2004), and *White v. Regester*, 412 U.S. 755 (1973). When presenting plans to the Reapportionment Committee, proponents should justify deviations from the ideal district population either as a result of the limitations of census geography, or as a result of the promotion of a consistently applied rational state policy.
>
> b. In keeping with subpart a, above, a high priority of every legislative and State Board of Education redistricting plan must be minimizing population deviations among districts. In order to ensure compliance with the most recent case law in this area and to eliminate the possibility of an invidious discriminatory effect caused by population deviations in a final legislative or State Board of Education redistricting plan, in every redistricting plan submitted to the Reapportionment Committee, individual district populations should not exceed a 2% overall range of population deviation. The Reapportionment Committee will not approve a redistricting plan that does not comply with this requirement.

The State Defendants state further that, to the extent that any allegation in paragraph 39 pleads a legal conclusion, no response is required. The State Defendants deny the remaining allegations of paragraph 39.

40. The State Defendants deny the allegations of paragraph 40.

41. With respect to the allegations of paragraph 41, the State Defendants admit that, in the 2012 and in previous plans, it was necessary to split counties in

the Senate and House to comply with the applicable one-person, one-vote standards and deny the remaining allegations of paragraph 41.

42. With respect to the allegations of paragraph 42, the State Defendants admit that alternative Senate and House redistricting plans were proposed for adoption in the 2012 Special Session and deny the remaining allegations.

43. The State Defendants deny the allegations of paragraph 43.

44. The State Defendants deny the allegations of paragraph 44.

45. With respect to the allegations of paragraph 45, the State Defendants admit that, during the July 2012 special session, some Democrats, including some African-American Democrats, offered substitute redistricting plans which were not adopted and deny the remaining allegations of paragraph 45.

46. The State Defendants deny the allegations of paragraph 46.

47. The State Defendants incorporate their responses to the allegations of paragraphs 1 through 46 as if fully set forth at this point of their Answer.

48. The State Defendants deny the allegations of paragraph 48.

49. The State Defendants incorporate their responses to the allegations of paragraphs 1 through 48 as if fully set forth at this point of their Answer.

50. The State Defendants deny the allegations of paragraph 50.

51. The State Defendants deny the allegations of paragraph 51.

52. The State Defendants incorporate their responses to the allegations of paragraphs 1 through 51 as if fully set forth at this point of their Answer.

53. The State Defendants deny the allegations of paragraph 53

54. The State Defendants deny the allegations of paragraph 54.

PRAYER FOR RELIEF

The State Defendants deny that the Plaintiffs are entitled to any relief.

GENERAL DEFENSES

FIRST DEFENSE

This Court lacks jurisdiction to direct State officials to follow state law. *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 103–23, 124–25 (1984).

SECOND DEFENSE

The use of an overall range of population deviation of less than 2% in the 2012 Alabama House of Representatives and Senate redistricting plans does not violate constitutional one-person, one-vote standards.

THIRD DEFENSE

The Reapportionment Committee's adoption of Guidelines for the redistricting process that, among other things, call for an overall range of

population deviation of less than 2% for legislative redistricting plans was neither arbitrary nor impractical.

FOURTH DEFENSE

The Guidelines adopted by the Reapportionment Committee for the redistricting process that, among other things, call for an overall population range of less that 2 % for legislative redistricting plans were not adopted with a racially discriminatory purpose.

FIFTH DEFENSE

There is no "whole county" provision in the Constitution of Alabama that applies to the Alabama House of Representatives.

SIXTH DEFENSE

The Constitution of Alabama of 1901 assigns to the Legislature the duty of reconciling the portions of Ala. Const. (Recomp.) art. IX, § 200 which call for the districts in the Alabama Senate to be "as nearly equal to each other in the number of inhabitants as may be" and state that "[n]o county shall be divided between districts."

SEVENTH DEFENSE

If reconciling the portions of Ala. Const. (Recomp.) art. IX, § 200 is not left to the Legislature, how to carry out that reconciliation represents an unsettled question of state law as to which *Pullman* abstention, certification to the Alabama Supreme Court, or both, are warranted. *See Rice v. English*, 835 So. 2d 157, 174 (Ala. 2002) (See, J., dissenting).

EIGHTH DEFENSE

The legislative redistricting plans adopted in Acts Nos. 2012-602 and 2012-603 do not violate Section 2 of the Voting Rights Act, 42 U.S.C. § 1973.

NINTH DEFENSE

Plaintiff Weaver lacks standing and fails to state a claim as to which relief may be granted.

TENTH DEFENSE

The Alabama Democratic Conference lacks associational standing, standing to pursue district-specific racial gerrymandering claims, or both.

ELEVENTH DEFENSE

The legislative redistricting plans adopted in Acts Nos. 2012-602 and 2012-603 do not violate the First Amendment to the Constitution of the United States.

TWELFTH DEFENSE

The legislative redistricting plans adopted in Acts Nos. 2012-602 and 2012-603 do not violate the Fourteenth Amendment to the Constitution of the United States.

THIRTEENTH DEFENSE

The legislative redistricting plans adopted in Acts Nos. 2012-602 and 2012-603 do not violate the Fifteenth Amendment to the Constitution of the United States.

FOURTEENTH DEFENSE

The legislative redistricting plans adopted in Acts Nos. 2012-602 and 2012-603 comply with Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c, and have been precleared.

FIFTEENTH DEFENSE

Plaintiffs cannot overcome the presumption that the legislative redistricting plans adopted in Acts Nos. 2012-602 and 2012-603 were "the result of an honest and good faith effort to construct districts . . . as nearly of equal population as is practicable.'" *Daly v. Hunt*, 94 F. 3d 1212, 1220 (4th Cir. 2000) (quoting *Reynolds v. Sims*, 377 U.S. 533,577, 84 S. Ct. 1362, 1390 (1963)).

SIXTEENTH DEFENSE

Plaintiffs cannot show that the minor population deviations in the legislative redistricting plans adopted in Acts Nos. 2012-602 and 2012-603 "resulted solely from the promotion of an unconstitutional or irrational state policy." *Montiel v. Davis*, 215 F. Supp. 2d 1279, 1286 (S.D. Ala. 2002) (three-judge court)

SEVENTEENTH DEFENSE

Plaintiffs cannot show that any alleged "unconstitutional or irrational state policy is the actual reason" for the minor population deviations in the legislative redistricting plans adopted in Acts Nos. 2012-602 and 2012-603. *Montiel v. Davis*, 215 F. Supp. 2d 1279, 1286 (S.D. Ala. 2002) (three-judge court).

EIGHTEENTH DEFENSE

Plaintiffs cannot show that the minor population deviations in the legislative redistricting plans adopted in Acts Nos. 2012-602 and 2012-603 were not caused by the promotion of legitimate state policies. *Montiel v. Davis*, 215 F. Supp. 2d 1279, 1286 (S.D. Ala. 2002) (three-judge court).

NINETEENTH DEFENSE

The 2012 legislative redistricting plans adopted in Acts Nos. 2012-602 and 2012-603 are not the product of unconstitutional or unlawful racial gerrymandering.

TWENTIETH DEFENSE

The creation of additional crossover, coalition, or influence districts is not a valid remedy.

TWENTY-FIRST DEFENSE

The State Defendants had no duty under § 2 of the Voting Rights Act to preserve any crossover districts that may have existed under the previous plan. *Bartlett v. Strickland*, 556 U.S. 1, 19 (2009)(plurality op.)("[A]s a statutory matter, § 2 does not mandate creating or preserving crossover districts.").

TWENTY-SECOND DEFENSE

Plaintiff Toussaint lacks standing and fails to state a claim as to which relief may be granted.

TWENTY-THIRD DEFENSE

Any remedy that would favor the interests of African-American voters by diluting the votes in white majority districts would be as unlawful as a remedy that

favored the interests of white voters by diluting the votes in black-majority districts.

TWENTY-FOURTH DEFENSE

Plaintiffs' claims of vote dilution are not cognizable under Section 2 of the Voting Rights Act, 42 U.S.C. § 1973,

TWENTY-FIFTH DEFENSE

If Plaintiffs cannot devise a lawful remedy, they have no claim. *Nipper v. Smith*, 39 F. 3d 1494, 1533 (11th Cir. 1994) (*en banc*).

TWENTY-SIXTH DEFENSE

Plaintiffs' claims of partisan gerrymandering are nonjusticiable.

TWENTY-SEVENTH DEFENSE

Plaintiffs' claims of partisan gerrymandering lack merit.

TWENTY-EIGHTH DEFENSE

Plaintiffs are not entitled to equitable relief because they have unclean hands.

TWENTY-NINTH DEFENSE

The balance of equities does not favor the Plaintiffs, so equitable relief should not be awarded.

THIRTIETH DEFENSE

The equitable relief sought by the Plaintiffs would not be in, and would disserve, the public interest.

THIRTY-FIRST DEFENSE

Plaintiffs' claims against the State of Alabama are barred by the Eleventh Amendment and the State's sovereign immunity from suit.

THIRTY-SECOND DEFENSE

The State Defendants deny any allegation in the Plaintiffs' Complaint that is not expressly admitted above and demand strict proof thereof.

THIRTY-THIRD DEFENSE

Without conceding that the plans are in any way legally flawed, if remedial plans are requited, this Court should give the Alabama Legislature an opportunity to draw new plans. If the Legislature fails, and only then, this Court should draw a remedial plan, which must: (1) be an interim plan; (2) be carefully tailored to the correction of any legal errors found by the Court; and (3) extend no further than necessary to correct such errors.

THIRTY-FOURTH DEFENSE

Plaintiffs are not entitled to attorneys' fees, expert fees, or other expenses, and the State Defendants reserve the right to contest any amount requested.

Dated: January 9, 2013

Respectfully submitted,
LUTHER STRANGE
Attorney General of Alabama
By:

/s/John J. Park, Jr.
Deputy Attorney General
Alabama State Bar ID ASB-xxxx-P62J
E-mail: jjp@sbllaw.net

Strickland Brockington Lewis LLP
Midtown Proscenium Suite 2200
1170 Peachtree Street NE
Atlanta, GA 30309
Telephone: 678.347.2200
Facsimile: 678.347.2210

/s/ James W. Davis
Assistant Attorney General
Alabama State Bar ID ASB-xxxx-I58J
E-mail: jimdavis@ago.state.al.us

[SIGNATURES CONTINUED ON NEXT PAGE]