

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

<p>DAWN CURRY PAGE, et al.,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>VIRGINIA STATE BOARD OF ELECTIONS, et al.,</p> <p style="text-align: center;">Defendants.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Civil Action No.: 3:13-cv-678</p>
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**INTERVENOR-DEFENDANTS VIRGINIA REPRESENTATIVES’
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56 and this Court’s Local Rule 7, Intervenor-Defendants the Virginia Representatives—Congressmen Eric Cantor, Robert J. Wittman, Bob Goodlatte, Frank Wolf, Randy J. Forbes, Morgan Griffith, Scott Rigell, and Robert Hurt—respectfully move this Court for entry of an Order granting summary judgment in favor of all Intervenor-Defendants and Defendants. For the reasons set forth in the accompanying memorandum, Plaintiffs’ *Shaw v. Reno* challenge to District 3 in Virginia’s current congressional districting map (“the Enacted Plan”) fails as a matter of law because, as Plaintiffs concede, the Enacted Plan was constitutional at the time the General Assembly enacted it. Subsequent events such as the Supreme Court’s post-enactment decision in *Shelby County v. Holder* do not retroactively render the Enacted Plan unconstitutional or transform the General Assembly’s non-discriminatory, constitutional purpose into a discriminatory, unconstitutional purpose. Moreover, in all events, Plaintiffs have no evidence, and cannot adduce evidence, to prove that the General

Assembly subordinated race-neutral traditional redistricting factors to race. Therefore, the Court should grant Intervenor-Defendants and Defendants summary judgment and dismiss this case.

Dated: December 20, 2013

Respectfully submitted,

/s/ Jonathan A. Berry

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CERTIFICATE OF SERVICE

I certify that on December 20, 2013, a copy of the INTERVENOR-DEFENDANTS VIRGINIA REPRESENTATIVES' MOTION FOR SUMMARY JUDGMENT was filed electronically with the Clerk of Court using the ECF system, which will send notification to the following ECF participants:

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