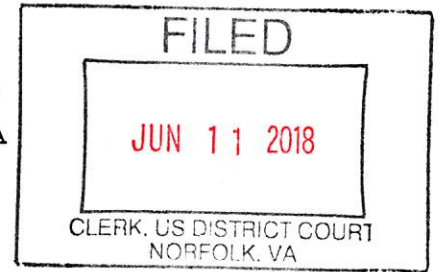


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION



LATASHA HOLLOWAY,

plaintiff,

vs.

CIVIL ACTION NO:2:18-CV-00069 AWA-RJK

CITY OF VIRGINIA BEACH, VIRGINIA,

defendants.

MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT
AND JOIN ADDITIONAL PARTIES DEFENDANTS

Pursuant to Federal Rules of Civil Procedure 15(a) and 20, the plaintiff hereby submit this timely Motion for Leave to File an Amended Complaint. The plaintiff seek leave to amend their complaint and join additional parties defendants, because complete relief cannot be accorded among those named defendants without joinder.

1. The amendment would not substantially prejudice the Defendants and justice so requires.
2. Plaintiff has asserted rights to relief against defendants jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and
3. Plaintiff claims allege law and facts common to all defendants that will arise in the action.

4. Plaintiff wish to amend their complaint to include additional causes of action, or requests for relief, or to name additional parties as defendants to the action, or to cure any deficiency in their causes of action.

5. Plaintiff is proceeding prose and gave notice in their original complaint for leave to file an amended complaint and any supplementary pleadings.

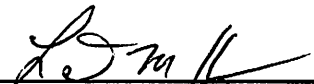
6. Plaintiff continue to seek legal counsel in good faith to assist in drafting amendments, pleadings and to prosecute case.

7. The defendants will be served the amended complaint allowing them an opportunity to respond to it.

8. Plaintiff would be substantially prejudice without Court granting motion to join additional parties defendants and amend complaint.

9. Plaintiff believes she will likely succeed on the merits of the case if granted motion for good cause shown and as a matter of Law.

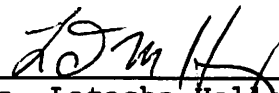
I ASK FOR THIS



Ms. Latasha Holloway
3683 Windmill Drive
Virginia Beach, Virginia 23453
(757) 348-0456

CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2018, a true copy of the foregoing was mailed to Mark D. Stiles Counsel for defendants, City Attorney Office of the City Attorney 2401 Courthouse Dr Building 1 Virginia Beach, Virginia 23456. (757) 385-5687 mstiles@vbgov.com



Ms. Latasha Holloway
3683 Windmill Drive
Virginia Beach, Virginia 23453
(757) 348-0456

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

LATASHA HOLLOWAY,

Plaintiff,

vs.

CIVIL ACTION NO:3:17CV00773

CITY OF VIRGINIA BEACH, VIRGINIA, a municipal corporation; LOUIS JONES, Mayor, JAMES WOOD, JESSICA ABBOTT, BEN DAVENPORT, ROBERT DYER, BARBARA HENLEY, SHANNON KANE, JOHN MOSS, JOHN UHRIN, and ROSEMARY WILSON, members of the Virginia Beach City Council; CITY OF VIRGINIA BEACH ELECTORIAL BOARD; DONNA A PATTERSON, DEAN "AL" ABLOWICH, LAURALEE GRIM, TIM BARROW, members of the CITY OF VIRGINIA BEACH ELECTORAL BOARD,

Defendants.

AMENDED COMPLAINT

A. Jurisdiction

1. Plaintiff brings this action for declaratory and injunctive relief challenging at-large, citywide elections for the members of the Virginia Beach City Council for unlawful dilution of African American voting strength. Plaintiff allege that at-large city council elections were adopted and have been maintained for the purpose of maintaining political white supremacy and have had the result of minimizing and diluting African American voting strength in violation of the rights of plaintiff and those similarly situated secured by the Fourteenth and Fifteenth Amendments to the United States Constitution, Section 2 of the Voting Rights Act of 1965, as amended in 1982, 42 U.S.C. § 1973, and 42 U.S.C. § 1983.

2. This Court has jurisdiction of this action pursuant to 28 U.S.C. §§ 1331 , 1343, 2201 and 2202, and 42 U.S.C. § 1973j(f).

B. Parties

3. Plaintiff LaTasha Holloway an African American citizen of the United States and resident and registered voter of Virginia

4. Plaintiff brings this action as a class action pursuant to Rule 23(a) and (b) (2), Federal Rules of Civil Procedure, on behalf of a plaintiff class defined as all African American citizens and African American registered voters of the City of Virginia Beach. As to such class, (1) the class is so numerous that joinder of all members is impracticable, (2) there are questions of law and fact common to the class, (3) the claims of the plaintiff are typical of the claims of the class, (4) the representative plaintiff will fairly and adequately protect the interests of the class, and (5) defendants have acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive and declaratory relief with respect to the class as a whole.

5. The defendants are:

The defendant CITY OF VIRGINIA BEACH, VIRGINIA, is a municipal corporation organized and chartered under the laws of the Commonwealth of Virginia.

(b)Defendants LOUIS JONES, Mayor, JAMES WOOD, JESSICA ABBOTT,

BEN DAVENPORT, ROBERT DYER, BARBARA HENLEY, SHANNON KANE, JOHN MOSS, JOHN UHRIN, and ROSEMARY WILSON, are residents of the City of Virginia Beach, and members of the Virginia Beach City Council. All these defendants are white.

(c) The defendant CITY OF VIRGINIA BEACH ELECTORIAL BOARD is an agency of the Commonwealth of Virginia and the City of Virginia Beach.

(d) Defendants DONNA A PATTERSON, DEAN "AL" ABLOWICH, LAURALEE GRIM, TIM BARROW, are members of the CITY OF VIRGINIA BEACH ELECTORAL BOARD.

6. All the defendants are sued in their official capacities.
7. At all relevant times, defendants were and have been acting under the color of the statutes, ordinances, regulations, customs, and usages of the Commonwealth of Virginia and the City of Virginia.

C. Facts

8. (a) According to the July 1, 2017 Census of Population estimates, the City of Virginia Beach has a total of 461,662 persons, of whom 306,409 are white (65.4 percent) and 90,520 are African American (19.4 percent).
9. (b) According to the 2017 Census of Population, Virginia Beach has a total voting-age population (persons 18 years of age and over) of 461,662, of whom 296,670 are white (67 percent) and 85,935 are African American (19 percent).
10. (c) Virginia Beach is a majority white in registered voters.

11. At the present time, the City of Virginia Beach is operating under a council-manager form of government. The Virginia Beach City Council, the city governing body, is composed of eleven council members, all of whom are elected to four-year terms in at large, citywide voting, without regard to residence; each of the seven others must reside in a different borough.

12. The Commonwealth of Virginia and the City of Virginia Beach have a long history of official purposeful discrimination against the African American citizens of Virginia Beach in education, employment, voting, housing and other areas. The past history of discrimination has affected the right African of American citizens of Virginia Beach to register, to vote, and to participate in the democratic process.

13. Virginia Beach has been operating under a council manager form of government since 1963. Prior to 1963 Virginia Beach operated under a Town Council under which council members were elected. The 1963 charter change was adopted and has been maintained for the purpose and effect to maintaining political white supremacy in the City of Virginia Beach in city council elections.

TAKE JUDICIAL NOTICE: Plaintiff alleges that from 1906 until 1986 every member of Virginia Beach's City Council to hold office was white. In 1986 John Richard Logan Perry, was the first African American elected to Council until 1990, Louisa M. Strayhorn was the first African American female from 1994-1998, and Dr. Amelia Ross-Hammond was the second African American female from 2013 until 2016, and from that time, until this amended complaint was filed, the council had no black member. In an at-large system, the majority always has the strength to elect all of its candidates. By taking a historical white bloc voting analysis into consideration, it provides a more accurate portrayal of vote dilution or compelling evidence that the system is operating to dilute black votes. Gingles, 478 U.S. at 56, 106 S.Ct. at 2769.

14. Under at-large voting, the Virginia Beach City Council was all-white until 1986. Since then, the eleven-member Virginia Beach City Council has never had more than three African American members, despite the fact that African Americans currently constitute 19.4 percent of the city's population.

15. Virginia Beach elections have been and are generally characterized by racial bloc voting in elections in which African American and White candidates have run for the same office, with White voters generally voting for White candidates, and African American voters generally voting for African American candidates for elective office.

16. (a) The City of Virginia Beach has election statutes, ordinances, and rules applicable to Virginia Beach City Council elections which enhance the opportunity for discrimination against African American candidates and candidates favored by the African American community.

17. (b) Under state statutes and local ordinances and rules applicable to Virginia Beach City Council elections, city council members are elected to staggered terms, with 11 members, each of whom is elected at-large and four are elected without regard to residency requirement and each of the seven others must reside in a different borough.

18. (a) African American citizens in Virginia Beach continue to bear the effects of present and past discrimination in such

areas as education, employment, income, living conditions, and health which currently hinder their ability to participate effectively in the political process including, but not limited to, the following:

(b) African American citizens in Virginia Beach are disproportionately impoverished. According to the 2017 Census, 461,663 persons in Virginia Beach whose income in 2016 was determined to be below poverty, 10.6 percent were African American. Below one-third of all the African American citizens in Virginia Beach whose poverty status was determined had income below the poverty level, as compared with only 6.4 percent of the white persons.

(c) According to the 2017 Census, the annual median family income for African Americans (\$39,490) is only 5.7 percent of the annual median family income for whites (\$71,117).

(d) African American citizens in Virginia Beach also continue to suffer from discrimination and deprivation in the area of education. According to the 2016 Census, 11.1 percent of all adult African American (25 years of age and older) have completed only elementary school education, as compared to with only 5.1 percent of all adult whites. Less than half of the adult African American population (11.1 percent) has less than four years of high school, as compared with less than (5.1 percent) of the adult white population.

Of the total adult population of Virginia Beach which has completed four years of college or more, almost three-fourths are white (48.6 percent) and less than one-fourth are African American (34.9 percent).

(e) African American citizens in Virginia Beach continue to suffer from discrimination and deprivation in the area of housing and living conditions. According to the 2017 Census, the median value of white-owned housing units is \$271,400, while the median value of African American-owned housing units is \$202,600. The majority (10 percent) of housing units lacking complete plumbing for exclusive use are occupied by African Americans. Ten percent of all housing units occupied by African Americans are overcrowded (more than one person per room), as compared with less than two percent (2 percent) of all overcrowded housing units (more than one person per room) are occupied by African Americans.

19. Virginia Beach City Council elections on occasion have been characterized by overt and subtle racial appeals to white prejudices and biases.

20. In significant areas, the Virginia Beach City Council has been unresponsive to the particularized needs and interests of the African American community of Virginia Beach.

21. There is no compelling state interest or policy mandating at-large city council elections in Virginia, and Virginia Beach's policy underlying at-large voting is tenuous.

22. The African American population of the City of Virginia Beach is sufficiently numerous and sufficiently concentrated in particular areas of the city that if members of the Virginia Beach City Council were elected from fairly-drawn wards or single-member districts, African American voters would be able to elect candidates of their choice to the Virginia Beach City Council from more than one ward.

D. Violations

23. On the basis of the foregoing facts, at-large city council elections in the City of Virginia Beach have been adopted and maintained for the discriminatory purpose of minimizing and diluting African American voting strength in violation of the rights of plaintiff and those similarly situated secured by the Fourteenth and Fifteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.

24. On the basis of the foregoing facts, at-large city council elections have been imposed or applied by defendants in a manner which results in a denial and abridgment of the right to vote on account of race and color, and as result, African American citizens in Virginia Beach have less opportunity than whites to participate in the political process and to elect candidates of their choice to the Virginia Beach City Council, all in violation of the rights of plaintiff and those similarly

situated secured by Section 2 of the Voting Rights Act of 1965, as amended, Public Law No. 97-205, § 3, 96 Stat. 134 (JUNE 29, 1982).

E. Relief

25. WHEREFORE, plaintiff prays that this Court set this matter down for a hearing and upon such hearing.

(a) Declare pursuant to 28 U.S.C. § 2201 and 2202 that at-large Virginia Beach City Council elections unlawfully minimize and dilute African American voting strength and deny African American citizens equal access to the political process in violation of the rights of plaintiff and those similarly situated secured by the Fourteenth and Fifteenth Amendments to the United States Constitution, 42 U.S.C. § 1983, and Section 2 of the Voting Rights Act of 1965, as amended in 1982.

(b) Grant preliminary and permanent injunctive relief restraining and enjoining the defendants, their officers, agents, employees, attorneys, successors in office, and all persons in active concert and participation with them, from holding any future elections for members of the Virginia Beach City Council on an at-large, citywide basis.

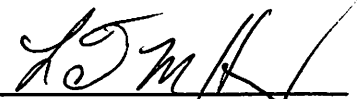
(c) Grant plaintiff relief from at-large, citywide elections for members of the Virginia Beach City Council, including but not limited to ordering into effect a plan for the election of

members of the Virginia Beach City Council under which all eleven members are elected from single-member districts or wards and which provides the African American voters of Virginia Beach with a remedy for the above-stated violations of their rights.

(d) Grant plaintiff their court cost, necessary expenses of the litigation, and reasonable attorneys' fees as provided by 42 U.S.C. §§ 1973 1(e) and 1988.

(e) Grant plaintiff such other relief as may be just and equitable.

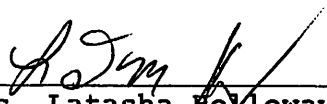
June 11, 2018



Ms. Latasha Holloway
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CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2018, a true copy of the foregoing was mailed to Mark D. Stiles Counsel for defendants, City Attorney Office of the City Attorney 2401 Courthouse Dr Building 1 Virginia Beach, Virginia 23456. (757) 385-5687 mstiles@vbgov.com



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