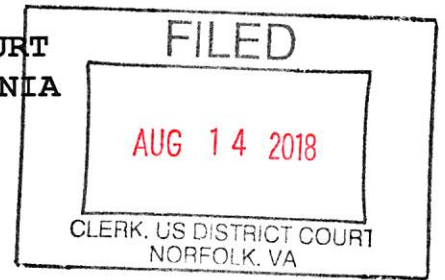


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION



LATASHA HOLLOWAY,

Plaintiff,

vs.

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

CITY OF VIRGINIA BEACH, VIRGINIA,

Defendants.

PLAINTIFF'S MOTION TO ADD PARTIES
GEORGIA F. ALLEN
BRIEF IN SUPPORT

COMES NOW the Plaintiff Latasha Holloway hereby moves this honorable Court for leave to add parties to its amended complaint pursuant Fed. R. Civ. Proc. 20(a) to add Georgia F. Allen as a proper plaintiff to this action, and as grounds therefore avers as follows:

1. This lawsuit was filed on November 20, 2017, against the City of Virginia Beach alleging that the City's at-large system of electing its members for City Council impermissibly "dilutes or minimizes" "minority voting strength" that deprives Plaintiff and others similarly situated an equal opportunity to elect candidates of their choice in violation of Section 2 of the Voting Rights Act ("VRA"), 52 U.S.C. § 10301 ("Section 2").

1. Minority voters do not have to prove that the electoral system was created or is maintained for a discriminatory purpose. Congress intended that a violation could be proved by showing discriminatory effect alone. *Gingles*, 478 U.S. at 35, 43-44, 106 S. Ct. at 2758, 2762-63.

2. Plaintiff filed for leave to amend its complaint on June 11, 2018, to name additional parties to the action, cure deficiencies, or futility, clarify its constitutional Fourteenth and Fifteenth Amendment equal protection claim, Section 2 of the Voting Rights Act of 1965, as amended in 1982, 42 U.S.C. § 1973 and 42 U.S.C. § 1983, against the City of Virginia, Beach, 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 Electoral Board; Donna A Patterson, Dean "AL" Ablowich, Lauralee Grim, Tim Barrow, members of the City of Virginia Beach Electoral Board.

3. Subsequent to the commencement of this proceeding, said Plaintiffs has an interest therein and they therefore are required parties to a full and complete adjudication of this matter. **Ex parte Young, 209 U.S. 123 (1908). Collins v. City of Norfolk 883 F.2d 1232: 1989 U.S. App. LEXIS 12398. Koppers Co. v. Aetna Cas. & Sur. Co., 158 F.3d 170, 175 (3d Cir. 1998).**

ARGUMENT

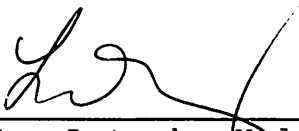
4. Rule 20(a) provides that persons who may join or be joined as plaintiffs, if they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrence and (b) any question of law or fact common to all plaintiffs will arise in the action. See **Richardson v. United States, 193 F.3d 545, 548-49 (D.C. Cir. 1999). The United States Supreme Court has declared that "this mandate is to be heeded." Foman v. Davis, 371 U.S. 178, 182 (1962); Davis v. Liberty Mut. Ins. Co., 871 F.2d 1134, 1136 (D.C. Cir. 1989).** Thus, the burden is on the opposing party to show that there is reason to deny leave. **In re Vitamins Antitrust Litigation, 217 F.R.D. 30, 32 (D.D.C. 2003).** The Supreme Court explained that "if the underlying facts or circumstances relied upon by a plaintiff may be a proper source of relief, he ought to be afforded an opportunity to test his claim on the merits." **Foman, 371 U.S. at 182.**

5. The law is well-settled that leave to join proper parties or amend a pleading should be denied only where there is undue delay, bad faith or dilatory motive, repeated failure to cure deficiencies by previous amendments, undue prejudice, or futility of amendment. **Firestone v. Firestone, 76 F.3d 1205, 1208 (D.C. Cir. 1996)**. The grant or denial of leave to amend is committed to the sound discretion of the district court. **Anderson v. USAA Cas. Ins. Co., 218 F.R.D. 307, 310 (D.D.C. 2003)**.

2. Defendants could not demonstrate bad faith or dilatory motive on Plaintiff's part. To the contrary, Plaintiff's sought to amend their claims to more thoroughly frame the relevant constitutional issues before this Court. Moreover, Plaintiff's have requested no previous amendments to the pleadings. Therefore, there is no basis to conclude that Plaintiff have engaged in undue delay, bad faith or dilatory motive or failed to cure deficiencies by previous amendments.

Wherefore, in the interests of justice and the absence of undue prejudice to Defendant, Plaintiff respectively requests that this Court grant its Motion for Leave to Add New Parties and direct the Clerk to file the Motion to Add New Parties.

Respectfully Submitted,

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

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2018, a true copy of the foregoing was mailed to Mark D. Stiles and Gerald L. Harris, Counsel for defendants, City Attorney Office of the City Attorney 2401 Courthouse Dr Building 1 Virginia Beach, Virginia 23456. (757)385-5687 mstiles@vb.gov.com

By: 

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

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LATASHA HOLLOWAY,

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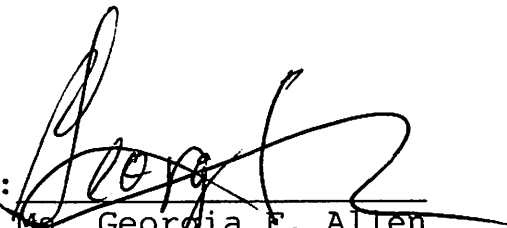
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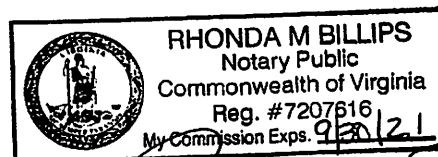
Defendants.

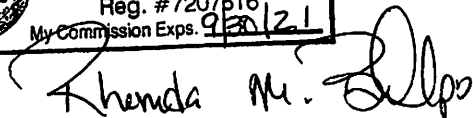
EXHIBIT (1)

The below parties request to be added to Plaintiff's Amended Complaint, as to Georgia F. Allen as a plaintiff to this action.

August 13, 2018

By: 
Ms. Georgia F. Allen
4649 Merrimac Lane
Virginia Beach, Virginia 23455
(757) 405-6240




Rhonda M. Billips

**IN THE UNITED STATES DISTRICT COURT
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LATASHA HOLLOWAY,

Plaintiff,

vs.

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

CITY OF VIRGINIA BEACH, VIRGINIA,

Defendants.

ORDER GRANTING LEAVE TO JOIN PARTIES

Having read and considered Plaintiff's Motion for Leave to Add Parties to Amended Complaint, and there being no apparent prejudiced to defendant, it is on this ____ day of August, 2018, ORDERED that Plaintiff's motion be, and hereby, GRANTED.

The Clerk shall docket Exhibit 1 to Plaintiff's motion to add parties as to Plaintiff's Amended Complaint.

The Clerk is further directed to amend the docket and case information to reflect that Georgia F. Allen is a plaintiff to this action.

Arenda L. Wright Allen,
U.S. District Judge