

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

ALABAMA LEGISLATIVE BLACK \*  
CAUCUS; BOBBY SINGLETON; \*  
ALABAMA ASSOCIATION OF BLACK \*  
COUNTY OFFICIALS; FRED \*  
ARMSTEAD, GEORGE BOWMAN, \*  
RHONDEL RHONE, ALBERT F. \*  
TURNER, JR., and JILES WILLIAMS, JR., \*  
individually and on behalf of others \*  
similarly situated, \*

Plaintiffs, \*

v. \*

THE STATE OF ALABAMA; BETH \*  
CHAPMAN, in her official capacity as \*  
Alabama Secretary of State, \*

Defendants. \*

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DEMETRIUS NEWTON et al., \*

Plaintiffs, \*

v. \*

THE STATE OF ALABAMA et al., \*

Defendants. \*

Civil Action No.  
2:12-CV-691-WKW-MHT-WHP  
(3-judge court)

Civil Action No.  
2:12-cv-1081-WKW-MHT-WHP

**ALBC PLAINTIFFS' MOTION FOR  
CERTIFICATION OF A CLASS ACTION**

Plaintiffs Alabama Legislative Black Caucus et al., through undersigned counsel, move for entry of an order pursuant to Rule 23(c)(1), Fed.R.Civ.P., certifying the ALBC plaintiffs as representatives of plaintiff classes (1) of residents of Alabama counties whose boundaries have been unnecessarily split among more House and/or Senate districts than are necessary to satisfy the Fourteenth Amendment requirement of substantial population equality and the Voting Rights Act, (2) of all African-American voters of Alabama, and (3) of all Alabama voters who support and wish to elect white and black Democratic members of the Legislature. See amended complaint, Doc. 60, ¶ 18. As grounds for their motion, plaintiffs would show as follows:

1. Rule 23(c)(1) requires the court to determine whether to certify a class action at “an early practicable time after a person sues ... as a class representative.”
2. The claims set out in the ALBC plaintiffs’ amended complaint present the quintessential conditions warranting certification of a Rule 23(b)(2) class action. The relief plaintiffs seek, revised House and Senate redistricting plans, if granted, necessarily will impact everyone in the three purported subclasses whether or not a class action is certified. “[F]inal injunctive relief or corresponding declaratory relief is appropriate with respect to the class as a whole.” *Id.*
3. Pursuant to Rule 23(c)(1)(B), the class action order should define the

class or subclasses that correspond with the ALBC plaintiffs' claims and should appoint counsel for the ALBC plaintiffs as class counsel under Rule 23(g).

Pursuant to Rule 23(g)(1)(A), undersigned counsel have adequately investigated the potential claims in this action, are experienced in handling class actions and claims involving Alabama's House and Senate districts, and are knowledgeable about the applicable law. The financial resources of the ALBC plaintiffs and undersigned counsel are limited, but they should be adequate to prosecute this action, particularly if this Court grants plaintiffs' second motion for partial summary judgment, or, if not, limits discovery and trial proceedings to issues that genuinely are in dispute, pursuant to Rule 23(d)(1)(A).

4. Pursuant to Rule 23(c)(2) and Rule 23(d)(1)(B), the Court should consider whether appropriate notice should be given to members of the subclasses, particularly those who reside in counties whose boundaries have been unnecessarily split and whose rights to an equal and undiluted vote for members of their local legislative delegation have been violated. Pursuant to Rule 23(d)(1)(B)(iii), notice would provide class members an opportunity to signify whether they consider their interests adequately represented by the ALBC plaintiffs and to intervene in their own behalfs.

5. Pursuant to Rule 23(e), class certification would prevent the ALBC

plaintiffs from voluntarily dismissing their claims or from entering into a settlement agreement without notice to the class and the opportunity to object.

WHEREFORE, plaintiffs pray that the Court will grant their motion and enter appropriate orders, pursuant to Rule 23, Fed.R.Civ.P., certifying a class action and providing for protection of the interests of class members.

Respectfully submitted this 6<sup>th</sup> day of February, 2013

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### **CERTIFICATE OF SERVICE**

I hereby certify that on February 6, 2013, I served the foregoing on the following electronically by means of the Court's CM/ECF system:

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