

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. *

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 ENTRY OF
A PERMANENT INJUNCTION**

Plaintiffs Alabama Legislative Black Caucus et al., through undersigned counsel, pursuant to Rule 65(d), Fed.R.Civ.P., move for entry of a permanent injunction as requested in ALBC plaintiffs' motion filed contemporaneously herewith for reconsideration of this Court's memorandum opinion and order, Doc. 101, denying ALBC plaintiffs' second motion for partial summary judgment, Doc. 68-1. As grounds for their motion, ALBC plaintiffs submit the argument and authorities in the consolidated brief filed contemporaneously herewith.

WHEREFORE, plaintiffs pray that, pursuant to Rule 65(d), Fed.R.Civ.P., and 28 U.S.C. § 1253, this Court will provide notice and a hearing on the pending cross-motions for partial summary judgment and on this motion for a permanent injunction, and that, upon the entry of an order granting plaintiffs' motion for partial summary judgment with respect to amended Count III, the Court will:

(1) Enter a declaratory judgment that the redistricting plans set out in Acts 2012-602 and 2012-603 violate the rights of plaintiffs and the certified class of residents of Alabama counties whose boundaries have been 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) Enter a permanent injunction prohibiting the defendant Alabama

Secretary of State, her officers, agents, attorneys, employees and those acting in concert with her or at her direction from enforcing Acts 2012-602 and 2012-603.

(3) Afford the Alabama Legislature a reasonable opportunity to adopt and to obtain preclearance under § 5 of the Voting Rights Act, 42 U.S.C. § 1973c, of new redistricting plans for the House and Senate that comply with Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973, and the First, Fourteenth, and Fifteenth Amendments to the Constitution of the United States.

(4) Should the Alabama Legislature fail in timely manner to enact lawful, constitutional, and enforceable redistricting plans for the Alabama House and Senate, instruct the parties to submit redistricting proposals that this Court would adopt in time for the orderly conduct of the primary and general elections for members of the Alabama House and Senate in 2014.

(5) Award plaintiffs their costs incurred in prosecuting this action, including an award of attorneys' fees and expenses, pursuant to 42 U.S.C. §§ 19731 and 1988.

(6) Grant such other and further equitable relief as the Court may deem just and equitable.

Respectfully submitted this 17th day of April, 2013.

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CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2013, I served the foregoing on the following electronically by means of the Court's CM/ECF system:

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