

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 RECONSIDERATION
OF ORDER DENYING PLAINTIFFS' SECOND MOTION
FOR PARTIAL SUMMARY JUDGMENT**

Plaintiffs Alabama Legislative Black Caucus et al., through undersigned counsel, move 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, plaintiffs would show as follows:

1. Defendants' motion for partial summary judgment and supporting brief, Docs. 95 and 98, affirm that, contrary to this Court's opinions, Docs. 101 and 102, there is no genuine dispute with respect to the facts material to Count III of the ALBC plaintiffs' amended complaint, Doc. 60.

2. The consolidated brief filed contemporaneously herewith responds to this Court's questions about the ALBC plaintiffs' constitutional theory with respect to amended Count III and shows that plaintiffs are entitled to judgment as a matter of law and that a permanent injunction should be entered as requested in plaintiffs' second motion for partial summary judgment.

WHEREFORE, plaintiffs pray that partial summary judgment with respect to Count III of their amended complaint be granted against all defendants and in favor of all ALBC plaintiffs and the class they have been certified to represent 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.

Upon the entry of an order granting plaintiffs' motion for partial summary judgment, plaintiffs further pray that 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.

Edward Still
Bar No. ASB-4786-I 47W
130 Wildwood Parkway
STE 108 PMB 304
Birmingham, AL 35209
205-320-2882
fax 205-320-2882
E-mail: still@votelaw.com

Attorneys for Plaintiffs

s/ James U. Blacksher
Bar No. ASB-2381-S82J
P.O. Box 636
Birmingham AL 35201
205-591-7238
Fax: 866-845-4395
E-mail: jblacksher@ns.sympatico.ca

U.W. Clemon
Bar No. ASB-0095-076U
WHITE ARNOLD & DOWD P.C.
2025 Third Avenue North, Suite 500
Birmingham, AL 35203
Phone: (205)-323-1888
Fax: (205)-323-8907
E-mail: uwclemo@waadlaw.com

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