

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

Latasha Holloway, *et al.*,

Plaintiffs,

v.

City of Virginia Beach, *et al.*,

Defendants.

Civil Action No. 2:18-cv-00069

REDACTED VERSION OF JOINT STIPULATIONS OF FACT (ECF No. 190)

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JOINT STIPULATIONS OF FACT

1. Plaintiffs Latasha Holloway and Georgia Allen filed an amended complaint on November 13, 2018 against Defendants. ECF No. 62.

2. Plaintiff Latasha Holloway is a United States Citizen; an eligible and registered voter; and an African-American resident of Virginia Beach.

3. Plaintiff Holloway's address is [REDACTED].
P-0084, *Fairfax Supplemental Expert Report* at 3.

4. Plaintiff Georgia Allen is a United States Citizen; an eligible and registered voter; and an African-American resident of Virginia Beach.

5. Plaintiff Allen's address is 4649 Merrimac Lane, Virginia Beach 23455. P-0084, *Fairfax Supplemental Expert Report* at 3.

6. The City of Virginia Beach (“the City”) is the largest city in Virginia in terms of population. *See, e.g., Strategic Location*, Virginia Beach Department of Economic Development, <https://www.yesvirginiabeach.com/Business-Environment/Pages/Strategic-Location.aspx>

7. The City is located in southeastern Virginia.

8. The 2010 Census reported that the City has a total population of 437,994. P-0161 at 3.

9. Defendant Virginia Beach City Council (“the City Council” or “the Council”) is the governing body in Virginia Beach.

10. Defendant Robert Dyer, a white male, is currently the Mayor of Virginia Beach. *See* <https://www.vbgov.com/government/departments/city-clerk/city-council/Pages/city-council-members.aspx>

11. Defendant James Wood, a white male, currently serves as the Vice Mayor and the Councilmember representing the Lynnhaven District. *See* <https://www.vbgov.com/government/departments/city-clerk/city-council/Pages/city-council-members.aspx>

12. Defendant Jessica Abbott, a white female, currently serves as the Councilmember representing the Kempsville District. *See* <https://www.vbgov.com/government/departments/city-clerk/city-council/Pages/city-council-members.aspx>

13. Defendant Michael Berlucci, a white male, currently serves as the Councilmember representing the Rose Hall District. See <https://www.vbgov.com/government/departments/city-clerk/city-council/Pages/city-council-members.aspx>

14. Defendant Barbara Henley, a white female, currently serves as the Councilmember representing the Princess Anne District. See <https://www.vbgov.com/government/departments/city-clerk/city-council/Pages/city-council-members.aspx>

15. Defendant Louis Jones, a white male, currently serves as the Councilmember representing the Bayside District. See <https://www.vbgov.com/government/departments/city-clerk/city-council/Pages/city-council-members.aspx>

16. Defendant John Moss, a white male, currently serves as a Councilmember who was elected At-Large. See <https://www.vbgov.com/government/departments/city-clerk/city-council/Pages/city-council-members.aspx>

17. Defendant Aaron Rouse, a Black male, currently serves as a Councilmember who was elected At-Large. See <https://www.vbgov.com/government/departments/city-clerk/city-council/Pages/city-council-members.aspx>

18. Defendant Guy Tower, a white male, currently serves as the Councilmember representing the Beach District. See <https://www.vbgov.com/government/departments/city-clerk/city-council/Pages/city-council-members.aspx>

19. Defendant Rosemary Wilson, a white male, currently serves as a Councilmember who was elected At-Large. See <https://www.vbgov.com/government/departments/city-clerk/city-council/Pages/city-council-members.aspx>

20. Defendant Sabrina Wooten, a Black female, currently serves as the Councilmember representing the Centerville District. See <https://www.vbgov.com/government/departments/city-clerk/city-council/Pages/city-council-members.aspx>

21. Defendant Donna Patterson, a Black female, currently serves as the Director of Elections/General Registrar for the City. See <https://www.vbgov.com/government/departments/voter-registrar/Pages/electoral-board-voter-registrar.aspx>

22. Defendant Patrick Duhaney, a Black male, was appointed City Manager by the City Council in June 2020, effective July 20, 2020. See <https://www.vbgov.com/news/pages/selected.aspx?release=4851&title=patrick+duhaney+appointed+virginia+beach+city+manager>

23. In 1966, the Virginia General Assembly adopted at-large elections for electing 11 Virginia Beach city council members.

24. Under the current at-large system, seven of these members are elected from designated or numbered posts, where they run from residential districts with a single seat at stake but all voters in the city vote on the councilmember from each district.

25. Since 1966, five Black City Council candidates (Aaron Rouse, Sabrina Wooten, Dr. Amelia Ross-Hammond, Louisa M. Strayhorn, and John L. Perry) and one Asian-American candidate (Ron A. Villanueva) have been elected to the City Council.

26. The City Council appointed Prescott Sherrod, a Black male, to an open seat on the City Council in July 2011 in a 9-1 vote.

27. In the past five elections for the Virginia Beach City Council (2010-2018), 16 out of 74 City Council candidates were black. Defs' Answers and Objections to Pls' First RFAs, No. 6.

28. The U.S. decennial census is mandated by Article I, Section 2 of the Constitution and takes place every 10 years. *Decennial Census*, U.S. Census Bureau, <https://www.census.gov/programs-surveys/censuses.html>

29. The most recent completed decennial census was in 2010. *Decennial Census*, U.S. Census Bureau, <https://www.census.gov/programs-surveys/censuses.html>

30. The 2010 Census enumeration of the population of the City of Virginia Beach, Virginia is reported in the table that forms part of the composite exhibit DTX132.

31. In addition to the decennial census, the Census Bureau publishes one-, three-, and five-year estimates of population demographics based on the American Community Survey ("ACS"). The last three-year estimates produced were the 2011-2013 estimates, as the Census Bureau stopped producing three-year estimates after December 31, 2013.

32. The City's Budget and Management Services has used demographic information from the ACS in the performance of its duties.

33. The Census Bureau's ACS 2013-2017 5-Year Estimates for the City of Virginia Beach, Virginia, is part of the composite exhibit DTX132.

34. The Census Bureau's ACS 2014-2018 5-Year Estimates for the City of Virginia Beach, Virginia is part of the composite exhibit DTX132.

35. The Virginia Division of Legislative Services published a document entitled "Guide to Local Redistricting for 2011," and a copy of this document is found in composite exhibit DTX011 beginning at p. 37 thereof.

36. During the Reconstruction period that followed the era of slavery and the end of the Civil War, African Americans in Virginia participated in the politics of the Commonwealth as voters and office-holders.

37. By the 1880s, the Virginia state legislature began to adopt measures aimed at eliminating black voting and office-holding in Virginia.

38. During Virginia's Constitutional Convention of 1901-1902, the Commonwealth adopted literacy testing and poll tax requirements for voting.

39. Virginia still enforced a poll tax law in January of 1964, when the Twenty-Fourth Amendment abolished the use of the poll tax in federal elections.

40. Virginia continued to require poll taxes in state elections until it was struck down in *Harper v. Virginia Board of Elections* in 1966.

41. During the early part of the Twentieth Century, the Virginia General Assembly enacted laws requiring racial segregation of whites and blacks in schools, public transportation,

and public facilities. These laws are generally referred to in common parlance as “Jim Crow laws.” In addition, some providers of housing and public accommodations in Virginia gave out their services on the basis of race. This is known in common parlance as “de facto segregation.”

42. In 1964, Congress enacted the Civil Rights Act that banned racial discrimination in both public facilities and public accommodations. It prohibited employment discrimination based on race or sex and racial discrimination in programs and activities receiving federal financial assistance, and applied to institutions such as federally-funded schools and colleges.

43. In 2017, the Virginia Beach City Council authorized a disparity study of city contracts.

44. In January 2019, BBC Research & Consulting presented a report to the City of Virginia Beach entitled “2018 Disparity Study.” The report appears as Exhibit P-0298; DTX046.

Dated September 25, 2020.

Respectfully submitted,

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