

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CIVIL ACTION NO.
)	8:12-CV-84
v.)	
)	<u>JOINT MOTION FOR ENTRY</u>
COLFAX COUNTY, NEBRASKA; the)	<u>OF CONSENT DECREE,</u>
COLFAX COUNTY CLERK and ELECTION)	<u>JUDGMENT AND ORDER</u>
COMMISSIONER, in her official capacity; and)	
the COLFAX COUNTY BOARD OF)	
COMMISSIONERS, in their official capacities,)	
)	
Defendants.)	

COMES NOW the Plaintiff, United States of America, and Defendants, Colfax County, Nebraska, the Colfax County Clerk and Election Commissioner, and the Colfax County Board of Commissioners, by and through their undersigned counsel, and respectfully request this Court to enter the attached Consent Decree, Judgment and Order. In support of this joint motion, the Parties state the following:

1. The Complaint in this action, alleging violations of Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a, is being filed today simultaneously with this joint motion for entry of the Consent Decree, Judgment and Order.

2. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 1973aa-2a. In accordance with 42 U.S.C. § 1973aa-2 and 28 U.S.C. § 2284, the United States' claim under Section 203 must be heard and determined by a district court of three judges.

3. The Parties have negotiated in good faith and have agreed to entry of the attached Consent Decree as a necessary and appropriate resolution of the claims alleged.

4. The attached Consent Decree is fair, reasonable, and adequate to ensure compliance with Section 203 of the Voting Rights Act. See E.E.O.C. v. Product Fabricators, Inc., 666 F.3d 1170 (8th Cir. 2012), citing, United States v. Metropolitan St. Louis Sewer Dist., 952 F.2d 1040, 1044 (8th Cir. 1992). Given the agreement of the parties, entry of the Consent Decree will save the time and expense that would be expended in litigating the lawsuit. See United States v. Armour & Co., 402 U.S. 673, 681 (1971).

5. The Parties agree that, except as provided in the Consent Decree, they will waive further hearings and entry of findings of fact and conclusions of law on all issues involved in this matter, and that each party shall bear its own costs and fees.

6. The Parties jointly request entry of their Consent Decree.

WHEREFORE, the Parties request that the attached Consent Decree, Judgment and Order be entered by this Court.

Dated, this 27th day of February, 2012.

For the Plaintiff,
UNITED STATES OF AMERICA:

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Civil Rights Division

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CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2012, I electronically filed the foregoing Joint Motion to Enter Consent Decree with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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