

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JAMES CITY COUNTY, VIRGINIA,)
a political subdivision of the)
Commonwealth of Virginia,)
101-C Mounts Bay Road,)
Williamsburg, VA 23185,)

Plaintiff,)

v.)

Civil Action No. 1:11-cv-01425
Three-Judge Court (PLF-DST-TFH)

ERIC HOLDER,)
Attorney General of the)
United States of America;)
THOMAS E. PEREZ,)
Assistant Attorney General,)
Civil Rights Division, United States)
Department of Justice, Washington, DC,)

Defendants.)

JOINT MOTION FOR ENTRY OF CONSENT JUDGMENT AND DECREE

Plaintiff James City County, Virginia (“the County”), a political subdivision of the Commonwealth of Virginia, and Defendants Eric H. Holder, Jr., Attorney General of the United States, and Thomas E. Perez, Assistant Attorney General, Civil Rights Division, (collectively “the Attorney General”) respectfully move for entry of the attached Consent Judgment and Decree. As grounds for this motion, the parties would show the following:

1. James City County initiated this action on August 5, 2011, pursuant to Section 4(a) of the Voting Rights Act, 42 U.S.C. § 1973b(a). In this litigation, the County seeks to demonstrate that it meets the statutory requirements for bailout from coverage under Section 4(b) of the Act, 42 U.S.C. § 1973b(b). A declaratory judgment granting bailout exempts a covered jurisdiction from the preclearance requirements of Section 5 of the Act, 42 U.S.C. § 1973c.

2. The Attorney General has conducted an independent investigation to determine if James City County has satisfied the necessary requirements for a bailout, as required by Section 4(a)(9) of the Act, 42 U.S.C. § 1973b(a)(9). Based on that investigation, as well as information provided by the County, the Attorney General has determined that James City County meets the requirements of Section 4(a) and that the Attorney General would consent to a declaratory judgment granting bailout to the County under Section 4(a).

3. The parties have conferred concerning a resolution of this litigation and have agreed on the terms of the attached Consent Judgment and Decree, which would grant the requested bailout.

4. The enclosed Consent Judgment and Decree is similar to those that have been entered by three-judge courts in other declaratory judgment actions brought in this Court under Section 4(a) of the Voting Rights Act. *See, e.g., City of Bedford v. Holder*, No. 1:11-cv-473 (D.D.C. Aug. 31, 2011); *Bedford County v. Holder*, No. 1:11-cv-499 (D.D.C. Aug. 30, 2011); *Rappahannock County v. Holder*, No. 1:11-cv-1123 (D.D.C. Aug. 9, 2011); *City of Manassas Park v. Holder*, No. 1:11-cv-749 (D.D.C. Aug. 3, 2011); *Alta Irrigation District v. Holder*, No. 1:11-cv-758 (D.D.C. July 15, 2011); *Jefferson County Drainage District Number Seven v. Holder*, No. 1:11-cv-461 (D.D.C. June 6, 2011); *City of Sandy Springs v. Holder*, No. 1:10-cv-1502 (D.D.C. Oct. 26, 2010); *City of Kings Mountain v. Holder*, No. 1:10-cv-1153 (D.D.C. Oct. 22, 2010); *Amherst County v. Mukasey*, No. 1:08-cv-780 (D.D.C. Aug. 13, 2008); *Middlesex County v. Gonzales*, No. 1:07-cv-1485 (D.D.C. Jan. 7, 2008).

5. The parties request that this Court wait 30 days after the filing of this motion before approving the Consent Judgment and Decree. During that time, the proposed settlement will be publicized pursuant to Section 4(a)(4) of the Act, 42 U.S.C. § 1973b(a)(4).

For the reasons above and as set forth in the attached Consent Judgment and Decree, the parties respectfully submit that this Joint Motion should be granted and the attached Consent Judgment and Decree entered.

Respectfully submitted,

/s/ J. Gerald Hebert
J. GERALD HEBERT
D.C. Bar No. 447676
191 Somerville Street, #405
Alexandria, Virginia 22304
Telephone: (703) 628-4673
hebert@voterlaw.com

LEO P. ROGERS
County Attorney for James City County
101-C Mounts Bay Road
Williamsburg, Virginia 23188
(757) 253-6614
lprogers@james-city.va.us
VA Bar No. 28906

Counsel for Plaintiff
James City County, Virginia

Dated: October 3, 2011

Respectfully submitted,

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division

RONALD C. MACHEN, JR.
United States Attorney
District of Columbia

/s/ Robert Popper

T. CHRISTIAN HERREN, JR.
ROBERT POPPER
robert.popper@usdoj.gov
CHRISTY MCCORMICK
christy.mccormick@usdoj.gov
T. RUSSELL NOBILE
t.russell.nobile@usdoj.gov
Attorneys, Voting Section
Civil Rights Division
U.S. Department of Justice
Room 7254 NWB
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Telephone: (800) 253-3931
Facsimile: (202) 307-3961

*Counsel for Defendants
Eric H. Holder, Jr.
Attorney General of the United States
and Thomas E. Perez,
Assistant Attorney General
Civil Rights Division*

Dated: October 3, 2011