

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

ESSEX COUNTY, VIRGINIA,)	
)	
Plaintiff,)	
)	
v.)	
)	
ALBERTO R. GONZALES, et al.,)	
)	C.A. No. 1:06-cv-1631
)	
Defendants.)	
_____)	

STIPULATION NO. 2

This action was initiated by Essex County, a political subdivision of the Commonwealth of Virginia (hereafter "the County"). The County seeks a declaratory judgment pursuant to Section 4(a) of the Voting Rights Act of 1965, as amended, 42 U.S.C. §1973b.

The parties have jointly moved this three-judge Court for entry of a Consent Judgment and Decree to resolve this action. In support of that motion, the parties previously filed with this Court a Stipulation of Facts. In further support of that motion, the parties have entered into this second Stipulation of Facts. The facts in this Stipulation may be received into evidence in lieu of further proof or testimony.

It is hereby stipulated, by and between the respective parties, that:

1. Following this three-judge Court's December 15, 2006, Order, Essex County publicized the proposed settlement of this bailout action in the media serving Essex County and in the appropriate United States post offices as set forth in 42 U.S.C. §1973b(a). As detailed in the accompanying Declaration of Essex County's Electoral Board Secretary, attached as Exhibit 1 to this Stipulation, the County has widely

publicized the proposed settlement of this action and not a single person has come forward pursuant to those notices to raise concerns or objections. Nor has any party sought to intervene in this action.

2. Moreover, as detailed in the Declaration of John Crump filed with this Court on December 22, 2006, Essex County previously publicized its intended commencement of this bailout action in the appropriate local media and at all of the post offices in the County in accordance with 42 U.S.C. §1973b.

3. The United States has determined that it is appropriate to consent to a declaratory judgment in this action, pursuant to Section 4(a)(9) of the Voting Rights Act. See 42 U.S.C. § 1973(b)(a)(9). The United States' consent in this action is based upon its own factual investigation and consideration of all of the circumstances in this case, including the views of minority citizens in the County, the fact that there are no defendant-intervenors, the affirmative steps taken by the County to increase voter participation, and the absence of evidence of racial polarization or discrimination in the electoral process within the County.

Approved as to form and content:

For the Plaintiff:

/s/ J. Gerald Hebert
J. GERALD HEBERT
Attorney at Law
5019 Waple Lane
Alexandria, Va. 22304
(703) 567-5873 (O)
(703) 567-5876 (fax)
DC Bar No. 447676

For the Defendants:

ALBERTO R. GONZALES
Attorney General

WAN J. KIM:
Assistant Attorney General

JEFFREY A. TAYLOR
United States Attorney

/s/ Christy McCormick
JOHN TANNER
GAYE TENOSO
CHRISTY McCORMICK
SONYA L. SACKS
Attorneys, Voting Section
Civil Rights Division
United States Department of Justice
Room 7254 - NWB
950 Pennsylvania Ave., N.W.
Washington, DC 20530
(202) 514-2386