

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA

ESSEX COUNTY, VIRGINIA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
ALBERTO R. GONZALES,	)	
Attorney General for the	)	C.A. No. 1:06-cv-1631
United States of America, <i>et al.</i>	)	
	)	three-judge court
	)	(MBG, RBW, RMU)
Defendants.	)	
_____	)	

PLAINTIFF’S SECOND REPORT TO THE COURT

By Order dated December 15, 2006, this three-judge Court directed that plaintiff Essex County take such steps as are necessary to fulfill the requirement that the proposed settlement of this action receive adequate public notice as required by 42 U.S.C. §1973b(a)(4), and further that the plaintiff County advise this Court by Thursday, February 1, 2007 at 5:00 p.m. of the steps taken to meet that requirement. This Second Report to the Court is respectfully submitted pursuant to that Order.

Subsequent to the December 15, 2006, Order, Essex County took steps to advertise the proposed settlement of this bailout lawsuit. As detailed in the sworn Declaration of John Crump, Essex County Electoral Board Secretary, filed with this Court on January 29, 2007, the County published a notice of proposed settlement and the proposed settlement itself in the local paper of general circulation for three successive weeks. The Declaration also stated that the County also posted the Notice and the

proposed settlement document at all of the Essex County post offices and at various County offices.<sup>1</sup>

Plaintiff Essex County and the defendants have now stipulated that the County has “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).” Stipulation No. 2, filed January 29, 2007 (emphasis in original).

The parties previously moved this three-judge Court to enter a Consent Judgment and Decree granting Essex County the requested bailout. The Court withheld a ruling on that joint motion pending the County’s required publication of the proposed settlement of this action. The notice of settlement of this action has now been publicized as required by law, and the County respectfully urges the Court to approve the submitted Consent Judgment and Decree.

Respectfully submitted,

**For Plaintiff ESSEX COUNTY:**

/s/ J. Gerald Hebert  
J. GERALD HEBERT  
Attorney at Law  
5019 Waple Lane  
Alexandria, Va. 22304  
(703) 628-4673 (Office)  
DC Bar No. 447676  
Email: [jghebert@comcast.net](mailto:jghebert@comcast.net)

---

<sup>1</sup> Not a single person in the County contacted the Essex County Registrar of Voters or any member of the Electoral Board in response to these notices.

CERTIFICATE OF SERVICE

I hereby certify that on this 29<sup>th</sup> day of January 2007, I served a copy of the foregoing Plaintiff Essex county's Second Report to the Court on the following counsel by filing this Submission in the Court's electronic case filing system and by mailing a copy, first-class mail, postage prepaid to:

JOHN TANNER  
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

/s/ J. Gerald Hebert  
J. GERALD HEBERT