

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

)	
ESSEX COUNTY, VIRGINIA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 06-1631
)	
ALBERTO GONZALES,)	Three-Judge Court
Attorney General for the)	(MBG, RBW, RMU)
United States of America, <u>et al.</u> ,)	
)	
Defendants.)	
)	
)	

ORDER

Plaintiff Essex County is a political subdivision of the Commonwealth of Virginia subject to the provisions of Section 5 of the Voting Rights Act of 1965, 42 U.S.C. § 1973c. The County filed this suit seeking a declaratory judgment under Section 4 of the Act, 42 U.S.C. § 1973b. Before the court are the parties' Joint Stipulation of Facts [#5], Joint Motion for Entry of Declaratory Judgment [#6], and Proposed Consent Judgment and Decree [Attachment #1].

The Joint Stipulation of Facts states: “Pursuant to 42 U.S.C. § 1973b, the County has ‘publicize[d] the intended commencement . . . of [this] action in the media serving [the County] and in the appropriate United States post offices.’” ¶ 26 (alterations and omission in original) (quoting 42 U.S.C. § 1973b(a)(4)). The Proposed Consent Judgment and Decree, however, asks this court to find that “[t]he County has publicized the intended commencement *and proposed settlement* of this action in the media and in appropriate United States post offices as required under 42 U.S.C. § 1973b(a)(4).” ¶ 17 (emphasis added).

Subsection 1973b(a)(4) requires that a covered jurisdiction seeking a declaratory judgment under § 1973b “publicize the intended commencement and any proposed settlement of such action in the media serving such State or political subdivision and in appropriate United States post offices.” Because it does not represent that the County has publicized this settlement, Paragraph 26 of the Joint Stipulation of Facts is insufficient to support the proposed finding that plaintiff Essex County has satisfied the requirements of § 1973b(a)(4). Therefore, it is this 15th day of December, 2006:

ORDERED that the parties advise the court no later than Tuesday, January 2, 2007 at 5:00 p.m. whether plaintiff Essex County has in fact publicized the proposed settlement of this action as required by 42 U.S.C. § 1973b(a)(4), and if so, how that requirement was satisfied. And, if that requirement has not yet been satisfied, it is further

ORDERED that plaintiff Essex County take such steps as are necessary to fulfill that requirement and thereafter advise the court that it has been satisfied, and what steps were taken to satisfy that requirement, no later than Thursday, February 1, 2007 at 5:00 p.m.

/s/

JUDGE MERRICK B. GARLAND

/s/

JUDGE REGGIE B. WALTON

/s/

JUDGE RICARDO M. URBINA