

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ALTA IRRIGATION DISTRICT,)	
a political subdivision of)	
the State of California,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:11-cv-758
)	(three-judge court) RJL-DAG-PLF
ERIC H. HOLDER, JR.,)	
Attorney General of the)	
United States of America,)	
)	
THOMAS E. PEREZ,)	
Assistant Attorney General,)	
Civil Rights Division,)	
)	
Defendants.)	
_____)	

JOINT MOTION FOR ENTRY OF CONSENT JUDGMENT AND DECREE

Plaintiff Alta Irrigation District (“Alta” or “the District”), a political subdivision of the State of California, 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. Alta initiated this action on April 20, 2011, pursuant to Section 4(a) of the Voting Rights Act, 42 U.S.C. § 1973b(a). In this litigation, Alta 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 Alta

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 District, the Attorney General has determined that Alta meets the requirements of Section 4(a) and that the Attorney General would consent to a declaratory judgment granting bailout to Alta 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 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); *Nw. Austin Mun. Util. Dist. No. One v. Holder*, No. 1:06-cv-1384 (D.D.C. Nov. 3, 2009); *Amherst County v. Mukasey*, No. 08-0780 (D.D.C. Aug. 13, 2008); *Middlesex County v. Gonzales*, No. 07-1485 (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,

For the Plaintiff, Alta Irrigation District:

For the Defendants, ERIC H. HOLDER, JR
and THOMAS E. PEREZ:

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division

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

/s/ Gerald Hebert by DJF as authorized
J. GERALD HEBERT
5019 Waple Lane
Alexandria, VA 22304
Telephone: (703) 628-4673
jghebert@comcast.net

MARGUERITE LEONI
CHRISTOPHER SKINNELL
Nielsen Merksamer Parrinello
Gross & Leoni LLP
2350 Kerner Boulevard, Suite 250
San Rafael, CA 94901
Telephone: (415) 389-6800
mleoni@nmgovlaw.com

/s/ Daniel J. Freeman
T. CHRISTIAN HERREN, JR.
BRIAN F. HEFFERNAN
DANIEL J. FREEMAN
Attorneys, Voting Section
Civil Rights Division
U.S. Department of Justice
Room 7254 NWB
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530
Telephone: (800) 253-3931
daniel.freeman@usdoj.gov