

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

WASHINGTON COUNTY, VIRGINIA,)	
a political subdivision of the)	
Commonwealth of Virginia,)	
County Administration Building)	
205 Academy Drive)	
Abingdon, Virginia, 24210)	
)	
Plaintiff,)	
)	
v.)	
)	
MICHAEL B. MUKASEY)	
Attorney General of the)	Civil Action No.
United States of America,)	
GRACE CHUNG BECKER,)	
Acting Assistant Attorney General,)	
Civil Rights Division,)	
United States Department of Justice,)	
Washington, DC, 20530)	
)	
Defendants.)	
_____)	

UNOPPOSED MOTION TO CONVENE THREE-JUDGE COURT

Plaintiff Washington County respectfully moves this Court for entry of an order requesting the convening of a three-judge court. Defendants do not oppose the granting of this motion. As grounds for this motion, Plaintiff would show unto the Court that:

1. Plaintiff Washington County has filed this action pursuant to Section 4 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973(b).

Plaintiff's action seeks a declaratory judgment from this Court granting the County an exemption from the special remedial provisions of the Voting Rights Act.

2. A three-judge court is required under Section 4 of the Voting Rights Act:

“A district court of three-judges shall be convened to hear and determine the action.” *See* 42 U.S.C. § 1973(b).

3. Counsel for Defendants (Christy McCormick) was contacted prior to the filing of the complaint and this motion. Defendants do not oppose the convening of a three-judge court or entry of the enclosed order.

4. A proposed order is respectfully submitted for the Court’s consideration.

WHEREFORE, Plaintiff respectfully prays that this Court will grant this motion and enter the attached order requiring the Clerk of this Court to notify the Chief Judge of the United States Court of Appeals for the D.C. Circuit that a three-judge court is required to hear and determine this action.

Respectfully submitted,

/s/ J. Gerald Hebert

J. GERALD HEBERT

Attorney at Law

J. Gerald Hebert, PC

5019 Waple Lane

Alexandria, Va. 22304

(703) 628-4673 (O)

DC Bar No. 447676

Email: jghebert@comcast.net

LUCY E. PHILLIPS

Washington County Attorney

County Administration Building

205 Academy Drive

Abingdon, Virginia 24210

(276) 525-1370 (Office)

(276) 676-6201 (Facsimile)

Counsel for Washington County

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MEMORANDUM IN SUPPORT OF
UNOPPOSED MOTION TO CONVENE THREE-JUDGE COURT

This memorandum is respectfully submitted in support of the foregoing motion to convene a three-judge court.

ARGUMENT

Plaintiff Washington County, Virginia, (“the County”) has filed this action pursuant to Section 4 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973(b). Plaintiff’s action seeks a declaratory judgment from this Court granting the County an exemption from the special remedial provisions of the Voting Rights Act.

A three-judge court is required under Section 4 of the Voting Rights Act: “A district court of three-judges shall be convened to hear and determine the action.” *See* 42 U.S.C. § 1973(b).

In other cases recently brought before this Court by jurisdictions under Section 4 of the Voting Rights Act, orders have been entered granting motions to convene three-judge courts, and requesting the convening of a three-judge court. In such cases, three-judge courts have been convened to hear and determine the action. *See, e.g., Amherst County, Virginia v. Mukasey*, No. 08-780 (D.D.C., Order entered May 12, 2008); *Middlesex County, Virginia v. Gonzales*, No. 07-1485 (D.D.C., Order entered August 21, 2007); *Essex County, Virginia v. Gonzales*, No. 06-1631 (D.D.C., Order entered October 2, 2006); *Botetourt County, Virginia v. Gonzales*, No. 06-1052 (D.D.C., Order entered June 14, 2006); *City of Salem v. Gonzales*, No. 06-977 (D.D.C., Order entered May 31, 2006); *Augusta County, Virginia v. Gonzales*, No. 05-1885 (D.D.C., Order entered October 7, 2005); *City of Winchester v. Ashcroft*, No. 00-3073 (D.D.C., Order entered February 5, 2001); *Roanoke County, Virginia v. Reno*, No. 00-1949 (D.D.C., Order entered October 26, 2000); *Frederick County, Virginia v. Reno*, No. 99-0941 (D.D.C., Order entered May 10, 1999); and *City of Fairfax, Virginia, v. Reno*, No. 97-2212 (D.D.C., Order entered October 1, 1997).

CONCLUSION

For the reasons set forth above, Plaintiff respectfully urges this Court to grant the motion to convene a three-judge court. A proposed order is enclosed herewith.

For Plaintiff WASHINGTON COUNTY:

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

LUCY E. PHILLIPS
Washington County Attorney
County Administration Building
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ORDER

Plaintiff has moved, pursuant to 28 U.S.C. § 2284 and 42 U.S.C. § 1973(b), that a three-judge court be convened to hear and determine this action for a declaratory judgment under Section 4 of the Voting Rights Act [#2]. According to the motion, Defendants do not oppose the convening of a three-judge court. It appearing that the motion is well taken, it is this ____ day of _____, 2008:

ORDERED that plaintiff's motion [#2] is **granted**. And it is further

ORDERED that the Clerk of this Court shall transmit a copy of this Order to the Chief Judge of the United States Court of Appeals for the District of Columbia, pursuant to 28 U.S.C. § 2284(b)(1), so that a three-judge court may be convened.

UNITED STATES DISTRICT JUDGE