

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

**Janet May, John Dow, William Boyd,
and Kenya S. Adams, and
Duncan Kirkwood**

Plaintiffs,

v.

City of Montgomery, Alabama, a
municipal corporation; **Bobby N. Bright,**
in his official capacity as Mayor of the
City of Montgomery

Defendants.

CIVIL ACTION NO.
2:07 cv 738-MHT-WC

Plaintiffs' Motion for Partial Summary Judgment

The plaintiffs move for partial summary judgment, specifically a summary judgment in their favor on the claim stated in their Amended Complaint (Doc. 12) as follows:

35. Ordinance 42-2007 violates 1973 Alabama Act 618 and is therefore void. Ordinance 42-2007 is furthermore not authorized by Ala. Code 11-46-5, as Ordinance 42-2007 does not in fact adopt the election dates set forth in Ala. Code 11-46-21 (despite claiming to do so).

There are no disputed facts which are material to this claim. The plaintiffs are entitled to judgment as a matter of law on this claim.

This motion is based on the pleadings filed by the parties, including the exhibits, and the following exhibit attached to this Motion: Exhibit T – Act 2006-354.

Plaintiffs' brief in support of this motion is being filed
simultaneously.

Submitted by,

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CERTIFICATE OF SERVICE

I certify that on 23 November 2007 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following attorneys:

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