

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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STATE OF SOUTH CAROLINA,

Plaintiff,

v.

UNITED STATES OF AMERICA, and ERIC  
HIMPTON HOLDER, JR., in his official  
capacity as Attorney General of the United  
States,

Defendants,

JAMES DUBOSE, *et al.*,

Defendant-Intervenors.

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Civil Action No. 1:12-CV-203  
(CKK-BMK-JDB)  
Three Judge Court

**UNITED STATES' MOTION TO EXCLUDE THE TESTIMONY  
AND REPORT OF DR. SCOTT BUCHANAN**

Pursuant to Federal Rule of Evidence 702, the United States of America respectfully moves for an order excluding the testimony and report of Dr. Scott Buchanan. For the reasons set out in the United States' Memorandum in Support, attached hereto, the Court should exclude from evidence the testimony offered by Dr. Buchanan at trial, along with Dr. Buchanan's August 6, 2012 report. Dr. Buchanan admits he is not an expert on legislative purpose, but he nevertheless opined on the opinion of other experts concerning that exact subject. Dr. Buchanan also offered opinion testimony rooted in neither sufficient data nor reliable methods. As a result, Dr. Buchanan's testimony will not assist this Court as trier of fact to understand the evidence or to determine a fact in issue.

WHEREFORE, the United States respectfully requests that its motion to exclude Dr. Buchanan's testimony and report be GRANTED. A proposed order is attached for the Court's convenience.

Date: September 7, 2012

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

Respectfully submitted,

THOMAS E. PEREZ  
Assistant Attorney General  
Civil Rights Division

/s/ Bradley E. Heard  
T. CHRISTIAN HERREN, JR.  
RICHARD DELLHEIM  
BRADLEY E. HEARD  
CATHERINE MEZA  
ANNA M. BALDWIN  
ERIN M. VELANDY  
Attorneys  
Voting Section, Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
Telephone: (202) 305-4196  
Facsimile: (202) 307-3961