

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITY OF PINSON,)	
a political subdivision of)	
the State of Alabama,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:12-cv-255
)	CKK, KLH, RBW
ERIC H. HOLDER, JR.,)	(three-judge court)
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

The parties, Plaintiff City of Pinson, Alabama (“Pinson” or “the City”), and Defendants Attorney General of the United States and the 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. The City of Pinson initiated this action on February 15, 2012, pursuant to Section 4(a) of the Voting Rights Act, 42 U.S.C. § 1973b(a). In this litigation, the City 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 the City of Pinson 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 County, the Attorney General has determined that the City meets the requirements of Section 4(a) and that the Attorney General would consent to a declaratory judgment granting bailout 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 Manassas Park v. Holder*, No. 11-749 (D.D.C. Aug. 3, 2011); *Alta Irrigation District v. Holder*, No. 11-758 (D.D.C. July 15, 2011); *City of Sandy Springs v. Holder*, No. 10-1502 (D.D.C. Oct. 26, 2010); *City of Kings Mountain v. Holder*, No. 10-1153 (D.D.C. Oct. 22, 2010); *Nw. Austin Mun. Util. Dist. No. One v. Holder*, No. 06-1384 (D.D.C. Nov. 3, 2009); *Amherst County v. Mukasey*, No. 08-780 (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.

Agreed and Consented To:

/s/ Frank C. Galloway, Jr.
FRANK C. GALLOWAY, JR.
Hand Arendall LLC
1200 Park Place Tower
Birmingham, AL 35203
Telephone: (205) 502-0102
fgalloway@handarendall.com

Counsel for Plaintiff
City of Pinson, Alabama

Dated: March 15, 2012

Agreed and Consented To:

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division

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

/s/ Risa Berkower

T. CHRISTIAN HERREN, JR.
RISA BERKOWER
risa.berkower@usdoj.gov
Attorneys, Voting Section
Civil Rights Division
U.S. Department of Justice
Room 7254 NWB
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Telephone: (800) 253-3931
Facsimile: (202) 307-3961

*Counsel for Defendant
Eric H. Holder, Jr.
Attorney General of the United States
and Thomas E. Perez,
Assistant Attorney General
Civil Rights Division*

Dated: March 15, 2012