

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	2:12-cv-00179-MHT-WC
)	
STATE OF ALABAMA and)	
HONORABLE JIM BENNETT,)	
Secretary of State, in his official capacity,)	
)	
Defendants.)	

**STATE DEFENDANTS'
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, the State of Alabama and the Honorable Jim Bennett, sued in his official capacity as Secretary of State, respectfully move this Court to enter judgment in their favor and against the United States as to the United States' claim concerning federal runoff elections, on grounds that there is no genuine issue as to any material fact and the State Defendants are entitled to judgment as a matter of law. This motion is based upon the pleadings and the memorandum filed herewith, including the exhibits thereto (and, specifically, including the affidavit of Ed Packard), all of which are adopted and incorporated herein by reference.

Respectfully submitted,

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Attorney General

BY:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of November, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record: Victor J. Williamson, Amanda Hine, Anna Baldwin, Elizabeth M. Ryan, Erin M. Velandy, Ernest McFarland, Richard Dellheim, Spencer R. Fisher, Stephen M. Doyle, and T. Christian Herren, Jr.

s/Misty S. Fairbanks Messick
Of Counsel