

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

CITY OF BEDFORD, VIRGINIA,)	
a political subdivision of the)	
Commonwealth of Virginia,)	
215 East Main Street)	
Bedford, Virginia 24523)	
)	
Plaintiff,)	
)	
v.)	
)	
ERIC HOLDER,)	
Attorney General of the)	Civil Action No. _____
United States of America;)	
THOMAS E. PEREZ,)	
Assistant Attorney General,)	
Civil Rights Division, United States)	
Department of Justice, Washington, DC,)	Three-Judge Court Requested
)	
Defendants.)	
_____)	

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

This memorandum is respectfully submitted in support of the foregoing Unopposed Motion to Convene a Three-judge Court.

ARGUMENT

Plaintiff City of Bedford has filed this action pursuant to Section 4 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §1973b. Plaintiff's action seeks a declaratory judgment from this Court granting the City an exemption, known as a "bailout", 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. §1973b.

In other cases 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. See, *e.g.*, *Washington County, Virginia v. Mukasey*, No. 08-1112 (D.D.C., Order entered July 11, 2008); *Page County, Virginia v. Mukasey*, No. 08-1113 (D.D.C., Order entered July 11, 2008); *Middlesex County, Virginia v. Gonzales*, No. 07-1485 (D.D.C., Order entered August 21, 2007); *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). In all of the foregoing cases, three-judge courts have been convened to hear and determine the action.

CONCLUSION

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

Respectfully submitted,

FOR THE PLAINTIFF CITY OF BEDFORD:

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