

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

FILED

MAR 9 2011

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

BEDFORD COUNTY, VIRGINIA,)
County Administration Building)
122 East Main Street)
Bedford, VA 24523)

Plaintiff,)

v.)

ERIC HOLDER,)
Attorney General of the)
United States of America;)
THOMAS E. PEREZ,)
Assistant Attorney General,)
Civil Rights Division, United States)
Department of Justice, Washington, DC,)

Defendants.)

Case: 1:11-cv-00499
Assigned To : Huvelle, Ellen S
Assign. Date : 3/8/2011
Description: 3-Judge Court

Three-Judge Court Requested

PLAINTIFF'S UNOPPOSED MOTION TO CONVENE THREE-JUDGE COURT

The plaintiff Bedford County, Virginia, through counsel, respectfully moves this Court for entry of an order requesting the convening of a three-judge court. As grounds for this motion, the plaintiff would show unto the Court that:

1. Plaintiff Bedford County, Virginia, 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 County an exemption, known as a "bailout", from the special remedial provisions of the Voting Rights Act.

2. 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.

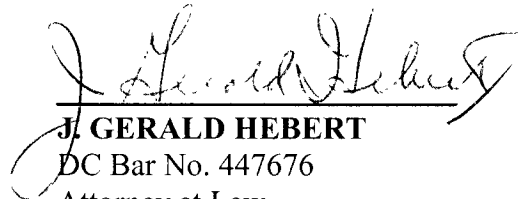
3. A memorandum of points and authorities accompanies this motion, and a proposed order is respectfully submitted for the Court's consideration.

4. Counsel for defendants has advised plaintiff's counsel that defendants do not oppose this motion.

WHEREFORE, Plaintiff respectfully prays that this Court will grant this motion and enter the attached order requiring the clerk of this Court to notify the Chief Judge of the United States Court of Appeals for the D.C. Circuit that a three-judge court is required to hear and determine this action.

Respectfully submitted,

FOR THE PLAINTIFF BEDFORD COUNTY:



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ERIC HOLDER,)
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United States of America;)
THOMAS E. PEREZ,)
Assistant Attorney General,)
Civil Rights Division, United States)
Department of Justice, Washington, DC,)
)
Defendants.)
_____)

Civil Action No. 11 0499

Three-Judge Court Requested

**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 Bedford County 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 County 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

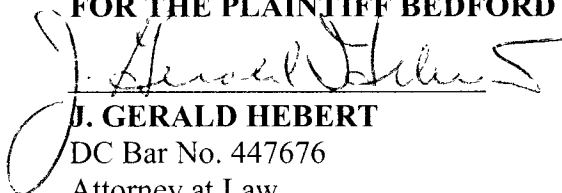
courts, and requesting the convening of a three-judge court. See, e.g., *Washington County, Virginia v. Mukasey*, No. 08-1112 (D.D.C., Order entered July 11, 2008); *Page County, Virginia v. Mukasey*, No. 08-1113 (D.D.C., Order entered July 11, 2008); *Middlesex County, Virginia v. Gonzales*, No. 07-1485 (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, this Court should grant the unopposed motion to convene a three-judge court. A proposed order is enclosed herewith.

Respectfully submitted,

FOR THE PLAINTIFF BEDFORD COUNTY:



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