

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITY OF KINGS MOUNTAIN,	)	
a political subdivision of	)	
the State of North Carolina,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:10-cv-01153
	)	(three-judge court) PLF-DST-TFH
ERIC H. HOLDER, JR.,	)	
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

Plaintiff City of Kings Mountain, North Carolina (“Kings Mountain” or “the City”) and Defendants Eric H. Holder, Jr., Attorney General of the United States, and Thomas E. Perez, Assistant Attorney General, Civil Rights Division (“the Attorney General”), through counsel, respectfully move this three-judge Court for entry of the attached Consent Judgment and Decree. As grounds for this motion, the parties would show the following:

1. This action was initiated on July 8, 2010 by Kings Mountain against the Attorney General, pursuant to Section 4(a) of the Voting Rights Act, 42 U.S.C. § 1973b(a). In this litigation, Kings Mountain seeks to demonstrate that it meets the statutory requirements of Section 4(a), to allow for bailout from coverage under Section 4(b) of the Act, 42 U.S.C. § 1973b(b). A declaratory judgment granting bailout exempts the covered jurisdiction from the preclearance requirements of Section 5 of the Act, 42 U.S.C. § 1973c.

2. As required by Section 4(a)(9) of the Act, 42 U.S.C. § 1973b(a)(9), the Attorney General has conducted an independent investigation of Kings Mountain to determine if it has satisfied the necessary requirements for a bailout under Section 4(a). As a result of that investigation, and also based on information provided to the Attorney General by the City, the Attorney General has determined that Kings Mountain meets all of the requirements of Section 4(a) and has determined that the Attorney General would consent to a declaratory judgment granting bailout to the City 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 if entered by this Court, will grant the requested bailout to the City of Kings Mountain, North Carolina.

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 of the Voting Rights Act. *See, e.g., Amherst County v. Mukasey*, No. 08-0780 (D.D.C. Aug. 13, 2008); *Middlesex County v. Gonzales*, No. 07-1485 (D.D.C. Jan. 7, 2008); *Augusta County v. Gonzales*, No. 05-1885 (D.D.C. Nov. 30, 2005); *Greene County v. Ashcroft*, No. 03-1877 (D.D.C. Jan. 19, 2004); *City of Harrisonburg v. Ashcroft*, No. 02-0289 (D.D.C. Apr. 17, 2002); *City of Winchester v. Ashcroft*, No. 00-3073 (D.D.C. May 31, 2001).

5. The parties respectfully request that this Court delay entry of the enclosed Consent Judgment and Decree for 30 days after filing this Joint Motion for Entry of this Consent Judgment and Decree, so that the City can publish notice of this proposed settlement.

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.

Respectfully submitted,

/s/ J. Gerald Hebert

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Dated: September 21, 2010

Respectfully submitted,

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Dated: September 21, 2010