

FILED

NOV 15 2012

U.S. District & Bankruptcy  
Court for the District of Columbia

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA

THE STATE OF NEW HAMPSHIRE, )  
)  
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: 1:12-cv-01854  
Assigned To : Sullivan, Emmet G.  
Assign. Date : 11/15/2012  
Description: 3-Judge Court

Three-Judge Court Requested

**PLAINTIFF'S UNOPPOSED MOTION TO CONVENE THREE-JUDGE COURT**

The plaintiff State of New Hampshire 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 State of New Hampshire (hereafter "the State") 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 State and its covered political subdivisions 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,

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**Counsel for the Plaintiff**

**STATE OF NEW HAMPSHIRE**

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA

|                                        |   |                                 |
|----------------------------------------|---|---------------------------------|
| THE STATE OF NEW HAMPSHIRE,            | ) |                                 |
|                                        | ) |                                 |
| Plaintiff,                             | ) |                                 |
|                                        | ) |                                 |
| v.                                     | ) |                                 |
|                                        | ) |                                 |
| ERIC HOLDER,                           | ) |                                 |
| Attorney General of the                | ) | Civil Action No. <b>12 1854</b> |
| 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  
PLAINTIFF'S UNOPPOSED MOTION TO CONVENE THREE-JUDGE COURT**

This memorandum is respectfully submitted in support of the Plaintiff's Unopposed Motion to Convene a Three-Judge Court.

**ARGUMENT**

Plaintiff State of New Hampshire ("the State") 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 State and its covered political subdivisions 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.

**FILED**

NOV 15 2012

Clerk, U.S. District Court for the District of Columbia  
Courtroom 1000, 400 Court Street, N.W.  
Washington, D.C. 20001

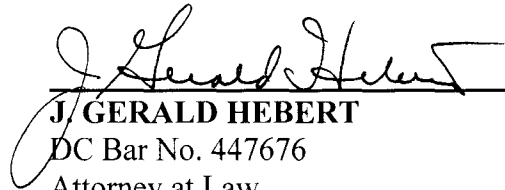
In other cases brought before this Court by jurisdictions under Section 4 of the Voting Rights Act, orders have been entered granting motions to convene three-judge courts, and requesting the convening of a three-judge court. See, *e.g.*, *Alta Irrigation District, California v. Holder*, No. 11-0758 (D.D.C., Order entered April 27, 2011); *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,

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**MATTHEW MAVROGEORGE**  
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A handwritten signature in black ink, appearing to read "J. Gerald Hebert", is written over a horizontal line.

**J. GERALD HEBERT**

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