

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

APR 18 2008

CITY OF COLLEGE PARK and
CHARLES E. PHILLIPS, SR.,

Plaintiffs,

v.

CITY OF ATLANTA, SHIRLEY
FRANKLIN, in her official capacity as
Mayor of the City of Atlanta, and the
STATE OF GEORGIA,

Defendants.

JAMES N. HATTEN, Clerk
By:  Deputy Clerk

Civil Action File No.:

1:08-cv-1464

JEC

REQUEST FOR THREE-JUDGE COURT

COME NOW, the City of College Park and Charles E. Phillips, Sr. (collectively "Plaintiffs"), and show the Court that they have this day filed a Verified Complaint For Declaratory Judgment and Injunctive Relief, challenging the City of Atlanta's use of O.C.G.A. § 6-3-20 to acquire certain property within the City of College Park. Although the proposed acquisitions change the "standard, practice, or procedure with respect to voting" within College Park, Atlanta has not sought preclearance for these changes as required by § 5 of the Voting Rights Act of 1965, codified at 42 U.S.C. § 1973c(a). Accordingly, Atlanta's acquisition of this property would be in violation of federal law.

In light of the extraordinary nature of the Voting Rights Act in general, and the unique approval requirements of § 5 of that Act, disputes such as the present case, which involve the coverage of § 5, must be determined by a district court of three judges. Allen v. State Bd. of Elections, 393 U.S. 544, 563 (1969). Therefore, Plaintiffs respectfully request that a Three-Judge Court be convened to hear and decide this matter.

Respectfully submitted this 18th day of April, 2008.



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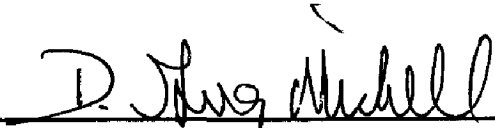
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **REQUEST FOR A THREE-JUDGE COURT** has been served upon the following by hand delivery on this the 18th day of April, 2008.

City of Atlanta
c/o Mayor Shirley Franklin
55 Trinity Avenue
Atlanta, Georgia, 30303

State of Georgia
c/o Governor Sonny Perdue
203 State Capitol
Atlanta, Georgia, 30334

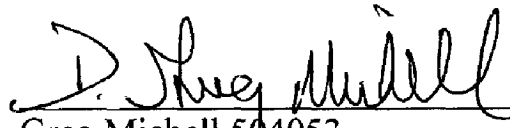
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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1(C)

I hereby certify that the foregoing Request for Three-Judge Court has been prepared in a Times New Roman 14 point font, one of the font and point selections approved by the Court in Local Rule 5.1(C).


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