

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

YUBA COUNTY WATER AGENCY,)
California,)
)
Plaintiff,)
)
v.)
ERIC HOLDER,)
Attorney General of the)
United States of America, *et al.*)
)
Defendants.)
_____)

Case No. 1:13-cv-00352
(JEB-JWR-JDB)
Three-Judge Court

JOINT MOTION FOR ENTRY OF CONSENT JUDGMENT AND DECREE

Plaintiff Yuba County Water Agency (“the Agency”) and defendants Eric H. Holder, Jr., Attorney General of the United States, and Thomas E. Perez, Assistant Attorney General, Civil Rights Division, 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. The complaint in this action was filed on March 19, 2013, by the Yuba County Water Agency, against the Attorney General and Assistant Attorney General, pursuant to Section 4(a) of the Voting Rights Act, 42 U.S.C. § 1973b(a). In this litigation, the Agency 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 requirement 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 the Yuba County Water Agency 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 Agency, the Attorney General has determined that the Agency 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 Agency 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 Yuba County Water Agency.

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., City of Wheatland v. Holder*, No. 13-54 (D.D.C. Apr. 25, 2013); *New Hampshire v. Holder*, No. 12-1854 (D.D.C. Mar. 1, 2013); *Browns Valley Irrigation Dist. v. Holder*, No. 12-1597 (D.D.C. Feb. 4, 2013); *Grayson County v. Holder*, No. 12-718 (D.D.C. July 20, 2012); *Wythe County v. Holder*, No. 12-719 (D.D.C. June 18, 2012); *City of Williamsburg v. Holder*, No. 11-1415 (D.D.C. Nov. 28, 2011); *James City County v. Holder*, No. 11-1425 (D.D.C. Nov. 9, 2011); *Culpeper County v. Holder*, No. 11-1477 (D.D.C. Oct. 3, 2011); *City of Bedford v. Holder*, No. 11-0473 (D.D.C. Aug. 31, 2011); *Bedford County v. Holder*, No. 11-0499 (D.D.C. Aug. 30, 2011); *Rappahannock County v. Holder*, No. 11-1123 (D.D.C. Aug. 9, 2011); *City of Manassas Park v. Holder*, No. 11-749 (D.D.C. Aug. 3, 2011); *Amherst County v. Mukasey*, No. 08-780 (D.D.C. Aug. 13, 2008); *Middlesex County v. Gonzales*, No. 07-1485 (D.D.C. Jan. 7, 2008).

5. The parties respectfully request that this Court delay entry of the enclosed Consent Judgment and Decree for 30 days after the filing of this Joint Motion, so that the

Agency can publish notice of the proposed settlement pursuant to Section 4(a)(4) of the Act, 42 U.S.C. § 1973b(a)(4).

For the reasons above and as set forth in the attached Consent Judgment and Decree, the parties respectfully request that this Court grant the Joint Motion and enter the attached Consent Judgment and Decree.

Respectfully submitted,

/s/ J. Gerald Hebert

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Dated: May 31, 2013

Respectfully submitted,

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/s/ Elizabeth S. Westfall

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Dated: May 31, 2013