

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHELBY COUNTY, ALABAMA)
201 West College Street)
Columbiana, AL 35051)
)
Plaintiffs,)
)
vs.) No.: 1:10-cv-00651 (JDB)
)
ERIC H. HOLDER, JR., in his)
official capacity as ATTORNEY)
GENERAL OF THE UNITED STATES,)
U.S. Department of Justice)
950 Pennsylvania Ave., NW)
Washington, D.C. 20530)
)
Defendant,)
)
and,)
)
BOBBY PIERSON, WILLIE GOLDSMITH, SR.,)
MARY PAXTON-LEE, KENNETH DUKES, and)
ALABAMA STATE CONFERENCE OF THE)
NATIONAL ASSOCIATION FOR THE)
ADVANCEMENT OF COLORED PEOPLE, INC.)
)
Applicants for Intervention.)
_____)

MOTION FOR LEAVE TO INTERVENE AS DEFENDANTS

Bobby Pierson, Willie Goldsmith, Sr., Mary Paxton-Lee, Kenneth Dukes, and the Alabama State Conference of the National Association for the Advancement of Colored People, Inc., hereby move the Court for leave to intervene as defendants in this action as of right pursuant to Rules 24(a)(1) and (2), F.R.Civ.P, or alternatively to intervene permissibly pursuant to Rules 24(b)(1) (A) and (B), F.R.Civ.P. The individual applicants are residents and registered voters of Shelby County, Alabama, and applicants Pierson, Goldsmith, and Dukes are members of racial minorities.

The grounds for the motion are that a statute of the United States, 42 U.S.C. § 1973b(a)(4), confers an unconditional right upon any aggrieved party to intervene at any stage in an action seeking to bailout from Section 5 coverage. Shelby County is seeking a declaration that Section 5 is unconstitutional, which is the functional equivalent of bail out. In addition, applicants claim an interest in the property or transaction which is the subject of this action and are so situated that the disposition of the action may as a practical matter impair or impede their ability to protect that interest. Applicants further allege that their interest is not adequately represented by existing parties.

In the alternative, applicants move the Court for permissive intervention pursuant to Rules 24(b)(1)(A) and (B), F.R.Civ.P., on the grounds that the claims and defenses of applicants and the main action have questions of law or fact in common.

This motion is accompanied by applicants' memorandum in support of intervention and initial responsive pleading setting forth the claims and defenses for which intervention is sought.

WHEREFORE, applicants request that their Motion for Leave to Intervene as Defendants be granted.

Respectfully submitted,

s/Meredith Bell-Platts
LAUGHLIN McDONALD
MEREDITH BELL-PLATTS
American Civil Liberties
Union Foundation, Inc.
230 Peachtree Street, NW
Suite 1440
Atlanta, GA 30303-1227
(404) 523-2721
(404) 653-0331 (fax)
lmcdonald@aclu.org
mbell@aclu.org

s/Arthur B. Spitzer

Arthur B. Spitzer (D.C. Bar. No. 235960)
American Civil Liberties Union of the Nation's Capital
1400 20th Street, N.W., Suite 119
Washington, DC 20036
Tel. (202) 457-0800
Fax (202) 452-1868
artspitzer@aol.com

Attorneys for Applicants

Laura D. Blackburne
Interim General Counsel
NAACP
4805 Mt. Hope Drive
Baltimore, MD 21215-3297
(410) 580-5791
(410)358-9350 (fax)
lblackburne@naacpnet.org

Victor L. Goode
Assistant General Counsel
NAACP
4805 Mt. Hope Drive
Baltimore, MD 21215-3297
(410) 580-5120
(410) 358-9350 (fax)
vgoode@naacpnet.org

Attorneys for Applicant Alabama State Conference of
the NAACP.

Allison E. Neal
American Civil Liberties Union of Alabama
207 Montgomery Street, Suite 910
Montgomery, AL 36104
(334) 265-2754
(334) 269-5666 (fax)
anaclual@bellsouth.net

Of Counsel