

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

TEXAS DEMOCRATIC PARTY; §  
BOYD L. RICHIE, in his capacity as §  
Chairman of the Texas Democratic Party; §  
HARRIS COUNTY DEMOCRATIC §  
PARTY; §  
GERALD BIRNBERG, in his capacity as §  
Chairman of the Harris County §  
Democratic Party; §  
J. GOODWILLE PIERRE; §  
ALEXANDRA GIBBS; JEFFREY T. §  
VANSCHOONHOVEN; BONI SUE §  
LESZCZUK; and ERIC J. GALLOWAY §

Cause No. 4:08-CV-03332

*Plaintiffs,*

vs.

PAUL BETTENCOURT, in his capacity §  
as Harris County Tax Assessor Collector §  
and Harris County Voter Registrar §

*Defendant.*

**PLAINTIFFS' UNOPPOSED APPLICATION FOR  
DESIGNATION OF A DISTRICT COURT OF THREE JUDGES**

Plaintiffs, TEXAS DEMOCRATIC PARTY; BOYD L. RICHIE, in his capacity as  
Chairman of the Texas Democratic Party; HARRIS COUNTY DEMOCRATIC PARTY;  
GERALD BIRNBERG, in his capacity as Chairman of the Harris County Democratic  
Party; J. GOODWILLE PIERRE; ALEXANDRA GIBBS; JEFFREY T. VAN  
SCHOONHOVEN; BONI SUE LESZCZUK; and ERIC J. GALLOWAY respectfully

requests that a district court of three judges be convened to hear and determine the Section 5 claims. In support of this request, Plaintiffs state:

1. The Plaintiffs' complaint alleges violations of Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973c.

2. Congress has provided that any action brought under 42 U.S.C. § 1973c shall be heard and determined by a court of three judges in accordance with 28 U.S.C. § 2284. *See Allen v. State Board of Elections*, 393 U.S. 544, 560-563 (1969).

3. The Court has set a scheduling order and docket call for consideration of Plaintiffs' claims that can be decided by a single judge.

4. Plaintiffs request a three-judge panel be designated to hear Plaintiffs' claims only with respect to Section 5 of the Voting Rights Action.

5. Because resolving the Section 5 claim could abbreviate or eliminate the presently scheduled trial of remaining claims, Plaintiffs request the panel set a hearing late summer to consider the Section 5 claims, the only claims that require a three-judge panel.

WHEREFORE, the Plaintiffs respectfully requests that this Court notify the Chief Judge for the United States Court of Appeals for the Fifth Circuit of its request for designation of a three-judge panel pursuant to 28 U.S.C. § 2284.

Dated this 19<sup>th</sup> day of December 2008.

Respectfully submitted,

TEXAS DEMOCRATIC PARTY and  
BOYD L. RICHIE, in his capacity as  
Chairman of the Texas Democratic Party

By:  /s/ Chad W. Dunn

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ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

I hereby certify that on December 19, 2008, I electronically filed the foregoing document with the Clerk of the United States District Court, Northern District of Texas, Dallas Division, using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means:

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*/s/ Chad W. Dunn*  
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