

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

TEXAS DEMOCRATIC PARTY; §  
BOYD L. RICHIE, in his capacity as §  
Chairman of the Texas Democratic §  
Party; FRANK JOSEPH; and BRETT §  
ROSENTHAL §

*Plaintiffs,* §

vs. §

Cause No. 08-CV-02117-P

DALLAS COUNTY, TEXAS; and §  
BRUCE SHERBET, in his capacity as §  
Election Administrator for Dallas §  
County, Texas, §

*Defendants.* §

**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, FRANK JOSEPH and BRETT ROSENTHAL 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).

WHEREFORE, the Plaintiffs respectfully requests that this Court notify Chief Judge Edith Jones of 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 19th 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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**CERTIFICATE OF CONFERENCE**

The undersigned has corresponded by e-mail with Leon Carter and Wade Emmert, counsel for Defendants and they are unopposed to this Motion.

*/s/ Chad W. Dunn*

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Chad W. Dunn

**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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