

**IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SHELBY COUNTY, ALABAMA

Plaintiff,

v.

ERIC H. HOLDER, JR., in his official capacity as
Attorney General of the United States of America

Defendant,

EARL CUNNINGHAM, HARRY JONES,
ALBERT JONES, ERNEST MONTGOMERY,
ANTHONY VINES and WILLIAM WALKER,

Applicants for Intervention.

Civil Action No. 1:10-CV-651
(JDB)

PROPOSED INTERVENORS' INITIAL RESPONSIVE PLEADING

Earl Cunningham, Harry Jones, Albert Jones, Ernest Montgomery, Anthony Vines and William Walker (collectively, "Proposed Intervenors"), by their undersigned counsel, hereby submit this Initial Responsive Pleading, pursuant to Fed. R. Civ. P. 24(c) and Local Civil Rule 7(j).

Plaintiff filed its Complaint on April 27, 2010, which was quickly followed by a Motion for Summary Judgment on June 8, 2010. Defendant, Attorney General Eric H. Holder, Jr., in his official capacity, has yet to Answer or move. Proposed Intervenors seek to participate in this action as parties to defend the constitutionality of Sections 4(b) and (5) of the Voting Rights Act against Plaintiff's claim that they exceed Congressional authority. Plaintiff's Complaint, Motion

for Summary Judgment, and supporting documents fail to establish, either as a matter of law or fact, that Sections 4(b) and (5) of the Voting Rights Act are unconstitutional.

If granted intervention, Proposed Intervenors will answer or move on the schedule agreed upon by the parties and this Court.

Dated: June 11, 2010.

Respectfully submitted,

/s/ Kristen Clarke

John Payton
Director-Counsel
Debo P. Adegbile
Associate Director-Counsel
Ryan P. Haygood
Jenigh Garrett
Dale Ho
NAACP Legal Defense and
Educational Fund, Inc.
99 Hudson Street, Suite 1600
New York, New York 10013
(212) 219-1900

Kristen Clarke (DC Bar No. 973885)
NAACP Legal Defense and
Educational Fund, Inc.
1444 Eye Street, N.W., 10th Floor
Washington, D.C. 20005
(202) 682-1300

Attorneys for Proposed Intervenors