

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

NORTHWEST AUSTIN MUNICIPAL UTILITY )  
DISTRICT NUMBER ONE, )  
401 W. 15th Street )  
Suite 850 )  
Austin, TX 78701 )

Plaintiff, )

vs. )

Case 1:06-cv-01384-PLF )

ALBERTO GONZALES, ATTORNEY GENERAL )  
OF THE UNITED STATES, )  
950 Pennsylvania Ave., NW )  
Washington, DC 20530 )

Defendant, )

and, )

NATHANIEL LESANE, )

Defendant-Intervenor. )

ANSWER OF DEFENDANT INTERVENORS

First Defense

The plaintiff lacks standing to seek bail out from the preclearance requirements of Section 5 of the Voting Rights Act in that it is neither a county nor a parish and does not conduct registration for voting as provided in 42 U.S.C. § 19731(c)(2).

Second Defense

Plaintiff's claim that the 2006 extension of Section 5 is unconstitutional is not ripe for adjudication in that plaintiff is subject to Section 5 as extended in 1982, which does not expire until 2007 and which plaintiff does not claim is unconstitutional.

Answers to Allegations

1. Intervenor admits the allegations in paragraph 1 of the complaint, but deny that plaintiff is entitled to any relief on its claims.

2. Intervenor admits the allegations in paragraph 2 of the complaint, but deny that plaintiff is a political subdivision entitled to bring an action for bail out within the meaning of 42 U.S.C. § 1973b.

3. Intervenor admits the allegations in paragraph 3 of the complaint.

4. Because plaintiff lacks standing to seek bail out and the other issues raised in the complaint are not ripe for adjudication, intervenors deny the allegations in paragraph 4 that the Court has jurisdiction over this action pursuant to 42 U.S.C. §§ 1973b & 19731.

5. Intervenor admits the allegations of paragraph 5 that plaintiff requests the appointment of a three-judge court pursuant to 42 U.S.C. § 1973b and 28 U.S.C. § 2284.

6. Intervenor admits the allegations in paragraph 6 that plaintiff is a municipal utility district which provides public services, but deny that it is a political subdivision for purposes of seeking bail out from Section 5. As for the remaining allegation in paragraph 6, Intervenor is without knowledge or information sufficient to form a belief as to their truth and demands strict proof thereof.

7. Intervenors deny the allegations of paragraph 7.

8. Intervenors deny that the allegations of paragraph 8 accurately or fully describe the circumstances under which Texas became covered by Section 5.

9. Intervenors deny the allegations of paragraph 9.

10. Intervenors deny the allegations of paragraph 10.

11. Intervenor admits the allegations of paragraph 11, and aver that court decisions interpreting and applying Section 5 speak for themselves.

12. Intervenor denies the allegations of paragraph 12.

13. Intervenor denies the allegations of paragraph 13.

14. Intervenor denies the allegations of paragraph 14.

15. Intervenor is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 15, and accordingly deny them.

16. Intervenor is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16, and accordingly deny them.

17. Intervenor is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 17, and accordingly deny them.

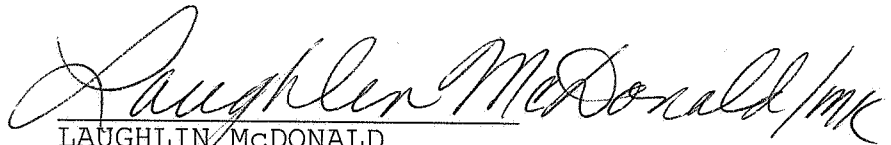
18. Intervenor denies the allegations of paragraph 18.

19. Intervenor denies the allegations of paragraph 19.

20. Intervenor denies the allegations of paragraph 20.

21. Intervenor denies the allegations of paragraph 21.
22. Intervenor denies the allegations of paragraph 22.
23. Intervenor denies the allegations of paragraph 23.
24. Intervenor denies the allegations of paragraph 24.
25. Intervenor denies the allegations of paragraph 25.
26. Intervenor denies the allegations of paragraph 26.

Respectfully submitted,



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Michael Kator

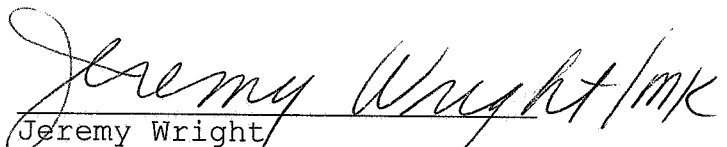
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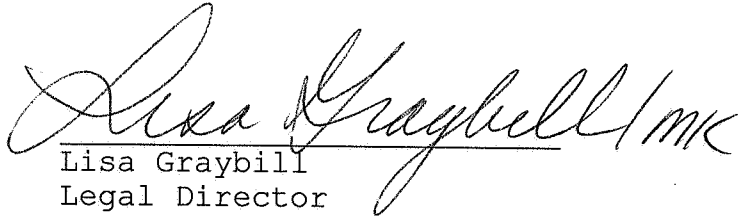
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