

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

KENNETH B. MARTIN; CHARLES N.
CODY, SR.; BOBBY D. HARPER;
SAMMIE L. SIAS; KENNETH L.
WILLIAMS; A.J. SAUNDERS; MELVIN
IVEY; GAIL HICKS; AND JOE E.
HOWARD,

Plaintiffs,

v.

CV 112-058

AUGUSTA-RICHMOND COUNTY,
GEORGIA, COMMISSION; DEKE S.
COPENHAVER, in his official
capacity as Mayor of Augusta-
Richmond County; RICHMOND
COUNTY, GEORGIA, BOARD OF
EDUCATION; ALEX HOWARD, in his
official capacity as President
of the Richmond County Board of
Education; and LYNN BAILEY, in
her official capacity as
Executive Director of the
Richmond County Board of
Elections.

Defendants.

O R D E R

On April 19, 2012, Plaintiffs brought this action pursuant to 42 U.S.C. § 1983 seeking injunctive and declaratory relief for violations of 42 U.S.C. §§ 1973 and 1973c. At the time of execution of this Order, no Defendant has filed a response to Plaintiffs' Complaint. The Court is mindful that the outcome of this action could impact the upcoming elections for seats on the

Augusta-Richmond County Commission and the Richmond County Board of Education and the qualifying process for such elections. Therefore, in light of the approaching established dates for qualifying, the Court now desires to set the following schedules in advance of the filing of responses in order to avoid unduly prejudicing the citizens and elected officials of Richmond County. Accordingly, this matter is hereby set for a **HEARING** before the Honorable J. Randal Hall regarding Plaintiffs' request for injunctive relief **at 9:00 a.m. on Wednesday, May 16, 2012** in Courtroom 2 of the United States Courthouse located at 600 James Brown Boulevard, Augusta, Georgia, 30901.

As an entry of appearance has not yet been made by or on behalf of any Defendants, Plaintiffs' counsel is **DIRECTED** to serve Defendants with notice of the scheduled hearing and a copy of this Order without delay.

A. Briefing Schedule

At the May 16, 2012 Hearing, the Court will hear argument and take evidence regarding the injunctive relief sought in Plaintiffs' Complaint. Therefore, it is **ORDERED** that the following expedited briefing schedule will apply: (1) Defendants' Response Brief is due by 5:00 p.m. on Friday, May 11, 2012; (2) Plaintiffs' Reply Brief is due by 12:00 p.m. on Tuesday, May 15, 2012; and (3) a joint stipulation of facts is due by 12:00 p.m. on Tuesday, May 15, 2012.

B. Proposed Expert

Further, the Court provides notice to the parties that it intends to appoint the Georgia Legislative and Congressional Reapportionment Office (and its necessary staff to include Gina Wright, redistricting specialist) as the Court's technical advisor in this matter should the need for such an advisor arise. The duties of said technical advisor would be to provide the Court with technical and expert assistance in the preparation of a possible remedial plan for the districts of the Augusta-Richmond County Commission and the Richmond County Board of Education. As the Georgia Legislative and Congressional Reapportionment Office would be acting in a technical advisor capacity, any appointment for technical advisory assistance would be pursuant to the Court's inherent authority because specialized mapping skills are potentially necessary for the Court to properly carry out its duties in this case.

Accordingly, it is hereby **ORDERED** that the parties are **DIRECTED** to file any objections to the appointment of the Georgia Legislative and Congressional Reapportionment Office (and its necessary staff to include Gina Wright, redistricting specialist) as a technical advisor to the Court **by 12:00 p.m. on Tuesday, May 15, 2012.**

C. Notice to Intervening Parties

The Court also finds that the schedule for qualifying for the election as set by the Richmond County Board of Elections

has greatly limited the time available for resolving the issues raised in this action, and that any delay in resolving the case could prejudice the citizens and elected officials of the county. Accordingly, the Court **ORDERS** that any parties that seek to intervene in this action must do so no later than **May 15, 2012 at 12:00 p.m.**

To this regard, in order to ensure public notice of the Court's order regarding the intervention deadline, Counsel for the Augusta-Richmond County Commission and the Richmond County Board of Education are hereby **ORDERED** to place an advertisement in *The Augusta Chronicle* to run on Saturday May 12, 2012, Sunday May 13, 2012, and Monday May 14, 2012.¹ The advertisement shall contain the following notice.

Notice Regarding: Kenneth B. Martin; Charles N. Cody, Sr.; Bobby D. Harper; Sammie L. Sias; Kenneth L. Williams; A.J. Saunders; Melvin Ivey; Gail Hicks; and Joe E. Howard v. Augusta-Richmond County, Georgia, Commission; Deke S. Copenhaver, in his official capacity as Mayor of Augusta-Richmond County; Richmond County, Georgia, Board of Education; Alex Howard, in his official capacity as President of the Richmond County Board of Education; and Lynn Bailey, in her official capacity as Executive Director of the Richmond County Board of Elections, Civil Action No. 1:12-CV-058-JRH, United States District Court for the Southern District of Georgia.

The above-styled action has been filed in the United States District Court for the Southern District of Georgia. It concerns the fact that the 2012 regular

¹ The Court has been informed that legal notices only run on Thursdays in *The Augusta Chronicle*. Therefore, the advertisement shall be placed in another section of the newspaper.

session of the Georgia General Assembly ended without reapportioning the Augusta-Richmond County Commission and the Richmond County Board of Education district boundaries after the 2010 Census. The Plaintiffs seek an injunction prohibiting the further use of the existing districts for the County Commission and Board of Education. According to Plaintiffs, using the existing districts would violate the one-person, one-vote principle of the Equal Protection Clause of the United States Constitution.


On Tuesday, May 8, 2012, the Court entered an order finding that the schedule for qualifying for the elections as set by the Richmond County Board of Elections (May 23-25, 2012) has greatly limited the time available for resolving the issues raised in this action, and that any delay in resolving the case could prejudice the citizens and elected officials of the county. The Court thereafter required that any parties that seek to intervene in this action must do so no later than **May 15, 2012 at 12:00 p.m.** A copy of this order may be obtained at the Clerk's Office for the Southern District of Georgia, Augusta Division.

The Court will hold a hearing on the matter on **May 16, 2012 at 9:00 a.m.** in Courtroom 2 of the United States Courthouse located at 600 James Brown Boulevard, Augusta, Georgia, 30901.

The Augusta-Richmond County Commission and the Richmond County Board of Education shall also place the above-stated notice on their publicly-accessible websites. At the conclusion of the publication period, Counsel for the Augusta-Richmond County Commission and the Richmond County Board of Education shall file proof of publication and/or an affidavit for the record indicating compliance with this Order. Costs of said notice and publication shall be jointly paid by the Augusta-

Richmond County Commission and the Richmond County Board of Education.

ORDER ENTERED at Augusta, Georgia, this 8th day of May, 2012.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA