

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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SHELBY COUNTY, ALABAMA,	)	
	)	
Plaintiff	)	
	)	
v.	)	
	)	Civil Action No.
ERIC H. HOLDER, Jr.,	)	1:10-cv-00651-JDB
in his official capacity as	)	
Attorney General of the	)	
United States, et al.	)	
	)	
Defendants.	)	

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**JOINT MOTION FOR BIFURCATION OF FEE ISSUES AND EXTENSION OF DEADLINES**

Plaintiff, Shelby County, Alabama (“Shelby County”) and Defendant, Attorney General of the United States (“United States”) respectfully move for an order: 1) bifurcating the issues raised in Shelby County’s Motion for Attorney’s Fees, filed October 25, 2013 (ECF 92), and 2) extending the deadlines for the United States’ response to Shelby County’s attorney’s fees motion and Shelby County’s reply brief. The parties state as follows:

1. On October 11, 2013, this Court entered an order that provided, among other things, that it is “ORDERED and DECLARED that it is unconstitutional to use the formula in Section 4(b) of the Voting Rights Act, 42 U.S.C. § 1973b(b), to determine which jurisdictions are subject to the preclearance requirement of Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c; it is further ORDERED that Shelby County’s constitutional challenge to Section 5 of the Voting Rights Act is DISMISSED as moot.” (ECF 92).

2. Plaintiff Shelby County filed a Motion for Attorney’s Fees on October 25, 2013. (ECF 94).

3. Shelby County's attorney's fees motion raises two issues. The first is whether Shelby County has a legal entitlement to any attorney's fees in this case as a matter of law. If Shelby County demonstrates that legal entitlement, the second issue is what amount of fees may be appropriate.

4. Shelby County's claim for attorney's fees against the government, based upon Section 14(e) of the Voting Rights Act, 42 U.S.C. 1973l(e), appears to present a legal issue of first impression. Because Shelby County's attorney's fees motion appears to present novel legal issues, the United States requires additional time to respond appropriately. Shelby County should likewise be afforded additional time to reply to the United States' response.

5. Accordingly, to conserve judicial and other resources, the parties respectfully request that this Court bifurcate the briefing and decision on the attorney's fees issues. Specifically, the parties propose: 1) to have the parties brief and have the court decide first the question of whether Shelby County has any legal entitlement to attorney's fees, and 2) then, if needed, have the parties thereafter brief and the Court decide the question of the amount of any attorney's fees, if any, that may be appropriate here.

6. Pursuant to Rule 6(b), Fed. R. Civ. P., the parties also jointly move to extend the deadline for the United States' response to the legal entitlement question presented by Shelby County's attorney's fees motion from November 12, 2013 to December 6, 2013, and to extend the deadline for Shelby County's reply brief to December 20, 2013.

7. If the Court grants the parties' motion for bifurcation, and should the Court determine that Shelby County is entitled to attorney's fees, the United States and Shelby County each explicitly preserve any and all arguments related to the amount or types of fees claimed by Shelby County. Among other issues, the United States believes that Shelby County's fee

application does not contain the documentation required and necessary to formulate a response as to the amount of attorney's fees Shelby County requests. *See Mem. of P. & A. in Support of Plf.'s Mot. for Atty's Fees* at 14 (ECF 94) (suggesting that Shelby County has not yet provided the Court with the type of detailed accounting generally required when moving for fees). Shelby County believes that it has submitted adequate documentation, but acknowledges that the United States and/or the Court may desire more information to analyze whether the amount of fees claimed is reasonable. Accordingly, if the Court grants the parties' motion for bifurcation, and should the Court determine that Shelby County is entitled to attorney's fees, the parties envision that there would be a separate round of briefing and, perhaps, additional filings as to the issues of amount or type of allowable fees.

Date: November 4, 2013

Respectfully submitted,

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District of Columbia

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/s/Richard Dellheim

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	)	
Defendant	)	
_____	)	

**[PROPOSED] ORDER**

Upon consideration of the parties' Joint Motion for Bifurcation of Fees Issues and Extension of Deadlines (ECF \_\_\_), and the record as a whole, it is hereby

**ORDERED** that the Joint Motion is **GRANTED**, and the attorney's fees issues will be bifurcated;

**ORDERED** that the deadline for the Defendant to file a response brief addressing the issue of whether Shelby County has any legal entitlement to any attorney's fees will be December 6, 2013, and the deadline for Plaintiff to file a reply brief will be December 20, 2013;

**ORDERED** that if the Court determines that Shelby County has a legal entitlement to attorney's fees, the Court will schedule additional briefing as to the amount or type of allowable fees.

**SO ORDERED.**

\_\_\_\_\_  
The Honorable John D. Bates  
United States District Judge