

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

OVEAL WALKER, III., GARY CANTUE, §
MACARTHUR ENGLISH, RONALD §
BISHOP and ALICE RAMSEY §
Plaintiffs §

vs. §

BEAUMONT INDEPENDENT SCHOOL §
DISTRICT, 3395 Harrison Avenue, §
Beaumont, Texas 77006 §
Defendants §

Civil Action No.

PLAINTIFFS’ ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiffs, OVEAL WALKER, III., GARY CANTUE, MACARTHUR ENGLISH, RONALD BISHOP and ALICE RAMSEY (hereinafter referred to as “Plaintiffs”), and file this Original Complaint complaining of Defendants, BEAUMONT INDEPENDENT SCHOOL DISTRICT (hereinafter referred to as “Defendants”), and in support thereof would show the Court as follows:

PARTIES

1. Plaintiffs, Oveal Walker, III, Gary Cantue, MacArthur English, Ronald Bishop and Alice Ramsey are citizens and resident of Beaumont, Jefferson County, Texas and the Beaumont Independent School District.

2. Defendant, Beaumont Independent School District (“BISD”) is a political subdivision of the State of Texas. BISD is subject to the Voting Rights Act of 1965, as amended and codified at 42 U.S.C. § 1973c. Defendant, BISD, may be served with citation by serving the President of the Board of Trustees, GWEN AMBRES, or its Superintendent of Schools, DR. TIMOTHY B. CHARGOIS, at BISD’s main office located at 3395 Harrison Avenue, Beaumont, Texas 77006.

JURISDICTION AND VENUE

3. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343, 1357, and 2284; and pursuant to 42 U.S.C. §§ 1973, 1973j(f). Plaintiffs’ action for declaratory and injunctive relief is authorized by 28 U.S.C. §§ 2201, 2202, and 2284, as well as by Rules 57 and 65 of the Federal Rules of Civil Procedure. Venue is proper pursuant to 28 U.S.C. §§ 1391(b).

4. Plaintiffs seek attorneys’ fees and costs pursuant to 42 U.S.C. §1973 l(e) and 1988.

FACTS

5. BISD is located in Jefferson County, Texas.

6. In 1985, the United States District Court for the Eastern District of Texas, Beaumont Division, in the case of *United States v. B.I.S.D.*, B-6819-CA, ordered the implementation of a seven single-member district plan for electing BISD school board trustees. *See* Exhibit A. The court, in addition to ordering the BISD’s method of election, also required that the trustees’ terms would be staggered, with a subset of trustees chosen

at each election. The BISD has continued the practice of using single-member districts with staggered terms for the past 26 years, through two redistricting cycles. On April 2, 2008, the Attorney General granted preclearance to BISD's change in the staggering of terms for the board of trustees to account for the change from three-year to four-year terms.

7. Texas state law permits citizens to present election propositions, and after receiving a requisite number of citizen signatures, such propositions can be placed on the ballot for consideration by eligible voters. Such propositions, if passed, are binding on the BISD trustees. TEX. EDUC. CODE § 11.052(e).

8. Due to a submitted proposition, BISD was compelled by state law to submit to the voters a proposal that the historical seven single-member district system for BISD trustees be replaced by a system requiring five single member districts and two at-large districts ("5/2 plan"). On May 14, 2011 the voters in BISD narrowly supported adoption of the 5/2 plan.

9. On August 3, 2012, BISD submitted to the United States Department of Justice for Section 5 preclearance under the Voting Rights Act a new redistricting plan under the 5/2 system.

10. On December 21, 2012, the United States Department of Justice denied Section 5 preclearance of the 5/2 plan because it found such plan would likely reduce the ability of African-American citizens to elect candidates of their choice to the BISD Board of

Trustees and would thus retrogress minority voting strength. In view of this objection, the seven single-member district plan is the last legally enforceable redistricting plan for electing BISD Board Trustees.

11. Following the release of 2010 federal decennial census, and in view of the December 2012 objection by the United States Department of Justice to the 5/2 plan, BISD was required by state law to redistrict its seven trustee election districts. TEX. EDUC. CODE § 11.052(i).

12. Under Texas law, BISD was required to hold its elections for the BISD Board of Trustees, on May 11, 2013. TEX. EDUC. CODE §11.059.

13. Due to the denial of preclearance of the 5/2 plan, which rendered the 5/2 plan legally unenforceable, BISD then had to adopt a new seven-member redistricting plan, obtain preclearance of same, and then implement the new plan in time for a May 11, 2013 election.

14. On January 10, 2013, less than three weeks after the United States Department of Justice denied preclearance of the 5/2 plan, the BISD's Board of Trustees ("Board") adopted "guidelines for the creation of an alternate seven (7) single-member redistricting plan."

15. A week later, at the Board's January 17, 2013, regularly scheduled public meeting, BISD's demographer presented the Board and public with "two alternate 7/0 plans with population data and maps."

16. At the January 17, 2013 meeting, the Board majority voted to table consideration of a motion directing its counsel to prepare a 5/2 election district map for the May 11, 2013 election.

17. After the January 17, 2013 meeting, the demographer hired to consult with the Board suffered a sudden, debilitating illness.

18. On January 31, 2013, BISD convened a special meeting and voted to engage a new demographer to assist its retained Demographer in the redistricting process for BISD. Also, a public hearing was held to discuss plan with the community.

19. On February 6, 2013, the Board held a special called public hearing to discuss a proposed redistricting plan with the public.

20. On February 21, 2013, the Board held a regularly scheduled public meeting. The public notice included the following matters for Board consideration: (1) Consider and If Appropriate Adopt Alternate 7/0 Redistricting Map for the Beaumont Independent School District Trustee Election; (2) Consider and If Appropriate Approve An Election Order and Notice for the May 11, 2013 Trustee Election.

21. On February 21, 2013, the Board majority adopted "BISD Map 7B," a map comprised of seven new, single-member election districts for use with BISD trustee elections, including the May 11, 2013, election.

22. In connection with its formal completion of the redistricting, the Board on February 21, 2013 also approved and adopted an Election Order and Notice of Election for the May 11, 2013, election. The Election Order took effect immediately and

authorized a May 11, 2013 election for “[t]hree (3) trustees: one (1) from trustee district IV, one (1) from trustee district VI, and one (1) from trustee district VII.”

23. Friday, March 1, 2013, at 5:00 p.m., was the state law statutory deadline to file an application for a place on the BISD May 11, 2013 election ballot. TEX. EDU. CODE § 11.055.

24. On Friday, March 1, 2013, shortly before the 5:00 p.m. deadline, three persons Marcelino Rodriguez, Donna Forgas and Linda Gilmore appeared in person and each submitted to the Board’s administrative secretary a completed application for a place on the BISD May 11, 2013 election ballot.

25. The three last minute applications were submitted for BISD trustee election districts 1, 2 and 3, even though the Board of Trustees had decided to hold elections in May 2013 for trustee election districts 4, 6 and 7. At the present time, districts 1, 2, and 3 are represented by African-Americans who received the strong support of African-American voters in the district.

26. Incumbent Trustee, Mr. Michael Scott Neil also applied for election district 5, even though district 5 was not up for election by the terms of the February 21, 2013 BISD Election Order. Danny Charles Major also filed an application for new election district 5, but “only if at-large election.”

27. The three persons (Marcelino Rodriguez, Donna Forgas and Linda Gilmore) who submitted last minute applications for Districts 1, 2 and 3 ran for those seats in 2011 and each was defeated by the African-American incumbents.

28. Because the BISD Election Order only called for an election to elect trustees for District 4, 6, and 7, no other persons (other than those mentioned above) applied to be candidates in trustee election districts 1, 2, and 3, or in district 5, including the incumbents of those offices. Thus, if the ballot applications had been accepted for those seats, the incumbents in districts 1, 2 or 3 would have been replaced without an election.

29. With regard to the remaining new trustee election districts, Thomas B. Nield, Sr. was an unopposed candidate in district 6, and Gwendolyn M. Ambres was an unopposed candidate in district 4. The only contested race in the filing period for the election originally scheduled to take place on May 11th, 2013 was in new election district 7. It had two candidates.

30. On Monday, March 4, 2013, BISD conducted a drawing to determine for the ballot the order of names for election districts having multiple candidates.

31. Also on Monday, March 4, 2013, BISD tendered to each of the persons who had attempted to apply for candidacy in districts 1, 2 and 3, a letter dated March 4, 2013, wherein BISD rejected their applications for a place on the May 11, 2013 ballot, citing Texas Election Code Section 141.032(e) (“If an application does not comply with the applicable requirements, the authority shall reject the application and immediately deliver to the candidate written notice of the reason for the rejection.”). BISD informed the applicants that BISD had rejected their applications because they applied “for an office ... not scheduled to be on the ballot for a full term or for an unexpired term.”

32. In the public controversy surrounding these rejected ballot applicants, it became known that some citizens believed (Citing TEX EDU. CODE § 11.052(h)), that state law required the election of all seven trustees when changes were made to the single member district plan, even though such districts were not included as part of the order scheduling the election.

33. On March 8, 2013, the BISD Board of Trustees held a properly noticed special meeting and voted to amend the election order and amend the notice of election. The BISD Board of Trustees, through these actions, rescinded the February 21, 2013 board action adopting the 7/0 redistricting map of February 21, 2013, and adopted an amended election order to use the existing 2001 voting map in the May 2013 elections. This was done because the redistricting map adopted at the February 21, 2013 Board of Trustees' meeting was not adopted more than three months before the May 11, 2013 election, as required by TEXAS ELEC. CODE § 276.006. Also, the new single-member district plan had not yet received preclearance under Section 5 of the Voting Rights Act (and in fact was denied preclearance by United States Department of Justice on or about April 8th, 2013).

34. Adoption of the existing 2001 boundaries permitted an election of only those trustees whose terms had expired because such a plan did not represent a change to the districts, therefore complying with the election order adopted by the Board. Adoption of the existing 2001 boundaries also permitted the election to go forward as planned, since that election date had previously been precleared under Section 5.

35. On March 7, 2013, Marcelino Rodriguez, Donna Forgas and Linda Gilmore, the candidates for districts 1, 2 and 3, filed a Petition for Writ of Mandamus with the Ninth Court of Appeals in Beaumont, Jefferson County, Texas. Their Petition requested that an election be ordered for all trustee districts. They also requested that they be placed on the ballot as the single contestants for their requested districts or that they be certified as elected to those seats given that no other candidates filed for those offices.

36. BISD timely responded in opposition to the Petition.

37. The Texas Ninth Court of Appeals granted the Petition for Writ of Mandamus and issued an opinion that required the three last minute applicants (Marcelino Rodriguez, Donna Forgas and Linda Gilmore) to be elected to the offices for which they filed applications. Because neither the incumbents nor other eligible citizens filed ballot applications for districts 1, 2, or 3, the effect of the Ninth Court's order was that no election would occur for these offices and the citizens who filed were given an unopposed certificate of election.

38. BISD did not notify the three incumbent trustees who had been duly elected to minority districts 1, 2 or 3 in 2011 of the change in method of election, whereby all trustee districts would be filled in the May 11, 2013 election. Additionally, no notice was given to the minority population that districts 1, 2 or 3 would be vacated and therefore those minority communities would have had no opportunity to elect candidates of their choice if the Ninth Court's order was implemented. The statutory deadline to file

an application for a place on the ballot expired March 1, 2013, pursuant to TEX. EDUC. CODE § 11.055.

39. If BISD, had complied with the Ninth Court of Appeals order, it would have been in violation of Section 5 of the Voting Rights Act. The new seven district map that the Ninth Court had ordered into effect had not yet been precleared. The Ninth Court order also required BISD to implement the election plan with new specific court ordered procedures and schedules, which had also not been precleared. Implementing an election schedule (including opening candidate qualifying periods) or otherwise moving forward with an unprecleared redistricting plan was at the time a violation of Section 5. *See e.g., Busbee v. Smith*, 549 F. Supp. 494, 517 (D. D.C. 1982), *affirmed* 549 U.S. 1166 (1983).

40. The United States Supreme Court in *Hathorn v. Lovorn*, 457 U.S. 255 (1982) held that voting changes occasioned by state court orders governing election procedures are changes within the meaning of Section 5 and must be precleared under Section 5. Federal courts had jurisdiction to enter orders requiring compliance with Section 5 even when there is an inapposite opinion from a state court. *See also Riley v. Kennedy*, 553 U.S. 406 (2008).

41. BISD then filed a declaratory judgment action in the United States District Court for the District of Columbia (styled *Beaumont Independent School District v United States of America and Eric H. Holder, Jr., and Thomas Perez*; Cause No.: 1:13-cv-401, hereinafter *BISD v. USA*) seeking relief from the order from the Ninth Court of Appeals directing them to continue to implement various election practices.

42. Marcelino Rodriguez, Donna Forgas, Linda Gilmore (the three individuals seeking unopposed installment as trustees for districts 1, 2 and 3) and Michael Scott Neil appeared as Intervenors in that case, *BISD v. USA*.

43. On April 8, 2013, United States Department of Justice sent BISD a letter which objected to the election changes occasioned by the Ninth Court of Appeals decision and objected to requiring the election of all trustees instead of using the historical precleared process of staggered terms and requested additional information on Plan 7b. On April 8th, 2013, BISD had no precleared election process and calendar and no precleared district map.

44. On April 9, 2013, in *BISD v. USA* the United States of America requested a Temporary Restraining Order enjoining BISD from implementing the election changes referenced above and further enjoining BISD from taking any actions with respect to a May 11, 2013 election.

45. On April 23rd, 2013, the District Court of the District of Columbia issued a preliminary injunction which enjoined BISD from holding an election on May 11th, 2013, “because no valid precleared election districts are in place and preclearance could not be timely obtained”.

46. Subsequently, on April 29th, 2013, the BISD Trustees adopted a resolution cancelling the May 11th, 2013 election and called for a new election on November 5th, 2013 for only the three trustees (districts 4, 6 and 7) whose terms expired in May 2013.

That resolution further provided that the remaining four trustees would continue to serve out their terms which expired in 2015.

47. Subsequently, Marcelina Rodriguez, Donna Forgas, Linda Gilmore (the three individuals who had filed for minority districts 1, 2 and 3) and Michael Scott Neil, the incumbent trustee, filed a suit in the 172nd District Court of Jefferson County, Texas, which attempted to declare the resolution of April 29th, 2013, unlawful. However, they did not take any affirmative steps to enjoin the November election until August 28th, 2013.

48. That case was removed to Federal Court in the Eastern District of Texas and remanded back to the 172nd District Court on May 31st, 2013.

49. During this period of time on May 16th, 2013, the BISD Board adopted a new redistricting map (7I) to address concerns raised by the United States Department of Justice that one district in its previous plan (7B) was retrogressive.

50. On June 18, 2013, the Attorney General granted administrative preclearance of Map 7I.

51. On June 20th, 2013, in *BISD v. USA*, Defendant, BISD, and the United States of America, et al, filed a Joint Motion for Entry of an Order in the United States District Court for the District of Columbia regarding the November Election and on June 21st, 2013, BISD filed an amended complaint requesting that the United States District Court for the District of Columbia preclear 7I and the proposed election schedule for a November 2013 election.

52. On June 25, 2013, the Supreme Court issued its opinion in *Shelby County v. United States*, 133 S.Ct. 2612 (U.S. 2013), which declared Section 4(b) of the Voting Rights Act unconstitutional. Therefore, BISD was no longer required to obtain preclearance.

53. On or about June 26th, 2013, Marcelino Rodriguez, Donna Forgas and Linda Gilmore as Intervenors in *BISD v. USA* filed an opposition to the Joint Motion contending that as a result of the Supreme Court's decision in *Shelby County v. Holder*, the United States District Court for the District of Columbia no longer had jurisdiction over this matter.

54. On or about July 8th, 2013, Marcelino Rodriguez, Donna Forgas and Linda Gilmore filed a Motion for enforcement of Writs of Mandamus. This Motion, if granted, would have resulted in their installation as trustees of districts 1, 2 and 3, without any meaningful election to afford members of the minority community of the BISD an opportunity to elect candidates of their choice.

55. On or about July 10th, 2013, Defendant, BISD, filed a reply contending among other things that the United States District Court for the District of Columbia had previously issued a valid injunction and the Supreme Court decision in *Shelby County* therefore did not bar the DC Court from issuing an order directing that BISD implement its precleared plan this fall and the DC Court had authority to enforce and implement orders necessary to ensure that its prior orders are put into effect. See *Travelers Indem.*

Co. v. Bailey, 557 U.S. 137 (2009) and *Local Loan Co. v. Hunt*, 292 U.S. 234, 239 (1934).

56. On August 1, 2013, the Ninth Circuit Court of Appeals issued an opinion dismissing the pending mandamus proceeding. The Court specifically stated, “The writ presumed and addressed a May election, which did not occur.”

57. On August 15, 2013, the BISD ordered an election to occur on November 5, 2013 of Districts 4, 6 and 7. Marcelino Rodriguez, Donna Forgas and Linda Gilmore made no attempt to prevent the November election at that time. Applications were accepted for place on the November 5 election ballot from June 27, 2013 to August 26, 2013. Marcelino Rodriguez, Donna Forgas and Linda Gilmore did not file applications for any of the districts 4, 6 and 7 during the filing period for the November election.

58. On or about August 20, 2013, the D.C. Court dismissed the pending action BISD v. USA because of the *Shelby County* opinion.

59. Subsequently, on or about August 28th, 2013, Marcelino Rodriguez, Donna Forgas, Linda Gilmore and Michael Scott Neil attempted for the first time to enjoin the November 5th, 2013, election by filing an Amended Petition in a suit they had previously filed in the 172nd Judicial District of Jefferson County, Texas.

60. Marcelino Rodriguez, Donna Forgas and Linda Gilmore asked the trial court to “preclude BISD from holding an election on November 5th, 2013”. In the alternative they asked the Court to “require BISD to hold an election on November 5th, 2013 utilizing the election map and filing period that was applicable to the May election thereby resulting in

Plaintiffs' being elected as unopposed to three district seats" or further in the alternative "to hold an election on November 5th, 2013, using a different election scheme (the 5/2 scheme) with all trustee positions on the ballot".

61. The trial court held a hearing on September 11th and 18th, 2013. At no point in the hearing did Plaintiffs argue in favor of a 5/2 plan, instead they were seeking installation without election. and on September 24, 2013, the 172nd District Court entered an Order Denying Injunction and Order Denying Mandamus. Among other things the trial Court's Order stated that the following:

Turning to the claims concerning the district map to be utilized in the November election, the Court finds it lacks authority to impose upon BISD an election map of Plaintiffs' choosing but that even if such authority were before the Court, Plaintiffs have not shown themselves entitled to imposition of a district map of their choosing. The events giving rise to this case began when Plaintiffs, and others, successfully petitioned by election the BISD to go to a five single-member district and two at-large district election system ("5/2"). The evidence demonstrates that (1) the use of a single member district map by BISD was ordered by the United States District Court for the Eastern District of Texas in 1985 and that order has not been modified or rescinded; (2) returning to a system that includes at-large elections would be unprecedented by a Texas jurisdiction; and (3) the U.S. Department of Justice has warned that returning to a 5/2 system would likely be discriminatory against racial or ethnic minorities. Although the lawfulness of an election scheme under federal law is reserved to federal Courts, this Court has a duty to ensure that federal laws are complied with consistent with the Supremacy Clause to the federal Constitution. Plaintiffs have not shown they have a substantial likelihood on the merits of prevailing on the claim that a 5/2 election scheme would survive federal court scrutiny. For one, a federal court order that remains in place requires a single member district scheme; Plaintiffs have articulated no basis for this Court to ignore that previously entered federal court order. Moreover, the evidence demonstrates that a 5/2 scheme is likely to run afoul of federal civil rights laws and therefore is

likely to be enjoined by the federal courts. BISD did not abuse its authority to return to a single member district map after the 5/2 scheme was blocked by the U.S. Department of Justice.

62. Marcelino Rodriguez, Donna Forgas and Linda Gilmore timely filed a Notice of Accelerated Appeal and the Ninth Circuit Court of Appeals entered a briefing schedule. Marcelino Rodriguez, Donna Forgas and Linda Gilmore then filed a Petition for Writ of Mandamus and sought expedited review seeking to compel the BISD Board to use map 7b for the November 5th, 2013 election or to compel the BISD Board to declare them elected to office. The Court of Appeals ordered consolidated briefing of the two cases and required BISD to respond in both actions on October 9, 2013.

63. Subsequently, on or about October 17th, 2013, the Ninth Court of Appeals issued another order denying the petition for writ of mandamus and remanding the matter to the trial court for further findings in accordance with their opinion. That opinion specifically stated that “the map BISD adopts for its now delayed regular trustee election must by state law allow for the election of trustees from two at large districts.” The Court of Appeals directed that the plan's lawfulness under federal law must be determined by a federal court and therefore reversed the trial court opinion.

64. Defendant, BISD, and Marcelino Rodriguez, Donna Forgas, Linda Gilmore and Michael Scott Neil are currently involved in seemingly endless litigation regarding the date on which an election under the 5/2 plan is to be held.

65. Defendant, BISD, has initiated the process of adopting a 5/2 plan by publically

presenting 5/2 plans to citizens of BISD at the first public hearing which was held on December 19, 2013. BISD intends to complete the 5/2 drawing process by early February, 2014.

66. BISD has not stated when it intends to reschedule the election but, in accordance with the Ninth Court of Appeals' ruling, BISD has filed a pleading with the 172nd District Court requesting that it reschedule the election. Marcelino Rodriguez, Donna Forgas, Linda Gilmore and Michael Scott Neil have objected to the trial court's jurisdiction to re-schedule the election despite the clear Court of Appeals decision that required BISD to seek state court permission in the 172nd District Court to reschedule the election. Marcelino Rodriguez, Donna Forgas, Linda Gilmore and Michael Scott Neil have been granted permission by the trial court to seek an interlocutory, accelerated appeal to ask the Court of Appeals if they were certain when they ordered BISD to seek rescheduling the election to a future date. BISD's brief to the motion seeking permission from the Court of Appeals to proceed with an interlocutory appeal is due December 23, 2013.

67. It is unknown when the state court proceedings will be complete and therefore a new election date is in place. These Plaintiffs object to the scheduling of the election until such time as their federal claims are adjudicated.

68. Plaintiffs bring federal claims that allege, as the Department of Justice has already found, that adoption of any 5/2 plan will retrogress minority voting rights in violation of the Voting Rights Act and the First and Fourteenth Amendments to the United States

Constitution.

CLAIMS

Count 1

1. Plaintiffs reallege the facts set forth above.
2. A BISD redistricting plan under a 5/2 scheme violates Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, in that, under the totality of the circumstances, Plaintiffs and minority voters are denied an equal opportunity to participate effectively in the political process and to elect candidates of their choice to the office of BISD Trustee. The Plan also violates Section 2 of the Voting Rights Act, 42 U.S.C. §1973, because, under the totality of circumstances, Plaintiffs and minority voters are denied an equal opportunity to participate effectively in the political process and to have any meaningful or significant influence in elections for the offices of BISD Trustee.

Count 2

3. Plaintiffs reallege the facts set forth above.
4. The adopted plan violates the Fourteenth and Fifteenth Amendments to the United States Constitution because it intentionally discriminates against Latino and African American persons by denying them an equal opportunity to participate in

the political process, to elect candidates of their choice to the offices of BISD Trustee, and to have any meaningful or significant influence in elections for office of BISD Trustee.

Count 3

5. Plaintiffs reallege the facts set forth above.
6. The Plan violates the First, Fourteenth and Fifteenth Amendments to the United States Constitution because its districts are racial gerrymanders, drawn with excessive and unjustified use of race and racial data.

V.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that this Court:

1. Assume jurisdiction of this action.
2. Issue a declaratory judgment, pursuant to 28 U.S.C. §§ 2201 and 2202 and Federal Rules of Civil Procedure Rule 57, declaring that any 5/2 Plan for BISD Trustees: (1) dilutes the voting strength of minority voters in violation of Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973, and in violation of the United States Constitution; (2) is intentional in its design to damage the voting rights of minority citizens; (3) is an unconstitutional gerrymander in violation of the First and Fourteenth Amendments to the United States Constitution and Article I of the United States Constitution; and (4) cannot be administered pursuant to those laws.

3. Issue a permanent injunction enjoining the Defendants, their agents, employees, and those persons acting in concert with them, from enforcing or giving any effect to the proposed boundaries as drawn in the Plan, including enjoining Defendants from conducting any elections for the offices of BISD Trustees based on the 5/2 Plan.
4. Make all further orders as are just, necessary, and proper to ensure complete fulfillment of this Court's Declaratory and injunctive orders in this case.
5. Issue an order requiring Defendants to pay Plaintiffs' costs, expenses and reasonable attorneys' fees incurred in the prosecution of this action, as authorized by the Civil Rights Attorneys' Fees Awards Act of 1976, 42 U.S.C. § 1988 and by the Voting Rights Act, 42 U.S.C. § 1973l(e).
6. Grant an order retaining jurisdiction over this matter pursuant to Section 3(c) of the VRA and requiring the Defendant, their agents, employees, and those persons acting in concert from altering their election policies, including redistricting, until such changes have been precleared by this Court or the Department of Justice ;
and
7. Grant such other and further relief as it seems is proper and just.

Dated this ____ day of _____, 2013.

Respectfully Submitted,

LAW OFFICE OF NEIL G. BARON

/s/ Neil G. Baron

NEIL G. BARON

Texas State Bar No. 01797080

LAW OFFICE OF NEIL G. BARON

914 FM 517 W, Suite 242

Dickinson, Texas 77539

Telephone (281) 534-2748

Facsimile (281) 534-4309

neil@ngbaronlaw.com

ATTORNEYS FOR PLAINTIFFS