

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

PEOPLE FIRST OF ALABAMA,)	
et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action Number 2:20-cv-619-AKK
)	
JOHN MERRILL, et al.)	
)	
Defendants.)	

**BRIEF IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT BY
BILL ENGLISH AND JAMES MAJORS; JOHNNIE MAE KING,
LASHANDRA MYRICK, AND RUBY THOMAS; AND CAROLYN DAVIS-
POSEY AND BRITNEY JONES-ALEXANDER, ALL IN THEIR OFFICIAL
CAPACITIES**

COME NOW Defendants Lee County Probate Judge Bill English and Absentee Election Manager James Majors; Lowndes County Absentee Election Manager Johnnie Mae King, Probate Judge LaShandra Myrick, and Circuit Clerk Ruby Thomas; and Wilcox County Circuit Clerk Carolyn Davis-Posey and Probate Judge Britney Jones-Alexander, all in their respective official capacities, and hereby respectfully submit this Brief in Support of their Motion for Summary Judgment. These Defendants are entitled to summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, as follows:

TABLE OF CONTENTS

TABLE OF CONTENTS.....2

DEFENDANTS’ STATEMENT OF UNDISPUTED FACTS3

STANDARD OF REVIEW6

ARGUMENT7

 I. THESE DEFENDANTS ARE NOT PROPER PARTIES.....9

 II. IN THE ALTERNATIVE, IF LOCAL OFFICIALS WERE PROPER
PARTIES, THEN THE CASE IS DUE TO BE DISMISSED FOR THE
FAILURE TO JOIN OTHER NECESSARY PARTIES16

CONCLUSION17

CERTIFICATE OF SERVICE18

DEFENDANTS' STATEMENT OF UNDISPUTED FACTS

These Defendants hereby adopts and incorporates by reference as if fully set out herein the Statement of Undisputed Relevant Material Facts and supporting exhibits contained in the Motion for Summary Judgment filed by the State of Alabama and Secretary of State John Merrill.

Defendants further state as follows:

18. Pursuant to Alabama law, Secretary of State John Merrill is the Chief Elections Official for the entire State, with general supervisory authority over all subordinate officials. He testified that he exercises his general supervisory authority over local officials both by promulgating general rules and also in individual cases whenever he perceives that they are not following his orders, *up to and including* threatening to mobilize law enforcement. (Doc. 160-3, Merrill Dep., pgs. 13-15, 22-23; Doc. 160-4, Merrill Dep. Pt. 2 pg. 7.)

19. Absentee elections managers do not have discretion to deviate from the standards set by Alabama law for processing applications. (Doc. 37-1, Declaration of Mary Roberson, "Roberson Dec.," ¶ 5.) Ms. Roberson testified that she acted under guidance from the Alabama Secretary of State in executing her duties as Absentee Election Manager. (Id. at ¶ 7.) Current Lee County Absentee Elections Manager James Majors testified that his office merely processes the absentee ballots when they are received and then turns them over to the absentee precinct poll. His

office has no control over whether they are ultimately counted. (Exhibit A, Deposition of James Majors, “Majors Dep.,” 56:2-58:1; 64:11-13; see also Roberson Dec., ¶ 8.) After the election, all the physical copies of the absentee applications are boxed up and turned over to the sheriff; nobody from his office can access these documents. (Id. at 91:1-21.)

20. Majors further stated in his Response to Interrogatories that, other than information generally available to the public and Gov. Ivey’s official directives, he has relied on communications from the Office of the Secretary of State regarding the virus. (Exhibit B, James Majors Interrogatory Responses.) The process by which absentee ballots are handled is dictated by Alabama law. (Id.)

21. Probate Judge Bill English testified that probate judges are the Chief Elections Officials in their respective counties. Their duties, however, with respect to this lawsuit are limited and include serving as Chair of the Appointing Board, which consists of the Probate Judge, Circuit Clerk and the Sheriff. The sole duty and function of the Appointing Board is to appoint necessary election officials and an inspector for each polling place (poll workers). They also serve on the Canvassing Board, which certifies general election results, along with the Circuit Clerk and Sheriff, and they are responsible for ordering supplies for the election. Judge English, who has been responsible for training the poll workers since 1994, testified that the Secretary of State provides materials, including videos, for use in

training poll workers. (Exhibit C, Declaration of Bill English, “English Dec.,” ¶¶ 2-3.

22. Probate Judges are not involved in receiving the absentee ballot applications, determining who receives absentee ballots or whether absentee ballots are counted. (Id. at ¶ 4.)

23. Probate Judges are required to follow Chapter 11 of Title 17 of the Code of Alabama, Chapter 820 of the Administrative Code, and any Emergency Rules enacted by the Secretary of State. Because the Secretary of State is the Chief Election Official for the State of Alabama, probate judges are required to follow any rules from his office. The Secretary of State with assistance from the Alabama Law Institute has composed and published the Alabama Election Handbook, now in its Nineteenth Edition, which, although not itself authoritative, serves as a detailed guide to Alabama’s election system. (Id. at ¶ 5.)

24. Probate Judges are not responsible under Alabama law for enforcing and do not review the excuse or witness requirements for Absentee Ballot Applications and do not review Absentee Ballots when delivered. They have no responsibilities over absentee voting except that, as a member of the Appointing Board, they vote on appointing Absentee poll workers, and as a member of the Canvassing Board, they vote on the certification of the results of votes cast in the

county based on the results provided by the Absentee polling place and the other physical polling places in the County. (Id. at ¶ 6.)

25. Judge English has testified that Alabama law does not authorize curbside voting, and that he does not have the authority to implement curbside voting unless authorized. He estimates that, if he were ordered to implement curbside voting, the polling places would need nearly double the number of poll workers and nearly double the number of voting machines. Because the county commission has budgetary responsibility, it must consent to the number of poll workers and the extra voting machines that would be required. Judge English does not have the authority on his own to increase the number of poll workers or the number of voting machines. Further, only the county commission is authorized to approve the places of voting. (Id. at ¶ 7.)

STANDARD OF REVIEW

Summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure is appropriate when the pleadings, affidavits, and depositions demonstrate that there is no genuine issue as to any material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986). The party moving for summary judgment meets its initial burden by “showing – that is, pointing out” that the non-movant lacks evidence to support the essential elements of his claim. *Id.* at 325. After the movant has met this initial burden, the non-movant must present “substantial evidence” on each essential

element of her claim. *Id.* “Summary judgment procedure is properly regarded not as a disfavored procedural shortcut, but rather as an integral part of the Federal Rules as a whole, which are designed “to secure the just, speedy and inexpensive determination of every action.” *Id.* at 327.

The importance of summary judgment was reinforced in *Scott v. Harris*, 550 U.S. 372 (2007). The *Scott* Court “emphasized” that the rule stating that the facts must be viewed in the light most favorable to the non-moving party applies “only if there is a ‘genuine’ dispute as to those facts.” 550 U.S. at 380. “Some metaphysical doubt” is not enough to prevent summary judgment. *Id.*

ARGUMENT

As an initial matter, these Defendants do not waive any of the arguments made in their Objection to Scheduling Order, or, in the alternative, Motion for Extension of Time by submitting this Motion and Brief. As stated in that Objection, the scope and pace of this litigation is such that it has deprived these Defendants of their due process rights in this case. They have not been afforded enough discovery at this point to fully understand the nature of the claims against them, much less a sufficient opportunity to prepare their defense, particularly as to the substance of the claims.¹

Although this case has been brought under the guise of being a response to the unique conditions caused by the current COVID-19 pandemic, the relief

¹ For example, expert depositions are just beginning today.

requested in the Amended Complaint suggests, and the discovery that has been conducted confirms, that Plaintiffs' real goal for this case goes far beyond the current emergency. They are not just seeking emergency relief, but also, *inter alia*, the permanent adoption of what they term "no-excuse" absentee voting; a permanent ban on the Witness Requirement and Photo ID Requirements; and a permanent injunction against the enforcement of the Curbside Voting Ban. (Doc. 75, pgs. 78-80.) The fact that Plaintiffs are seeking permanent changes to Alabama's voting laws only further militates against the untenable pace that has been set in this case.

Nevertheless, as discussed in the State Defendants' Brief, the discovery that has been done so far establishes that the current named Plaintiffs do not have standing to bring these claims because they cannot put forth substantial evidence of an injury in fact. **These Defendants hereby adopt and incorporate by reference as if fully stated herein Section IV(A) and (D) of the State Defendants' Brief as to the Plaintiffs' lack of standing.**

Further, even if Plaintiffs could establish a genuine issue of material fact as to the injury component of standing, both the traceability and redressability components are lacking as to these Defendants. In the alternative, if local officials such as these Defendants were proper parties, then Plaintiffs' random selection of certain officials in various counties is nonsensical, and the case would be due to be dismissed for failure to join necessary parties.

These Defendants also adopt and incorporate by reference the filings made by Defendant JoJo Schwarzauser and Defendants Barger and Kizer (Docs. 163-164-13; 165) to the extent that they are not incompatible with these Defendants' Motion and Brief.

I. THESE DEFENDANTS ARE NOT PROPER PARTIES.

The Eleventh Circuit has recently summarized the doctrine of standing as follows:

Article III of the Constitution limits the subject-matter jurisdiction of federal courts to “Cases” and “Controversies.” U.S. Const. art. III, § 2. “To have a case or controversy, a litigant must establish that he has standing,” which requires proof of three elements. *United States v. Amodeo*, 916 F.3d 967, 971 (11th Cir. 2019). The litigant must prove (1) an injury in fact that (2) is fairly traceable to the challenged action of the defendant and (3) is likely to be redressed by a favorable decision. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61, 112 S.Ct. 2130, 119 L.Ed.2d 351 (1992).

Because the elements of standing “are not mere pleading requirements but rather an indispensable part of the plaintiff’s case, each element must be supported ... with the manner and degree of evidence required at the successive stages of the litigation.” *Id.* at 561, 112 S.Ct. 2130. If an action proceeds to trial, the facts necessary to establish standing “must be supported adequately by the evidence adduced at trial.” *Id.* (internal quotation marks omitted). And when plaintiffs seek prospective relief to prevent future injuries, they must prove that their threatened injuries are “certainly impending.” *Clapper v. Amnesty Int’l USA*, 568 U.S. 398, 401, 133 S.Ct. 1138, 185 L.Ed.2d 264 (2013) (internal quotation marks omitted).

Jacobson v. Fla. Sec’y of State, 957 F.3d 1193, 1201 (11th Cir. 2020).

The *Jacobson* court determined that the plaintiffs lacked standing to bring their claims against the Florida Secretary of State in that case because their alleged injuries – which arose from the order in which candidates’ names were printed on ballots - were neither traceable to nor redressable by relief against her because Florida law explicitly tasks the independently elected supervisors of elections with printing the names on the ballots. 957 F.3d at 1207. These Defendants maintain that *Jacobson* did not somehow create a bright line rule that local officials are always the proper defendants in a challenge to an election law. Rather, the proper parties will be determined by both the facts of the case and by the applicable State law.

Any doubt on this point is resolved by contrasting *Jacobson* with the earlier *Socialist Workers Party v. Leahy*, 145 F.3d 1240 (11th Cir. 1998). The *Socialist Workers Party* plaintiffs had sued both the Florida Secretary of State and the various supervisors of elections in a case challenging the constitutionality of a provision of Florida’s election laws that required the chairs and treasurers of political parties in Florida to file certain bonds. 145 F.3d at 1241. As in *Jacobson*, the Eleventh Circuit examined the actual law at issue and the parties’ respective roles in enforcing it – except that, in *Socialist Workers Party*, it ultimately held in that case that the only proper defendant was indeed the Secretary of State, who was not only charged with enforcing the particular provision of law, but had on multiple occasions in the past

threatened to do so, and continued to present a credible threat of future enforcement. *Id.* at 1246-48.

It is these Defendants' position that *Jacobsen* and *Socialist Workers Party* are not necessarily inconsistent, but are instead distinguishable on their facts, specifically including the fact that, in *Jacobsen*, the printing of the ballots was explicitly entrusted to the local officials and thus beyond the general supervisory authority of the Florida Secretary of State. 957 F.3d at 1208 (holding that general election authority was insufficient to establish traceability or redressability when "Florida law expressly gives a different, independent official control over the order in which candidates appear on the ballot.") Unlike in either *Socialist Workers Party* or the case *sub judice*, her power as to the particular act challenged in *Jacobsen* was instead limited to the use of "coercive judicial process." *Id.* at 1207. There is no similarly explicit carve-out from the Secretary of State's general supervisory power in this case. If, however, *Jacobsen* and *Socialist Workers Party* do conflict, then *Socialist Workers Party* would govern as the older of the two cases. *See Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981).²

Recent relevant precedent arising from Alabama confirms that the holding of *Jacobsen* does not control in this case. In the early stages of *Greater Birmingham*

² It is worth noting that *Jacobsen* does not substantively discuss *Socialist Workers Party* except to note it as an example to prove the point that "nothing prevented the [plaintiff] voters and organizations" from also naming all of the county supervisors as defendants.

Ministries v. State, this Court held that the plaintiffs had “Article III standing to pursue their claims against only the Secretary of State but not the other officer defendants,” which included the Governor, the Attorney General, and the ALEA Secretary. Civil Action No. 2:15-cv-02193-LSC, 2017 WL 782776 at *4 (N.D. Ala. May 1, 2017). That case was a challenge to the entirety of Ala. Code (1975) § 17-9-30, which requires voters to provide photo identification when voting, whether done in person or via absentee ballot. *Id.* at *1. The Court explained its reasoning on the issue of the identity of the proper defendants as follows:

Plaintiffs seek an injunction prohibiting “Defendants” from “conducting any elections using the Photo ID Law.” [Doc. 112 ¶ 195.] But the Governor, the Attorney General, and the ALEA Secretary do not conduct elections. It is the Secretary of State who is “the chief elections official in the state” and is required to “provide uniform guidance for election activities.” Ala. Code § 17-1-3(a). The Photo ID Law makes him, and not the other officer defendants, the officer with “rule making authority for the implementation of [the Photo ID Law] under the Alabama Administrative Procedure Act.” *Id.* § 17-9-30(o). The law further makes him the officer who must “inform the public regarding the requirements of [the Photo ID Law] through whatever means deemed necessary.” *Id.* § 17-9-30(n).

Id. at *4. Of course, the Eleventh Circuit very recently affirmed the summary judgment granted to Secretary Merrill as to the substance of the claims. *Greater Birmingham Ministries v. Secretary of State for Alabama*, No. 18-10151, __F.3d__, 2020 WL 4185801 (11th Cir. July 21, 2020).

Defendants respectfully submit that *Greater Birmingham Ministries*, not *Jacobsen*, controls in this case, because it arises not only from Alabama, but also is

actually a challenge to, *inter alia*, part of the exact same statute (Ala. Code § 17-9-30) that was at issue in that case. Like § 17-9-30, the other statutes that Plaintiffs are challenging, including §§ 17-11-3, 17-11-7 – 17-11-10, as well as what they have characterized as Secretary Merrill’s *de facto* ban on curbside voting (Doc. 75, ¶ 7), all fall under the jurisdiction of the Secretary of State. Of course, as pointed out in the State’s Motion for Summary Judgment, the pandemic was not caused by any Defendant. Nevertheless, to the extent that Plaintiffs’ alleged injuries are either traceable to or redressable by any Defendant under Alabama law, it is Secretary Merrill who has been specifically entrusted with both the authority and responsibility to “inform the public” of the requirements of the voter ID law and to exercise rulemaking authority concerning the implementation of Alabama’s voting laws, specifically including the issuance of emergency rules to allow absentee voting under certain circumstances. Ala. Code (1975) §§ 17-9-30(o)-(p); 17-11-3(e).

A central tenant in Plaintiffs’ argument that local officials are also proper defendants in this action appears to be the theory that this Court has the freedom to wholly ignore Alabama’s internal governmental structures, such as the hierarchy of our elections process – even if these structures are not alleged to be independently unconstitutional – so long as it is acting in the name of the greater good. This argument represents an unprecedented expansion in federal court jurisdiction. To the contrary, it is well-established that, in order for an alleged injury to be

redressable, the remedy sought cannot exceed the defendant’s general legal authority in his or her position. *See, e.g., Lujan v. Defenders of Wildlife*, 504 U.S. 555, 568-69 (1992) (holding that plaintiffs lacked standing to bring a suit against a governmental official without authority to force other agencies to comply with his directives); *Doe v. Holcomb*, 883 F.3d 971, 979 (7th Cir. 2018) (“Because Doe failed to show that the Clerk has any authority in the name-change process, Doe has failed to show that his injury is fairly traceable to the Clerk’s action of processing petitions.”), *Pet. for Cert. Denied* 139 S.Ct. 126 (2018); *Abdullah v. Alabama Sentencing Com’n*, 385 Fed. Appx. 947, 950 (11th Cir. 2010) (per curiam) (“Here, the magistrate and the district court correctly found that Abdullah lacked standing to bring his claims against Flynt and the Sentencing Commission, because he did not meet his burden of establishing that Flynt and the Sentencing Commission possessed the authority to take any action that would redress his alleged injury.”); *Okpalobi v. Foster*, 244 F.3d 405, 427 (5th Cir. 2001) (stating that it is an “elemental fact that a state official cannot be enjoined to act in any way that is beyond his authority to act in the first place”); *Loggerhead Turtle v. County Council of Volusia County, Fla.*, 148 F.3d 1231, 1254 (11th Cir. 1998) (recognizing that “unique constitutional implications exist whenever a federal district court is asked to order a state entity to take regulatory action” and holding that a federal court may not force a county to act beyond its authority).

Given that this case has now progressed beyond the mere pleadings, Defendants hereby respectfully submit that Plaintiffs cannot back up their allegations in the Complaint with substantial evidence to show that any of the local officials have the authority to grant the relief they seek. Rather, Alabama law, and the undisputed evidence that has been gathered thus far, including the testimony by James Majors and Judge English on behalf of Absentee Election Managers and Probate Judges, (Exhibits A and B), all establish that the primary responsibility for enforcing the challenged provisions rests with Secretary Merrill. But perhaps the best evidence of this fact comes from John Merrill's testimony, which conclusively demonstrates that he does indeed exercise his general supervisory authority over local officials both by promulgating general rules and also in individual cases whenever he perceives that they are not following his orders, *up to and including* threatening to mobilize law enforcement.³ (Doc. 160-3, Merrill Dep., pgs. 13-15, 22-23; Doc. 160-4, Merrill Dep. Pt. 2 pg. 7.)

These Defendants are, at best, superfluous and duplicative. All claims against them are accordingly due to be dismissed for lack of jurisdiction.

³ Granted, the source of this authority is not entirely clear; nevertheless, it remains an undisputed fact.

II. IN THE ALTERNATIVE, IF LOCAL OFFICIALS WERE PROPER PARTIES, THEN THE CASE IS DUE TO BE DISMISSED FOR THE FAILURE TO JOIN OTHER NECESSARY PARTIES.

In the alternative, if these local officials were proper parties in this case, then Plaintiffs' decision to include only the officials of six of Alabama's sixty-seven counties as litigants in this action is frankly nonsensical. The challenged provisions apply in every county in the State. Plaintiffs have not, and cannot, put forth either evidence or argument that the designated counties are somehow unique in their administration of these laws. The various representatives of the organizational Plaintiffs, particularly of the NAACP, testified that they have members all over the State; yet, some of their members who are allegedly affected by the challenged provisions will not receive the benefit of any relief that may be ordered. The Court therefore cannot accord complete relief among the parties without the participation of all other allegedly relevant local officials. Fed. R. Civ. Pro. 19(a). Given the fact that this case concerns voting rights, this situation sets up the very real possibility of an equal protection problem because of the application of differential standards State-wide. Moreover, there is a very real chance that the rights of these other officials will be impaired or impeded by their absence from this lawsuit, and that a multiplicity of competing rulings may result. *Id.*

At this stage in the litigation, and considering its pace, joinder of the additional parties is simply not feasible. Fed. R. Civ. Pro. 19(b).

If a necessary party cannot be joined, the court must then proceed to Rule 19(b) and consider whether in “equity and good conscience,” the suit should proceed without the necessary party. The court balances four factors in this analysis: (1) how prejudicial a judgment would be to the nonjoined and joined parties, (2) whether the prejudice could be lessened depending on the relief fashioned, (3) whether the judgment without joinder would be adequate, and (4) whether the plaintiff would have any alternative remedies were the case dismissed for nonjoinder.

Laker Airways, Inc. v. British Airways, PLC, 182 F.3d 843, 848 (11th Cir. 1999).

Again, in this case, proceeding to judgment on the challenged provisions without the Secretary of State, who could order State-wide relief, will be prejudicial both to the Plaintiffs and to the unnamed parties. Therefore, even if these Defendants are the proper parties as to all claims, they are still entitled to summary judgment

CONCLUSION

WHEREFORE, THESE PREMISES CONSIDERED, Defendants Lee County Probate Judge Bill English and Absentee Election Manager James Majors; Lowndes County Absentee Election Manager Johnnie Mae King, Probate Judge LaShandra Myrick, and Circuit Clerk Ruby Thomas; and Wilcox County Circuit Clerk Carolyn Davis-Posey and Probate Judge Britney Jones-Alexander, all in their respective official capacities, hereby respectfully submit this Brief in Support of their Motion for Summary Judgment.

Respectfully submitted this the 17th day of August, 2020.

s/JAMIE HELEN KIDD

KENDRICK E. WEBB (WEB022)

JAMIE HELEN KIDD (HIL060)

MARK COWELL (ASB-4841-E29J)

Attorneys for Defendants

Bill English, Lashandra Myrick, Britney Jones-Alexander, Carolyn Davis-Posey, Johnnie Mae King, James Majors, and Ruby Thomas

WEBB & ELEY, P.C.

7475 Halcyon Pointe Dr. (36117)

P.O. Box 240909

Montgomery, AL 36124

(334) 262-1850 – T

(334) 262-1772 – F

kwebb@webbeley.com

jkidd@webbeley.com

mcowell@webbeley.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 17th day of August 2020, I electronically filed the foregoing Brief in Support of Motion for Summary Judgment with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Caren Elaine Short
Southern Poverty Law Center
PO Box 1287
Decatur, GA 30031
T 404-221-5868
F 404-221-5857
caren.short@splcenter.org

Randall C Marshall
American Civil Liberties Union of
Alabama Foundation, Inc
P.O. Box 6179
Montgomery, AL 36106-0179
T 334-420-1741
F 334-269-5666
rmarshall@aclualabama.org

Jenny R Ryan
Alabama Disabilities Advocacy Program
Box 870395
Tuscaloosa, AL 35487-0395
T 205-348-4928
F 205-348-3909
jrryan2@adap.ua.edu

Maia Fleischman
Alabama Disabilities Advocacy Program
Box 870395
Tuscaloosa, AL 35487
T 205-872-6290
mfleischman@adap.ua.edu

Deuel Ross
Liliana Zaragoza
Natasha Merle
Steven Lance
NAACP Legal Defense and Educational
Fund Inc
40 Rector Street 5th Floor
New York, NY 10006
T 212-965-7712
F 212-226-7592
dross@naacpldf.org
lzaragoza@naacpldf.org
nmerle@naacpldf.org
slance@naacpldf.org

Nancy G. Abudu
Southern Poverty Law Center
PO Box 1287
Decatur, AL 30031
T 404-521-6700
F 404-221-5857
nancy.abudu@splcenter.org

Sara M Zampierin
Southern Poverty Law Center
400 Washington Avenue
Montgomery, AL 36104
T 334-956-8200
sara.zampierin@splcenter.org

William Van Der Pol, Jr
Alabama Disabilities Advocacy
Program
500 Martha Parham West
Box 870395
Tuscaloosa, AL 35487
T 205-348-4928
F 205-348-3909
wvanderpoljr@adap.ua.edu

Alora Thomas-Lundborg
American Civil Liberties Union
125 Broad Street
New York, NY 10004
T 202-549-2500
athomas@aclu.org

Davin Rosborough
American Civil Liberties Union
125 Broad Street
New York, NY 10004
T 202-549-2500
drosborough@aclu.org

Sarah Brannon
American Civil Liberties Union
915 15th Strret NW
Washington, DC 20005
T 202-549-2500
sbrannon@aclu.org

Jay M. Ross
Adams and Reese LLP
PO Box 1348
11 North Waters Street, Suite 23200
Mobile, AL 36633
T 251-433-3234
F 251-438-7733
jay.ross@arlaw.com

Aubrey Patrick Dungan
Adams and Reese, LLP
11 N. Water Street, Ste. 23200
Mobile, AL 36633
T 251-433-3234
F 251-438-7733
patrick.dungan@arlaw.com

Donald McKinley Carroll
Theodore A. Lawson, II
Jefferson County Attorney's Office
716 Richard Arrington, Jr. Blvd. North
Suite 280
Birmingham, AL 35203
T 205-325-5688
F 205-325-5840
carrolld@jccal.org
lawsont@jccal.org

Aubrey Patrick Dungan
Adams and Reese, LLP
11 N. Water Street, Ste. 23200
Mobile, AL 36633
T 251-433-3234
F 251-438-7733
patrick.dungan@arlaw.com

Mahogane D. Reed
NAACP Legal Defense and
Educational Fund Inc
700 14th Street NW, Suite 600
Washington, DC 20005
T 202-682-1300
F 202-682-1312
mreed@naacpldf.org

James W. Davis
Misty Shawn Fairbanks Messick
Brenton Merrill Smith
Winfield J. Sinclair
Jeremy Stone Weber
A. Barrett Bowdre
Andrew Reid Harris
Office of The Attorney General
501 Washington Avenue
P O Box 300152
Montgomery, AL 36130-0152
T 334-242-7300
jim.davis@alabamaag.gov
misty.messick@alabamaag.gov
brenton.smith@alabamaag.gov
winfield.sinclair@alabamaag.gov
jeremy.weber@alabamaag.gov
barrett.bowdre@alabamaag.gov
Reid.Harris@Alabamaag.gov

Todd David Engelhardt
Robert F. Dyar
Adams and Reese, LLP
1901 6th Avenue North, Ste. 3000
Birmingham, AL 35203
T 205-250-5020
todd.engelhardt@arlaw.com
robert.dyar@arlaw.com

Thomas T Gallion , III
Haskell Slaughter Gallion & Walker, LLC
242 Winton Blount Loop
Montgomery, AL 36117
T 334-265-8573
F 334-264-7945
ttg@hsg-law.com

Constance C Walker
Haskell Slaughter Gallion & Walker LLC
8104 B Seaton Place
Montgomery, AL 36116
T 334-265-8573
F 334-264-7945
ccw@hsg-law.com

Algert S Agricola , Jr
Barbara H. Agricola
Agricola Law, LLC
127 South 8th Street
Opelika, AL 36801
T 334-759-7557
F 334-759-7558
al@agricolalaw.com
barbara@agricolalaw.com

Jay E. Town
Eric S. Dreiband
Elliott M. Davis
T. Christian Herren, Jr.
Richard A. Dellheim
Civil Rights Division
U.S. Department of Justice
4 Constitution Square - Room 8.923 150 M
Street, NE Washington, DC 20530

Tyrone Carlton Means
Norbert H Williams
Tiffany G. Means
Means Gillis Law LLC
3121 Zelda Court
P.O. Box 5058
Montgomery, AL 36117
T 334-270-1033
F 334-260-9396
tcmeans@meansgillislaw.com
nhwilliams@meansgillislaw.com
tgmeans@meansgillislaw.com

Steven M Brom
Bachus & Brom LLC
4908 Cahaba River Road Ste. 100
Birmingham, AL 35243
T 205-970-6747
F 205-970-7776
sbrom@bachusbrom.com

Cameron Thomas Norris
Consovoy Mccarthy PLLC
1600 Wilson Boulevard Suite 700
Arlington, VA 22209
T 703-243-9423
cam@consovoymccarthy.com

Tyler R Green
Consovoy Mccarthy PLLC
1600 Wilson Blvd. Suite 700
Arlington, VA 22209
T 703-243-9423
tyler@consovoymccarthy.com

Jerome E. Speegle
Jennifer S. Holifield
Speegle, Hoffman, Holman & Holified,
LLC
5 Dauphin Street, Ste. 301
Mobile, AL 36602
T 251-338-4283
F 251-694-1998
jspeegle@speeglehoffman.com
jholifield@speeglehoffman.com

Lee Louis Hale
Lee L. Hale
501 Church Street
Mobile, AL 36602
T 251-433-3671
lee.hale@comcast.net

David J. Canupp
Lanier Ford Shaver & Payne, P.C.
P. O. Box 2087
2101 West Clinton Avenue, Suite
102 (35805)
Huntsville, AL 35804
T 256-535-1100
F 256-533-9322
djc@LanierFord.com

J. Jeffery Rich
County Attorney's Office
100 Northside Square
Suite 700
Huntsville, AL 35801
T 256-519-2061 /
F 256-519-2059
jrich@madisoncountyal.gov

s/Jamie H. Kidd
OF COUNSEL