

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

CENTRAL ALABAMA FAIR
HOUSING CENTER, et al.,

Plaintiffs,

V.

JULIE MAGEE, in her official
capacity as Alabama Revenue
Commissioner, et al.,

Defendants.

CIVIL ACTION NUMBER:

2:11-cv-00982-MHT-CSC

STATE DEFENDANT'S MOTION TO TRANSFER

State Defendant, Commissioner Julie Magee, in her official capacity as the Revenue Commissioner for the State of Alabama, requests that the Court transfer this action to the United States District Court for the Northern District of Alabama, where the Court has already spent a considerable amount of time considering whether Section 30 of Act No. 2011-535 (and the Act as a whole) is preempted by federal law, and decided that it is not, and from which the case is on interlocutory appeal to the Eleventh Circuit, with briefing underway and oral argument set for this February.

1. Pursuant to 28 U.S.C. § 1404(a), the Court may transfer this action to any other district where it might have been brought, including the Northern District

of Alabama, for the convenience of the parties and witnesses, and in the interest of justice. *See* 28 U.S.C. § 1404(a).¹ A transfer is particularly appropriate when judicial resources could most efficiently be utilized in another forum. “A court may properly transfer a case to ‘the forum in which judicial resources could most efficiently be utilized and the place in which the trial would be [easiest, and] most expeditious and inexpensive.’” *C.M.B. Foods, Inc. v. Corral of Middle Georgia*, 396 F. Supp. 2d 1283, 1286 (M.D. Ala. 2006) (Thompson, J.) (quoting *Howell v. Tanner*, 650 F.2d 610, 616 (5th Cir. July 13, 1981) (quoting *Gulf Oil Corp. v. Gilbert*, 330 U.S. 501, 508, 67 S.Ct. 839, 843, 91 L.Ed. 1055 (1947)), cert. denied, 456 U.S. 918, 102 S.Ct. 1775, 72 L.Ed.2d 178 (1982) (brackets supplied by the Court).

2. The Plaintiffs are requesting this Court to declare Section 30 invalid as preempted by federal immigration law and in violation of the Fair Housing Act, 42 U.S.C. § 3601 et seq., and they are asking the Court to do so on very short

¹ This action may have been brought in the United States District Court for the Northern District of Alabama as it involves a question of federal law. A civil action wherein jurisdiction is not founded solely on diversity of citizenship may be brought in a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred. *See* 28 U.S.C. § 1391(b)(2). A substantial part of the events or omissions occurred in the Northern District of Alabama, as the events or omissions at issue allegedly occurred statewide, as evidenced by, among other facts, the presence of Plaintiff Fair Housing Center of Northern Alabama, “with its principal place of business in Birmingham, Alabama.” Complaint, ¶ 23. *See also* Exhibit 6 to Plaintiffs’ Memorandum in Support of Motion for Temporary Restraining Order and Preliminary Injunction, Declaration of Lila E. Hackett, ¶ 3 (“FHCNA is an Alabama non-profit corporation, with its principal place of business in Birmingham, Alabama.”); ¶ 16 (“FHCNA’s Enforcement Coordinator and I attended a meeting in Huntsville[,] Alabama...”). *See also infra*, 5-6 (discussing Plaintiffs’ motion to certify a statewide class).

notice and in an expedited fashion. Plaintiffs present the issue of the November 30th deadline for persons to obtain manufactured home identification decals as giving rise to a time crunch; however, the Plaintiffs created this deadline issue by waiting until Friday, November 18, to file their several hundred pages of material, including a motion for class certification and a brief in support.

3. Starting at square one, undoubtedly it will be a massive undertaking for this Court to familiarize itself with Act No. 2011-535 and federal immigration law – to say nothing of the Fair Housing Act (with which counsel for the State are also attempting to familiarize themselves) – on the same level as the United States District Court for the Northern District of Alabama where the three challenges to Act No. 2011-535 are already lodged.² Indeed, that Court spent two months reviewing pleadings and evidence, held a hearing on hundreds of pages of full briefing and evidence, and issued opinions in the three cases amounting to over two hundred pages. *See* Doc. 33, State Defendant’s First Opposition to Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction (detailing pending litigation and attaching pertinent filings). The parties have appealed the

² The three cases are *United States v. State of Alabama, et al.*, District Court Docket No. 2:11-cv-2746-SLB, Appeal No. 11-14532-CC, brought by the United States; *Hispanic Interest Coalition of Alabama, et al. v. Governor Robert Bentley, et al.*, District Court Docket No. 5:11-cv-2484-SLB, Appeal No. 11-14535-CC, brought by associations and individuals; and *Rt. Rev. Henry N. Parsley, Jr., et al. v. Governor Robert Bentley, et al.*, District Court Docket No. 5:11-cv-02736-SLB, brought by church leaders. *See also* Doc. 33, State Defendant’s First Opposition to Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction (detailing pending litigation and attaching pertinent filings).

District Court's rulings in two of those cases – *United States v. State of Alabama, et al.* and *Hispanic Interest Coalition of Alabama, et al. v. Governor Robert Bentley, et al.* – to the Eleventh Circuit, which has set oral argument for this February. *See* Notice to Counsel or Parties dated November 2, 2011 (setting oral argument during the week of February 27, 2012 in Atlanta, Georgia), attached as Exhibit 6.

4. The preservation of judicial resources, then, cuts sharply in favor of transferring this case to the United States District Court for the Northern District of Alabama, where the Court has fully familiarized itself with federal immigration law and its relevance to Act No. 2011-535, where the claim that Section 30 is preempted has already been litigated (and decided in favor of the State), and from which the claim that Section 30 is preempted is already on appeal. *See C.M.B. Foods, Inc. v. Corral of Middle Georgia*, 396 F. Supp. 2d 1283, 1286 (M.D. Ala. 2006) (Transfer is appropriate “to the forum in which judicial resources could most efficiently be utilized and the place in which the trial would be [easiest, and] most expeditious and inexpensive.”) (internal quotation marks and citations omitted).

5. The preservation of the State's resources also cuts sharply in favor of transferring this case to the United States District Court for the Northern District of Alabama, where the State has already expended an enormous amount of lawyers' time in defending the same type of challenges that Plaintiffs raise here. If the State

is forced to litigate Act No. 2011-535 in multiple forums, great strain will be put on the State's resources such that other important matters will not be as readily attended to and outlays may have to be made from the State Treasury to retain outside counsel to handle cases in the multiple forums.

6. There is a solution to this potential problem – 28 U.S.C. § 1404(a) allows the Court to transfer this action to the Northern District of Alabama, for the convenience of the parties and witnesses and in the interest of justice.

7. As explained above, there can be no doubt that the interest of justice, judicial economy, and the State Defendant's convenience are served by a transfer. *See supra*, 1-5. State and judicial resources will be much conserved by litigating this case in the Northern District of Alabama. *See id.*

8. The Plaintiffs' convenience will not be significantly impacted by a transfer. Indeed, Plaintiffs can conserve legal representation resources in the same manner as the State. Their lawyers have already presented preemption arguments to the United States District Court for the Northern District of Alabama, and that Court can take up this case with a knowledge base that serves Plaintiffs as much as it does the State. Moreover, while Plaintiffs' choice of forum is ordinarily given great weight, Plaintiffs' choice is given less weight when Plaintiffs bring a class action with potential class members in various districts, as here. *E.g., Berenson v. Nat'l Fin. Svs.*, 319 F. Supp. 2d 1, 3 (D.D.C. 2004); *Goggins v. Alliance Capital*

Mgmt., L.P., 279 F. Supp. 2d 228, 232 (S.D.N.Y. 2003). *See also* Plaintiffs' Memorandum in Support of Motion for class Certification at 5 (seeking certification of a class defined as "[a]ll individuals who ... reside in Alabama" and will be unable to prove lawful immigration status and who will be unable to "own, maintain, or keep a manufactured home in Alabama," and seeking certification of a similar class defined as "all Latino individuals who ... reside in Alabama" and who meet the other criteria).³

9. The convenience of the witnesses is furthered by a transfer. All of the four legislators which Plaintiffs plan to call reside in the Northern District of Alabama. *See* Plaintiffs' Witness List, attached as Exhibit 1. Senator Scott Beason represents the counties of Blount, Jefferson, and St. Clair. *See* Roster of the Alabama State Senate, attached as Exhibit 2; State Senate District Map, attached as Exhibit 3. Senator Clay Scofield represents the counties of Blount, Madison, and Marshall. *See* Exhibits 2 and 3. Representative Micky Hammon represents the counties of Limestone and Morgan. *See* Roster of the Alabama House of Representatives, attached as Exhibit 4; State House District Map, attached as Exhibit 5. Representative Kerry Rich represents the counties of DeKalb and Marshall. *See* Exhibits 4 and 5. A transfer poses no apparent inconvenience to the Plaintiffs' other witnesses. However, any inconvenience to

³ The State Defendant does not concede that class certification is appropriate.

these other witnesses, who apparently reside in and around Montgomery, would not outweigh the convenience to the legislator-witnesses or the benefit of the United States District Court for the Northern District of Alabama's knowledge base and familiarity with the issues and concomitant ability to streamline testimony as appropriate.

10. The totality of the 28 U.S.C. § 1404(a) factors that courts often use in deciding whether to transfer an action weighs heavily in favor of a transfer. *See, e.g., Manuel v. Convergys Corp.*, 430 F.3d 1132, 1135 n. 1 (11th Cir. 2005). These factors are as follows.

(1) **The convenience of the witnesses.** As explained above, all of the Plaintiffs' legislator witnesses reside in the Northern District. *See supra*, 6. Assuming for the sake or argument that Plaintiffs' other witnesses reside in the Middle District, there is no indication that these witnesses will be inconvenienced by testifying in the Northern District. The District Court for the Northern District's expertise and familiarity with Act No. 2011-535 and federal immigration law enables it to streamline testimony as appropriate.

(2) **The location of relevant documents and the relative ease of access to sources of proof.** As Plaintiffs bring a statewide class action, with a proposed defined class of all illegal aliens in Alabama unable to obtain manufactured home identification decals, presumably most of the documents and

relevant information is in the Northern District, the most populous district in Alabama. As explained above, at least one named Plaintiff, Fair Housing Center of Northern Alabama, resides and operates in the Northern District. *See supra*, n. 1.

(3) **The convenience of the parties.** As explained above, the convenience of the State Defendant and the Plaintiffs is served—from a financial burden standpoint—by a transfer because the District Court for the Northern District has already familiarized itself with Act No. 2011-535 and federal immigration law, and the parties’ preemption arguments, and the parties will not have to expend resources assisting this Court in reaching the same level of knowledge and familiarity. *See supra*, 3-6. *See also C.M.B. Foods, Inc.*, 396 F. Supp. 2d at 1286.

(4) **The locus of operative facts.** As explained above, a substantial part of the alleged events or omissions occurred in the Northern District, as they allegedly occurred statewide. *See supra*, n. 1 and pages 5-6.

(5) **The availability of process to compel the attendance of unwilling witnesses.** The State Defendant understands that Plaintiffs have subpoenaed various witnesses, including the four legislator witnesses. As these witnesses reside in the Northern District, *see supra* at 6, a subpoena issuing from the District Court for the Northern District can effectively compel their attendance.

There is no indication that Plaintiffs will have any difficulty compelling witnesses to attend court in the Northern District. *See* Rule 45(b)(2), F. R. Civ. P.

(6) **The relative means of the parties.** As explained above, the conservation of financial resources (and judicial resources) cuts strongly in favor of transferring this action to the Northern District. *See supra*, 3-8. The State Defendant notes that there are limited resources in the State Treasury for defending litigation, that a team of in-house state attorneys are defending the instant litigation in addition to their other routine duties, and that Plaintiffs are represented by counsel from around the country – including two Alabama counsel of record plus at least six counsel who have filed motions for admittance *pro hac vice*.

(7) **A forum's familiarity with the governing law.** As noted above, the District Court for the Northern District is already fully familiar with Act No. 2011-535 and federal immigration law. *See supra*, 1-4. *See also* Doc. 33, State Defendant's First Opposition to Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction (detailing pending litigation and attaching pertinent filings, including opinions and orders). It would be a massive undertaking for this Court to familiarize itself with Act No. 2011-535 and federal immigration law on the same level. *Cf. C.M.B. Foods, Inc.*, 396 F. Supp. 2d at 1286.

(8) **The weight accorded a plaintiff's choice of forum.** As explained above, Plaintiffs' choice is given less weight when Plaintiffs bring a class action with potential class members in various districts, as they do here seeking to certify a statewide class. *See supra*, 5-6. *E.g.*, *Berenson v. Nat'l Fin. Svs.*, 319 F. Supp. 2d 1, 3 (D.D.C. 2004); *Goggins v. Alliance Capital Mgmt., L.P.*, 279 F. Supp. 2d 228, 232 (S.D.N.Y. 2003).

(9) **Trial efficiency and the interests of justice, based on the totality of the circumstances.** Undoubtedly, the judicial system's resources are best served by one federal court in Alabama hearing the challenges to Act No. 2011-535. *See supra*, 1-4. This is particularly true as appeals on the preemption question are already pending in the Eleventh Circuit from the Northern District, many of the same plaintiffs' lawyers are involved in this case as in the *HICA* Northern District case (District Court Docket No. 5:11-cv-2484-SLB, Appeal No. 11-14535-CC), and Plaintiffs here bring a statewide class action. *Accord C.M.B. Foods, Inc.*, 396 F. Supp. 2d at 1286.

For the foregoing reasons, the Court should transfer this action to the United States District Court for the Northern District of Alabama.

Respectfully submitted,

LUTHER STRANGE
(ASB-0036-G42L)
Attorney General

BY:

s/Margaret L. Fleming

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Attorneys for the State Defendant, Commissioner Julie Magee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of November 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the counsel for Plaintiffs who are registered for electronic service in this case.

I FURTHER CERTIFY that on the 22nd day of November 2011, I am serving by electronic mail the following co-defendant for whom no counsel has yet appeared:

Judge Jimmy Stubbs probatejudge@elmoreco.org

I FURTHER CERTIFY that on the 22nd day of November 2011, I am serving by electronic email the following counsel for Plaintiffs who are not yet registered for service using the CM/ECF system:

Diana S. Sen	dsen@latinojustice.org
Foster S. Maer	fmaer@latinojustice.org
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Justin B. Cox	jcox@aclu.org
Karen C. Tumlin	tumlin@nilc.org
Kristi L. Graunke	kristi.graunke@splcenter.org
Lee Gelernt	lgelernt@aclu.org
Linton Joaquin	joaquin@nilc.org
Stephen M. Dane	sdane@relmanlaw.com

s/ Margaret L. Fleming
Assistant Attorney General

Exhibit 1

to Motion to Transfer

Plaintiffs' Witness List

Payne, Josh

From: samuel.brooke@splcenter.org
Sent: Monday, November 21, 2011 10:10 AM
To: Payne, Josh; Fairbanks, Misty
Subject: CAFHC v. Magee - Witness List

Josh and Misty,

I just spoke with John Neiman and he stated I should correspond with you all about the hearing going forward. Below is our witness list for the hearing.

Senator Scott Beason

Senator Clay Scofield

Representative Micky Hammon

Representative Kerry Rich

Revenue Commissioner Magee

Elmore County Revenue Commissioner Harper

Dawn Gonzales
c/o Sam Brooke, Southern Poverty Law Center, 400 Washington Avenue, Montgomery, AL 36104 – 334-956-8200

Heidi Beirich (cv and declaration attached)
Southern Poverty Law Center, 400 Washington Avenue, Montgomery, AL 36104 – 334-956-8200

Sincerely,

Sam Brooke

Sam Brooke | Staff Attorney
Immigrant Justice Project | Southern Poverty Law Center
400 Washington Avenue | Montgomery, Alabama 36104
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334.956.8481 (facsimile) | sam.brooke@splcenter.org

Exhibit 2

to Motion to Transfer

Roster of the Alabama State Senate



ALABAMA STATE SENATE

[HOME](#)
[HOUSE](#)
[SENATE](#)
[LEGISLATIVE](#)
[EDUCATIONAL](#)
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ROSTER OF THE ALABAMA STATE SENATE

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OFFICERS

[KAY IVEY](#)

Lieutenant Governor

[DEL MARSH](#)

President Pro Tempore

[D. PATRICK HARRIS](#)

Secretary

MEMBERS OF THE SENATE

Senator	Party	District	Room #	Office Phone
ALLEN, Gerald	(R)	21	729	334-242-7889
BEASLEY, Billy	(D)	28	737	334-242-7868
BEASON, Scott	(R)	17	726	334-242-7794
BEDFORD, Roger	(D)	6	738	334-242-7862
BLACKWELL, Slade	(R)	15	733	334-242-7851
BREWBAKER, Dick	(R)	25	734	334-242-7895
BROOKS, Ben	(R)	35	729	334-242-7882
BUSSMAN, Paul	(R)	4	729	334-242-7855
COLEMAN, Linda	(D)	20	735	334-242-7864
DIAL, Gerald	(R)	13	732	334-242-7874
DUNN, Priscilla	(D)	19	737	334-242-7793
FIELDING, Jerry	(D)	11	735	334-242-7898
FIGURES, Vivian Davis	(D)	33	736	334-242-7871
GLOVER, Rusty	(R)	34	721	334-242-7886
HOLLEY, Jimmy	(R)	31	732	334-242-7845
HOLTZCLAW, Bill	(R)	2	731	334-242-7854
IRONS, Tammy	(D)	1	737	334-242-7888
KEAHEY, Marc	(D)	22	738	334-242-7843
MARSH, Del	(R)	12	722	334-242-7877
McGILL, Shadrack	(R)	8	731	334-242-7858
ORR, Arthur	(R)	3	730	334-242-7891
PITTMAN, Trip	(R)	32	730	334-242-7897
REED, Greg	(R)	5	734	334-242-7894
ROSS, Quinton T., Jr.	(D)	26	735	334-242-7880
SANDERS, Hank	(D)	23	736	334-242-7860
SANFORD, Paul	(R)	7	731	334-242-7867

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SCOFIELD, Clay	(R)	9	731	334-242-7876
SINGLETON, Bobby	(D)	24	735	334-242-7935
SMITH, Harri Anne	(I)	29	740	334-242-7879
SMITHERMAN, Rodger	(D)	18	737	334-242-7870
TAYLOR, Bryan	(R)	30	733	334-242-7883
WAGGONER, J. T. "Jabo"	(R)	16	726	334-242-7892
WARD, Cam	(R)	14	719	334-242-7873
WHATLEY, Tom	(R)	27	733	334-242-7865
WILLIAMS, Phil	(R)	10	733	334-242-7857

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Alabama State Senate | Alabama State House
11 South Union Street | Montgomery, AL 36130
General Information: (334) 242-7800

Exhibit 3

to Motion to Transfer

State Senate District Map

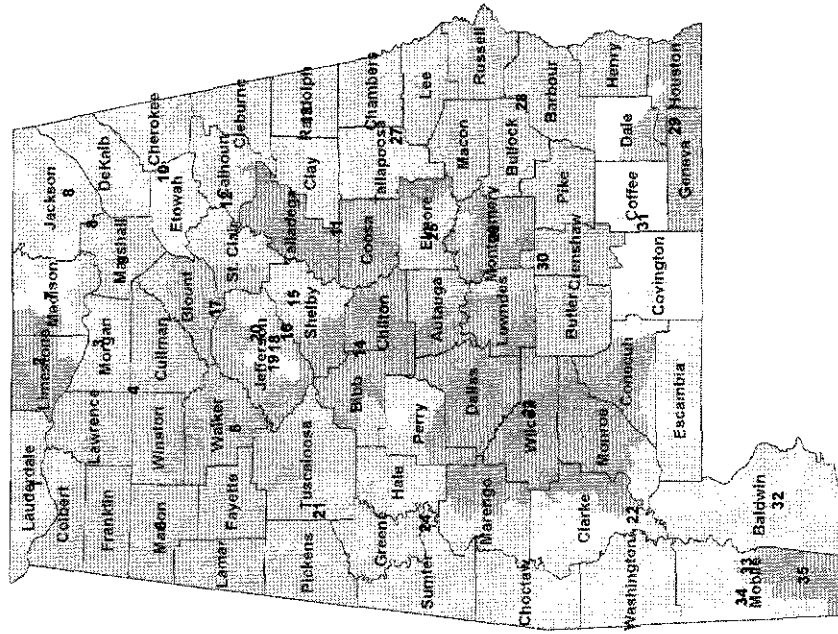
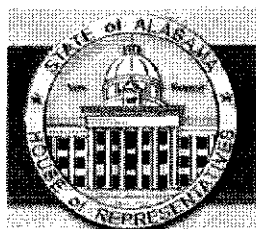


Exhibit 4

to Motion to Transfer

Roster of the Alabama House of
Representatives



ALABAMA HOUSE OF REPRESENTATIVES

HOME

HOUSE

SENATE

LEGISLATIVE

EDUCATIONAL

LINKS

HELP

HOUSE HOME

OFFICERS

MEMBERS

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STANDING COMMITTEES

INTERIM COMMITTEES

CONTRACT REVIEW
COMMITTEE

HOUSE RULES

PAST SPEAKERS & CLERK

SPECIAL ORDER

HOUSE AUDIO

ROSTER OF THE ALABAMA HOUSE OF REPRESENTATIVES

OFFICERS

MIKE HUBBARD

Speaker of the House

VICTOR GASTON

Speaker Pro Tempore of the House

WILLIAM G. (GREG) PAPPAS

Clerk of the House

MEMBERS OF THE HOUSE

Representative	Party	District	Room #	Office Phone
<u>BAKER, Alan</u>	(R)	66	538-D	334-242-7720
<u>BALL, Mike</u>	(R)	10	206	334-242-7683
<u>BANDY, George C.</u>	(D)	83	529	334-242-7721
<u>BARTON, Jim</u>	(R)	104	516-A	334-242-7662
<u>BAUGHN, Richard</u>	(R)	14	538-A	332-242-7593
<u>BECKMAN, Paul</u>	(R)	88	538-B	334-242-7499
<u>BEECH, Elaine</u>	(D)	65	528-D	334-242-7702
<u>BLACK, Marcel</u>	(D)	3	625-B	334-242-7686
<u>BOMAN, Daniel</u>	(D)	16	536-C	334-242-7494
<u>BOOTHE, Alan C.</u>	(R)	89	220-B	334-242-7710
<u>BOYD, Barbara B.</u>	(D)	32	537-E	334-242-7692
<u>BRACY, Napoleon Jr.</u>	(D)	98	540-A	334-242-7756
<u>BRIDGES, Duwayne</u>	(R)	38	120	334-242-7708
<u>BROWN, K.L.</u>	(R)	40	524-B	334-242-1778
<u>BURDINE, Greg</u>	(D)	1	536-D	334-242-7265
<u>BUSKEY, James E.</u>	(D)	99	540-C	334-242-7757
<u>BUTTRAM, Mac</u>	(R)	12	207-B	334-242-7775
<u>CARNS, Jim</u>	(R)	48	537-B	334-242-7600
<u>CHESTEEN, Donnie</u>	(R)	87	630-E	334-242-7742
<u>CLOUSE, Steve</u>	(R)	93	218-A	334-242-7717
<u>COLEMAN, Merika</u>	(D)	57	531	334-242-7755
<u>COLLINS, Terri</u>	(R)	8	522-D	334-242-7693
<u>COLSTON, David</u>	(D)	69	525-D	334-242-7535
<u>DAVIS, Randy</u>	(R)	96	205-C	334-242-7724

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ENGLAND, Chris	(D)	70	539-B	334-242-7703
FARLEY, Allen	(R)	15	541-A	334-242-7767
FAUST, Joe	(R)	94	630-D	334-242-7699
FINCHER, Chad	(R)	102	528-E	334-242-7778
FORD, Craig	(D)	28	517-F	334-242-7690
FORTE, Berry	(D)	84	540-D	334-242-7553
GALLIHER, Blaine	(R)	30	519-C	334-242-7674
GASTON, Victor	(R)	100	516-E	334-242-7664
GIVAN, Juandalynn	(D)	60	539-A	334-242-7684
GREER, Lynn	(R)	2	527-A	334-242-7576
GREESON, Todd	(R)	24	626	334-242-7743
GRIMSLEY, Dexter	(D)	85	537-E	334-242-7740
HALL, Laura	(D)	19	517-D	334-242-7688
HAMMON, Micky	(R)	4	230	334-242-7709
HARPER, Alan	(D)	61	538-C	334-242-7732
HENRY, Ed	(R)	9	524-A	334-242-7736
HILL, Mike	(R)	41	208	334-242-7715
HOLMES, Alvin	(D)	78	525-A	334-242-7706
HOWARD, Ralph	(D)	72	525-B	334-242-7759
HUBBARD, Joe	(D)	73	630-A	334-242-7707
HUBBARD, Mike	(R)	79	519-A	334-242-7668
HURST, Steve	(R)	35	627-C	334-353-9215
ISON, Jamie	(R)	101	526-F	334-242-7711
JACKSON, Thomas E.	(D)	68	530	334-242-7738
JOHNSON, Ken	(R)	7	526-E	334-242-7754
JOHNSON, Ronald G.	(R)	33	627-D	334-242-7777
JOHNSON, Wayne	(R)	22	527-C	334-242-7492
JONES, Mike	(R)	92	536-A	334-242-7739
KENNEDY, Yvonne	(D)	97	537-C	334-242-7737
KNIGHT, John F.	(D)	77	524-F	334-242-7512
LAIRD, Richard J.	(D)	37	120	334-242-7744
LEE, Paul	(R)	86	526-C	334-242-7675
LINDSEY, Richard J.	(D)	39	625-A	334-242-7713
LONG, Wes	(R)	27	524-D	334-242-7511
LOVE, Jay	(R)	74	514	334-242-7716
MASK, Barry	(R)	31	209	334-242-7782

MCADORY, Lawrence	(D)	56	539-C	334-242-7702
McCAMPBELL, A.J.	(D)	71	539-F	334-242-7747
McCLAMMY, Thad	(D)	76	534-A	334-242-7780
McCLENDON, Jim	(R)	50	207-A	334-242-7768
McCLURKIN, Mary Sue	(R)	43	120	334-242-7682
McCUTCHEON, Mac	(R)	25	208	334-242-7705
McMILLAN, Steve	(R)	95	532	334-242-7723
MELTON, Darrio	(D)	67	525-C	334-242-7540
MERRILL, John	(R)	62	205-B	334-242-7554
MILLICAN, Mike	(R)	17	628-F	334-242-7534
MITCHELL, Joseph C.	(D)	103	517-A	334-242-7735
MOORE, Barry	(R)	91	630-B	334-242-7773
MOORE, Mary	(D)	59	539-D	334-242-7608
MORROW, Johnny M.	(D)	18	208	334-242-7698
NEWTON, Charles O.	(D)	90	541-E	334-242-4460
NEWTON, Demetrius C.	(D)	53	524-E	334-242-7546
NORDGREN, Becky	(R)	29	522-E	334-353-9032
ODEN, Jeremy H.	(R)	11	537-B	334-242-7722
PATTERSON, Jim	(R)	21	526-B	334-242-7531
PAYNE, Arthur	(R)	44	627-B	334-242-7753
POOLE, Bill	(R)	63	537-D	334-242-7691
RICH, Kerry	(R)	26	527-D	334-242-7538
ROBERTS, Bill	(R)	13	522-A	334-242-7694
ROBINSON, John	(D)	23	534-D	334-242-7728
ROBINSON, Oliver	(D)	58	534-B	334-242-7769
ROGERS, John W. Jr.	(D)	52	226	334-242-7761
SANDERFORD, Howard	(R)	20	207-B	334-242-4368
SCOTT, Rod	(D)	55	120	334-242-7752
SESSIONS, David	(R)	105	625-C	334-242-0947
SHIVER, Harry	(R)	64	526-D	334-242-7745
THOMAS, Elwyn	(R)	34	541-B	334-242-7762
TODD, Patricia	(D)	54	539-E	334-242-7718
TREADAWAY, Allen	(R)	51	528-C	334-242-7685
TUGGLE, Mark	(R)	81	524-C	334-242-7219
VANCE, Lesley	(R)	80	220-A	334-242-7687
WALLACE, Kurt	(R)	42	522-C	334-242-7772
WARREN, Pebblin	(D)	82	517-C	334-242-7734

<u>WEAVER, April</u>	(R)	49	522-B	334-242-7731
<u>WILLIAMS, Dan</u>	(R)	5	206	334-242-7741
<u>WILLIAMS, Jack</u>	(R)	47	534-C	334-242-7779
<u>WILLIAMS, Phil</u>	(R)	6	536-C	334-242-7704
<u>WOOD, Randy</u>	(R)	36	120	334-242-7700
<u>WREN, Greg</u>	(R)	75	517-B	334-242-7764

Most members that do not list a personal email address can be reached through the House email system by using the following format: **firstname.lastname@alhouse.org**.

There are some members that do not have access to email. The general email for the House can be reached by clicking [here](#). You should include the name of the House member you wish to contact in the subject line of the e-mail. Be advised that this e-mail address is a central e-mail post office that House employees use to forward a printed copy of the email to members. Therefore, messages sent here should not be considered personal, privileged, or confidential communication.

For additional information, please feel free to contact Clay Redden at (334) 242-4753.

Alabama House of Representatives | Alabama State House
11 South Union Street | Montgomery, AL 36130
General Information: (334) 242-7600

Exhibit 5

to Motion to Transfer

State House District Map

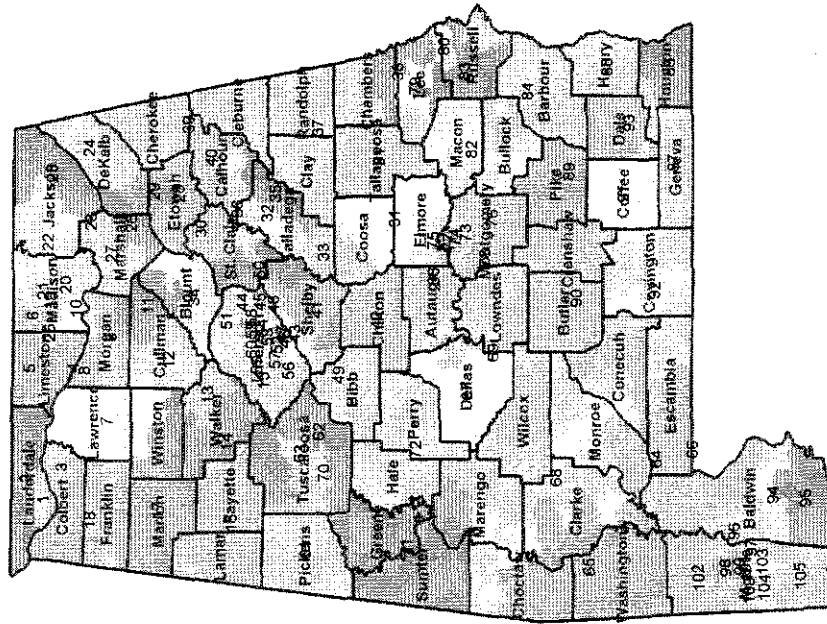


Exhibit 6

to Motion to Transfer

Notice to Counsel or Parties dated
November 2, 2011

United States Court of Appeals
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

John Ley
Clerk

November 2, 2011

In Reply, Give Number
Of Case and Names of Parties

NOTICE TO COUNSEL OR PARTIES IN CASES LISTED BELOW:

The following cases are scheduled for oral argument during the week **FEBRUARY 27, 2012, IN ATLANTA, GEORGIA. COURT WILL BE HELD TUESDAY-FRIDAY OF THIS WEEK. COUNSEL WILL RECEIVE A FINAL CALENDAR APPROXIMATELY 7-8 WEEKS IN ADVANCE OF THE SESSION ASSIGNING A SPECIFIC DATE OF ORAL ARGUMENT.** *Please note that after an appeal is assigned to a specific day for oral argument, any change in or addition to counsel in the appeal requires leave of court. See General Order 36.*

If counsel have any insoluble scheduling conflicts which would interfere with argument during that week, please telephone this office **AS SOON AS POSSIBLE** at 404-335-6131 or 404-335-6141.

JOYCE POPE
Calendar Clerk

PLEASE TELEPHONE THIS OFFICE IMMEDIATELY WITH ANY SCHEDULING REQUESTS.
PLEASE REFER TO CALENDAR #13

11-13044	Georgia Latino Alliance for Human Rights, et al. v. Governor of Georgia, et al.
11-14532	United States v. State of Alabama, et al.; National Fair Housing Alliance, Inc., et al.
11-14535	Hispanic Interest Coalition of Alabama, et al. v. Governor of Alabama, et al.; Superintendent of Huntsville City School System, et al.
10-15910	Rochelle Phillips, et al. v. Scientific-Atlanta, Inc., et al. (REVISED ARGUMENT DATE)
10-14529	126 TH Avenue Landfill, Inc., et al. v. Pinellas County, Florida
11-12093	United States v. Jay Wayne Burch, Jr.
10-15894	United States v. James LeRay McIntosh
11-12190	Mark E. Robinson v. RD Legal Funding Partners, L.P.
10-14884	Guy J. Carrier v. RLI Insurance Company
11-12352 & 11-12526	United Jewish Communities, Inc. v. Federal Deposit Insurance Corporation
11-10969	Melih Odemis v. U.S. Attorney General
11-13297	J.F.K., et al. v. Troup County School District, et al.
11-12268	United States v. Matthew W. Pierce William Bumgardner