UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TEXAS DEMOCRATIC PARTY; BOYD L. RICHIE, in his capacity as Chairman of the Texas Democratic Party; FRANK JOSEPH; and BRETT ROSENTHAL	§	
Plaintiffs,	§	
vs.	§	Cause No. 08-CV-02117-P
DALLAS COUNTY, TEXAS; and BRUCE SHERBET, in his capacity as Election Administrator for Dallas County, Texas,	§	
Defendants.	§	

PLAINTIFFS' UNOPPOSED APPLICATION FOR DESIGNATION OF A DISTRICT COURT OF THREE JUDGES

Plaintiffs, TEXAS DEMOCRATIC PARTY, BOYD L. RICHIE, in his capacity as Chairman of the Texas Democratic Party, FRANK JOSEPH and BRETT ROSENTHAL respectfully requests that a district court of three judges be convened to hear and determine the Section 5 claims. In support of this request, Plaintiffs state:

1. The Plaintiffs' complaint alleges violations of Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973c.

2. Congress has provided that any action brought under 42 U.S.C. § 1973c shall be heard and determined by a court of three judges in accordance with 28 U.S.C. § 2284. *See Allen v. State Board of Elections*, 393 U.S. 544, 560-563 (1969).

WHEREFORE, the Plaintiffs respectfully requests that this Court notify Chief Judge Edith Jones of the United States Court of Appeals for the Fifth Circuit of its request for designation of a three-judge panel pursuant to 28 U.S.C. § 2284.

Dated this 19th day of December, 2008.

Respectfully submitted,

TEXAS DEMOCRATIC PARTY and
BOYD L. RICHIE, in his capacity as
Chairman of the Texas Democratic Party

By: */s/ Chad W. Dunn*

Chad W. Dunn – Attorney In Charge
State Bar No. 24036507
General Counsel
TEXAS DEMOCRATIC PARTY
BRAZIL & DUNN
K. Scott Brazil
State Bar No. 02934050
4201 FM 1960 West, Suite 530
Houston, Texas 77068
Telephone: (281) 580-6310
Facsimile: (281) 580-6362
duncha@sbcglobal.net

RANDALL BUCK WOOD
State Bar No. 21905000
Doug W. Ray
State Bar No. 16599200
RAY, WOOD, & BONILLA
2700 Bee Caves Road
Austin, Texas 78746
Telephone: (512) 328-8877
Facsimile: (512) 328-1156

CLAY LEWIS JENKINS
State Bar No. 10617450
JENKINS & JENKINS, P.C.
516 West Main Street
Waxahachie, Texas 75165
Telephone: (972) 938-2529
Facsimile: (972) 938-7676

CERTIFICATE OF CONFERENCE

The undersigned has corresponded by e-mail with Leon Carter and Wade Emment, counsel for Defendants and they are unopposed to this Motion.

/s/ Chad W. Dunn
Chad W. Dunn

CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2008, I electronically filed the foregoing document with the Clerk of the United States District Court, Northern District of Texas, Dallas Division, using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means:

D. Wade Emmert
Michael Wayne Stumbaugh, II
Burford & Ryburn
3100 Lincolcn Plaza
500 N. Akard
Dallas, TX 75201-6697
(Attorneys for Intervenor Defendant
Honorable Linda Harper-Brown)

/s/ Chad W. Dunn
Chad W. Dunn