

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GOLDEN ENGLISH;
DARCEL JONES;
AARON LLOYD;
WANDA HAVELOW; and
SHANISHA SMITH,

Plaintiffs,

v.

CHESTER COUNTY; CHESTER COUNTY
BOARD OF ELECTIONS;
COMMISSIONER CAROL AICHELE, in her
official and individual capacities;
COMMISSIONER TERENCE FARRELL, in
his official and individual capacities;
COMMISSIONER KATHI COZZONE, in her
official capacity; and
JAMES FORSYTHE, DIRECTOR, CHESTER
COUNTY VOTER SERVICES, in his official
and individual capacities,

Defendants.

CIVIL ACTION NO. 10-_____

COMPLAINT

NATURE OF THE CASE

1. This is an action to secure the fundamental right to vote for African-Americans in Lower Oxford Township in Chester County, Pennsylvania by ending practices which unfairly burden their right to vote. In the 2008 general election, voters assigned to the Lower Oxford East precinct had to wait as long as seven hours in line to vote – far longer than voters elsewhere in Chester County. The long wait was caused by county officials failing to provide an adequate polling place and other election resources. The predictable result was unusually low voter turnout and a racially disparate impact in the precinct with the highest percentage of African-American voters in the county.

2. This dispute centers largely on the location and physical characteristics of the polling place in the Lower Oxford East precinct. Prior to 1992, the polling place was located on the campus of Lincoln University, an historically black university where most of the precinct's voters reside. Not long after a Lincoln University professor won a seat on the local school board in a hotly contested election, county officials moved the polling place to the Lincoln Village Community Association building at 120 Elkdale Street, Lincoln University, Pennsylvania (the "Community Center"), a small community center off-campus that is effectively inaccessible without a car. The polling place remained at the community center until 2009, despite requests to return it to Lincoln University. At that time, in response to complaints about the long lines in the 2008 election, county officials moved the polling place to the Lower Oxford Township Building, which is even farther away from campus, even less accessible to African-American voters, and equally small.

3. The plaintiffs in this case are African-American voters registered in the Lower Oxford East precinct. They claim that Chester County's failure to provide an adequate and more accessible polling place and other election resources has violated, and will continue to violate, rights guaranteed to them by Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973, and the Fourteenth and Fifteenth Amendments to the United States Constitution. They seek damages, as well as declaratory and injunctive relief necessary to protect their fundamental right to vote in future elections.

JURISDICTION AND VENUE

4. This action arises under Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973, and the Fourteenth and Fifteenth Amendments to the United States

Constitution. This Court therefore has subject matter jurisdiction under 28 U.S.C. § 1331 and 42 U.S.C. § 1973j(f).

5. This Court also has subject matter jurisdiction under 28 U.S.C. § 1343(a)(3) and (4) because this suit is “authorized” by the Civil Rights Act of 1871, 42 U.S.C. § 1983.

6. This Court has authority to grant both declaratory and injunctive relief under 28 U.S.C. §§ 2201 and 2202.

7. One or more of the defendants resides in Chester County, Pennsylvania. Under 28 U.S.C. § 1391(b), venue is therefore proper in the Eastern District of Pennsylvania.

PARTIES

8. Plaintiff Golden English is an African-American resident of and a registered voter in the Lower Oxford East precinct, in Chester County, Pennsylvania. He did not vote in the 2008 General Election because of the actions of the Defendants.

9. Plaintiff Aaron Lloyd is an African-American resident of and a registered voter in the Lower Oxford East precinct, in Chester County, Pennsylvania. Mr. Lloyd is a student at Lincoln University. He did not vote in the 2008 General Election because of the actions of the Defendants.

10. Plaintiff Darcel Jones is an African-American resident of and a registered voter in the Lower Oxford East precinct, in Chester County, Pennsylvania. She did not vote in the 2008 General Election because of the actions of the Defendants.

11. Plaintiff Wanda Havelow is an African-American resident of and a registered voter in the Lower Oxford East precinct. In 2008, Ms. Havelow cast her vote at the Community Center, 120 Elkdale Street, in Lower Oxford Township, after waiting more than six hours to vote.

12. Plaintiff Shanisha Smith is an African-American resident of and a registered voter in the Lower Oxford East precinct, in Chester County, Pennsylvania. Ms. Smith is a student at Lincoln University. In 2008, Ms. Smith cast her vote at the Community Center, 120 Elkdale Street, in Lower Oxford Township, after waiting seven hours.

13. Defendant Chester County is a political subdivision of the Commonwealth of Pennsylvania and is capable of being sued in its own name.

14. Defendant Chester County Board of Elections is responsible for the administration and conduct of primary and general elections in Chester County. It has the authority to select and equip polling places. It is comprised of the three Chester County Commissioners.

15. Defendants Carol Aichele, Terence Farrell and Kathi Cozzone are elected members of the Chester County Board of Commissioners and the Chester County Board of Elections. All three are sued in their official capacities; Defendants Aichele and Farrell are sued in their individual capacities, as well.

16. Defendant Department of Voter Services is the Chester County department responsible for administering and conducting elections.

17. Defendant James Forsythe is the Director of Voter Services for Chester County and responsible for the administration of polling places in Chester County. He is sued in his official and individual capacities.

18. The defendants, individually and through the conduct of their agents, servants and employees, were and are acting under color of state law at all times relevant to this action.

FACTUAL BACKGROUND

Lower Oxford East Precinct

19. The Lower Oxford East precinct is home to Lincoln University of Pennsylvania, an historically African-American university.

20. According to the 2000 census, African-Americans comprise 68.13% of the voting age population in the Lower Oxford East precinct, or 1,404 of 2,271 voters. Lower Oxford East has the largest population of African-American voters in Chester County. The majority of African-Americans in Lower Oxford East reside on or around the campus of Lincoln University.

21. From 1982 until 1992, Lincoln University hosted the Lower Oxford East polling place in the auxiliary gymnasium at Manuel Rivero Hall.

22. In 1989, Dr. Robert Millette, a Lincoln University Sociology professor, was a candidate for the Board of School Directors of the Oxford Area School District. Dr. Millette won with the support of African-American voters, including students at Lincoln University, and defeated the incumbent. The incumbent was not African-American.

23. Shortly thereafter, the Board of Elections moved the polling place to the Community Center. The Community Center is approximately one mile from Lincoln University. Voters without cars are unable to safely walk from Lincoln University to the Community Center because the roads leading to it are narrow, have no sidewalks or shoulders, and are poorly lit.

24. In 1993, after the polling place was moved from Lincoln University's campus, Dr. Millette ran for township supervisor. He did not win the election.

25. The Community Center has been Lower Oxford East's polling location in every election from 1992 until the 2009 primary, when it was moved to the Township Building.

The Community Center

26. The Community Center has a single bathroom, one entrance in the front reached by a flight of stairs, and a ramp for persons with disabilities in the rear, near the bathroom. The Community Center can only accommodate six voting booths, one optical scanner, and the poll workers. There is no shelter for waiting voters.

27. The Community Center is adjacent to railroad tracks on which a freight train passes at least once per day. The front entrance is close to a road on which automobile traffic passes at high speed. The parking lot is poorly lit. When there is significant turnout, voters must line up outside the building, next to the railroad tracks and the public roads, and it becomes dangerous to vote at the Community Center as well as difficult to wait in rain and bad weather.

28. In 2004, and again in 2008, voters endured long wait-times before casting their ballots because the Community Center was unable to accommodate the number of voters wishing to participate in those elections. In each of those elections, the Lower Oxford East precinct was forced to remain open after the normal closing time to process waiting voters. In the April 2008 presidential primary, Lower Oxford East stayed open until 10:30 p.m. to process all of the waiting voters.

2008 Petition to Move the Polling Location to Lincoln University

29. As a result of the difficulties experienced in the 2008 Primary and recognizing that high numbers of newly registered voters and extraordinary interest in the 2008 presidential election would translate into high voter turnout, in September 2008 Lower Oxford East voters, including the Judge of Elections, petitioned the defendants to relocate the polling place to a more suitable location on Lincoln University's campus.

30. The President of Lincoln University offered the use of the auxiliary gymnasium at Manuel Rivero Hall as the Lower Oxford East polling location.

31. Manuel Rivero Hall has ample parking, multiple restrooms, is well-lit at night, has a disabled-accessible entrance and can accommodate more voting booths, ballot scanning machines, poll workers, and voters than the Community Center.

32. There are polling places on the campuses of Immaculata University and West Chester University in Chester County.

33. The proposed move from the Community Center back to Lincoln University was a “no brainer,” according to Defendant Forsythe, acting in his capacity as Director of Voter Services.

34. Nevertheless, after a Board of Elections hearing on the petition to move the Lower Oxford East polling place to the Lincoln University campus on September 23, 2008, the Board voted 2-1 to reject the petition, with Defendant Cozzone dissenting.

November 2008 General Election

35. As predicted, on November 4, 2008, hundreds of voters converged on the Community Center trying to cast their ballots in the presidential election.

36. The line of voters began to build even before the polls opened, and delays began as soon as the polls opened.

37. The first step in the voting process is to check in the voters using a list of registered voters. After a voter checks in, he/she can then proceed to a privacy booth to complete the ballot (Chester County uses paper ballots).

38. Chester County Voter Services failed to provide the Lower Oxford East poll workers with an up-to-date list of registered voters. The Board of Elections routinely sends

updated lists of registered voters to predominantly white precincts early in the morning on Election Day. Because they did not have an up-to-date list, poll workers were forced to handwrite the name, address, birth date, and capture the signature of each registered voter whose name was not on the out-of-date list, further extending voter wait times. A large number of voters were not even on the list.

39. The pollbooks were divided into multiple alphabetical sections but the Community Center floor space was too small to permit more than two lines divided by alphabet for checking in voters, causing further delays. There was one other supplemental book with additional newly registered voters' names in it that had to be passed between the clerks. They were not given the most up-to-date list of new registrants until late in the day.

40. The physical layout of the Community Center made matters worse. The interior of the Community Center is only 817 square feet, a single room measuring approximately 43 feet by 19 feet. Because of the limited space in the facility, there were a limited number of election workers who could check in voters, and a limited number of privacy booths where voters who had checked in could fill out their ballots. As a result, there were long lines of voters waiting to check in and, once checked in, waiting to vote.

41. Voters also formed a line for the single scanner in which to deposit ballots.

42. With several hundred people waiting to vote, a line also formed for the single bathroom. So many voters needed restroom facilities that a campaign volunteer arranged for the delivery of six portable toilets at his own expense.

43. The presence of multiple lines in the small Community Center created a chaotic atmosphere.

44. Throughout the day and night, Aaron Martin, a Republican pollwatcher, challenged the identities of young African-American voters, even if they had valid voter registration cards and photo IDs. Repeated challenges of young African-American voters caused even more delays and intimidated voters. Upon information and belief, Martin did not challenge any Caucasian voters.

45. Defendant Commissioner Farrell was present in the Lower Oxford East polling place most of the day. Commissioner Farrell, an officer charged with the fair conduct of elections in Chester County, did not attempt to stop Martin's unlawful challenges. When frustrated voters approached him to voice their concerns, Commissioner Farrell shrugged and dismissed them.

46. Despite numerous complaints about the delays at the Lower Oxford East precinct, Defendant Forsythe refused to take any steps to relieve the congestion or speed up voting at that site.

47. In the late evening, the Chester County Court of Common Pleas ordered the defendant Board of Elections to provide additional assistance to the election officials at the Lower Oxford East precinct.

Golden English

48. Plaintiff Golden English had the day off from work on Election Day and tried multiple times to vote.

49. Mr. English first arrived at the Community Center to vote between 9:00 and 10:30 a.m. Because of the number of other cars already parked in the area, the closest he could park was near the post office on Ashmun Avenue. This is approximately a quarter mile away from the Community Center.

50. Mr. English walked from his car along Ashmun Avenue, then along Elkdale Road, to the Community Center. There was a high volume of vehicular traffic on both roads, neither of which have sidewalks.

51. Mr. English arrived at the Community Center and observed a long line from the front door of the polling place extending away from the entrance to the Community Center along the fence down Walnut Street. Most of the people standing in line were African-Americans.

52. Mr. English stayed 10 to 15 minutes. During that time, the line was moving very slowly and was getting longer.

53. Because of the long line, Mr. English left to do errands in Oxford with the intention of returning later when the line had subsided.

54. Between 12:30 and 1:00 p.m., Mr. English drove back through Lincoln Village to the Community Center to vote. Parked cars were all along the nearby roads. The line to vote had not become shorter but instead had lengthened considerably. At that time, the line snaked around back and forth in the parking lot. People were standing in the rain along roads and along the railroad tracks.

55. Because there were too many people and the lines were not moving, Mr. English again decided to leave and come back later with the expectation that the lines would be shorter and he would be able to vote. He returned home.

56. At 5:30 p.m., Mr. English's wife left for the Community Center with their son and daughter (both of whom were voting for the first time in a presidential election). Mr. English stayed home to watch his granddaughter so that the other members of his family could vote.

57. Mr. English's wife, son and daughter got in line shortly before 6:00 p.m. They waited 5 hours to vote, most of it outside in the rain.

58. Mr. English spoke to his wife by telephone several times during the night to get updates on his family's progress through the line. At 8:00 p.m., he brought pizza to them. It was dark and raining, the lines were confused and disorganized, and the people in line were angry and frustrated. Hundreds of people crowded around the Community Center and spilled into the streets. He knew then that he likely would not be able to vote. Under Pennsylvania law, he would not have been permitted to vote unless he was in line when the polls closed at 8:00 p.m.

59. Mr. English returned home to put his granddaughter to bed. As he waited for his wife and children to come home so he could try to vote, he saw on television that the election had been called in Barack Obama's favor. He realized then that even if he could vote, it would not make a difference.

Darcel Jones

60. Plaintiff Darcel Jones lives across Park Lane from the Community Center. She lives with her husband, her mother, and their children.

61. Her husband, Tyrone Jones, got in line to vote approximately 30 minutes after the polls opened and waited an hour and a half to vote. Ms. Jones stayed home with her children.

62. Ms. Jones intended to vote after Mr. Jones returned home. However, because it took him so long to vote, she decided to wait until the line became shorter.

63. During the day she repeatedly checked the length of the line at the polls to try to vote. The line never got shorter but instead got longer and longer.

64. Ms. Jones has a health condition that prevents her from standing for a long period in the cold.

65. The number of cars parked all around her house made her concerned that emergency vehicles would not be able to get through if her mother, who has a serious heart condition, needed assistance.

66. Ms. Jones was told by her friend, Myrtis Gray, that she had to wait six hours in line but could not wait any longer and left without voting. She also observed others leave without voting.

67. Ms. Jones did not vote because of the unreasonably and unnecessarily long lines caused by the defendants' conduct.

Aaron Lloyd

68. Mr. Lloyd is a student at Lincoln University.

69. Mr. Lloyd attempted to vote in the 2008 General Election, but was unable to do so.

70. He needed a ride to the polling place because he was unable to walk the distance from his dormitory.

71. Mr. Lloyd arrived at the polling place at approximately 12:00 p.m. He saw a large crowd of people and a seemingly unmoving line. Although he could not tell exactly how many people were waiting outside, it looked like hundreds.

72. Mr. Lloyd was at the polling place for several minutes. He asked a person in line how long the wait was and was told that it was about 8 hours.

73. Due to an accident in which Mr. Lloyd was involved the previous April, the wait would have been very difficult for him physically.

74. Realizing that he could not stand in line as long as would be required to vote, Mr. Lloyd left.

Wanda Havelow

75. Plaintiff Wanda Havelow made two attempts to vote on Election Day. At 10 a.m. she drove her mother to the polling location and found approximately 250 voters waiting in line. Voters waiting told her that the wait time was more than two hours. Her mother was allowed to move to the front of the line to vote because she was physically unable to wait for several hours. Ms. Havelow left to drive her mother home.

76. Ms. Havelow returned around 2:20 p.m. She stood in line in the rain for more than 6 hours waiting to vote. She was in the line near the train tracks when a freight train passed perilously close to the hundreds of others waiting to vote.

77. Ms. Havelow observed her neighbor, William Martin, and his son, William Martin, Jr., enter the line behind her and then leave without voting. She also observed four other neighbors leave without voting.

Shanisha Smith

78. Plaintiff Shanisha Smith waited approximately seven hours in line to vote at the Community Center.

79. She observed voters who stood in line and left the line because they could not wait the entire time.

80. Ms. Smith missed classes at Lincoln University because of the long delays caused by defendants' conduct.

Disparate Impact

81. Many African-American voters experienced hardships similar to those endured by the plaintiffs on Election Day. The hardships endured by African-American voters in the Lower Oxford East precinct were unnecessary and completely avoidable because an adequate potential

polling place was available on Lincoln University's campus. These hardships violated the fundamental right of African-Americans in Lower Oxford East to vote.

82. Defendants knew, and intended, that their actions would deter African-American voters. Whether or not by design, the actions of defendants had the effect of unequally burdening and deterring African-American voters.

83. Lower Oxford East's 55.65% voter turnout (the percentage of registered voters who voted) was the lowest in Chester County, whereas voter turnout for Chester County at large was approximately 79%.

84. African-American voter turnout in the Lower Oxford East precinct was lower than African-American voter turnout in the rest of the county.

85. Lower Oxford East was the only precinct in Chester County that required court-ordered assistance to mitigate the inadequacy of its polling location – assistance which proved to be too little and too late.

86. The defendants' actions caused similarly situated voters in Chester County to be treated differently, as evidenced by the radically disparate voter turnout levels between the rest of the county and the Lower Oxford East precinct.

2009 Petition to Move the Polling Location to Lincoln University

87. In January 2009, concerned citizens, the Judge of Elections, committeepersons and clerks again petitioned defendants to move the polling place to Lincoln University's campus. Two groups of petitioners collected 718 signatures from voters in the community requesting that the Lower Oxford East polling location be moved to Lincoln University's campus. This represented more than 25% of the 2,796 registered voters in the Lower Oxford East precinct.

88. On April 15, 2009, the Board of Elections held a hearing on the petition. The Board heard testimony regarding the inadequacies of the Community Center as a polling place and the benefits of Manuel Rivero Hall. Three African-American Lincoln University students attended the hearing and spoke in support of moving the polling place on campus, as did others.

89. Despite community support for moving the polling place to the Lincoln University campus, the defendants voted to move the polling place to Lower Oxford's Township Building.

90. The Lower Oxford Township Building is nearly twice as far from campus as the Community Center and can only be reached by automobile. Most of the 1.6 mile route is along a portion of Township Road which is narrow, unlit and has no shoulders or sidewalks. The portion along Lincoln Highway is unlit and has no sidewalks.

91. Many African-American voters who live on campus without access to cars will be unable to get to the Township Building to vote.

92. The Lower Oxford East polling location was located in the Township Building's meeting room, previously used by the Lower Oxford West precinct, which has a much smaller voting population. The Township Building's meeting room is as small or smaller than the Community Center, and does not address the primary cause of long lines on Election Day – the lack of adequate space.

93. The defendants' actions demonstrate that the defendants are taking extraordinary measures to avoid Lincoln University's campus, the only location easily accessible to the majority of African-American voters in the district, and which has facilities that are more than adequate for all voters.

94. The defendants' refusals to move the Lower Oxford East polling location to a superior facility at Lincoln University which is also the only accessible location for the majority of African-American voters, along with the initial removal of the polling location after Dr. Millette's electoral victory in 1989, indicate discriminatory intent.

95. The defendants have approved and adopted polling locations and election resource allocations that are known to be inadequate and difficult for African-American voters to access. In doing so, the defendants have wrongfully burdened the voting rights of African-American citizens and neglected their duty to protect the voting rights of all Lower Oxford East citizens.

96. Plaintiffs have been harmed by the deprivation of their rights by defendants, and are entitled to redress for those violations.

INJUNCTIVE AND DECLARATORY RELIEF IS NECESSARY

97. The defendants' actions and inactions directly and proximately disenfranchised a number of plaintiffs (and others) or otherwise severely burdened plaintiffs' and others' right to vote.

98. The plaintiffs reasonably anticipate that, absent injunctive relief, they will be disenfranchised or severely burdened in the exercise of their fundamental right to vote in future elections.

99. An actual and justiciable controversy exists as to which the plaintiffs require a declaration of their rights. Unless the requested injunctive relief issues, defendants will continue to infringe the constitutional rights of plaintiffs and other voters.

100. The plaintiffs have no adequate remedy at law for the defendants' violations of their rights.

101. The plaintiffs are suffering irreparable harm as a result of the defendants' violations of the law and Constitution and the harm will continue unless declared unlawful and enjoined by this Court.

COUNT I
42 U.S.C. § 1973, Voting Rights Act of 1965, as amended

102. The plaintiffs incorporate by reference the allegations of paragraphs 1 through 101 as though fully set forth at length.

103. The defendants' actions in failing to provide an adequate polling place and other election resources in the November 2008 election resulted in the denial and abridgement of, or unfairly burdened, the plaintiffs' right to vote and opportunity to participate in the political process on account of race and color in violation of Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973.

104. Under the totality of the circumstances, the voting process is not equally open to participation by the plaintiffs and other African-American voters because plaintiffs have less opportunity than other Chester County voters to participate in the political process and to elect representatives of their choice.

105. The location, prominence, facilities and accessibility of a polling place affect a voter's ability to exercise her or his fundamental right to vote.

106. The defendants' actions in ordering that the Lower Oxford East polling place be moved to the Lower Oxford Township Building will result in the continued denial and abridgement of the plaintiffs' right to vote in future elections on account of race and color in violation of Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973.

COUNT TWO

42 U.S.C. § 1983; Fourteenth Amendment, Equal Protection

107. The plaintiffs incorporate by reference the allegations of paragraphs 1 through 106 as though fully set forth at length.

108. The defendants, acting under color of state law, have maintained and implemented an unequal system of voting that intentionally burdens and denies equal access to the right to vote on account of race or color, and results in arbitrary and disparate treatment of voters in Lower Oxford East as compared to other voters in Chester County.

COUNT THREE

42 U.S.C. § 1983; Fourteenth Amendment, Equal Protection

109. The plaintiffs incorporate by reference the allegations of paragraphs 1 through 108 as though fully set forth at length.

110. The defendants, acting under color of state law, have maintained and implemented an unequal system of voting that burdens and denies equal access to the right to vote, and results in arbitrary and disparate treatment of voters in Lower Oxford East as compared to other voters in Chester County.

111. The lack of adequate physical space to accommodate the number of registered voters in the precinct and the County's failure to include hundreds of names of registered voters on the poll books was arbitrary and resulted in unequal treatment of the voters of Lower Oxford East.

112. Similarly-situated voters in other large precincts within Chester County did not suffer the long delays throughout the entire Election Day as did the voters of Lower Oxford East.

113. As a result, voters in Lower Oxford East do not have equal access to the franchise.

114. The defendants, acting under color of state law, have deprived and severely burdened – and threaten to deprive and severely burden – the right to vote of individual plaintiffs.

COUNT FOUR

42 U.S.C. § 1983; Fourteenth Amendment, Due Process

115. The plaintiffs incorporate by reference the allegations of paragraphs 1 through 114 as though fully set forth at length.

116. The defendants, acting under color of state law, have maintained and implemented, and are maintaining and implementing, a system of voting that is fundamentally unfair, that denies and severely burdens the right to vote, and that violates substantive Due Process under the Fourteenth Amendment to the United States Constitution.

117. As a result, voters in Lower Oxford East do not have equal access to the franchise.

COUNT FIVE

Fifteenth Amendment

118. The plaintiffs incorporate by reference the allegations of paragraphs 1 through 117 as though fully set forth at length.

119. The defendants, acting under color of state law, in failing to provide an adequate polling place and other election resources in the November 2008 election, intentionally denied plaintiffs their right to vote on account of race or color, in violation of Section 1 of the Fifteenth Amendment to the United States Constitution.

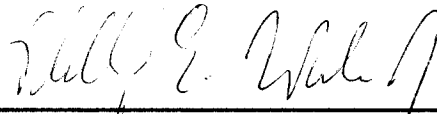
REQUEST FOR RELIEF AS TO ALL COUNTS

WHEREFORE, Plaintiffs respectfully request that this Court:

- a. enter a declaratory judgment that the defendants' failure to provide an adequate polling place and other election resources in the November 2008 election and its recent action moving the polling place farther away from the Lincoln University campus violates § 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973, and the Fourteenth and Fifteenth Amendments to the United States Constitution;
- b. enjoin the defendants from enforcing the Chester County Board of Elections decision to move the Lower Oxford East polling place to the Lower Oxford Township Building;
- c. direct defendants to issue an order moving the polling place of Lower Oxford East precinct to Lincoln University's Manuel Rivero Hall;
- d. authorize the appointment of Federal observers pursuant to Section 3(a) of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973a(a) during the pendency of this proceeding and as part of a final judgment;
- e. retain jurisdiction pursuant to Section 3(c) of the Voting Rights Act, as amended, 42 U.S.C. 1973a(c);
- f. award the plaintiffs nominal damages;
- g. award the plaintiffs all damages caused by defendants' conduct;
- h. award the plaintiffs the cost of this action together with their reasonable attorneys' fees pursuant to 42 U.S.C. §§ 1973l(e) and 1988; and

- i. retain jurisdiction of this action and grant the plaintiffs such other relief which may in the determination of this Court be necessary and proper.

Dated: January 20, 2010



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