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FILED
JUL - 7 2004
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
SAN DIEGO COUNTY, CALIFORNIA;)
SALLY MCPHERSON, REGISTRAR OF)
VOTERS, in her official capacity; and)
the SAN DIEGO COUNTY BOARD)
OF SUPERVISORS,)
)
Defendants.)

Civil No. 04CV1273-IEG(JMA)

STIPULATION TO EXTEND TIME TO
RESPOND TO COMPLAINT AND FOR
APPOINTMENT OF FEDERAL
EXAMINERS
AND INTERLOCUTORY ORDER THEREON

THREE JUDGE COURT REQUESTED
[42 U.S.C. §§1973aa-2]
[CivLR 9.2]

COME NOW THE PARTIES, by and through their undersigned counsel, and hereby stipulate as follows:

1. This matter involves a Complaint under Section 203 of the Voting Rights Act with respect to the provision of Spanish and Tagalog (Filipino) language materials and information to voters with limited English proficiency who need such materials to participate effectively in the political process.
 2. The Defendants' Answer or other response to the Plaintiff's Complaint is due to be filed on or about July 14, 2004.
 3. To allow time to accomplish complete resolution of this matter, the parties agree that the time for Defendants to Answer or otherwise respond to the Complaint shall be extended to March 31, 2007,
- //

cc: ALL parties,
JUDGE GONZALEZ, JUDGE LORENZ,
CIRCUIT JUDGE MCKEOWN, MAG. ADLER 7

1 a period allowing analysis and discussion following the 2006 federal general election, or until 20 days
2 after a motion by either party.

3 4. The parties are working productively toward a complete resolution of all issues involved in
4 this matter, and jointly seek additional time to accomplish such a resolution without litigation. The
5 parties have as an interim matter reached a Memorandum of Agreement ("Agreement"), a copy of which
6 shall be provided to the Court.

7 5. The Agreement addresses, among other things, allegations concerning matters affecting
8 minority language voters that have occurred inside some San Diego County polling places, including
9 instances in which translated materials provided by the Registrar of Voters were not posted and/or made
10 readily available to Spanish and Tagalog speaking voters who needed such materials.

11 6. San Diego County and the Registrar of Voters agree to and affirmatively seek by interlocutory
12 order the certification of San Diego County for the appointment of Federal examiners pursuant to
13 Section 3a of the Voting Rights Act, 42 U.S.C. §1973a(a), and the consequent authority to assign Federal
14 observers through the 2006 Federal general election, as necessary and appropriate so that the County
15 better can ensure that the rights of all voters will be protected in future elections.


16 7. If the Defendants fulfill their obligations under the Agreement consistent with the provisions
17 of the Voting Rights Act, the Plaintiff will move to dismiss the Complaint pursuant to Rule 41(a)1 of
18 the Federal Rules of Civil Procedure on or about the end of the period of this extension.

19 IT IS SO STIPULATED:

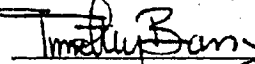
20 DATED: June 23, 2004

21 CAROL C. LAM
22 United States Attorney

23 R. ALEXANDER ACOSTA
24 Assistant Attorney General
24 Civil Rights Division

25 
26 JOSEPH D. RICH
27 JOHN TANNER
28 SUSANA LORENZO-GIGUERE
Attorneys, Voting Section
U.S. Department of Justice
Civil Rights Division

DATED: June 23, 2004


TIMOTHY M. BARRY
Senior Deputy County Counsel
Counsel for Defendants

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**GOOD CAUSE APPEARING FROM THE STIPULATION OF THE PARTIES,
IT IS HEREBY ORDERED THAT**

The time for filing the Answer or other response to the Complaint in this matter is extended to March 31, 2007, or 20 days following a motion by either party.

IT IS FURTHER ORDERED THAT

The appointment of Federal examiners by the Director of the Office of Personnel Management is authorized for San Diego County pursuant to Section 3(a) of the Voting Rights Act, 42 U.S.C. 1973a(a) for a period through December 31, 2006.

DATED: July 6, 2004

Margaret M. Keown
United States Circuit Judge

July 6, 2004

Anna E. Gonzalez
United States District Judge

July 6, 2004

James Lewis
United States District Judge