

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF EASTPOINTE; EASTPOINTE  
CITY COUNCIL; SUZANNE PIXLEY, in her  
official capacity as Mayor of Eastpointe;  
CARDI DEMONACO JR., MICHAEL  
KLINEFELT, SARAH LUCIDO, and  
MONIQUE OWENS in their official capacities  
as members of the Eastpointe City Council;  
and JOSEPH SOBOTA, in his official capacity  
as Eastpointe City Clerk,

Defendants.

Civil Action No.  
4:17-cv-10079 (TGB)

**JOINT MOTION FOR ENTRY OF CONSENT JUDGMENT AND DECREE**

The United States, the City of Eastpointe, the Eastpointe City Council, Suzanne Pixley, in her official capacity as Mayor of Eastpointe, Cardi DeMonaco Jr., Michael Klinefelt, Sarah Lucido, and Monique Owens, in their official capacities as members of the Eastpointe City Council, and Joseph Sobota, in his official capacity as Eastpointe City Clerk, through their undersigned counsel, respectfully request that the Court enter the Consent Judgment and Decree attached hereto as Exhibit 1. The parties have negotiated in good faith and wish to resolve

this litigation amicably on the terms set out therein. In support of this motion, the parties stipulate as follows:

1. This Court has jurisdiction of this action pursuant to 28 U.S.C. §§ 1331, 1345, and 2201(a) and 52 U.S.C. § 10308(f).
2. The United States' Complaint alleges that the current method of electing the Eastpointe City Council results in a violation of Section 2 of the Voting Rights Act, 52 U.S.C. § 10301. Compl. (ECF No. 1).
3. On June 4, 2019, the Eastpointe City Council voted unanimously to resolve this civil action with the entry of the Consent Judgment and Decree agreed to by the parties, and attached hereto as Exhibit 1.
4. Ranked choice voting, as outlined in the Consent Judgment and Decree and a Memorandum of Understanding entered between the parties on June 5, 2019, has been agreed to by the parties in an effort to ensure compliance with Section 2 of the Voting Rights Act.
5. A copy of the parties' Memorandum of Understanding is attached hereto as Exhibit 2.
6. Eastpointe will hold its next municipal elections on November 5, 2019.
7. Michigan law permits home rule cities to conduct elections via preferential ballot. Mich. Comp. Laws § 117.3(a). Thus, Defendants are

empowered to alter the method of election and adopt ranked choice voting.

8. The Consent Judgment and Decree is “fair, adequate, and reasonable, as well as consistent with the public interest.” *United States v. Lexington-Fayette Urban Cty. Gov.*, 591 F.3d 484, 489 (6th Cir. 2010) (quoting *United States v. Cty. of Muskegon*, 298 F.3d 569, 580-81 (6th Cir. 2002)) (internal quotation marks omitted). The Consent Judgment and Decree also serves to ensure compliance with Section 2 of the Voting Rights Act and thereby fulfills the “general test for consent decrees.” *Id.* (quoting *United States v. Akzo Coatings of Am., Inc.*, 949 F.2d 1409, 1426 (6th Cir. 1991)) (internal quotation marks omitted).

WHEREFORE, the parties respectfully request that this motion be granted.

Dated: June 5, 2019

For the United States of America:

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 5, 2019, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

*/s/ Daniel J. Freeman* \_\_\_\_\_

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