

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

UNITED STATES OF AMERICA,)
)
 Plaintiffs,)
)
 vs.)
)
 STATE OF ALABAMA; and)
 GOVERNOR ROBERT J. BENTLEY,)
)
 Defendants.)

Case Number:
 5:11-cv-02746-SLB

JOINT REPORT REGARDING CASE STATUS AND DISPOSITION

Plaintiff United States of America and Defendants State of Alabama and Governor Bentley (collectively “Alabama”) have conferred about the proper disposition of this matter in light of decisions by the Supreme Court and the Eleventh Circuit. In the interests of aiding the Court to bring about a proper and efficient resolution of this case, the parties make the following representations and requests regarding the various statutory provisions at issue:

1. The parties agree that the Eleventh Circuit panel’s decision in *United States v. Alabama*, 691 F.3d 1269 (11th Cir. 2012), holds that Sections 10, 11(a), 13, 16, 17, and 27 of H.B. 56 (Ala. Code §§ 31-13-10, -11(a), -13, -16, -17, & -26), and Section 6 of H.B. 658 (Ala. Code § 31-13-33), are preempted by federal law. Further, the parties agree that the Supreme Court’s decision in *Arizona v. United*

States, 132 S. Ct. 2492 (2012), requires holding that Sections 10 and 11(a) of H.B. 56 are preempted by federal law. The parties also agree that the United States can satisfy the other requirements for obtaining final injunctions against these provisions.

2. The United States proposes to dismiss voluntarily, without prejudice, its existing facial claims against Sections 12(a), 18, and 30 of H.B. 56 (Ala. Code §§ 31-13-12(a), -29, & Ala. Code § 32-6-9(b)), in light of the Supreme Court's decision in *Arizona v. United States*, 132 S. Ct. 2492 (2012), and the Eleventh Circuit's decision in *United States v. Alabama*, 691 F.3d 1269 (11th Cir. 2012). Alabama consents to the voluntary dismissal of such claims.

3. Provided that this Court enters a permanent injunction against Section 28 of H.B. 56 (Ala. Code § 31-13-27) in *Hispanic Interest Coalition of Ala., et al. v. Governor of Ala.*, No. 5:11-cv-02484-SLB, the United States proposes to dismiss voluntarily, without prejudice, its claim against Section 28 in this action. Alabama consents to the voluntary dismissal of such claim.

4. Accordingly, all parties consent to the form of Final Judgment submitted herewith, subject to the reservations and other statements made herein.

5. The United States' dismissals of its existing claims against Sections 12(a), 18, and 30 of H.B. 56 are without prejudice to the filing of new claims against any of those provisions in the future, if warranted based on Alabama's

interpretation and application of those provisions. Additionally, the United States' dismissal of its existing claim against Section 28 of H.B. 56 is without prejudice to the filing of a new claim against that provision in the future, should Section 28 no longer be enjoined in *Hispanic Interest Coalition of Ala., et al. v. Governor of Ala.*, No. 5:11-cv-02484-SLB.

6. Alabama reserves its right, should governing statutory or decisional law or other circumstances change in the future, to seek modification of the injunctions in the Final Judgment via a post-judgment motion under the Federal Rules of Civil Procedure.

7. Each reference to a provision of H.B. 56 herein shall be construed as a reference to such provision as amended, if applicable.

8. A proposed final judgment consistent with this Joint Report is submitted at Attachment 1 hereto.

Respectfully submitted,

**FOR DEFENDANTS
ALABAMA ET AL.:**

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(ASB-0036-G42L)
Alabama Attorney General

BY:

s/ John C. Neiman, Jr.

John C. Neiman, Jr.

Alabama Solicitor General
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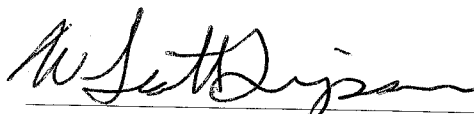
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