

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

LIONEL GUSTAFSON et al.,)	
)	
Plaintiffs,)	
)	
V.)	CIVIL ACTION NO.
)	1:05-cv-00352-CG-L
ADRIAN JOHNS, et al.,)	
)	
Defendants.)	

**MOTION TO INTERVENE OF
SETH HAMMETT**

Hon. Seth Hammett, in his official capacity as Speaker of the Alabama House of Representatives and on behalf of the citizens of Alabama and their elected representatives he represents, pursuant to Rule 24(a) and Rule 24(b), Fed. R. Civ. P., moves to intervene as a defendant in this action. As grounds for his motion, Speaker Hammett would show as follows:

1. Movant claims interests relating to the redistricting transactions which are the subject of this action. Speaker Hammett and the citizens of Alabama that he and other members of the House of Representatives have been elected to

represent are so situated that the disposition of this action may as a practical matter impair or impede their ability to protect those interests.

2. None of the existing parties can adequately represent the constitutional, democratic and institutional interests of the House of Representatives, its members and the citizens of Alabama who elected them. In 2001 the Alabama Legislature fulfilled its duty under the Constitution of Alabama and the Constitution of the United States to redraw the districts from which members of the House and Senate are elected. None of the existing defendants is responsible for the design of Alabama's legislative districts or was directly involved in the political process leading to the enactment of Acts Nos. 2001-727 and 2001-729. Although each of the existing defendants has a responsibility to defend the laws of Alabama, none of them had the personal or official involvement in the redistricting process required adequately to represent the members of the Legislature and their constituents in this action.

3. Movant is entitled to intervene as of right to defend the legislatively enacted House and Senate plans.

4. Movant also satisfies the requirements of Rule 24(b) for permissive intervention. His defenses have questions of law and fact in common with those of the named defendants, his motion is timely, and granting intervention will not

unduly delay or prejudice the rights of the original parties.

WHEREFORE, Speaker Seth Hammett moves that he be allowed to intervene as a defendant in this action in his official capacity.

Respectfully submitted 15th day of July, 2005,

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CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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