

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

YVONNE KENNEDY, JAMES BUSKEY, AND
WILLIAM CLARK,

Plaintiffs,

v.

HONORABLE BOB RILEY, as Governor of
the State of Alabama,

Defendant.

CIVIL ACTION NO.
2:05-cv-01100-MHT-DRB

Plaintiffs' Response to Motion to Intervene (Doc. 53)

Response to intervention

1. The plaintiffs have no objection to the intervention of Probate Judge Don Davis.

2. The plaintiffs request that the Court will immediately allow Judge Davis' intervention.

Response to proposed schedule

3. The plaintiffs do object, however, to the delay by Judge Davis in filing his motion and to the slow timetable he proposes.

4. Judge Davis' schedule provides for 90 days before the first primary is held and does not provide for speeding up the timetable if there is only one candidate from each political party (in which case, no primary would be necessary). When Rep. Albert Hall died, Gov. Riley called a special primary 62 days after his proclamation. See Exhibit A, attached.

5. The plaintiffs request that the Court will immediately order Judge Davis to do the following:
- a. to set a reasonable deadline for nominations by parties and independent candidates,
 - b. to hold a primary election (if necessary) no later than 66 days after the date of the Court's order,
 - c. to hold a second primary (if necessary) 42 days after the first primary, and
 - d. to hold a general election 42 days after the party nominees of each party have been determined (either by action of a primary or by only one nomination in the party).

Submitted by,

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CERTIFICATE OF SERVICE

I certify that on 21 May 2007 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 attorneys:

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