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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NO. C 06-01407 JW
C 06-01730 JW

In re County of Monterey Initiative Matter

**DECLARATORY JUDGMENT AND
PERMANENT INJUNCTION**

_____ /

With respect to the Initiative entitled "Amendment of the Monterey County General Plan, Including the North County Land Use Plan" also known as "The Monterey County Quality of Life, Affordable Housing, and Voter Control Initiative," (the "Initiative") the Court declares, adjudges and decrees that the Initiative, petition and related materials are invalid under Section 203 of the Federal Voting Rights Act of 1965 because the materials were printed and circulated only in English and not also in Spanish. Therefore, the Initiative in its present form cannot be legally adopted by the County of Monterey or presented to voters of the County of Monterey.


Judgment is entered against Plaintiffs William Melendez, Ken Gray, Jyl Lutes, Carolyn Anderson, and Landwatch Monterey County and in favor of Defendants Board of Supervisors of the County of Monterey, Tony Anchundo, in his capacity as Monterey County Registrar of Voters, and County of Monterey. In light of the Court's declaratory judgment, Defendants are permanently enjoined to take no further action, to process, certify, adopt, or place the Initiative on a ballot for County voters.

1 The Court dismisses the Complaint by Plaintiffs Rosario Madrigal, Sabas Rangel, and Maria
2 Buell as moot.

3 Nothing in this Judgment and Injunction is intended to cover any future Initiative covering
4 the subject matter of the enjoined Initiative, provided it complies in process and substance with the
5 Voting Rights Act. The Court declines to reach, as unnecessary, whether the substance of the
6 Initiative must be pre-cleared under the Voting Rights Act.

7 The Court dismisses without deciding all claims for relief under California law as moot.

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9 Dated: March 23, 2006



JAMES WARE
United States District Judge

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1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED**
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11 **Dated: March 23, 2006**

Richard W. Wieking, Clerk

12 **By: /s/ JW Chambers**

13 **Melissa Peralta**
14 **Courtroom Deputy**