

IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NORTHWEST AUSTIN MUNICIPAL
UTILITY DISTRICT NUMBER ONE,

Plaintiff,

vs.

ALBERTO GONZALES,
ATTORNEY GENERAL OF THE
UNITED STATES,

Defendant.

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CIVIL ACTION NO. 1:06-cv-1384

Three-judge court (PLF, DST, EGS)

AMENDED APPLICATION TO INTERVENE AS DEFENDANTS

COME NOW, Applicants for Intervention, David Diaz, Lisa Diaz and Gabriel Diaz, by and through their undersigned attorney, and file, pursuant to Fed. R. Civ. P. 24, their amended Application to Intervene as Defendants in order to defend the Voting Rights Act of 1965. The purpose of this amended Application is to add Mr. Gabriel Diaz as an additional proposed Defendant Intervenor.

1. Applicants seek intervention as of right or, in the alternative, permissive intervention under Fed. R. Civ. P. 24(a) and Fed. R. Civ. P. 24(b), respectively. In support of this Application, proposed Defendant Intervenors rely on the Memorandum in Support of Application to Intervene filed in support of their original Application on October 18, 2006. *See* Docket Entry No. 13.
2. Proposed Defendant Intervenors, David Diaz, Lisa Diaz and Gabriel Diaz, are registered and qualified voters of Travis County and reside within the boundaries of Plaintiff NW Austin Municipal Utility District Number One. David Diaz, Lisa

Diaz and Gabriel Diaz are Latino.

3. Undersigned counsel for Applicants Nina Perales conferred with counsel for Plaintiff and Defendant regarding this Application to Intervene. Defendant does oppose intervention as of right under Rule 24(a)(2) but does not oppose permissive intervention under Rule 24(b)(2) or intervention of right under Rule 24(a)(1) as to the bailout claims in light of the intervention provisions of Section 4(a)(4) of the Voting Rights Act. Plaintiff opposes the Application.

WHEREFORE, Applicants respectfully request that this Court grant them intervention as of right or, in the alternative, permissive intervention.

DATED: November 6, 2006

Respectfully submitted,
MEXICAN AMERICAN LEGAL DEFENSE &
AND EDUCATIONAL FUND

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of November, I served a true and correct copy of the above document on all counsel of record by sending a copy via electronic mail and first-class mail, postage prepaid, addressed to all of the counsel listed below:

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