

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

MATTHEW TORTORICE, et al.,)	
)	
Plaintiff,)	
)	
VS.)	Case No.: 4:25-cv-00124-CLM
)	
CITY OF MARGARET,)	
ALABAMA,)	
)	
Defendant.)	

AGREED ORDER

Upon consideration of the Joint Motion for Entry of Agreed Order filed by the parties to this action, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

I. Facts and Procedural Background

1. The U.S. Census Bureau released a decennial U.S. Census in 2000, 2010, and 2020.

2. The Equal Protection Clause of the U.S. Constitution's Fourteenth Amendment and other controlling law requires substantial population equality between electoral districts.

3. Plaintiffs Matthew Tortorice, Joshua Isbell, John Bryant Hall, Melissa Johnson, Tabitha Dailey Hanner, and Brian Swaffield (hereinafter referred to as "plaintiffs") filed this action on January 24, 2025, pursuant to 42 U.S.C. § 1983,

alleging violation of the Fourteenth Amendment's Equal Protection Clause, premised upon the City of Margaret, Alabama allegedly failing to reapportion the municipal voting districts for over 15 years, allegedly resulting in disproportionate municipal voting districts.

4. The City of Margaret does not admit liability but concedes that the municipal voting districts were not reapportioned from 2009 through 2024.

5. There were no municipal elections in 2021, 2022, 2023, or 2024.

6. The next municipal election will be held on August 26, 2025. Ala. Code § 11-46-21(a). For said election, the deadline to reapportion municipal boundaries is May 26, 2025.

7. Three weeks after Plaintiffs filed this action, on February 18, 2025, the City of Margaret adopted a new map, reapportioning its municipal voting districts [Doc. 19-1: Margaret Ordinance 2025-0218.]

8. The Defendant City of Margaret agrees to hold the upcoming August 2025 city elections under the new district boundaries adopted by the City Council on February 18, 2025, and agrees to the Court retaining jurisdiction to ensure the August 2025 elections are conducted according to the new district boundaries.

9. The parties agree that Margaret Ordinance 2025-0218 which apportioned municipal voting districts provides substantial population equality between the municipal electoral districts, until such time as the next decennial U.S.

Census is released and the City of Margaret's municipal voting districts are reapportioned in accordance with applicable law.

II. Jurisdiction

10. This Court has jurisdiction over this matter and the municipal voting district lines for the City of Margaret elections pursuant to 28 U.S.C. § 1331, because this action arises under the Constitution and the laws of the United States. This Court also has jurisdiction pursuant to 42 U.S.C. § 1983.

III. Applicability

11. The provisions of this agreed order shall apply to and bind the parties and their successors and assigns.

12. This agreed order is effective as of the date entered by this Court.

IV. Terms and Conditions

13. The parties have agreed that plaintiffs' attorneys are awarded attorney fees and costs of \$12,000.00. Otherwise, costs are taxed as paid.

V. Resolution of All Claims

14. This agreed order constitutes a full settlement and resolution of all controversies in this action. Plaintiffs shall make no further claim or request for damages, declaratory relief, injunctive relief, attorney fees, costs, or otherwise arising out of the claims made the basis of this action.

DONE and ORDERED this the 1st day of May, 2025.


Corey L. Maze
United States District Judge


AGREED AND CONSENTED TO:


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4/25/2025
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25 April 2025
Date