

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CHANMONY HUOT, VLADIMIR)
SALDAÑA, LIANNA KUSHI, THOEUN)
KONG, DENISSE COLLAZO, SUE J.)
KIM, SOADY OUCH, TOOCH VAN,)
CARMEN BERMUDEZ, KEI)
KAWASHIMA-GINSBERG and)
FAHMINA ZAMAN,)
Plaintiffs,)
v.)
CITY OF LOWELL, MASSACHUSETTS;)
KEVIN J. MURPHY, in his official)
capacity as Lowell City Manager; LOWELL)
CITY COUNCIL; RITA M. MERCIER,)
RODNEY M. ELLIOTT, EDWARD J.)
KENNEDY, JR., JOHN J. LEAHY,)
WILLIAM SAMARAS, JAMES L.)
MILINAZZO, DANIEL P. ROURKE,)
COREY A. BELANGER, JAMES D.)
LEARY, in their official capacities as)
members of the Lowell City Council;)
LOWELL SCHOOL COMMITTEE;)
STEPHEN J. GENDRON, JACQUELINE)
DOHERTY, CONNIE A. MARTIN,)
ROBERT J. HOEY, JR., ROBERT JAMES)
GIGNAC, ANDRE DESCOTEAUX, in)
their official capacities as members of the)
Lowell School Committee; LOWELL)
ELECTION AND CENSUS)
COMMISSION; and BEVERLY ANTHES,)
JOSEPH MULLEN, THEL SAR,)
THOMAS FR. O'BRIEN, in their official)
capacities as members of the Lowell)
Election and Census Commission,)
Defendants.)

Case No. 1:17-cv-10895-DLC

CONSENT DECREE

Plaintiffs filed this action alleging that the current at-large plurality method of electing members of the Lowell City Council and the Lowell School Committee denies Lowell's Asian-American and Hispanic/Latino voters an equal opportunity to elect candidates of their choice, in violation of Section 2 of the Voting Rights Act of 1965, 52 U.S.C. § 10301 ("Section 2") and the Fourteenth and Fifteenth Amendments to the United States Constitution. Without conceding a violation of the Voting Rights Act, Defendants wish to change the electoral system in Lowell and to submit to the jurisdiction of this Court for enforcement of the following Consent Decree (the "Decree"), which arises from the instant suit.

The parties, through counsel, have conferred extensively and agree that it is in the best interest of all parties that this lawsuit be resolved without the expense of protracted, costly and potentially divisive litigation. Accordingly, the parties agree to enter into the following Decree, through which the City of Lowell (the "City") and all City affiliated entities and individuals sued as defendants in their official capacities (collectively, "Defendants") commit to implementing a new method of electing members to the Lowell City Council and the Lowell School Committee prior to the 2021 municipal elections.

STIPULATIONS

The parties stipulate and agree as follows:

1. Defendant CITY OF LOWELL is a city in the Commonwealth of Massachusetts organized under Massachusetts' Plan E form of government pursuant to Mass. G. L. c. 43, §§ 93-116.

2. Defendant EILEEN DONOGHUE is the appointed City Manager of the City of Lowell. Ms. Donoghue is sued in her official capacity.¹

3. Defendant LOWELL CITY COUNCIL is a legislative body and the governing authority of the City of Lowell, Massachusetts. The Lowell City Council is established pursuant to Mass. G. L. c. 43, §§ 95–100 under the Plan E form of government and exercises general and specific legislative powers. There are presently nine (9) Lowell City Council members who are all elected biennially by city-wide at-large plurality elections held in odd numbered years. *See* 1957 Mass. Act. 725 § 2; G.L. c. 43 § 109. The Lowell City Council has the power to implement changes to the city's Plan E form of government and to adopt election plans that comply with the Voting Rights Act and the United States Constitution.

4. Defendants RITA M. MERCIER, RODNEY M. ELLIOTT, EDWARD J. KENNEDY, JR., JOHN J. LEAHY, WILLIAM SAMARAS, JAMES L. MILINAZZO, VESNA NUON, KAREN CIRILLO, and DAVID CONWAY are members of the Lowell City Council. Each of these Defendants is sued in his or her official capacity.²

5. Defendant LOWELL SCHOOL COMMITTEE is responsible for the conduct of the public schools for the City of Lowell. *See* Mass. G. L. c. 43, § 95. There are presently six (6) Lowell School Committee members who are all elected biennially by city-wide at-large plurality

¹ Pursuant to Fed. R. Civ. P. 25(d), Eileen Donoghue has been substituted for Kevin J. Murphy.

² As a result of the November 2017 municipal elections, and pursuant to Fed. R. Civ. P. 25(d), original named Defendants James D. Leary, Corey A. Belanger, and Daniel P. Rourke have been replaced by Vesna Nuon, Karen Cirillo, and David Conway as Defendants in their official capacities for the Lowell City Council.

elections held in odd numbered years. The Mayor also serves as a School Committee member during the Mayor's tenure in office. *See G. L. c. 43 § 31.*

6. Defendants DOMINIK HOK LAY, JACQUELINE DOHERTY, CONNIE A. MARTIN, ROBERT J. HOEY, JR., GERARD NUTTER, and ANDRE DESCOTEAUX, are members of the Lowell School Committee. Each of these Defendants is sued in his or her official capacity.³

7. Defendant LOWELL ELECTION AND CENSUS COMMISSION is responsible for managing and conducting all municipal, state, and federal elections within the City of Lowell.

8. Defendants BEVERLY ANTHENS, JOSEPH MULLEN, ZOE ARTHUR, and THOMAS FR. O'BRIEN, are members of the Lowell Election and Census Commission. Each of these Defendants is sued in his or her official capacity.⁴

9. Lowell's Asian-American and Hispanic/Latino communities combined constitute approximately 41% of the city's total population, and minorities overall constitute nearly 50% of the total population. According to the U.S. Census Bureau's 2013–2017 American Community Survey (the "2017 ACS"), which was published in February 2019, and which contains the most recent demographic estimates available for the City of Lowell: (a) non-Latino whites constitute approximately 49.7% of Lowell's total population, 53.8% of its voting age population, and 58.6% of its citizen voting age population; (b) Asians constitute approximately 21.3% of Lowell's total population, 21.7% of its voting age population, and 17.3% of its citizen voting age population;

³ As a result of the November 2017 municipal elections, and pursuant to Fed. R. Civ. P. 25(d), original named Defendants Stephen J. Gendron and Robert James Gignac have been replaced by Dominik Hok Lay and Gerard Nutter as Defendants in their official capacities for the Lowell School Committee.

⁴ Pursuant to Fed. R. Civ. P. 25(d), original named Defendant Thel Sar has been replaced by Zoe Arthur as a Defendant in her official capacity for the Lowell Election Commission.

(c) Hispanics/Latinos constitute approximately 20.3% of Lowell's total population, 17.2% of its voting age population, and 17.4% of its citizen voting age population; and (d) blacks/African Americans constitute approximately 6.7% of Lowell's total population, 6.5% of its voting age population, and 5.2% of its citizen voting age population.

10. Plaintiffs have alleged that Lowell's combined Hispanic/Latino and Asian-American population is sufficiently numerous and geographically compact to form a majority of the total population, voting age population, and citizen voting age population in at least one district of a reasonable and properly-apportioned district-based electoral system for both the Lowell City Council and the Lowell School Committee.

11. Plaintiffs have further alleged that Lowell's Asian-American and Hispanic/Latino voters are politically cohesive, meaning that they tend to vote together in support of similar candidates, and that Lowell's majority electorate votes as a bloc in support of different candidates, usually defeating the candidates preferred by Asian-American and Hispanic/Latino voters.

12. Plaintiffs have provided Defendants with evidence in support of their Section 2 allegations as set forth in Paragraphs 10-11. Although Defendants do not concede at this stage that a Section 2 violation has occurred, Defendants believe that a change to Lowell's electoral system is in the best interest of Lowell's residents.

13. The City of Lowell's current at-large plurality electoral system for the Lowell City Council and the Lowell School Committee has been in place since 1957, prior to the establishment of Lowell's substantial Asian-American and Hispanic/Latino communities described in Paragraph 9.

14. In 2017, following the filing of this lawsuit, the Lowell City Council appointed an Ad Hoc Subcommittee On Election Laws (the "Subcommittee") to consider whether changes

should be made to the City's electoral system. The Subcommittee conducted outreach in the community to determine residents' views on Lowell's current electoral system, as well as the possibility of changing that system. The Subcommittee considered many factors and concerns, including those raised by this lawsuit as well as others raised by residents throughout the City.

15. In addition, representatives of Plaintiffs and Defendants met to discuss issues and concerns raised by this lawsuit in September 2017, and again in mediation sessions in December 2018 and January, February, and March of 2019.

16. Accordingly, to avoid unnecessary, costly, and divisive litigation, Defendants voluntarily enter into this Decree and commit to implementing a new electoral system for electing members of the Lowell City Council and the Lowell School Committee.

17. All Defendants, as well as Plaintiffs, welcome this opportunity to work together towards a change to Lowell's electoral system. It is in the best interest of the residents of the City of Lowell, including Plaintiffs, to enter into this Decree, as this Decree sets forth a process for change that ensures an electoral system that is compliant with Section 2 and that is beneficial to all Lowell residents.

18. Plaintiffs and Defendants have the authority to enter into this Decree in good faith.

19. Further expenditure of resources and funds on litigation is not likely to be in the interest of Plaintiffs, Defendants, or the public.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

- A. This Court has jurisdiction of this action pursuant to 28 U.S.C. § 1343(a) and 28 U.S.C. § 1331.
- B. This Court has jurisdiction to grant both declaratory and injunctive relief, pursuant to 28 U.S.C. §§ 2201 and 2202.
- C. This Court has personal jurisdiction over the Defendants, all of whom reside in this district.
- D. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b), because a substantial part of the events or omissions giving rise to the claims herein occurred in this district and because the Defendants reside in this district.
- E. The current at-large plurality electoral system for the Lowell City Council and Lowell School Committee is a system that has the potential to result in an unlawful dilution of the Asian-American and Hispanic/Latino population's vote in violation of Section 2 of the Voting Rights Act, which would deny Asian-American and Hispanic/Latino residents of an equal opportunity to elect representatives of their choice. It is in the best interests of all parties and the citizens of Lowell that the new electoral system ensures Asian-American and Hispanic/Latino voters an equal opportunity to elect the candidates of their choice.
- F. This Court has authority to impose an electoral system that ensures compliance with Section 2.
- G. The parties agree that resolution of this matter will be achieved through the adoption of one of the following electoral systems (the "Agreed-To Electoral Systems") prior to the 2021 elections for electing members of both the Lowell City Council and the Lowell School

Committee.⁵ Each of the following Agreed-To Electoral Systems, if implemented as described in this Decree, is compliant with Section 2:

- a. **District:** A single-member district-based system for electing all members of both the Lowell City Council and the Lowell School Committee with no at-large seats on either elected body (the “Single Member System”). Under any such Single Member System, there shall be a total of nine (9) single-member Lowell City Council districts and nine (9) Lowell City Councilors. Under any such Single Member System, the Lowell City Council districts shall include at least two (2) majority-minority single-member districts where Asian-Americans and Hispanics/Latinos together comprise a majority of the citizen voting age population. For the election of the School committee under any such District Single Member System, three (3) districts shall be combined and from each such combination district two (2) School Committee members shall be elected. At least one (1) such combination district shall be a majority-minority single-member district where Asian-Americans and Hispanics/Latinos together comprise a majority of the citizen voting age population.
- b. **Hybrid:** A hybrid system that combines single-member district-based seats with at-large seats. Three possible forms of Hybrid System are contemplated: the “Hybrid 8-1 System,” the “Hybrid 8-3 System” and the “Hybrid 7-2 System”.

⁵ Under all of the Agreed-To Electoral Systems with the exception of the 7-2 Hybrid System, as with Lowell’s current electoral system, the Mayor shall be a member of the City Council elected by the City Council, and shall serve as the seventh (7th) member and chair of the School Committee during the Mayor’s tenure. Under the 7-2 Hybrid System, seven members of the School Committee shall be elected from seven districts, and the Mayor shall not necessarily serve on the School Committee.

Under the Hybrid 8-1 System, and the Hybrid 8-3 System, the Lowell City Council shall be comprised of eight (8) single-member district-based seats, at least two (2) of which shall be a majority-minority single-member district where Asian-Americans and Hispanics/Latinos together comprise a majority of the citizen voting age population. The Hybrid 8-1 System shall have one (1) at-large seat, and the Hybrid 8-3 System shall have three (3) at-large seats (consequently the Hybrid 8-3 System enlarges the City Council by two (2) for a total membership of eleven (11)). The at-large seat(s) may be, but are not required to be, elected via plurality voting. Under any such Hybrid 8-1 or 8-3 System, the Lowell School Committee shall be comprised of: four (4) single-member district-based seats, at least one (1) of which shall be a majority-minority single-member district where Asian-Americans and Hispanics/Latinos together comprise a majority of the citizen voting age population; and two (2) at-large seats. The at-large seats may be, but are not required to be, elected via plurality voting. Under the Hybrid 7-2 System, the Lowell City Council shall be comprised of: seven (7) single-member district-based seats, at least two (2) of which shall be a majority-minority single-member district where Asian-Americans and Hispanics/Latinos together comprise a majority of the citizen voting age population; and two (2) at-large seats. The at-large seats may be, but are not required to be, elected via plurality voting. Under the Hybrid 7-2 System, the Lowell School Committee shall be comprised of: seven (7) single-member district-based seats, at least two (2) of which shall be a majority-minority single-member district where Asian-Americans and Hispanics/Latinos together comprise a majority of the citizen voting age population.

c. **At-Large:** A system containing exclusively at-large seats for both Lowell City Council and Lowell School Committee in which members of those bodies are elected through “proportional representation” (also sometimes described as “ranked-choice voting” or “single transferrable vote”) (the “Proportional Representation System”). Under any such Proportional Representation System, voters shall be permitted to rank candidates for each elected body in order of preference from one (1) to the total number of candidates running for election for that elected body. The procedures for implementing the Proportional Representation System, and for determining the winning candidates under such system, shall be substantially similar to those currently in place in the City of Cambridge, Massachusetts for the election of the Cambridge City Council and Cambridge School Committee and in the City of Minneapolis, for election of the Minnesota City Council and Park and Recreation Board. *See* Mass. G. L. c. 54A §§ 4, 9 (adopted 1938, repealed 1972); Minneapolis Code of Ordinances, Title 8.5, § 167.10 *et seq.* Under any such Proportional Representation System, there shall be a total of nine (9) Lowell City Council seats and a total of six (6) Lowell School Committee seats.

d. **Combination:** A district/proportional representation system that utilizes three (3) districts in which seats for Lowell City Council and Lowell School Committee are elected through “proportional representation” within each district (the “3 District Proportional Representation System”). Under any such 3 District Proportional Representation System, there shall be a total of nine (9) Lowell City Council seats, comprised of three (3) seats from each of the three (3) districts, and six (6) Lowell

School Committee seats, comprised of two (2) seats from each of the three (3) districts. Under any such Proportional Representation System, voters in each district shall be permitted to rank candidates for each elected body in order of preference from one (1) to the total number of candidates running for election for that elected body. The procedures for determining the winning candidates within each district, shall be substantially similar to those currently in place in the City of Cambridge, Massachusetts for the election of the Cambridge City Council and Cambridge School Committee and in the City of Minneapolis, for election of the Minnesota City Council and Park and Recreation Board. *See* Mass. G. L. c. 54A §§ 4, 9 (adopted 1938, repealed 1972); Minneapolis Code of Ordinances, Title 8.5, § 167.10 *et seq.*

H. Preliminary Elections. For options c and d in Paragraph G above, Defendants shall, at their own option and in their sole discretion, either (1) retain the Preliminary Election provisions in the City of Lowell Charter, which require a Preliminary Election if the number of candidates exceeds twice the number of seat(s) up for election (*see* Lowell City Charter, § 14); or (2) eliminate the requirement of a Preliminary Election. For options a and b, Defendants shall retain the Preliminary Election provisions in the Lowell City Charter, as referenced above, at least through Lowell's 2023 municipal election. At any time following Lowell's 2023 municipal election, Defendants may change the Lowell City Charter to alter the Preliminary Election provisions provided that such alteration does not have a retrogressive effect on the voting opportunities of the Asian-American and Hispanic/Latino communities in Lowell.

I. Defendants have the authority, under existing law, to enact and implement any of the Agreed-To Electoral Systems, subject to approval of a Home Rule Petition, as further detailed herein in Paragraph O.

J. Upon execution of this Decree, the City Council shall be afforded a period of time to conduct an in-depth review of the Agreed-To Electoral Systems to determine which two systems would best serve the City of Lowell (the “Review Period”). The Review Period shall include public meetings through which the City Council will educate itself with respect to the advantages and disadvantages of each of the Agreed-To Electoral Systems. The public meetings may include, but are not limited to, presentations by field specialists, question and answer periods, and an opportunity for members of the public to comment and present prepared statements concerning the Agreed-To Electoral Systems.

K. By no later than September 3, 2019, the City Council shall determine which two (2) systems among the Agreed-To Electoral Systems outlined in Paragraph G will provide the best electoral system options for the City of Lowell (the “Two Finalist Systems”).

L. By no later than September 17, 2019, Defendants and Plaintiffs shall agree upon language for two non-binding questions to be placed on the November 5, 2019 ballot, which will be used to solicit voter preference between the Two Finalist Systems (the “Ballot Questions”). Defendants shall place the Ballot Questions on the November 5, 2019 municipal election ballot for City of Lowell voters. Defendants shall not place on the November 5, 2019 ballot any question soliciting voter preference for any electoral system other than the Two Finalist Systems. The City Council shall give considerable weight to the results of the Ballot Questions in its selection of a final electoral system, according to the schedule set forth below.

M. As soon as practicable following the November 2019 election, and no later than December 3, 2019, the City Council shall select which one (1) of the Two Finalist Systems will be implemented in advance of the November 2021 elections for the City of Lowell (the “Chosen Electoral System”).

N. If, following the Review Period, the City Council determines, in its sole discretion, that the procedures set forth in Paragraphs K-M (including the use of non-binding ballot questions) are unnecessary, the City Council shall proceed directly to selecting which of the Agreed-To Electoral Systems outlined in Paragraph G will be implemented (the “Chosen Electoral System”). Should the City Council decide to forego the procedures described in Paragraphs K-M and proceed directly to the selection of the Chosen Electoral System, such selection shall be made no later than October 1, 2019.

O. Upon selection of the Chosen Electoral System, with notice to Plaintiffs, Defendants shall adopt and enact a home rule petition, pursuant to the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution of the Commonwealth of Massachusetts (“Home Rule Petition”), to change the City of Lowell’s municipal electoral system to the Chosen Electoral System. The Home Rule Petition shall be adopted and submitted to the Massachusetts Legislature for approval within 15 days of the Defendants’ selection of the Chosen Electoral System. The Home Rule Petition shall not include any provisions unrelated to the implementation of the Chosen Electoral System and shall include language stating that it shall be effective upon passage by the Massachusetts Legislature.

P. Defendants on the City Council, including the Mayor’s Office, shall vote in favor of the Home Rule Petition adopting the Chosen Electoral System. Defendants shall not oppose, in their official capacities, adoption of the Home Rule Petition by the City Council and the Mayor,

or the approval of the Home Rule Petition by the Massachusetts Legislature. Defendants shall make good faith efforts to secure approval of the Home Rule Petition by the Massachusetts Legislature, to effectuate the purposes of this Decree.

Q. If the Defendants fail to comply with the timeline of events specified in Paragraphs J-O, or otherwise fail to adopt and submit to the Massachusetts Legislature a Home Rule Petition changing the City's electoral system, or if the Massachusetts Legislature declines to enact special legislation approving a Home Rule Petition by September 30, 2020, or if the Chosen Electoral System is not fully approved for any other reason by September 30, 2020, either party may notify the other that it plans to seek recourse to the Court as provided in this subsection. The parties shall each submit proposed election plans to the Court within 30 days of such notice. Each party shall have two (2) weeks to respond to the other party's proposed election plan. Each party shall have an additional two (2) weeks for replies. A hearing before this Court on the proposed election plans may be set by the Court. This Court retains jurisdiction to order into effect a method of election that satisfies the terms of this Decree and Section 2 of the Voting Rights Act pursuant to this paragraph. The Court shall select and order into effect the proposed election plan that best complies with Section 2 of the Voting Rights Act and case law interpreting that Act, and that best ensures that the voting power of Lowell's Asian-American and Hispanic/Latino communities shall not be diluted (the "Court's Plan").

R. By no later than one (1) month after the Court's decision, Defendants on the City Council and in the Mayor's Office shall adopt and enact a Home Rule Petition implementing the Court's Plan if necessary. Defendants shall seek the support of the Massachusetts Legislature in enacting special legislation approving the Home Rule Petition. Defendants shall not oppose in their official capacities the Massachusetts Legislature's acting in favor of the Home Rule Petition

or the Court’s Plan. Defendants shall make good faith efforts to secure approval of the Home Rule Petition by the Massachusetts Legislature, to effectuate the purposes of this Decree.

S. For the process described above in Paragraphs I-R and for any electoral system that is enacted pursuant to this Decree, Defendants shall undertake a public education campaign to educate Lowell residents regarding the potential changes to the City’s electoral system and how any new electoral system that is implemented functions (the “Public Education Campaign”). The Public Education Campaign shall include, at a minimum, providing Lowell residents information regarding: (1) the Agreed-To Electoral Systems and options for changing the City’s electoral system (during the Review Period); (2) the Two Finalist Systems and the Ballot Questions (following the Review Period and leading up to the November 2019 election, if the City Council implements the procedures set forth in Paragraphs K-M); (3) the Chosen Electoral System (after its selection by the City Council); and (4) any electoral system enacted pursuant to this Decree, including but not limited to instructing voters on how the new system works and how voters will vote under the new system (following the enactment of the electoral system, and through the November 2021 elections). Any public meetings held pursuant to Paragraph J shall be considered part of the Public Education Campaign. In formulating the Public Education Campaign, in addition to any other steps Defendants may choose to take, Defendants shall consult with and seek the assistance of non-profit agencies serving the Asian-American and Hispanic/Latino populations in Lowell so as to maximize public education opportunities for these communities. Defendants shall make all information conveyed in English during the Public Education Campaign, available, at a minimum, in Khmer and Spanish.

T. Defendants, and their officers, agents, and successors in office, and all persons acting in concert with them, shall not conduct any election for the Lowell City Council and Lowell

School Committee after the November 2019 election utilizing the current at-large plurality electoral system.

- U. If the Chosen Electoral System involves the drawing of districts:
 - a. District boundaries shall be drawn in accordance with the parameters described in Paragraph G and in consultation with an independent expert retained by the City that is acceptable to both Plaintiffs and Defendants. Plaintiffs shall be provided with all data, analysis, and proposed district maps prepared by the independent expert and shall be afforded the opportunity to meet with and provide feedback to the independent expert during the district-drawing process; however, the final decision regarding district boundaries shall rest with the independent expert.
 - b. District boundaries shall be drawn to optimally meet and protect (1) the Plaintiffs' interest in ensuring that the Asian-American and Hispanic/Latino population in the City of Lowell has an equal opportunity to elect representatives of its choice, and (2) the City's interest in ensuring that any adopted election districts are fully compliant with the Voting Rights Act and other applicable state and federal law. Preliminary district boundaries ("Preliminary Districts") shall be drawn within three (3) months of the adoption by Defendants of the Home Rule Petition using best available U.S. Census and American Community Survey data. Following the release of the 2020 U.S. Census data (anticipated to be available in or around March 2021), final district boundaries ("Final Districts") shall be drawn as soon as practicable. Should there be any delay in accessing the results of the 2020 Census, or should the City otherwise determine that it is not administratively possible to determine the Final Districts using the 2020 U.S. Census data in time for the 2021

municipal elections, the City shall implement the Preliminary Districts of the Chosen Electoral System for the 2021 municipal elections.

V. To the extent that the Chosen Electoral System in Lowell includes districts, for any future redistricting the City of Lowell shall retain an experienced and appropriately qualified consultant to assist in the creation and demarcation of district lines that satisfy Section 2 of the Voting Rights Act. Any districts shall be designed in accordance with applicable federal and state law, including, without limitation, Section 2 of the Voting Rights Act of 1965, and shall not have a retrogressive effect on the voting opportunities of the Asian-American and Hispanic/Latino communities in Lowell.

W. The Court reserves jurisdiction of this matter to enforce the provisions of this Decree and for such further relief as may be appropriate in connection with this lawsuit. Plaintiffs retain the ability and right to seek relief from this Court or any other court of competent jurisdiction to ensure compliance with this Decree.

X. All litigation activities relating to this lawsuit other than those necessary to effectuate the provisions of this Decree shall be suspended pursuant to the parties' compliance with the terms of this Decree. This Decree, if adhered to, shall resolve all claims relating to this action.

Y. Defendants shall pay Plaintiffs' counsel attorneys' fees and costs in the amount of \$280,000. Payment of one-half (\$140,000) of the attorneys' fees and costs shall be made within fourteen (14) days of entry of this Decree, but no later than June 30, 2019. Payment of the remaining amount (\$140,000) shall be made by December 31, 2019. Such payments shall represent compensation for all work performed to-date. Plaintiffs shall not be entitled to any additional fees or costs for any subsequent work on this case, including any monitoring and

implementation of this Decree, provided only that they shall be entitled to reasonable attorneys' fees and costs if they bring a motion to compel compliance with the Decree pursuant to Paragraph W and are determined by the Court to be prevailing parties on such motion.

SO ORDERED this ____ day of _____, 2019.

Donald L. Cabell
UNITED STATES MAGISTRATE JUDGE

As requested by:

CHANMONY HUOT, VLADIMIR SALDAÑA,
LIANNA KUSHI, THOEUN KONG, DENISSE
COLLAZO, SUE J. KIM, SOADY OUCH,
TOOCH VAN, CARMEN BERMUDEZ, KEI
KAWASHIMA-GINSBERG and
FAHMINA ZAMAN,

By their attorneys:

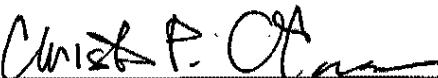


Robert G. Jones (BBO # 630767)
Scott Taylor (BBO # 692689)
Matthew Mazzotta (BBO # 679230)
Daniel E. Fine (BBO # 691980)
ROPES & GRAY LLP
Prudential Tower
800 Boylston Street
Boston, MA 02199-3600
Telephone: (617) 951-7000
Fax: (617) 951-7050
robert.jones@ropesgray.com
scott.taylor@ropesgray.com
matthew.mazzotta@ropesgray.com
daniel.fine@ropesgray.com

Oren M. Sellstrom (BBO # 569045)
Iván Espinoza-Madrigal (Of Counsel)
LAWYERS FOR CIVIL RIGHTS
61 Batterymarch Street, Fifth Floor
Boston, MA 02110
Telephone: (617) 988-0608
Fax: (617) 482-4392
osellstrom@lawyersforcivilrights.org
iespinoza@lawyersforcivilrights.org

CITY OF LOWELL, MASSACHUSETTS;
EILEEN DONOGHUE, in her official capacity as
Lowell City Manager; LOWELL CITY COUNCIL;
RITA M. MERCIER, RODNEY M. ELLIOTT,
EDWARD J. KENNEDY, JR., JOHN J. LEAHY,
WILLIAM SAMARAS, JAMES L. MILINAZZO,
VESNA NUON, KAREN CIRILLO, DAVID
CONWAY, in their official capacities as members
of the Lowell City Council; LOWELL SCHOOL
COMMITTEE; DOMINIK HOK LAY,
JACQUELINE DOHERTY, CONNIE A.
MARTIN, ROBERT J. HOEY, JR., GERARD
NUTTER, ANDRE DESCOTEAUX, in their
official capacities as members of the Lowell School
Committee; LOWELL ELECTION AND CENSUS
COMMISSION; and BEVERLY ANTHES,
JOSEPH MULLEN, THEL SAR, THOMAS FR.
O'BRIEN, in their official capacities as members of
the Lowell Election and Census Commission,

By their attorneys:



Christine P. O'Connor, City Solicitor (BBO #
567645)

Rachel Brown, First Assistant City Solicitor (BBO
667369)

John Richard Hucksam, Jr., Assistant City Solicitor
(BBO # 546519)

Adam LaGrassa, Assistant City Solicitor (BBO #
685662)

City of Lowell Law Department
375 Merrimack Street, 3rd Floor
Lowell, MA 01852-5909

Tel: 978-674-4050

Fax: 978-453-1510

co'connor@lowellma.gov

rbrown@lowellma.gov

jhucksam@lowellma.gov

alagrassa@lowellma.gov