

Discriminatory Voter Challengers

Curington v. Richardson

(Charles R. Simpson III, W.D. Ky. 3:03-cv-665)

On Friday, October 31, 2003, five voters filed a class action federal complaint in the Western District of Kentucky's Louisville courthouse, alleging that the Jefferson County Republican Party planned to selectively position voter challengers in 59 predominantly African-American precincts on the following Tuesday's general election day.¹ The court assigned the case to Judge Charles R. Simpson III.²

On Monday, the plaintiffs filed a motion for a temporary restraining order.³ That day, however, the plaintiffs' ACLU attorney informed Judge Simpson that he was not prepared to pursue the motion after all.⁴ The *Louisville Courier-Journal* reported that the attorney said that "passing up the opportunity for a hearing was a tactical maneuver intended to have a judge decide the case on its merits."⁵ Also on that Monday, a state court judge denied immediate relief in an action filed in state court.⁶

On November 26, Judge Simpson referred the case to a magistrate judge for pretrial matters.⁷ Following orderly pretrial proceedings,⁸ the parties announced a settlement on April 13, 2005.⁹ Judge Simpson dismissed the action on May 9.¹⁰

1. [Complaint](#), *Curington v. Richardson*, No. 3:03-cv-665 (W.D. Ky. Oct. 31, 2003), D.E. 1; see Gregory A. Hall, *ACLU Files Suit to Block GOP Poll Challengers*, *Louisville Courier-J.*, Nov. 1, 2003, at A1.

2. [Assignment Notice](#), *Curington*, No. 3:03-cv-665 (W.D. Ky. Oct. 31, 2003), D.E. 2

3. [Temporary Restraining Order Motion](#), *id.* (Nov. 3, 2003), D.E. 3; see also [Amendments to Complaint](#), *id.* (Nov. 3, 2003), D.E. 4

4. [Order](#), *id.* (Nov. 3, 2003), D.E. 5.

5. Joseph Gerth & Sheldon S. Shafer, *Judge Allows Vote Challengers*, *Louisville Courier-J.*, Nov. 4, 2003, at A1.

6. See *id.*

7. [Order](#), *Curington*, No. 3:03-cv-665 (W.D. Ky. Nov. 26, 2003), D.E. 9.

8. E.g., [Order](#), *id.* (Apr. 27, 2004), D.E. 12 (specifying minutes of a telephonic status conference).

9. [Agreed Motion to Dismiss](#), *id.* (Apr. 13, 2005), D.E. 16.

10. [Order](#), *id.* (May 9, 2005), D.E. 17.