

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

**JEFFERSON COUNTY COMMISSION;  
PATRICIA NOLAND, *as an individual  
and behalf of all others similarly situated;*  
and DALE MANUEL, *as an individual and  
behalf of all others similarly situated,***

Plaintiffs, and

**THORNTON COOPER,**

Intervening Plaintiff,

v.

**Civil Action No. 2:11-CV-989  
(KING, BAILEY, BERGER)**

**NATALIE E. TENNANT, *in her capacity as  
the Secretary of State;* EARL RAY TOMBLIN,  
*in his capacity as the Chief Executive Officer  
of the State of West Virginia;* JEFFREY  
KESSLER, *in his capacity as the Acting  
President of the Senate of the West Virginia  
Legislature;* and RICHARD THOMPSON, *in  
his capacity as the Speaker of the House of  
Delegates of the West Virginia Legislature,***

Defendants.

**EMERGENCY MOTION FOR STAY OF JUDGMENT PENDING APPEAL**

Defendants, Natalie E. Tennant, in her capacity as the Secretary of State West Virginia; Earl Ray Tomblin, in his capacity as the Chief Executive Officer of the State of West Virginia; Jeffrey Kessler, in his capacity as the President of the Senate of the West Virginia Legislature; and Richard Thompson, in his capacity as the Speaker of the House of Delegates of the West Virginia Legislature (collectively “Defendants”), by their respective undersigned Counsel, file

this Emergency Motion for Stay of Judgment Pending Appeal. For the reasons set forth in Defendants' Memorandum, the Defendants request that the Court promptly grant this motion and stay its judgment pending appeal to Supreme Court of the United States. Defendants further request the Court expedite the decision on this motion to allow timely presentation of an application to stay to the Supreme Court, if necessary. Defendants seek a final ruling on the issue of a stay prior to the commencement on January 11, 2012 of the 2012 Regular Legislative Session.

**NATALIE E. TENNANT, in her capacity as the Secretary of State and**

**EARL RAY TOMBLIN, in his capacity as the Chief Executive Officer of the State of West Virginia**

**By Counsel**

/s/ Thomas Rodd

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**JEFFREY KESSLER, in his capacity as President of the West Virginia State Senate**

**By Counsel**

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**RICHARD THOMPSON, in his capacity as the Speaker of the West Virginia House of Delegates**

**By Counsel**

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**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA  
at Charleston**

JEFFERSON COUNTY COMMISSION,  
PATRICIA NOLAND, et al.,

Plaintiffs,

v.

**Civil Action No. 2:11-CV-00989  
(Honorable King, Bailey, Berger)**

NATALIE E. TENNANT, et al.,

Defendants.

**CERTIFICATE OF SERVICE**

I, Anthony J. Majestro, do hereby certify that on January 6, 2012, I electronically filed the **EMERGENCY MOTION FOR STAY OF JUDGMENT PENDING APPEAL** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participants:

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