

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

<b>Paul Goldman,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>Civil Action No. 3:21-CV-420</b>
	)	
<b>Robert Brink, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANTS’ RESPONSE TO  
PLAINTIFF’S MOTION FOR TEMPORARY INJUNCTION**

Defendants submit the following response to Plaintiff’s Motion for Temporary Injunction (ECF No. 53). On Tuesday, November 16, 2021, the State Board of Elections issued the certificates of election for members-elect of the House of Delegates elected at the November 2, 2021 general election. Accordingly, this matter is moot, and Plaintiff’s Motion for Temporary Injunction should be denied.

1. The State Board of Elections (SBE) is required to meet on the third Monday in November to certify the results of the November election.<sup>1</sup>

2. The SBE is required to, without delay, “complete and transmit to each of the persons declared to be elected a certificate of his election, certified by it under its seal of office.”<sup>2</sup>

3. The SBE met on Monday, November 15, 2021 and certified the results of the November 2, 2021 general election, including the results for the election of members of the House of Delegates. At that meeting, the members of the SBE signed the required certificates of election for all individuals elected at the November 2, 2021 general election.

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<sup>1</sup> Va. Code § 24.2-679(A).

<sup>2</sup> Va. Code § 24.2-680.

4. The SBE, through the Department of Elections, transmitted the signed certificates of election on Tuesday, November 16, 2021 to each individual elected to the House of Delegates at the November 2, 2021 general election.

5. In Plaintiff's Motion for Temporary Injunction, Plaintiff asks that an injunction "be issued preventing the Defendant members of the State Board of Election[s] from using the power granted them in their representative capacities to have the State Board of Elections issue Certificates of Election indicating those elected to the House of Delegates at the November 2, 2021, general election have the right to serve a two-year term." ECF No. 53, p. 1.

6. The relief that Plaintiff seeks, namely that the SBE be barred from issuing certificates of election to the members-elect of the House of Delegates indicating that they were elected for a two-year term, may not be granted. The SBE issued the relevant certificates of election to the members-elect of the House of Delegates five days ago. Accordingly, this matter is moot, and Plaintiff's Motion for Temporary Injunction should be denied.

Dated: November 19, 2021

Respectfully submitted,

ROBERT H. BRINK  
JOHN O'BANNON  
JAMILAH D. LECRUISE  
CHRISTOPHER E. PIPER

By: /s/ Carol L. Lewis  
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*\*Attorneys for Robert H. Brink, John O'Bannon, Jamilah D. LeCruise, and Christopher E. Piper, in their official capacities.*

**CERTIFICATE OF SERVICE**

THIS IS TO CERTIFY that on November 19, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. A true copy was also sent, via first class mail and electronically, to:

Paul Goldman  
PO Box 17033  
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*Pro se Plaintiff*

/s/ Carol L. Lewis  
Carol L. Lewis (VSB #92362)  
*Counsel for Defendants*