

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

JEFFERSON COUNTY COMMISSION, et. al.

Plaintiffs,

and

THORNTON COOPER,

Intervening Plaintiff,

v.

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

**NATALIE TENNANT, *in her capacity as
The Secretary of State, et al.,***

Defendants.

**JOINT ANSWER OF DEFENDANTS JEFFREY KESSLER
AND RICHARD THOMPSON TO THE COMPLAINT OF INTERVENING PLAINTIFF
THORNTON COOPER**

Comes now Defendant Jeffrey Kessler, in his official capacity as President of the West Virginia Senate, Richard Thompson, in his official capacity as Speaker of the West Virginia House of Delegates, by counsel, and hereby respond to the Complaint of Intervening Plaintiff Thornton Cooper as follows:

1. President Kessler and Speaker Thompson admit the allegations contained in paragraph one of the Intervening Plaintiff's Complaint.
2. President Kessler and Speaker Thompson admit the allegations contained in paragraph two of the Intervening Plaintiff's Complaint.
3. President Kessler and Speaker Thompson admit the allegations contained in paragraph three of the Intervening Plaintiff's Complaint.

4. President Kessler and Speaker Thompson admit the allegations contained in paragraph four of the Intervening Plaintiff's Complaint.
5. President Kessler and Speaker Thompson admit the allegations contained in paragraph five of the Intervening Plaintiff's Complaint.
6. President Kessler and Speaker Thompson admit the allegations contained in paragraph six of the Intervening Plaintiff's Complaint.
7. President Kessler and Speaker Thompson admit the allegations contained in paragraph seven of the Intervening Plaintiff's Complaint.
8. President Kessler and Speaker Thompson admit the allegations contained in paragraph eight of the Intervening Plaintiff's Complaint.
9. President Kessler and Speaker Thompson admit the allegations contained in paragraph nine of the Intervening Plaintiff's Complaint.
10. President Kessler and Speaker Thompson admit the allegations contained in paragraph ten of the Intervening Plaintiff's Complaint.
11. President Kessler and Speaker Thompson are without sufficient information to admit or deny what facts are to the Intervening Plaintiff. President Kessler and Speaker Thompson admit that the ideal population for a West Virginia congressional district to the nearest integer is 617,665.
12. President Kessler and Speaker Thompson admit the allegations contained in paragraph twelve of the Intervening Plaintiff's Complaint.
13. President Kessler and Speaker Thompson admit the allegations contained in paragraph thirteen of the Intervening Plaintiff's Complaint.

14. President Kessler and Speaker Thompson admit the allegations contained in paragraph fourteen of the Intervening Plaintiff's Complaint.
15. President Kessler and Speaker Thompson admit the allegations contained in paragraph fifteen of the Intervening Plaintiff's Complaint.
16. President Kessler and Speaker Thompson deny the allegations contained in paragraph sixteen of the Intervening Plaintiff's Complaint.
17. President Kessler and Speaker Thompson admit the allegations contained in paragraph seventeen of the Intervening Plaintiff's Complaint.
18. President Kessler and Speaker Thompson admit the allegations contained in paragraph eighteen of the Intervening Plaintiff's Complaint.
19. President Kessler and Speaker Thompson admit the allegations contained in paragraph nineteen of the Intervening Plaintiff's Complaint.
20. President Kessler and Speaker Thompson deny the allegations contained in paragraph twenty of the Intervening Plaintiff's Complaint.
21. President Kessler and Speaker Thompson incorporate their responses to paragraphs 1 through 20 as if fully set forth herein.
22. President Kessler and Speaker Thompson admit the allegations contained in paragraph twenty-two of the Intervening Plaintiff's Complaint.
23. President Kessler and Speaker Thompson deny the allegations contained in paragraph twenty-three of the Intervening Plaintiff's Complaint.
24. President Kessler and Speaker Thompson admit the allegations contained in paragraph twenty-four of the Intervening Plaintiff's Complaint.

25. President Kessler and Speaker Thompson admit the allegations contained in paragraph twenty-five of the Intervening Plaintiff's Complaint.

26. President Kessler and Speaker Thompson admit the allegations contained in paragraph twenty-six of the Intervening Plaintiff's Complaint.

27. President Kessler and Speaker Thompson deny that the Intervening Plaintiff is entitled to any relief whatsoever.

In specific response to the Prayer for Relief, President Kessler and Speaker Thompson deny that the Intervening Plaintiff is entitled to a declaratory judgment, deny that he is entitled to an injunction, deny that he is entitled to any attorneys fees, expenses, or costs under 42 U.S.C. § 1988(b), and deny that he is entitled to any relief whatsoever.

Wherefore, having answered, President Kessler and Speaker Thompson respectfully request that the Intervening Plaintiff's Complaint be dismissed with prejudice and that the Court enter an order confirming the constitutionality of Senate Bill 1008.

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

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Defendants.**

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of December, 2011, I electronically filed the foregoing “**Joint Answer of Defendants Jeffrey Kessler and Richard Thompson to the Complaint of Intervening Plaintiff Thornton Cooper**” with the Clerk of the Court using the CM/ECF system which will provide notice to counsel of record as follows:

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