

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.

**JOINT REPLY TO ORDERS ON REMAND**

This Joint Reply to the Court's Order on Remand of October 5, 2012 and its subsequent Order of November 7, 2012 is agreed to and submitted on behalf of all the original parties in this case.

1. The action of the United States Supreme Court on September 25, 2012 in reversing this Court's Order of January 3, 2012, as amended on January 4, 2012, has lifted this Court's injunction against conducting the 2012 Congressional election under S.B. 1008, and that election as well as the election for other national, state and local offices was held on November 6, 2012.

2. There is no immediate need for further activity in this case, as the next election scheduled under S.B. 1008 will not take place until the year 2014.
3. Several of the parties, including all of the defendants, were occupied in election-related duties until election day, November 6, 2012. In addition, several of the attorneys were also deeply involved in campaign-related activities until that date. Nonetheless, they engaged in preliminary discussions during this period to determine a collective initial response to the Court's Order.
4. Therefore, the parties have agreed to further confer among themselves and thereafter offer their views, jointly or separately, on the issues identified in this Court's Orders of October 5, 2012 and November 7, 2012, and to file their substantive responses to this Court no later than December 1, 2012.

**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***

/s/ David M. Hammer

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

**By Counsel**

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of Delegates of the West Virginia  
Legislature**

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his capacity as the Speaker of the House of  
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Defendants.

CERTIFICATE OF SERVICE

I, George E. Carenbauer, do hereby certify that on November 13, 2012, I electronically filed the forgoing **JOINT REPLY TO ORDERS ON REMAND** 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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