

**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 MOTION OF DEFENDANTS JEFFREY KESSLER AND RICHARD  
THOMPSON TO EXCEED THE PAGE LIMIT IN THEIR OPENING BRIEF**

Defendants Jeffrey Kessler and Richard Thompson respectfully request that the Court permit them to file an opening brief that exceeds the 20 page limit in Southern District Local Rule 7.1(a)(2). In support of their request, Defendants state as follows:

- (1) President Kessler and Speaker Thompson's opening brief must take into account legal arguments put forth by both Plaintiffs and the Intervening Plaintiff.
- (2) In an effort to promote judicial efficiency, President Kessler and Speaker Thompson are submitting a joint brief, rather than separate, individual briefs.
- (3) The Opening Brief must include information regarding ten separate redistricting plans either considered by the West Virginia Legislature or supported by another party in this litigation.

(4) President Kessler and Speaker Thompson understand that neither Governor Tomblin nor Secretary of State Tennant will submit a brief in this matter, meaning that the briefing submitted by President Kessler and Speaker Thompson will be the only brief presented in support of the constitutionality of S.B. 1008.

(5) The detailed factual considerations which the Court must weigh in determining the constitutionality of a congressional redistricting plan, together with the significant public interest in the outcome of this matter provides good cause for allowing a brief to exceed the page limit.

Wherefore, President Kessler and Speaker Thompson respectfully request that the Court grant their motion and permit the filing of an Opening Brief that is 34 pages in length.

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

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Defendants.**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 20th day of December, 2011, I electronically filed the foregoing “**Joint Motion of Jeffrey Kessler and Richard Thompson to Exceed the Page Limit in their Opening Brief**” 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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