

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



_____)
Jeffrey Thomas, Jr.)
)
Michelle C. Thomas)
)
Phillip E. Thompson)
)
 Plaintiffs,)
)
 v.)
)
Susan Beals)
)
Robert Brink)
)
Virginia Department of Elections)
)
 Defendants.)
 _____)

Civil No. 3:22-cv-427-DJN

**OPPOSITION TO DEFENDANTS’ MOTION FOR ENLARGEMENT OF PAGE LIMIT
FOR OPENING BRIEF**

Plaintiff Jeffrey Thomas, Jr. hereby files his Opposition to Defendants’ “Motion for Enlargement.” (ECFs 17 and 18). Local Civil Rule 7(F)(3) grants the Court the authority to increase the briefing limit “for good cause shown in advance of filing.” Defendants offer vague and hyperbolic assertions about the “novel legal theories and extensive factual allegations” that are “unique to this case.” (ECF 18 ¶ 1). With all due respect, as all parties know, this case is related to and – and in terms of any Motion to Dismiss, identical to – a case this Court decided two weeks ago. The Court found that the Office of Attorney General engaged in “stall tactics” that were “appalling” to delay resolution of the *Goldman* case and, consequently, this Plaintiff’s Motion to Intervene (June 13, 2022 Hearing Tr. 9:14-15). The burden of proof is on Defendants,

and they cite no case law to support their position. If anything, there is good cause for the briefing limit to be less than thirty pages.

As this Plaintiff explained to counsel for Defendants, “Defendants have already briefed the Court at great length on the dispositive issues in their Motion to Dismiss and related filings in the *Goldman* case. The Court provided guidance narrowing the scope of this matter in the status hearing. The Court has also issued a number of rulings on the relevant case law that should help Defendants keep your briefs within the prescribed limits. We reserve the right to file a longer opposition depending on the final motion.” This Plaintiff requested Defendants’ counsel merely paste those four sentences into the Motion so his position would be before the Court and the parties could avoid another filing, but Defendants’ counsel refused for some reason.

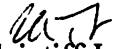
The Court dismissed Mr. Goldman’s case because it found he did not have standing due to his 2011 House of Delegates district having less than the “ideal” number of residents. There was also an issue of Mr. Goldman’s voting history. *See Goldman v. Brink*, ECF 89. All parties have already agree to stipulate in the forthcoming Stipulation of Facts that all three Plaintiffs live in 2011 House of Delegates districts having more than the “ideal” number of residents and voted in them in 2021.

Even assuming Defendants’ Motion is proper (*but see* Scheduling Order (ECF 16)), it is untimely and should have been filed last week with Defendants’ “Motion for Immediate Status Conference and For Relief From June 13 Order” (ECF 15), which was granted.

The parties have also been ordered to file a stipulation of facts tomorrow (ECF 16) that should assuage Defendants’ purported concerns about the Amended Complaint’s “extensive factual allegations.” It concerns this Plaintiff that an “enlargement” will simply burden Plaintiffs and the Court and further delay resolution of this case.

Dated: June 22, 2022


Respectfully submitted,


Plaintiff Jeffrey Thomas, Jr.
301 Virginia St. Unit 1514
Richmond, VA 23219

Certificate of Service

I hereby certify that on June 22, 2022, I caused to be served on counsel for Defendants, Steven Popps, spopps@oag.state.va.us, and Andrew Ferguson, aferguson@oag.state.va.us, this Opposition.

Dated: June 22, 2022


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Local Rule 83 pro se certification.

I certify under penalty of perjury I have not worked
with any attorney on this matter



June 22, 2022