

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

**JEFFERSON COUNTY COMMISSION;
PATRICIA NOLAND, as an individual
and on behalf of all others similarly situated;
and DALE MANUEL, as an individual and
on 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.

**ORDER GRANTING DEFENDANT EARL RAY TOMBLIN'S MOTION REGARDING
JOINT STATEMENT OF DISPUTED AND UNDISPUTED FACTS, BRIEFING, AND
TESTIMONY**

On this day, the above-styled civil action came before this Court for consideration of defendant Earl Ray Tomblin's Statement, Motion, and Stipulation regarding Joint Statement of Disputed and Undisputed Facts, Briefing, and Testimony [Doc. 39], filed December 20, 2011. Specifically, Tomblin "wishes to rely upon the Plaintiffs and the other Defendants . . . to prepare and submit a Joint Statement of Stipulated and Disputed Facts,

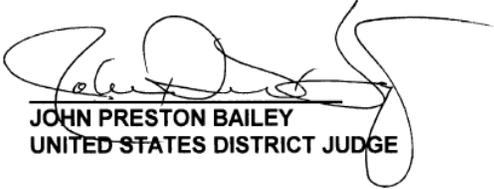
and to file briefs that frame and argue the issues . . . to this Court . . .” (Id. at ¶ 2). Moreover, Tomblin “wishes to rely upon his Answers to assert his position in the instant case . . .” (Id.). Finally, Tomblin “stipulates that . . . he will be bound by the results on the instant case without his further participation in briefing, argument, or submitting of evidence or testimony.” (Id.). Accordingly, Tomblin asks to be excused from participation in preparing the Joint Statement of Stipulated and Disputed Facts, and from filing briefs in the instant case.

Upon careful consideration of the above, this Court finds good cause to excuse Tomblin from the proceedings as requested and hereby **GRANTS** his motion [**Doc. 39**]. However, Tomblin shall be available to testify in person on reasonable notice should the Court require.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: December 21, 2011.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE