

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT 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-0989
(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 GOVERNING COMMENCEMENT OF PROCEEDINGS

In accordance with the December 20, 2011 Order of the Court, the proceedings in this case will commence on Wednesday, December 28, 2011, at 9:30 a.m. in the Ceremonial Courtroom on the seventh floor of The Robert C. Byrd United States Courthouse in Charleston. After the proceedings have been called to order, the parties should be prepared to make an opening presentation that includes the following:

- (1) identifying the relevant legal authorities and offering argument concerning those authorities' application to the case at bar;
- (2) identifying any genuine issues of disputed fact, the resolution of which may materially affect the Court's decision;
- (3) identifying any testimony or other evidence necessary to adequately complete the record;
- (4) suggesting the most logical and orderly framework for the Court to receive testimony or other evidence necessary to resolve any material dispute or to adequately complete the record; and
- (5) suggesting, in light of the legal and practical considerations governing the convening of the Legislature and the administration of elections by the Secretary of State, the most logical and orderly methodology for identifying and implementing an appropriate remedy in the event that the Court determines that the Plaintiffs and the Intervening Plaintiff are entitled to prevail on one or more of their claims.

The Plaintiffs and the Intervening Plaintiff shall make their respective presentations first, the combined time for which shall not exceed thirty minutes, divided in such manner as those parties may agree. The Defendants shall then make their presentation, the time for which also shall not exceed thirty minutes, divided in such manner as those parties may agree.

It is so ORDERED.

DATED: December 27, 2011.


ROBERT B. KING
UNITED STATES CIRCUIT JUDGE