

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

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

Plaintiffs,

v.

**Civil Action No. 2:11-CV-00989
(Bailey, J., King, J., and Berger, J.)**

THORNTON COOPER,

Intervenor Plaintiff,

v.

**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.

**STATEMENT, MOTION, AND STIPULATION BY WEST VIRGINIA
SECRETARY OF STATE NATALIE E. TENNANT
REGARDING JOINT STATEMENT OF DISPUTED AND
UNDISPUTED FACTS, BRIEFING, AND TESTIMONY**

The Defendant Natalie E. Tennant states as follows:

1. On December 6, 2001, this Court entered a Scheduling Order requiring that a Joint Statement of Stipulated and Disputed Facts be filed by December 20, 2011 at 5:00 p.m;

that opening briefs by each party shall be filed by the same time and date; and that any party shall give notice of intent to present testimony by the same time and date.

2. The Defendant Natalie E. Tennant wishes to rely upon the Plaintiffs and the other Defendants in the instant case to prepare and submit a Joint Statement of Stipulated and Disputed Facts, and to file briefs that frame and argue the issues in the instant case to this Court, and she wishes to rely upon her Answers to assert her position in the instant case; she believes that she does not need or wish to make additional submissions to this Court beyond those Answers, and she hereby waives her right to do so; and she stipulates that the issues in the instant case may be resolved and that she will be bound by the results of the instant case without her further participation in briefing, argument, or submitting evidence or testimony.

3. Upon consultation with counsel for the other Defendants and the Plaintiffs in the instant case, the undersigned counsel represents to this Court that they have stated that they do not have any objection to the foregoing request and stipulation by the Defendant Natalie E. Tennant; with the exception of counsel for Defendant Kessler who had not finally responded to a request by the time of this filing but indicated he did not think there would be any objection by his client.

WHEREFORE, the Defendant Natalie E. Tennant asks to be excused from participation in preparing the Joint Statement of Stipulated and Disputed Facts, and from filing briefs in the instant case.

Respectfully submitted,

NATALIE E. TENNANT, *Defendant*,

By counsel

DARRELL V. McGRAW, JR.
ATTORNEY GENERAL

/s/ Thomas W. Rodd

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CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2011, I electronically filed the foregoing “Statement, Motion and Stipulation by West Virginia Secretary of State Natalie E. Tennant Regarding Joint Statement of Disputed and Undisputed Facts, Briefing, and Testimony” with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following counsel:

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