

**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
GOVERNOR EARL RAY TOMBLIN REGARDING JOINT STATEMENT OF
DISPUTED AND UNDISPUTED FACTS, BRIEFING, AND TESTIMONY**

The Defendant Earl Ray Tomblin 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 Earl Ray Tomblin 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 he wishes to rely upon his Answers to assert his position in the instant case; he believes that he does not need or wish to make additional submissions to this Court beyond those Answers, and he hereby waives his right to do so; and he stipulates that the issues in the instant case may be resolved and that he will be bound by the results of the instant case without his 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 Governor Earl Ray Tomblin; with the exception of counsel for Defendant Kessler who had not responded to a request by the time of this filing.

WHEREFORE, the Defendant Earl Ray 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.

Respectfully submitted,

EARL RAY TOMBLIN, *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 Governor Earl Ray Tomblin 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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