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

MCCAIN-PALIN 2008, INC.,)
Plaintiff,)
v.) Case No. 3:08cv709
JEAN CUNNINGHAM,)
Chairman, Virginia State Board of Elections; HAROLD PYON,)
Vice-Chairman, Virginia State Board of Elections; and NANCY RODRIGUES,)
Secretary, Virginia State Board of Elections,)
Defendants.)

NOTICE OF WITHDRAWAL OF PROPOSED AMENDED COMPLAINT

Plaintiff McCain-Palin 2008, Inc. ("McCain") hereby withdraws its proposed Amended Complaint, which was tendered to the Court on behalf of McCain and Thelma Drake for Congress. McCain proceeds on its original Complaint. The proposed Amended Complaint never became operative, because, when it was submitted to the Court, Defendant had already filed a responsive pleading, thus requiring an order from the Court, in order for the Amended Complaint to be operative. *See* Fed. R. Civ. P. 15(a)(2). No such Order has been entered.

MCCAIN-PALIN 2008, INC.

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CERTIFICATE OF SERVICE

I hereby certify that, on the 14th day of November, 2008, I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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