UNITED STATES DISTRICT COURT EASTERN DISTRICT OF VIRGINIA Richmond Division

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 3:08cv709

JEAN CUNNINGHAM, et al.,

Defendants.

SUPPLEMENTAL NOTICE OF RE-CERTIFICATION OF ELECTION RESULTS

The Plaintiff-Intervenor, United States of America, and the Defendants, Jean Cunningham, Nancy Rodrigues, and Harold Pyon, being the members of the Virginia State Board of Elections, sued in their official capacity, the Virginia State Board of Elections, and the Commonwealth of Virginia, hereby jointly notify the Court that on November 23, 2009, the State Board of Elections re-certified the election results of the November 2008 general election after counting all ballots included in this Court's October 15, 2009 Final Order.

Exhibits 1 and 2, attached hereto, contain the re-certified election results, along with the amended vote tallies.

JEAN CUNNINGHAM, et al.

By <u>/s/</u> Counsel

Robert A. Dybing, VSB No. 32712 John A. Gibney, Jr., VSB No. 15754 ThompsonMcMullan, P.C. 100 Shockoe Slip, Third Floor Richmond, Virginia 23219 Telephone: (804) 649-7545 Fax: (804)780-1813 Email: rdybing@t-mlaw.com Counsel for Jean Cunningham, Nancy Rodrigues, and Harold Pyon, being the members of the Virginia State Board of Elections sued in their official capacity; Virginia State Board of Elections; and the Commonwealth of Virginia, Defendants

Agreed to:

THOMAS E. PEREZ ASSISTANT ATTORNEY GENERAL

NEIL H. MACBRIDE UNITED STATES ATTORNEY

/s/

Robin E. Perrin Virginia State Bar No. 65825 Assistant United States Attorney United States Attorney's Office 600 East Main Street, Suite 1800 Richmond, Virginia 23219 Telephone: (804) 819-5400 Facsimile: (804) 819-7417 Email: Robin.Perrin2@usdoj.gov

CHRISTOPHER COATES REBECCA J. WERTZ RICHARD DELLHEIM (admitted *pro hac vice*) LEMA BASHIR United States Department of Justice Civil Rights Division, Voting Section 950 Pennsylvania Ave., NW Room NWB-7254 Washington, D.C. 20530 Phone: (202) 305-1291 Fax: (202) 307-3961 christopher.coates@usdoj.gov rebecca.j.wertz@usdoj.gov rebecca.j.wertz@usdoj.gov

CERTIFICATE OF SERVICE

I certify that on November 25, 2009, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to:

Christopher Coates, Chief Rebecca J . Wertz, Deputy Chief Richard Dellheim Lema Bashir Trial Attorneys United States Department of Justice Civil Rights Division, Voting Section 950 Pennsylvania Avenue NW Room NWB-7254 Washington, D.C. 20530 Counsel for Intervenor United States of America

By: /s/

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