

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

The Honorable Rick Perry,

Plaintiff,

v.

Civil Action No. 3:11-CV-856-JAG

**Charles Judd,
In His Official Capacity as a Member
of the Virginia State Board of Elections, *et al.*,**

Defendants.

**THE REPUBLICAN PARTY OF VIRGINIA CHAIRMAN'S
MOTION TO DISMISS THE COMPLAINT**

Pursuant to Fed. R. Civ. P. 12(b)(1), Article III of the U.S. Constitution, and Fed. R. Civ. P. 12(b)(6), Defendant Patrick Mullins, Chairman of the Republican Party of Virginia, by counsel, respectfully moves the Court for an order dismissing the Chairman as a defendant in this lawsuit, because there is no cognizable dispute between the Plaintiff and the Chairman in this matter and, moreover, the Chairman's participation is not necessary to a resolution of the Plaintiff's constitutional challenges to Virginia statutes, which are the responsibility of the Commonwealth of Virginia and its public officials. A Memorandum in Support of this Motion is submitted contemporaneously providing additional grounds for granting the Motion.

Respectfully submitted this 3rd day of January, 2012.

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of January, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to counsel named below:

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