IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

THE HONORABLE RICK PERRY,)
Plaintiff,)
)
)
V.)
)
CHARLES JUDD, KIMBERLY)
BOWERS, and DON PALMER, members)
of the Virginia State Board of Elections, in)
heir official capacities, <i>et al.</i> ,)
)
Defendants.)

Civil No. 3:11-cv-856

NOTICE OF WITNESSES TO BE CALLED AT JANUARY 13, 2012 HEARING

Plaintiff, The Honorable Rick Perry, by counsel, hereby gives notice, pursuant to the Court's order entered on December 29, 2011 [Docket No. 13], that he intends to call the following individuals as live witnesses at the hearing scheduled for January 13, 2012:

1. Joe Allbaugh. Mr. Allbaugh is Senior Advisor for the Perry Campaign, RickPerry.Org, Inc. Mr. Allbaugh is expected to testify about the Perry Campaign's efforts to obtain ballot access in Virginia and other states.

2. Neal Blair. Mr. Blair is affiliated with Morning in America, which coordinated the Perry Campaign's efforts to obtain ballot access in Virginia. As a lawyer, Mr. Blair is expected to testify about the Perry Campaign's efforts to comply with the legislative requirements for obtaining ballot access in both Virginia and other states, as well as the Perry Campaign's attempts to comply with the additional requirements imposed by the Virginia State Board of Elections. Mr. Blair is also prepared to offer testimony that neither the number of signature requirement nor the restrictions on petition circulators in Virginia's rules and law are designed to meet a legitimate state interest as it relates to whom a political party may allow on the party's primary ballot for the office of President of the United States.

3. Jerry Kilgore. Mr. Kilgore is the former Attorney General of Virginia, former general counsel to the Republican Party of Virginia, and the Virginia Chairman of the Perry Campaign. Mr. Kilgore is expected to testify about the legislative history of Va. Code § 24.2-545, the Republican Party of Virginia's efforts to comply with the statute, and the Commonwealth's interest in the requirements of the statute. Mr. Kilgore is also prepared to testify that neither the number of signature requirement nor the restrictions on petition circulators in Virginia's rule and regulations are designed to meet a legitimate state interest as it relates to whom a political party may allow on the party's primary ballot for the office of President of the United States.

Respectfully Submitted,

THE HONORABLE RICK PERRY

/s/

Hugh M. Fain, III (VSB No. 26494) Email: <u>hfain@spottsfain.com</u> M. F. Connell Mullins, Jr. (VSB No. 47213) Email: <u>cmullins@spottsfain.com</u> Edward Everett Bagnell, Jr. (VSB No. 74647) Email: <u>ebagnell@spottsfain.com</u> SPOTTS FAIN PC 411 East Franklin Street, Suite 600 Richmond, Virginia 23219 Telephone: (804) 697-2000 Facsimile: (804) 697-2100

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CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2012, I will electronically file the foregoing document

with the Clerk of the Court using the CM/ECF System, which will then send a notification of

such filing (NEF) to all counsel of record:

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<u>/s/</u>

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