

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

THE HONORABLE RICK PERRY,

Plaintiff,

NEWT GINGRICH, JON HUNTSMAN,  
JR., and RICK SANTORUM

Intervenor-Plaintiffs

v.

Civil No. 3:11-CV-856

CHARLES JUDD, KIMBERLY BOWERS,  
and DON PALMER, members of the  
Virginia Board of Elections, in their official  
capacities, and PAT MULLINS, in his  
official capacity as Chairman of the  
Republican Party of Virginia,

Defendants.

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**THE REPUBLICAN PARTY OF VIRGINIA CHAIRMAN'S  
MOTION TO DISMISS THE INTERVENORS' 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, in his capacity as 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 Intervenor and the Chairman in this matter and, moreover, the Chairman's participation is not necessary to a resolution of the Intervenor'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 6<sup>th</sup> day of January, 2012.

/s/

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of January 2012, I electronically filed the foregoing pleading 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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