

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.	§
	§
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.	§

Civil No. 3:11-CV-856

**THE REPUBLICAN PARTY OF VIRGINIA CHAIRMAN’S
SECOND MOTION FOR EXTENSION OF TIME
TO FILE RESPONSIVE PLEADINGS**

Pursuant to Fed. R. Civ. P. 6(b), Defendant Patrick Mullins, in his capacity as Chairman of the Republican Party of Virginia (“Chairman” or “Chairman Mullins”), by counsel, respectfully moves this Court to extend the deadline for his responsive pleadings to the First Amended Complaint for Declaratory and Injunctive Relief filed by the Intervenor-Plaintiffs. In support of his motion, Defendant states as follows:

1. Plaintiff Perry filed an Amended Complaint on or about January 5, 2012, and his counsel agreed to an extension of time for the Chairman to respond to the Amended Complaint. The Court entered an Order extending the Chairman’s time to respond to Plaintiff Perry’s Amended Complaint to February 6, 2012.

2. Intervenor-Plaintiffs filed a nearly identical Amended Complaint on January 6, 2012. The only difference between the claims asserted in the Plaintiff's Amended Complaint and the Intervenor-Plaintiffs' Amended Complaint is that the Intervenor-Plaintiffs did not include a count asserting a violation of the Voting Rights Act.

3. Counsel for the Chairman requested the consent of all parties' to an extension and counsel for Plaintiff Perry quickly agreed. However, to date, counsel for the Intervenor-Plaintiffs has declined to respond. They have not consented or objected to the Chairman's request for a two-week extension.

4. It is unclear whether the case will proceed on Intervenor-Plaintiffs' Amended Complaint in light of the mootness of the injunctive relief requested (i.e., placement on the 2012 Virginia primary ballot). This litigation is expensive and burdensome and the Republican Party of Virginia has no continuing role or purpose for any relief that any of the plaintiffs may desire to seek. The Chairman and the Party desire to conserve the Party's limited resources and, moreover, to avoid expending resources on a lawsuit that these plaintiffs may not pursue. Mr. Huntsman has even terminated his presidential candidacy. Two weeks will afford the parties an opportunity to determine whether any of the Intervenor-Plaintiffs will continue pursuing the declaratory relief requested in their Amended Complaint and whether a response will be required by Defendant Patrick Mullins, in his capacity as Chairman of the Republican Party of Virginia.

5. Therefore, the Chairman requests that the Court extend his time for responding to the Intervenor-Plaintiffs' Amended Complaint to the same date that he is to respond to Plaintiff Perry's Amended Complaint, February 6, 2012.

WHEREFORE, for the foregoing reasons, Defendant Patrick Mullins, in his capacity as Chairman of the Republican Party of Virginia, respectfully moves this Court to grant his Second Motion for Extension of Time to File Responsive Pleadings, and enter an Order extending the due date for his responses until February 6, 2012, and to award him any and all such other relief as may be just and fair.

Respectfully submitted this 24th day of January, 2012.

/s/

Charles E. Sims (Va. Bar 35845)
LeClairRyan, a Professional Corporation
Riverfront Plaza, East Tower
951 East Byrd Street, Eighth Floor
Richmond, Virginia 23219
Telephone: (804) 343-5091
Facsimile: (804) 783-7655
Charles.Sims@leclairryan.com

Lee E. Goodman (Va. Bar 31695)
LeClairRyan, a Professional Corporation
1101 Connecticut Ave., NW, Sixth Floor
Washington, DC 20036
(202) 659-6730 (Tel.)
(202) 775-6430 (Fax)
Lee.Goodman@leclairryan.com

***Attorneys for Patrick Mullins, Chairman
of the Republican Party of Virginia***

CERTIFICATE OF SERVICE

I hereby certify that on this 24th 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:

Hugh M. Fain, III
Edward E. Bagnell, Jr.
Maurice F. Mullins
Spotts Fain PC
411 East Franklin Street
Richmond, Virginia 23218-1555
Telephone: (804) 788-1190
hfain@spottsfain.com
ebagnell@spottsfain.com
cmullins@spottsfain.com
Attorneys for The Honorable Rick Perry

James E. Trainor, III
Joseph M. Nixon
Martin D. Beirne
Beirne Maynard & Parsons LLP
1300 Post Oak Blvd., 25th Floor
Houston, Texas 77056
Telephone: (512) 623-6700
ttrainor@bmpllp.com
jnixon@bmpllp.com
mbeirne@bmpllp.com
Attorneys for The Honorable Rick Perry

E. Duncan Getchell, Jr.
Wesley G. Russell
Joseph N. Lief
Office of the Attorney General
900 East Main Street
Richmond, Virginia 23219
Telephone: (804) 786-2436
dgetchell@oag.state.va.us
wrussell@oag.state.va.us
Counsel for Charles Judd, Kimberly Bowers and Don Palmer, members of the Virginia State Board of Elections, in their official capacity

J. Christian Adams (VSB No. 42543)
Election Law Center, PLLC
300 N. Washington St., Suite 405
Alexandria, VA 22314
Telephone: (703) 963-8611
Facsimile: (703) 740-1773
adams@electionlawcenter.com
Counsel for Newt Gingrich, Jon Huntsman, Jr. and Rick Santorum

Cleta Mitchell
Foley & Lardner LLP
3000 K Street, N.W., Suite 600
Washington, DC 20007-5109
Telephone: (202) 672-5300
Facsimile: (202) 672-5399
Counsel for Rick Santorum

Stefan C. Passantino
J. Randolph Evans
Benjamin P. Keane
McKenna Long & Aldridge, LLP
1900 K St. NW
Washington, DC 20009
Telephone: (202) 496-7500
Facsimile: (202) 496-7756
Counsel for Newt Gingrich

Craig Engle
Arnet Fox LLP
1050 Connecticut Avenue, NW
Washington, DC 20036-5339
Telephone: (202) 857-6000
Facsimile: (202) 857-6395
Counsel for Jon Huntsman, Jr.

/s/

Charles E. Sims (Va. Bar 35845)
LeClairRyan, a Professional Corporation
Riverfront Plaza, East Tower
951 East Byrd Street, Eighth Floor
Richmond, Virginia 23219
Telephone: (804) 343-5091
Facsimile: (804) 783-7655
Charles.Sims@leclairryan.com

***Attorneys for Patrick Mullins, Chairman
of the Republican Party of Virginia***