

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 24<sup>th</sup> day of January, 2012.

/s/

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## 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:

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