

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

VIRGINIA STATE CONFERENCE OF)
NATIONAL ASSOCIATION FOR THE)
ADVANCEMENT OF COLORED)
PEOPLE BRANCHES, et al.,)
)
Plaintiffs,)
)
v.) Civil Action No. 2:08 CV 508 – RAJ
)
TIMOTHY M. KAINE, et al.,)
)
Defendants,)
)
and)
)
ALBEMARLE COUNTY REPUBLICAN)
COMMITTEE, et al.,)
)
Putative Intervenor –)
Defendants.)

INTERVENOR-DEFENDANTS’ MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), the Putative Intervenor – Defendants, by counsel, respectfully move this Court to dismiss Plaintiffs’ request for an order extending poll hours on November 4, 2008. The grounds for this Motion to Dismiss are stated in the accompanying Memorandum in Support, which also states the Putative Intervenor – Defendants’ grounds for opposing the extension of poll hours requested in Plaintiffs’ motion for a preliminary injunction.

ALBEMARLE COUNTY REPUBLICAN
COMMITTEE, CHRISTIAN SCHOENEWALD,
REPUBLICAN PARTY OF NORFOLK, PAMELA
BROWN, MICHAEL WADE, ROANOKE CITY
REPUBLICAN COMMITTEE, ADAM
BOITNOTT, SECOND CONGRESSIONAL
DISTRICT REPUBLICAN COMMITTEE, GARY
BYLER, THIRD CONGRESSIONAL DISTRICT
REPUBLICAN COMMITTEE, JON ONDRAK,
and CHERLYN STARLET STEVENS

/s/ Cameron S. Matheson

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CERTIFICATE OF FILING AND SERVICE

I certify that on November 3, 2008, I filed this Motion electronically with the Clerk of Court using the CM/ECF System, which will provide notice of this filing to all persons indicated on the filing receipt. In addition, I sent a copy of this Motion via facsimile to:

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