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20 Attorneys for Defendant, Natalie E. Tennant, in her
21 Official Capacity as West Virginia Secretary of State.

22 UNITED STATES DISTRICT COURT
23 FOR THE CENTRAL DISTRICT OF CALIFORNIA
24 SOUTHERN DIVISION

25 Keith Judd, et al., 26 27 Plaintiffs, 28 vs. 29 30 Barrack Obama, et al., 31 32 Defendants) Case No.: SACV 12-cv-01507 DOC (ANx))) MOTION FOR EXTENSION OF TIME TO) RESPOND TO COMPLAINT
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33 Now comes the Defendant, Natalie E. Tennant, West Virginia Secretary of State,
34 by counsel, and moves for an *ex parte* order granting the Defendant an extension of

1 time to file a responsive pleading to the Complaint filed in this action. As grounds for
2 this action, counsel for the Defendant avers as follows:

- 3 1. The Defendant is an officer of the State of West Virginia and, by statute, is
4 represented by the Attorney General of the State of West Virginia;
- 5 2. The Defendant's designated counsel is not admitted to practice before the
6 California Bar and is not admitted to practice before the United States District
7 Court for the Central District of California;
- 8 3. Defendant's designated counsel must therefore seek admission *pro hac vice*
9 before this honorable Court and must find an attorney to serve as local
10 counsel for the purposes of such admission;
- 11 4. It is possible that a member of the Office of the Attorney General for the State
12 of California may serve as local counsel, but additional time may be required
13 to complete all necessary investigation for potential conflicts of interest or
14 representation;
- 15 5. Counsel for the Plaintiffs has not, to the knowledge of Defendant's counsel
16 complied with Local Rule 7.1-1, which would assist in the determination of
17 potential conflicts;
- 18 6. Additional time is also required in order to have the West Virginia Treasurer
19 prepare a state warrant for the payment of the fee for *pro hac vice* admission
20 in a form that is acceptable to the Clerk of the District Court;
- 21 7. Counsel has attempted in good faith to notify counsel of record, and potential
22 counsel, of the substance of this motion and hereby notes that counsel for the
23 Plaintiffs does object to this Defendant's request, as shown in the attached
24 Exhibit 1;
- 25 8. Many of the other Defendants named in this action are officers and employees
26 of the United States government and will have, by operation of the Federal
27 Rules of Civil Procedure, a minimum of sixty (60) days to file a responsive
28 pleading; and

1 9. The Plaintiffs will not suffer any substantial prejudice as result of the grant of
2 an extension of time to this Defendant.

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4 Therefore, the Defendant respectfully prays that this Court enter an *ex parte*
5 order granting the Defendant an additional thirty (30) days to file a responsive pleading
6 in this action.

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8 Dated this 9th day of October, 2012.

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Attorneys for Defendant, Natalie Tennant, in her
Official Capacity as West Virginia Secretary of State.

EXHIBIT "1"

AFFIDAVIT OF DOREN BURRELL

On this 9th day of October, 2012, came the undersigned affiant, Doren Burrell, who, after being duly sworn upon his oath, did depose and say the following:

STATEMENT

I am Doren Burrell, Senior Assistant Attorney General, and employed by the Attorney General of the State of West Virginia. As part of my duties, I am assigned to represent the West Virginia Secretary of State in various legal matters. In this capacity and on behalf of the West Virginia Secretary of State I have prepared an *ex parte* Motion for Extension of Time to Respond to Complaint for filing in the matter of Judd, et al. v. Obama, et al., Case no. SACV 12-cv-01507 DOC (ANx).

Pursuant to Local Rule 7-19.1, I have attempted to communicate with counsel for the other parties in this case to notify them as to the substance of this motion and the date I have proposed to file it with the Court. My communications have been as follows:

1. On Thursday, October 4, 2012, I spoke with Roger E. West, Assistant United States Attorney, who is likely to be representing one or more of the federal officers named as defendants in this action. After I explained the purpose of the motion to Mr. West, he stated that he would have no objection to my request for additional time.
2. On Thursday, October 4, 2012, I corresponded with Dr. Orly Taitz, counsel for the Plaintiffs, regarding my request for an extension of time to file a response and my intention to file a motion seeking such extension from the Court. Through an exchange of email messages we discussed possible conditions for her to agree to

an extension of time, but we were not able to reach agreement. As I did not receive further communication from her, I must presume and convey to the Court that Plaintiffs' counsel DOES OBJECT to the proposed motion.

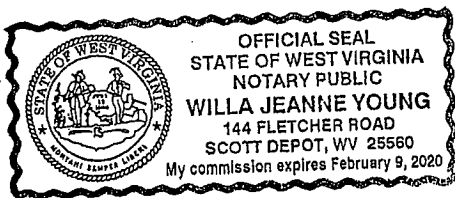
3. On Tuesday, October 9, 2012, I also corresponded by email message with Nancy J. Smith, Senior Assistant Attorney General for the State of New Hampshire, who shall be representing the New Hampshire Secretary of State and the New Hampshire Ballot Law Commission. After I explained the purpose of my motion, Ms. Smith stated that she did not have an objection to the proposed motion.
4. No other counsel have yet entered appearances in the Court's Electronic Case Management system and, therefore, I have been unable to determine if any other parties have an objection to this motion.

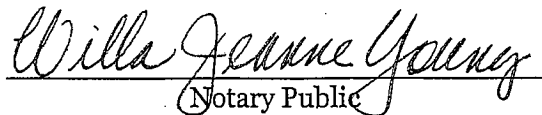
The affiant hereby concludes this statement.


DOREN BURRELL

Taken, subscribed and sworn to before me this 9th day of October, 2012.

My commission expires: February 9, 2020




Notary Public