

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
at Charleston**

ROBIN JEAN DAVIS,

Plaintiff,

v.

**Civil Action No. 2:18-cv-01316
(Chief Judge Thomas E. Johnston)**

JIM JUSTICE, Governor; ROGER HANSHAW, Speaker of the West Virginia House of Delegates; JOHN OVERINGTON, Speaker Pro Tempore of the West Virginia House of Delegates; DARYL COWLES, Majority Leader of the West Virginia House of Delegates; CHANDA ADKINS, GEORGE AMBLER, WILLIAM ANDERSON, MARTIN ATKINSON III, SAIRA BLAIR, BRENT BOGGS, JIM BUTLER, MOORE CAPITO, ROY COOPER, VERNON CRISS, MARK DEAN, FRANK DEEM, JOE ELLINGTON, PAUL ESPINOSA, ALLEN V. EVANS, ED EVANS, TOM FAST, MICHAEL FOLK, GEOFF FOSTER, CINDY FRICH, MARTY GEARHEART, DIANNA GRAVES, BILL HAMILTON, DANNY HAMRICK, JASON HARSHBARGER, KENNETH HICKS, JOSHUA HIGGINBOTHAM, JORDAN HILL, RAY HOLLEN, ERIC L. HOUSEHOLDER, GARY G. HOWELL, D. ROLLAND JENNINGS, JOHN R. KELLY, KAYLA KESSINGER, CHARLOTTE LANE, DANIEL LINVILLE, SHARON LEWIS MALCOLM, JUSTIN MARCUM, PATRICK MARTIN, ZACK MAYNARD, PAT MCGEEHAN, CAROL MILLER, RILEY MOORE, ERIC NELSON, JEFFREY PACK, TONY PAYNTER, RODNEY A. PYLES, BEN QUEEN, RALPH RODIGHIERO, MATTHEW ROHRBACH, WILLIAM R. ROMINE, RUTH ROWAN, JOHN SHOTT, KELLI SOBONYA, JOE STATLER, AMY SUMMERS, TERRI SYPOLT, JILL UPSON, DANNY WAGNER, GUY WARD, STEVE WESTFALL, BRAD WHITE, S.

MARSHALL WILSON, MARK ZATEZALO, members of the West Virginia House of Delegates; **STEVE HARRISON**, Clerk of the West Virginia House of Delegates; **RYAN FERNS**, Majority Leader of the West Virginia Senate; **MIKE AZINGER, ROBERT D. BEACH, CRAIG BLAIR, GREG BOSO, CHARLES H. CLEMENTS, SUE CLINE, ROBERT L. KARNES, KENNY MANN, MIKE MARONEY, MARK R. MAYNARD, RICHARD OJEDA, PATRICIA RUCKER, RANDY SMITH, DAVE SYPOLT, TOM TAKUBO, JOHN R. UNGER II, RYAN WELD, MIKE WOELFEL**, members of the West Virginia Senate; **LEE CASSIS**, Clerk of the West Virginia Senate,

Defendants.

**JOINT STIPULATION OF EXTENSION OF
TIME TO FILE RESPONSIVE PLEADING**

The Legislative Defendants¹ and Plaintiff Robin Jean Davis, each by their respective counsel, jointly stipulate, in light of ongoing (and/or potential) proceedings in various State forums, that the time for the Legislative Defendants to file an answer or other responsive pleading in this case be extended. The parties jointly recognize the following:

1. Plaintiff initiated by filing a complaint on September 26, 2018. (ECF 1).
2. The Federal Rule of Civil Procedures require the Legislative Defendants to file an answer or other responsive pleading “21 days after being served with the summons and complaint.” Fed. R. Civ. P. 12(a)(1)(A).
3. Service on the Legislative Defendants was effectuated on October 11, 2018. (ECF 117, 118).

¹ All defendants named in this suit except Governor Justice.

4. Accordingly, the current deadline for the Legislative Defendants to file an answer or other responsive pleading is **October 31, 2018**. *Id.*
5. Proceedings currently ongoing (or that may soon be initiated) in the Supreme Court of Appeals of West Virginia and/or the West Virginia Legislature have the potential to significantly impact the resolution of the legal issues presented in this case.
6. The parties remain in agreement, as represented to the Court during the October 15, 2018 telephonic status conference, *see* (ECF 130), and in light of the general continuance issued by the presiding officer of the underlying Court of Impeachment, that there is no immediate need for this litigation to proceed until further clarity emerges from an appropriate State body.

WHEREFORE, the parties jointly stipulate that the Legislative Defendant's time to file an answer or other responsive pleading be extended until **December 10, 2018**. The parties also stipulate that Plaintiff shall have until **January 18, 2019**, to file a response to the Legislative Defendant's answer or responsive pleading. Should further developments in a State forum warrant alteration of this stipulation, the parties each reserve the right to ask this Court to modify the stipulation for good cause.

Respectfully submitted,

ROBIN JEAN DAVIS

/s/ Lonnie C. Simmons
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THE LEGISLATIVE DEFENDANTS

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CERTIFICATE OF SERVICE

I, [insert name], do hereby certify that on October 26, 2018, I caused a true copy of the foregoing “***JOINT STIPULATION OF EXTENSION OF TIME TO FILE RESPONSIVE PLEADING*** ” to be served on the Clerk of Court and all parties electronically via the CM/ECF system.

/s/ Zachary Aaron Viglianco
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