

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

HUNTINGTON DIVISION

**CASIE JO MCGEE and SARA ELIZABETH
ADKINS; JUSTIN MURDOCK and WILLIAM
GLAVARIS; and NANCY ELIZABETH
MICHAEL and JANE LOUISE FENTON,
Individually and as next friends of A.S.M.,
minor child,**

Plaintiffs,

v.

Civil Action No. 3:13-24068

**KAREN S. COLE, in her official capacity as
CABELL COUNTY CLERK; and VERA J.
MCCORMICK, in her official capacity as
KANAWHA COUNTY CLERK,
Defendants,**

and

**STATE OF WEST VIRGINIA,
Defendant-Intervenor.**

**JOINT MOTION OF DEFENDANTS KAREN S. COLE AND VERA J. MCCORMICK
TO EXTEND THE PAGE LIMITS ON THEIR RESPONSE TO PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT AND CROSS-MOTION FOR SUMMARY JUDGMENT**

Defendants Karen S. Cole (“Ms. Cole”), by counsel, Lee Murray Hall, Sarah A. Walling, and Jenkins Fenstermaker, PLLC, and Vera McCormick (“Ms. McCormick”), by counsel, Charles R. Bailey, Michael W. Taylor, and Bailey & Wyant, PLLC, jointly move this Court for an Order granting an extension of page limits in their Joint Memorandum in Opposition to Plaintiffs’ Motion for Summary Judgment and Joint Memorandum in Support of Cross-Motion for Summary Judgment. In support thereof, Defendants state as follows:

1. The Local Rules of Civil Procedure permit Defendants to each file a twenty (20) page memorandum supporting their Motion for Summary Judgment and to each file a second (20) page Memorandum in Opposition to Plaintiffs' Motion for Summary Judgment. LR Civ. P. 7.1(a)(2).

2. Ms. McCormick and Ms. Cole wish to file a combined Joint Memorandum in Opposition to Plaintiffs' Motion for Summary Judgment and Joint Memorandum in Support of Cross-Motion for Summary Judgment, as they believe that a consolidated joint motion will avoid duplicitous arguments and condense briefing for the convenience of this Court and all parties.

3. While Ms. McCormick and Ms. Cole do not believe it necessary to burden this Court or the other parties to this case with eighty (80) pages of briefing, they recognize that this is a significant case that presents many complex issues for this Court's consideration. As such, they believe that one consolidated twenty (20) page memorandum will not allow for sufficient discussion of the allegations contained in Plaintiffs' Complaint and the issues Plaintiffs raise.

4. Ms. McCormick and Ms. Cole believe that one joint thirty-five (35) page memorandum will allow them to adequately respond to Plaintiffs' Motion for Summary Judgment and to discuss their Cross-Motion for Summary Judgment.

5. Ms. McCormick and Ms. Cole therefore respectfully request that this Court enter an Order permitting them to file a combined Joint Memorandum in Opposition to Plaintiffs' Motion for Summary Judgment and Joint Memorandum in Support of Cross-Motion for Summary Judgment not exceeding thirty-five (35) pages.

Respectfully submitted,

**ATTORNEYS FOR DEFENDANT VERA J.
MCCORMICK**

/s/ Charles R. Bailey
Charles R. Bailey (WV Bar #0202)
Michael W. Taylor (WV Bar #11715)
BAILEY & WYANT, PLLC
500 Virginia Street, East, Suite 600
Post Office Box 3710
Charleston, West Virginia 25337-3710
T: 304.345.4222
F: 304.343.3133
cbailey@baileywyant.com
mtaylor@baileywyant.com

**ATTORNEYS FOR DEFENDANT KAREN S.
COLE**

/s/ Lee Murray Hall
Lee Murray Hall, Esquire (WVSB # 6447)
Sarah A. Walling, Esquire (WVSB #11407)
JENKINS FENSTERMAKER, PLLC
Post Office Box 2688
Huntington, WV 25726-2688
Telephone: (304) 523-2100
Fax: (304) 523-2347
lmh@jenkinsfenstermaker.com
saw@jenkinsfenstermaker.com