

VIRGINIA:

IN THE SUPREME COURT OF VIRGINIA

RIMA FORD VESILIND, *et al.*,

Plaintiffs,

v.

VIRGINIA STATE BOARD
OF ELECTIONS, *et al.*

Defendants.

Record No. _____

Court of Appeals of Virginia
Record No. 0640162

**JOINT MOTION FOR CERTIFICATION
TO THE SUPREME COURT OF VIRGINIA**

COMES NOW Appellees/Plaintiffs Rima Ford Vesilind; Arelia Langhorne; Sharon Simkin; Sandra D. Bowen; Robert S. Ukrop; Vivian Dale Swanson; H.D. Fiedler; Jessica Bennett; Eric E. Amateis; Gregory Harrison; Michael Zaner; Patrick M. Condray; Sean Sullivan Kumar; and Dianne Blais, by counsel, and Appellants John S. Edwards; Ralph K. Smith; Richard L. Saslaw; Charles J. Colgan; David W. Marsden; and George L. Barker (“the Virginia Senators”) and the Division of Legislative Services (“DLS”), by counsel, and move this Court, pursuant to its discretionary authority granted by Va. Code § 17.1-409, to certify the above-styled case for expedited review before the Supreme Court of Virginia.

This appeal is currently pending in the Court of Appeals of Virginia (Record No. 0640162) but the Code of Virginia authorizes this deviation from the normal appellate practice, when:

1. The case is of such imperative public importance as to justify the deviation from normal appellate practice and to require prompt decision in the Supreme Court; or
2. The docket or the status of the work of the Court of Appeals is such that the sound or expeditious administration of justice requires that jurisdiction over the case be transferred to the Supreme Court. Va. Code § 17.1-409(B)(1) and (2).

Both the Appellee/Plaintiffs and the Appellants agree that the case at hand presents just such extraordinary circumstances as envisioned by paragraph 1.

While this motion is presented solely on behalf of the Appellees/Plaintiffs and Appellants, after communication with the Office of the Attorney General, Appellees/Plaintiffs and Appellants are authorized to state that the Defendants, who have taken no position on legislative privilege, consent to the relief requested in the motion -- that the Supreme Court exercise jurisdiction over and expedite the legislative privilege appeal -- in order to advance the resolution of the matter.

Appellees/Plaintiffs and Appellants will separately file briefs in support of this motion to elaborate on their understanding of the present appeal and why the facts and circumstances justify the Supreme Court taking jurisdiction under the statute. While the parties may not agree on all of the facts and circumstances and what conclusions to draw from them, both the Appellees/Plaintiffs and the Appellants agree on the procedure by which this case should proceed from its present state and thus jointly ask this Court to exercise its discretionary authority granted by Va. Code § 17.1-409, to take jurisdiction of this case and set an expedited schedule for briefing and argument.

Dated April, 26 2016

Respectfully submitted,

RIMA FORD VESILIND, et al.,
By Counsel



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CERTIFICATE OF SERVICE

I hereby certify that 26th day of April, 2016, a copy of the foregoing Motion was filed and served on the following counsel of record by mail with a courtesy copy sent by email:

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