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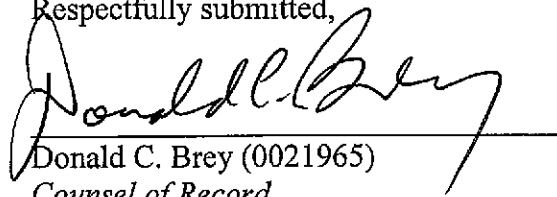
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## MOTION AND MEMORANDUM IN SUPPORT

Pursuant to S. Ct. Prac. R. XIV, § 2(D), Relators move to strike the Memorandum of Amici Curiae Iraq and Afghanistan Veterans of America (“IAVA”) and Veterans for America (“VFA”) because of IAVA and VFA’s failure to comply with S. Ct. Prac. R. X § 9 and XIV § 2(B)(3). According to those Rules, in expedited election cases, parties are required to serve their briefs by personal service, facsimile transmission, or e-mail on the date of filing. As of the time of filing of this Motion to Strike, Relators have not received a service copy of IAVA and VFA’s brief.

This case is on a fast track, and all parties thus far (including other amici curiae) have moved expeditiously. Indeed, Relators are filing their Reply Brief to Respondent’s Merit Brief today. While IAVA and VFA may not have foreseen Relators’ intention to file their Reply Brief today, IAVA and VFA could have reasonably foreseen that Relators’ receipt of IAVA and VFA’s brief through mail would likely occur *after* Relators’ deadline to respond to Respondent’s Merit Brief. Accordingly, IAVA and VFA’s failure to comply with S. Ct. Prac. R. X § 9 and XIV §2(B)(3) greatly prejudices Relators by preventing them from properly addressing the arguments made in IAVA and VFA’s brief. Therefore, this Court should strike the Memorandum of Amici Curiae Iraq and Afghanistan Veterans of America (“IAVA”) and Veterans for America (“VFA”).

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### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Motion of Relators to Strike Memorandum of Amici Curiae Iraq and Afghanistan Veterans of America (IAVA) and Veterans for America (VFA)* was served by electronic mail on this 26th day of September, 2008 upon the following:

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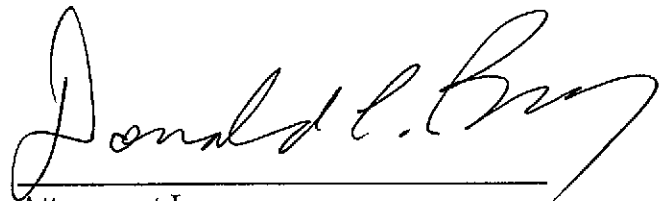
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