

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

CARROLL BOSTON CORRELL, JR., on behalf of
himself and others similarly situated,

Plaintiff,

v.

MARK R. HERRING, et al.

Defendants.

Civil No. 3:16-cv-00467-REP

JOINT STIPULATIONS

I. Parties

1. Plaintiff identifies as a member of the Republican Party.
2. Plaintiff is a resident of Winchester, Virginia.
3. Winchester, Virginia, is located in the 10th Congressional District of Virginia.
4. John Fredericks, Waverly Woods, Michael Belefski, Eugene Delgaudio, Virgil

Goode, Tamara Neo, Howard Lind, and Brandon Howard (the “Intervenors”) are delegates to the 2016 Republican National Convention.

5. Plaintiff is a delegate from the Tenth Congressional District of Virginia to the 2016 Republican National Convention.

II. National Republican Party Rules

6. A true, correct, and complete copy of the current Rules of the Republican Party as Adopted by the 2012 Republican Convention and amended by the Republican National Committee on April 12, 2013, January 24, 2014, May 9, 2014, and August 8, 2014 are found in the Joint Exhibits (“JE”) in JE 1.

III. Republican Party of Virginia Rules

7. On September 19, 2015, the Republican Party of Virginia adopted an “Allocation Resolution” for delegates to the 2016 Republican National Convention by official resolution. A true, correct, and complete copy of the Resolution is found in JE 2.

8. On September 30, 2015, the Republican Party of Virginia transmitted its 2016 Rule 16(f) Filing to the Republican National Committee. The Rule 16(f) filing certified the “rules, statutes, procedures, policies, and instructive materials governing the selection of delegates and alternate delegates to the national convention.” A true, correct, and complete copy of the 2016 Rule 16(f) Filing is found in JE 3.

9. The Plan of Organization for the Republican Party of Virginia, as amended April 29, 2016, includes rules governing the organization and operation of the Republican Party of Virginia. A true, correct, and complete copy of the Plan of Organization is found in JE 4.

10. The Republican Party of Virginia required delegates to the 2016 Republican National Convention to sign a Declaration and Statement of Qualifications. A true, correct, and complete copy of the Declaration and Statement of Qualifications all delegates signed is found in JE 5.

IV. The 2016 Republican National Convention

11. The Republican Party will select its 2016 nominee for President of the United States at the Republican National Convention.

12. The 2016 Republican National Convention will be held in Cleveland, Ohio.

13. The 2016 Republican National Convention will begin on July 18, 2016, and is currently scheduled to continue through and including July 21, 2016.

14. The Republican National Committee has allocated Virginia 49 delegates to the 2016 Republican National Convention.

V. The Virginia Delegation to the 2016 Republican National Convention

15. On January 8, 2016, the Tenth District of the Republican Party of Virginia issued a Call for the Tenth District Convention. A true, correct, and complete copy of the Call for the Tenth District Convention is found in JE 6.

16. The Tenth District Convention occurred on April 16, 2016.

17. Plaintiff was chosen as a delegate to the 2016 Republican National Convention at the Tenth District Convention.

18. Plaintiff signed the Declaration and Statement of Qualifications. A true, correct, and complete copy of the Declaration signed by all Virginia delegates to the 2016 Republican National Convention is found in JE 5.

19. The Republican Party of Virginia 2016 Quadrennial Convention was held in Harrisonburg, Virginia on April 29 and 30, 2016.

VI. Plaintiff's Communication With Officials of the Commonwealth of Virginia

20. On May 25, 2016, Plaintiff sent an email message to Brooks Braun, a policy analyst at the Virginia Department of Elections, seeking an advisory opinion regarding the application of Section 545(D). A true, correct, and complete copy of the email is found in JE 7.

21. On May 25, 2016, Mr. Braun sent an email message to Plaintiff in response. A true, correct, and complete copy of the email is found in JE 7.

22. On June 2, 2016, Plaintiff sent an email message to Defendant Abrams, the Commonwealth's Attorney in Winchester, requesting an opinion on the application of Section 545(D). A true, correct, and complete copy of this email message is found in JE 8.

23. Defendant Abrams replied by letter to Plaintiff on June 8, 2016. A true, correct, and complete copy of this letter is found in JE 9.

24. On June 8, 2016, Plaintiff contacted William Steele, Chairman of the Electoral Board for the City of Winchester to request an advisory opinion on the application of Section 545(D). Steele instructed Plaintiff to contact the Department of Elections.

25. On June 8, 2016, Plaintiff sent another email message to the Virginia Department of Elections requesting an advisory opinion. A true, correct, and complete copy of this email message is found in JE 10.

26. The Virginia Department of Elections has not responded to Plaintiff's June 8 communication.

VII. Class Stipulations

27. The putative class consists of the 49 Virginia delegates to the Republican National Convention.

28. This action involves a question of law common to all Class members: whether Section 545(D) may be enforced against Virginia delegates to the Republican National Convention by bringing criminal charges against delegates who cast their first ballot for candidates other than Donald Trump.

29. The relief requested in this action would not prevent any Class member from voting for any candidate.

30. In this action, neither the Plaintiff, nor the putative class, challenge the Rules of the national Republican Party (JE 1) or the Republican Party of Virginia (JE 4).

VIII. Stipulations As To Documents

31. Documents JE 1 through JE 10 are admissible.

Dated: July 6, 2016

Respectfully submitted,

/s/ Mark W. DeLaquil

DAVID B. RIVKIN, JR. (admitted pro hac vice)

ANDREW M. GROSSMAN (admitted pro hac vice)

MARK W. DELAQUIL (VA. BAR # 68088)

RICHARD B. RAILE (VA. BAR # 84340)

BAKER & HOSTETLER LLP

1050 Connecticut Ave., N.W.

Suite 1100

Washington, D.C. 20036

Phone: (202) 861-1527

Facsimile: (202) 861-1783

mdelaquil@bakerlaw.com

*Attorneys for Plaintiff and the
Proposed Class*

Certificate of Service

I hereby certify that on July 6, 2016, I am causing a copy of the foregoing to be filed by the Court's CM/ECF system, which will result in service on counsel of record for all Defendants via electronic mail.

/s/ Mark W. DeLaquil

MARK W. DELAQUIL (VA. BAR # 68088)

BAKER & HOSTETLER LLP

1050 Connecticut Ave., N.W.

Suite 1100

Washington, D.C. 20036

Phone: (202) 861-1527

Facsimile: (202) 861-1783

mdelaquil@bakerlaw.com