

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JEFFERSON COUNTY COMMISSION;
PATRICIA NOLAND, as an individual
and on behalf of all others
similarly situated; and DALE
MANUEL, as an individual and on
behalf of all others similarly
situated,

Plaintiffs, and

THORNTON COOPER,

Intervening Plaintiff,

v. Civil Action No. 2:11-CV-0989

NATALIE E. TENNANT, in her
capacity as the Secretary of
State; EARL RAY TOMBLIN, in his
capacity as the Chief Executive
Officer of the State of West
Virginia; JEFFREY KESSLER, in his
capacity as the Acting President
of the Senate of the West Virginia
Legislature; and RICHARD THOMPSON,
in his capacity as the Speaker of
the House of Delegates of the West
Virginia Legislature,

Defendants.

ORDER ON REMAND

By its Opinion and Order of September 25, 2012, the Supreme Court of the United States reversed this court's Order of January 3, 2012, as amended on January 4, 2012, and remanded the case to us for consideration of Counts Two and Three of the

plaintiffs' Complaint, which assert claims under, respectively, the numerical equivalence and compactness requirements of Article I, section 4 of the Constitution of West Virginia. See Tennant v. Jefferson Cnty. Comm'n, No. 11-1184, ____ U.S. ____ (Sept. 25, 2012) (per curiam).

In furtherance and facilitation of the Supreme Court's instructions, the parties are directed to confer and thereafter offer their views, jointly or separately, as to the following:

1. Whether additional evidence or briefing, or both, would be of assistance in disposing of either of the remaining claims; and

2. Whether, with respect to such disposition, one or more questions of law should be certified to the Supreme Court of Appeals of West Virginia.

It is so ORDERED.

DATED: October 5, 2012.

For the Court:



ROBERT B. KING
United States Circuit Judge