

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

NAOMI SPENCER DALY and)	
DARRELL CASTLE)	
)	
Plaintiffs,)	
)	
v.)	No. 3:16-cv-08981
)	
NATALIE TENNANT,)	
in her official capacity as)	
Secretary of State of the)	
State of West Virginia,)	
)	
Defendant.)	
_____)	

**EMERGENCY MOTION FOR A
TEMPORARY RESTRAINING ORDER**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, the Plaintiffs respectfully move the Court for a temporary restraining order enjoining the Secretary of State from removing the Plaintiffs and similarly-situated independent candidates from general election ballots to be distributed beginning on Friday, September 23, 2016, based on the Secretary of State's new interpretation of West Virginia's ballot access deadlines.

Respectfully submitted this 20th day of September, 2016

/s/ Bryan Sells*

Georgia Bar No. 635562

Law Offices of Bryan Sells LLC

PO Box 5493

Atlanta, GA 31107

(404) 480-4212

bryan@bryansellsllaw.com

**intends to seek admission pro hac vice*

/s/ Anthony J. Majestro

West Virginia ID #5165

Powell & Majestro, PLLC

405 Capitol Street, Suite P-1200

Charleston, WV 25301

304-346-2889 / 304-346-2895 (f)

amajestro@powellmajestro.com

CERTIFICATE OF SERVICE

At this early point in the case, no attorney has yet made an appearance for the Defendant, Secretary of State Natalie Tennant. However, I hereby certify that on September 20, 2016, I attempted serve the foregoing Emergency Motion for a Temporary Restraining Order upon the Defendant by emailing a copy to the following attorneys by electronic mail:

Ashley Summitt
Chief Counsel, West Virginia Secretary of State
easummitt@wvsos.com

Timothy Leach
Assistant Counsel, West Virginia Secretary of State
tleach@wvsos.com

J. Robert Leslie
Senior Deputy Attorney General, West Virginia Attorney General
James.r.leslie@wvago.gov

/s/ Anthony J. Majestro

Attorney for the Plaintiffs