

In the United States District Court  
For the Western District of Virginia  
Harrisonburg Division

JOANNE HARRIS and JESSICA DUFF, and  
CHRISTY BERGHOFF and VICTORIA KIDD,  
on behalf of themselves and all others similarly  
situated,

*Plaintiffs,*

v.

ROBERT F. MCDONNELL, in his official  
capacity as Governor of Virginia; JANET M.  
RAINEY, in her official capacity as State Registrar  
of Vital Records; THOMAS E. ROBERTS, in his  
official capacity as Staunton Circuit Court Clerk,

*Defendants.*

No. 5:13-cv-00077

**PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

Plaintiffs, by and through their counsel, respectfully move this Court to enter an Order certifying this case as a class action pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure.

WHEREFORE, for the reasons stated in the accompanying Brief in Support of Plaintiffs' Motion for Class Certification and corresponding exhibits, Plaintiffs hereby move the Court to enter an Order certifying this case as a class action.

Dated: August 16, 2013

Respectfully submitted,

AMERICAN CIVIL LIBERTIES UNION  
OF VIRGINIA FOUNDATION, INC.

/s/

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 16th day of August 2013, I effected service upon counsel for Defendants Robert F. McDonnell and Janet M. Rainey by electronically filing the foregoing with the Clerk of the Court using the CM/ECF system, and that I also sent a filed courtesy copy of the same by U.S. Mail, postage prepaid. I also certify that I served the foregoing by U.S. Mail, postage prepaid, to Defendant Thomas Roberts, Staunton Circuit Court Clerk.

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August 16, 2013

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