

IN THE
Supreme Court of the United States

DON SCOTT, IN HIS OFFICIAL CAPACITY AS SPEAKER
OF THE VIRGINIA HOUSE OF DELEGATES, *et al.*,

Applicants,

v.

RYAN T. MCDUGLE, VIRGINIA STATE SENATOR AND LEGISLATIVE
COMMISSIONER FOR THE VIRGINIA REDISTRICTING COMMISSION, *et al.*,

Respondents.

ON EMERGENCY APPLICATION TO THE SUPREME COURT OF VIRGINIA

**RESPONSE OF THE LEGISLATIVE CLERKS
TO THE EMERGENCY APPLICATION FOR STAY**

JOHN E. LICHTENSTEIN
Counsel of Record

GREGORY L. LYONS
JACOB B. LICHTENSTEIN
Co-Counsel

LICHTENSTEIN LAW GROUP PLC
347 Highland Avenue SW
Roanoke, Virginia 24016
(540) 343-9711
john.lichtenstein@lichtensteinlawgroup.com
greg.lyons@lichtensteinlawgroup.com
jake.lichtenstein@lichtensteinlawgroup.com

*Attorneys for Respondents G. Paul Nardo,
Susan Clarke Schaar, and Tara Perkinson*

RESPONSE IN SUPPORT OF APPLICATION

G. Paul Nardo, in his official capacity as Clerk of the Virginia House of Delegates; Susan Clarke Schaar, in her official capacity as Clerk of the Virginia Senate; and Tara Perkinson, in her official capacity as Chief Deputy Clerk of the Virginia Senate (collectively, the “legislative clerks”), respectfully submit this response in support of the emergency application for stay filed jointly by the Commonwealth of Virginia, Don Scott, Scott Surovell, and L. Louise Lucas.

In the trial court, the legislative clerks filed a plea of immunity, asserting their absolute legislative immunity from suit in this matter. The trial court did not address this plea of immunity in its final judgment of January 27, 2026, and the legislative clerks noted their appeal of that ruling in the Court of Appeals of Virginia. Subsequent to this ruling and the legislative clerks’ notice of appeal, the trial court granted the plea of immunity in its order of February 5, 2026. Thereafter, the Supreme Court of Virginia took jurisdiction of this case pursuant to the motion of the Court of Appeals.

No assignment of error was raised as to the trial court’s determination that the legislative clerks are protected by absolute legislative immunity in this matter, and the issue of the legislative clerks’ immunity was not addressed by the Supreme Court of Virginia in its opinion of May 8, 2026.

Given that the plea of immunity was sustained and thereafter no error was assigned in that regard, the legislative clerks did not join in the application. Nevertheless, the legislative clerks support the application and respectfully ask that it be granted for the reasons set forth therein.

Dated: May 14, 2026

JOHN E. LICHTENSTEIN
Counsel of Record

GREGORY L. LYONS
JACOB B. LICHTENSTEIN
Co-Counsel

LICHTENSTEIN LAW GROUP PLC
347 Highland Avenue SW
Roanoke, Virginia 24016
(540) 343-9711
john.lichtenstein@lichtensteinlawgroup.com
greg.lyons@lichtensteinlawgroup.com
jake.lichtenstein@lichtensteinlawgroup.com

*Attorneys for Respondents G. Paul Nardo,
Susan Clarke Schaar, and Tara Perkinson*