

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
NO. 1:15-CV-00399

SANDRA LITTLE COVINGTON, *et al.*, )  
)  
Plaintiffs, )  
)  
v. )  
)  
STATE OF NORTH CAROLINA, *et al.* )  
)  
Defendants. )  
\_\_\_\_\_ )

**DEFENDANTS’ MOTION  
FOR LEAVE TO FILE A  
CORRECT VERSION OF  
DECLARATION OF DR.  
THOMAS HOFELLER**

Pursuant to this court’s prior orders, on October 28, 2016, Defendants filed their Memorandum in Opposition to Plaintiffs’ Motion for Additional Relief.

In support of this motion, Defendants filed a Declaration of Dr. Thomas B. Hofeller (October 28, 2016).

It has come to Dr. Hofeller’s attention that Map 4 attached to his October 28, 2016, declaration is not correct and represents an earlier and slightly incorrect version of a county grouping formula for House districts pursuant to the requirements of North Carolina’s “Whole County Provision.” *See* N.C. CONST. Art. II, §§ 3(3) and 5(3); *Dickson v Rucho*, 368 N.C. 481, 485-86, 781 S.E. 2d404, 410-11 (2016) (“*Dickson II*”). The only changes made in the correct version of Map 4 relate to a few House county groups in Northeastern North Carolina. Thus, the only difference between the corrected declaration and the declaration filed on October 28, 2016, is that the corrected declaration includes the correct version of Map 4 which is also referenced in Table 2 included in the original and corrected declarations.

Based upon the foregoing, Defendants move for leave to file a Corrected Declaration of Dr. Thomas B. Hofeller (October 31, 2016), which defendants are filing contemporaneously with this motion.

We have consulted with plaintiffs and can advise the Court as follows. Plaintiffs do not object to the substitution of Map 4 but reserve the right to object to and argue the relevance of both the original and substituted versions of May 4 and Dr. Hofeller's explanation of the maps.

Respectfully submitted, this the 31st day of October, 2016.

OGLETREE, DEAKINS, NASH  
SMOAK & STEWART, P.C.

/s/ Thomas A. Farr

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NORTH CAROLINA DEPARTMENT OF  
JUSTICE

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**CERTIFICATE OF SERVICE**

I, Thomas A. Farr, hereby certify that I have this day electronically filed the foregoing **DEFENDANTS' MEMORANDUM IN OPPOSITION TO PLAINTIFFS' MOTION FOR ADDITIONAL RELIEF** with the Clerk of Court using the CM/ECF system which will provide electronic notification of the same to the following:

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This the 31st day of October, 2016.

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