

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

MARGARET DICKSON, *et al.*,  
*Plaintiffs,* )

v. )

ROBERT RUCHO, *et al.*,  
*Defendants.* )

11 CVS 16896

NORTH CAROLINA STATE  
CONFERENCE OF BRANCHES OF  
THE NAACP *et al.*,  
*Plaintiffs,* )

v. )

THE STATE OF NORTH CAROLINA,  
*et al.*,  
*Defendants.* )

11 CVS 16940

(*Consolidated*)

**DICKSON PLAINTIFFS' AND NC NAACP PLAINTIFFS'**  
**MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS**

The *Dickson* Plaintiffs and the *NC NAACP* Plaintiffs, pursuant to Rule 12(c) of the Rules of Civil Procedure, move the Court to enter Judgment on the Pleadings in their favor as follows:

1. Declaring invalid, as a matter of law, Defendants' Tenth (10th), Twenty-First (21st), Twenty-Third (23rd), Thirty-Second (32nd), and Forty-Second (42nd) Affirmative Defenses, as set forth in the Defendants' respective Answers to the First Amended Complaints filed by the *Dickson* Plaintiffs and the *NC NAACP* Plaintiffs.

*Dickson* Plaintiffs: Claims Relating to Violations of the Whole Counties Provisions

2. Declaring invalid any applicable defense(s) to the *Dickson* Plaintiffs' Claims for Relief Eleven through Sixteen, including the defense that compliance with Article II, Sections 3 and 5 of the North Carolina Constitution is determined by the number of county groupings

contained in 2011 S.L. 402, as amended by 2011 S.L. 413 (the “Senate Redistricting Plan”) and in 2011 S.L. 404, as amended by 2011 S.L. 416 (the “House Redistricting Plan”), rather than by the number of counties divided by those acts.

3. Declaring that the Senate Redistricting Plan and the House Redistricting Plan violate Article II, Sections 3 and 5 of the North Carolina Constitution because those acts divide more counties than required by federal law.

Dickson Plaintiffs: Claims Relating to Improper Racial Classifications

4. Declaring invalid any applicable defense(s) to Plaintiffs’ Claims for Relief Nineteen through Twenty-Four, including the defense that the decision of the North Carolina Supreme Court in *Pender County v. Bartlett*, 361 N.C. 491, 649 S.E.2d 314 (2007), affirmed by the United States Supreme Court in *Bartlett v Strickland*, 129 S. Ct. 1231 (2009), required Defendants to draw House Districts 7, 12, 21, 24, 29, 31, 33, 48, 99, and 107, and Senate Districts 4, 5, 14, 20, 21, 28, 38, and 40 to encompass more than 50% African-American voters.

5. Declaring invalid any applicable defense(s) to Plaintiffs’ Claims for Relief Nineteen through Twenty-Four and declaring that Congressional Districts 1 and 12, Senate Districts 4, 5, 14, 20, 21, 38 and 40, and House Districts 7, 12, 21, 24, 29, 31, 33 48, 99, and 107 constitute racial classifications not narrowly tailored to meet any compelling interest in violation of Article I, Section 19 of the North Carolina Constitution and the 14th Amendment to the United States Constitution.

NC NAACP Plaintiffs: Claims Relating to Improper Racial Classifications

6. Declaring invalid any applicable defense(s) to the *NC NAACP Plaintiffs'* Claims for Relief 1-3 and 9-11, including the defense that the decision of the North Carolina Supreme Court in *Pender County v. Bartlett*, 361 N.C. 491, 649 S.E.2d 314 (2007), affirmed by the United States Supreme Court in *Bartlett v Strickland*, 129 S. Ct. 1231 (2009), required Defendants to draw House Districts 5, 21, 24, 29, 32, 38, 42, 48, 54, 57, 99, 102, 106, and Senate Districts 5, 14, 20, 21, 28, 32, 38, 40 to encompass more than 50% African-American voters.

7. Declaring invalid Defendants' any applicable defense(s) to NAACP Plaintiffs' Claims for Relief 1-3 and 9-11 and declaring that Congressional District 1, Senate Districts, 5, 14, 20, 21, 28, 32, 38, 40, 7, 18 19 22, 27, 31, 41 and House Districts 5, 21, 24, 29, 32, 38, 42, 48, 54, 57, 99, 102, 106, 1, 2, 4, 8, 30, 34, 45, 49, 51, 59, 66 103 constitute racial classifications not narrowly tailored to meet any compelling interest in violation of Article I, Section 19 of the North Carolina Constitution and the 14th Amendment to the United States Constitution.

Dickson Plaintiffs: Claims Relating to Split Precincts  
(and Split Counties in Congressional Districts)

8. Declaring that the Senate Redistricting Plan and the House Redistricting Plan unnecessarily divide precincts in violation of N.C. Const. art. I, § 2; N.C. Const. art. I, § 19; and N.C. Const. art. VI, § 1. These violations occur in Senate Districts 4, 5, 7, 14, 19, 20, 21, 26, 27, 28, 32, 37, 38, 40 and 41, and in House Districts 4, 7, 10, 12, 21, 24, 25, 29, 31, 33, 34, 38, 42, 43, 45, 47, 48, 57, 58, 60, 66, 75, 92, 99, 162 and 107.

9. Declaring that the Congressional Redistricting Plan unnecessarily divides counties in District 4 in violation of N.C. Const. art. I, § 2; N.C. Const. art. I, § 19; and N.C. Const. art. VI, § 1.

NC NAACP Plaintiffs: Claims Relating to Split Precincts

10. Declaring that the Senate Redistricting Plan and the House Redistricting Plan divide precincts on the basis of race in violation of the 14th Amendment to the United States Constitution and Article I, Section 19 of the North Carolina Constitution.

In support of this Motion, the *Dickson* Plaintiffs and the *NC NAACP* Plaintiffs rely on the allegations of their Amended Complaints admitted by Defendants in their Answers to those Amended Complaints, and such other matters as are properly before the Court.

Wherefore, the *Dickson* Plaintiffs and the *NC NAACP* Plaintiffs pray the Court to enter Partial Judgment on the Pleadings in their favor as requested above.

This the 1<sup>th</sup> day of January, 2012.

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the foregoing ***MOTION FOR JUDGMENT ON THE PLEADINGS*** on counsel for Defendants by depositing a copy thereof in an envelope bearing sufficient postage in the United States mail, addressed to the following persons at the following addresses:

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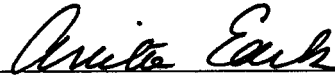
Counsel for Defendants Rucho,  
Lewis, Dollar, Dockham, Berger,  
and Tillis

This the 6th day of January, 2012.



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