



polarized voting was reasonable for purposes of preclearance or protection of the State from vote dilution claims under the Constitution or under § 2 of the VRA?

- B. For six specific districts (Senate Districts 31 and 32, House Districts 51 and 54 and Congressional Districts 4 and 12 – none of which is identified as a VRA district), what was the predominant factor in the drawing of those districts?

The Court finds and concludes that as to these specific issues, genuine issues of material fact exist in the record before the Court, and that these specific issues are therefore not appropriately resolved by summary judgment.

2. The Court shall take evidence on these issues, and only these issues, at a bench trial to be commenced at 9:00 a.m. on June 4, 2013 and continuing until 5:00 p.m. on June 5, 2013 at a location to be determined.

3. Evidence on these issues shall be presented as follows:

- A. Designation of the record already before the Court by line and page number, photocopy, or by some equally specific designation. Designations of the record shall be served upon the Court and opposing counsel no later than 5:00 p.m., May 24, 2013. Because the record in this matter is already extensive and thorough, the Court states its strong preference for receiving evidence in this manner so as to avoid needless consumption of time (*See*, N.C. Rule of Evidence 611(a)).
- B. Testimony or other evidence offered and received at the bench trial. Any exhibits that a party wishes to offer into evidence at trial must be identified and a copy served to the Court and opposing counsel no later than 5:00 p.m., May 24, 2013. The identity of any witness a party reasonably anticipates calling at the trial, and the subject matter of such witness's proposed testimony, must be provided to the Court and opposing counsel no later than 5:00 p.m., May 24, 2013. The parties should anticipate and plan for no more than one day each to

present any live witness testimony, including reasonable time for cross-examination by opposing parties.

- C. To the extent that a party reasonably believes that further designations of the record, exhibits or witnesses are needed to respond to or rebut the designations made by an opposing party in accordance with paragraphs 3(A) and 3(B) above, such further designations shall be made, in the same fashion as set out in 3(A) and 3(B) above, no later than 5:00 p.m., May 28, 2013.
  - D. To the extent that any party objects to the admission of any evidence of record designated in accordance with paragraph 3(A) or 3(C) above, or to any exhibit served in accordance with paragraph 3(B) or 3(C) above, such objections shall be noted, and the basis of the objections stated, and these objections shall be served upon opposing parties and the Court no later than 5:00 p.m. on June 3, 2013.
- 4. The parties shall submit to the Court proposed findings of fact on the above-stated issues no later than 5:00 p.m. on June 11, 2013.
  - 5. The Court holds all remaining issues raised in the parties' cross-motions for summary judgment under advisement pending the trial of the above-stated issues and, to the extent that further issues of fact are presented, the Court may require further evidentiary hearing(s) at a later date.

This the 13<sup>th</sup> day of May, 2013.

**/s/ Paul C. Ridgeway**

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Paul C. Ridgeway, Superior Court Judge

**/s/ Joseph N. Crosswhite**

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Joseph N. Crosswhite, Superior Court Judge

**/s/ Alma L. Hinton**

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Alma L. Hinton, Superior Court Judge