

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 SUMMARY JUDGMENT

The *Dickson* Plaintiffs and the *NC NAACP* Plaintiffs, pursuant to Rule 56 of the Rules of Civil Procedure, move the Court to enter partial summary judgment for them as follows:

Claims Relating to Improper Racial Classifications

1. Declaring that Senate Districts 14, 20, 21, 28, 38 and 40 (as alleged by the *Dickson* Plaintiffs) and 5, 14, 20, 21, 28, 32, 38, 40 (as alleged by the *NC NAACP* Plaintiffs), as contained in 2011 S.L. 402, as amended by 2011 S.L. 413 (the "Senate Redistricting Plan"); House Districts 12, 21, 29, 31, 48, 99 and 107 (as alleged by the *Dickson* Plaintiffs) and 5, 21, 24, 29, 32, 38, 42, 48, 54, 57, 99, 102, and 106 (as alleged by the *NC NAACP* Plaintiffs), as contained in 2011 S.L. 404, as amended by 2011 S.L. 416 (the "House Redistricting Plan"); and Congressional Districts 1 and 12, as contained in 2011 S.L. 403, as amended by 2011 S.L. 414

(the “Congressional Redistricting Plan”), constitute racial classifications not narrowly tailored to meet any compelling interest and therefore violate the 14th Amendment to the United States Constitution and Article I, § 19 of the North Carolina Constitution.

Claims Relating to Violations of the Whole-Counties Provisions

2. Declaring that the Senate Redistricting Plan unnecessarily divides counties in violation of Article II, Section 5 of the North Carolina Constitution and the House Redistricting Plan unnecessarily divides counties in violation of Article II, Section 3 of the North Carolina Constitution.

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

3. 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.

4. Declaring that District 4 in the Congressional Redistricting Plan is non-compact and unnecessarily divides counties and precincts in violation of N.C. Const. art. I, § 2; N.C. Const. art. I, § 19; N.C. Const. art. VI, § 1; and *Stephenson v. Bartlett*.

5. 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.

This motion is made on the grounds that the pleadings, and other evidence before the Court, including the affidavits filed in this matter today, establish that there is no dispute as to the material facts that entitle Plaintiffs to partial summary judgment in their favor as a matter of law.

WHEREFORE, Plaintiffs respectfully move that the Court enter partial summary judgment for them as requested and pursuant to Rule 56 of the Rules of Civil Procedure.

This the 6th 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 PARTIAL SUMMARY JUDGMENT*** 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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This the 6th day of January, 2012.



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