

STATE OF NORTH CAROLINA

COUNTY OF WAKE

NORTH CAROLINA STATE  
CONFERENCE OF THE NAACP,  
COMMON CAUSE, MARILYN HARRIS,  
GARY GRANT, JOYAH BULLUCK, and  
THOMASINA WILLIAMS,

Plaintiffs,

v.

PHILLIP E. BERGER *in his official capacity as President Pro Tempore of the North Carolina Senate*; TIMOTHY K. MOORE *in his official capacity as Speaker of the North Carolina House of Representatives*; RALPH E. HISE, JR., WARREN DANIEL, PAUL NEWTON, *in their official capacities as Co-Chairmen of the Senate Committee on Redistricting and Elections*; DESTIN HALL, *in his official capacity as Chairman of the House Standing Committee on Redistricting*; THE STATE OF NORTH CAROLINA; THE NORTH CAROLINA STATE BOARD OF ELECTIONS; DAMON CIRCOSTA, *in his official capacity as Chair of the State Board of Elections*; STELLA ANDERSON, *in her official capacity as Secretary of the State Board of Elections*; STACY EGGERS IV, *in his official capacity as Member of the State Board of Elections*; JEFF CARMON III, *in his official capacity as Member of the State Board of Elections*; TOMMY TUCKER, *in his official capacity as Member of the State Board of Elections*; KAREN BRINSON BELL, *in her official capacity as Executive Director of the State Board of Elections*,

Defendants.

FILED

2021 NOV 10 P 3:12

WAKE CO., C.S.C.

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

21 CVS 014476

**LEGISLATIVE DEFENDANTS'  
MOTION TO DISMISS**

**N.C. R. Civ. P. 12(b)(1) and 12(b)(6)**

NOW COME Legislative Defendants, by and through the undersigned counsel, and without waiving any motions or defenses not set out herein, respectfully move the Court to dismiss Plaintiffs' Complaint in the above-captioned matter pursuant to Rules 12(b)(1) and 12(b)(6) of the North Carolina Rules of Civil Procedure. Plaintiffs' Complaint should be dismissed on the grounds that the Court lacks subject matter jurisdiction to regulate proceedings of the General Assembly and because the issues raised in Plaintiffs' Complaint are now moot.

Respectfully submitted this the 10th day of November, 2021.



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**CERTIFICATE OF SERVICE**

It is hereby certified that the foregoing document was served upon the parties by mailing a copy thereof to the address indicated below in accordance with the North Carolina Rules of Civil Procedure and via email to:

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This the 10th day of November, 2021.

**NELSON MULLINS RILEY & SCARBOROUGH LLP**

  
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