

SUPREME COURT OF NORTH CAROLINA

\*\*\*\*\*

NORTH CAROLINA LEAGUE OF  
CONSERVATION VOTERS, INC. et  
al.,

REBECCA HARPER, et al.,

COMMON CAUSE,

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, in  
his official capacity as Chair of the  
House Standing Committee on  
Redistricting, et al.

Defendants.

From Wake County

No. 21 CVS 015426

No. 21 CVS 500085

\*\*\*\*\*

**STATE DEFENDANTS' RESPONSE**

\*\*\*\*\*

The State of North Carolina, the North Carolina State Board of Elections, its Members, and its Executive Director (“State Board” and collectively, the “State Defendants”) provide this response to the Court’s inquiry on July 6, 2022:

State Defendants continue to take no position with respect to the motion for expedited hearing and consideration filed by Plaintiff Common Cause.

Separate and apart from that motion, the Court has asked for the parties’ position on “what effect, if any, the grant of certiorari in *Moore v. Harper* (21-1271) has on the Supreme Court of North Carolina’s timetable for the hearing and consideration of *Harper, et al. v. Hall, et al.* (412PA21-1).” Email from Grant E. Buckner, Clerk of the North Carolina Supreme Court, to Counsel in *Harper v. Hall* (July 6, 2022).

State Defendants’ position is that the grant of certiorari in *Moore v. Harper* should not affect the timetable in this case. The cross-appeals in this case involve both the state legislative maps and the congressional maps. The U.S. Supreme Court’s resolution of *Moore v. Harper* will have no effect on this Court’s consideration of any issues related to the state legislative maps. For that reason, holding this case in abeyance pending U.S. Supreme Court review cannot obviate the need for this Court to act. Moreover, because the U.S. Supreme Court’s decision may not be handed down until June 2023, delaying consideration of this case until after *Moore v. Harper* is resolved

could risk disrupting the State Board's ability to administer the 2024 elections in compliance with the relevant deadlines. Candidate filing for the 2024 election is currently set to begin December 4, 2023, and the State Board will need to have finalized maps in advance of that date for filing to begin on time.

Respectfully submitted this 8<sup>th</sup> day of July, 2022.

N.C. DEPARTMENT OF JUSTICE

Electronically Submitted

Stephanie A. Brennan  
Special Deputy Attorney General  
State Bar No. 35955

N.C. R. App. P. 33(b) Certification:  
I certify that all of the attorneys listed below have authorized me to list their names on this document as if they had personally signed it.

Mary Carla Babb  
Special Deputy Attorney General  
N.C. State Bar No. 25713

Amar Majmundar  
Senior Deputy Attorney General  
State Bar No. 24668

Terence Steed  
Special Deputy Attorney General  
State Bar No. 52809

North Carolina Dept. of Justice  
Post Office Box 629  
Raleigh, N.C. 27602

Emails: amajmundar@ncdoj.gov  
sbrennan@ncdoj.gov tsteed@ncdoj.gov  
mcbabb@ncdoj.gov  
Tel: (919) 716-6765  
Fax: (919) 716-6763

*Attorneys for State Defendants*

## CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing document in the above titled action upon all parties to this cause by via email and addressed as follows:

ROBINSON, BRADSHAW  
& HINSON, P.A.  
Stephen D. Feldman  
434 Fayetteville St., Suite 1600  
Raleigh, NC 27601  
sfeldman@robinsonbradshaw.com

Adam K. Doerr  
101 North Tryon St., Suite 1900  
Charlotte, NC 28246  
adoerr@robinsonbradshaw.com

Erik R. Zimmerman  
1450 Raleigh Rd., Suite 100  
Chapel Hill, NC 27517  
ezimmerman@robinsonbradhsaw.com

JENNER & BLOCK, LLP  
Sam Hirsch  
Jessica Ring Amunson  
Zachary C. Schauf  
Karthik P. Reddy  
Urga Mittal  
1099 New York Ave., NW, Suite 900  
Washington, DC 20001  
shirsch@jenner.com  
zschauf@jenner.com

*Counsel for NCLCV-Plaintiffs*

NELSON MULLINS RILEY &  
SCARBOROUGH LLP  
Phillip J. Strach  
Tom Farr  
Alyssa Riggins  
John E. Branch, III  
phil.strach@nelsonmullins.com  
tom.farr@nelsonmullins.com  
alyssa.riggins@nelsonmullins.com  
john.branch@nelsonmullins.com  
Glenlake One, Suite 200  
4140 Parklake Avenue  
Raleigh, NC 27612

BAKER HOSTETLER  
Mark Braden  
Kate McNight  
mbraden@bakerlaw.com  
kmcknight@bakerlaw.com  
1050 Connecticut Avenue, NW  
Suite 1100  
Washington, D.C. 20036

*Counsel for Defendants Philip E.  
Berger, Timothy K. Moore, Ralph E.  
Hise, Jr., Warren Daniel, Paul  
Newton, and Destin Hall*

PATTERSON HARKAVY LLP

Burton Craige  
Narendra K. Ghosh  
Paul E. Smith  
100 Europa Dr., Suite 420  
Chapel Hill, NC 27517  
bcraige@pathlaw.com  
nghosh@pathlaw.com  
psmith@pathlaw.com

ARNOLD and PORTER

KAYE SHOLER LLP  
Elisabeth S. Theodore  
R. Stanton Jones  
Samuel F. Callahan  
601 Massachusetts Ave., NW  
Washington, DC 20001-3743  
elisabeth.theodore@arnoldporter.com  
stanton.jones@arnoldporter.com  
sam.callahan@arnoldporter.com

ELIAS LAW GROUP LLP

Lalitha D. Madduri  
Jacob D. Shelly  
Graham W. White  
10 G Street, NE, Suite 600  
Washington, DC 20002  
ABranch@elias.law  
LMadduri@elias.law  
JShelly@elias.law  
GWhite@elias.law

Abha Khanna  
1700 Seventh Ave., Suite 2100  
Seattle, WA 98101  
AKhanna@elias.law

*Counsel for Harper-Plaintiffs*

SOUTHERN COALITION  
FOR SOCIAL JUSTICE

Allison J. Riggs  
Hilary H. Klein  
Mitchell Brown  
Katelin Kaiser  
Jeffrey Loperfido  
1415 W. Highway 54, Suite 101  
Durham, NC 27707  
919-323-3909  
allison@southerncoalition.org  
hilaryhklein@scsj.org  
mitchellbrown@scsj.org  
katelin@scsj.org  
jeffloperfido@scsj.org

HOGAN LOVELLS US LLP

J. Tom Boer  
Olivia T. Molodanof  
3 Embarcadero Center, Suite 1500  
San Francisco, California 94111  
415-374-2300  
tom.boer@hoganlovells.com  
olivia.molodanof@hoganlovells.com

*Counsel for Common Cause-Plaintiff*

Elisabeth S. Theodore\*  
R. Stanton Jones\*  
Samuel F. Callahan  
601 Massachusetts Avenue NW  
Washington, DC 20001-3743  
(202) 954-5000  
elisabeth.theodore@arnoldporter.com

*\*Admitted pro hac vice*

*Counsel for Harper Plaintiffs*

This the 8<sup>th</sup> day of July, 2022.

Electronically Submitted

Stephanie A. Brennan  
Special Deputy Attorney General