

SUPREME COURT OF NORTH CAROLINA

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

COMMON CAUSE,)

v.)

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

From Wake County

_____)
REBECCA HARPER, et al.)

v.)

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

PLAINTIFF-APPELLANT COMMON CAUSE'S RESPONSE TO
MOTION TO DISMISS CONGRESSIONAL APPEAL

TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

Plaintiff-Appellant Common Cause takes no position on Legislative Defendants' Motion to Dismiss Appeal. However, in light of the unusual posture of a party moving to dismiss its own appeal, if the Court grants Legislative Defendants' motion, the order of dismissal should at least make clear that: (i) dismissal of the appeal leaves in effect the trial court's final order adopting the interim remedial congressional plan and renders it a final judgment, and all prior opinions and interlocutory orders in this case merge into that judgment; and (ii) by moving to dismiss their own appeal, Legislative Defendants have waived their opportunity to challenge any prior rulings in this case as violative of state or federal law.

Respectfully submitted, this the 18th day of July, 2022.

SOUTHERN COALITION FOR SOCIAL JUSTICE

By: 

Hilary H. Klein

N.C. State Bar No. 53711

hilaryhklein@scsj.org

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.

Allison J. Riggs

N.C. State Bar No. 40028

allison@southerncoalition.org

Mitchell Brown

N.C. State Bar No. 56122

Mitchellbrown@scsj.org

Katelin Kaiser

N.C State Bar No. 56799

Katelin@scsj.org

Jeffrey Loperfido

N.C. State Bar No. 52939

jeffloperfido@scsj.org

Noor Taj

N.C. State Bar No. 58508

noor@scsj.org

1415 W. Highway 54, Suite 101

Durham, NC 27707

Telephone: 919-323-3909

Facsimile: 919-323-3942

HOGAN LOVELLS US LLP

J. Tom Boer*

D.C. Bar No. 469585

CA Bar. No. 199563

tom.boer@hoganlovells.com

Olivia T. Molodanof*

CA Bar No. 328554

olivia.molodanof@hoganlovells.com

3 Embarcadero Center, Suite 1500

San Francisco, California 94111

Telephone: 415-374-2300

Facsimile: 415-374-2499

*Admitted *pro hac vice*

*Counsel for Plaintiff-Appellant Common
Cause*

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed to the electronic-filing site at <https://www.ncappellatecourts.org> and served upon all parties by electronic mail and, if requested, by United States Mail, addressed to the following:

Sam Hirsch
Jessica Ring Amunson
Kali Bracey
Zachary C. Schuaf
Karthik P. Reddy
Urja Mittal
JENNER & BLOCK LLP
1099 New York Avenue, NW, Suite 900
Washington, D.C. 20001
shirsch@jenner.com
zschauf@jenner.com

Stephen D. Feldman
ROBINSON, BRADSHAW & HINSON, P.A.
434 Fayetteville Street, Suite 1600
Raleigh, NC 27501
sfeldman@robinsonbradshaw.com

Adam K. Doerr
ROBINSON, BRADSHAW & HINSON, P.A.
101 North Tryon Street, Suite 1900
Charlotte, NC 28246
adoerr@robinsonbradshaw.com

Erik R. Zimmerman
ROBINSON, BRADSHAW & HINSON, P.A.
1450 Raleigh Road, Suite 100
Chapel Hill, NC 27517
ezimmerman@robinsonbradshaw.com

*Counsel for North Carolina League of
Conservation Voters, INC., et al.
Plaintiffs-Appellants*

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

Lalitha D. Madduri
Jacob D. Shelly
Graham W. White
ELIAS LAW GROUP LLP
10 G. Street NE, Suite 600
Washington, D.C. 20002
LMadduri@elias.law
JShelly@elias.law
GWhite@elias.law

Abha Khanna
ELIAS LAW GROUP LLP
1700 Seventh Avenue, Suite 2100
Seattle, Washington 98101
AKhanna@elias.law

Elisabeth S. Theodore
R. Stanton Jones
Samuel F. Callahan
ARNOLD AND PORTER KAYE SCHOLER
LLP
601 Massachusetts Avenue NW
Washington, DC 20001
elisabeth.theodore@arnoldporter.com
Stanton.Jones@arnoldporter.com
Sam.Callahan@arnoldporter.com

Phillip J. Strach
Thomas A. Farr
Alyssa M. Riggins
NELSON MULLINS RILEY &
SCARBOROUGH LLP
4140 Parklake Avenue, Suite 200
Raleigh, North Carolina 27612
phillip.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
alyssa.riggins@nelsonmullins.com

Mark E. Braden
Katherine McKnight
Richard Raile
BAKER HOSTETLER LLP
1050 Connecticut Ave NW
Suite 1100
Washington, DC 20036
mBraden@bakerlaw.com
kmcknight@bakerlaw.com
rraile@bakerlaw.com

Counsel for Legislative Defendants

This the 18th day of July, 2022.

*Counsel for Rebecca Harper, et al.
Plaintiffs-Appellants*

Terence Steed
Special Deputy Attorney General
Stephanie A. Brennan
Special Deputy Attorney General
Amar Majmundar
Senior Deputy Attorney General

NC DEPARTMENT OF JUSTICE
P.O. Box 629
Raleigh, NC 27602
tsteed@ncdoj.gov
sbrennan@ncdoj.gov
amajmundar@ncdoj.gov

Counsel for the State Defendants

By: /s/ Hilary H. Klein
Hilary H. Klein
Southern Coalition for Social Justice