

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

SHAUNA WILLIAMS; *et al.*,

Plaintiffs,

v.

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

Defendants.

Civil Action No. 23-CV-1057

NORTH CAROLINA STATE CONFERENCE
OF THE NAACP; *et al.*,

Plaintiffs,

v.

PHILIP BERGER, in his official capacity as the
President Pro Tempore of the North Carolina
Senate; *et al.*,

Defendants.

Civil Action No. 23-CV-1104

**NOTICE OF FILING REGARDING DR. RODDEN'S CORRECTED
SUPPLEMENTAL EXPERT REBUTTAL REPORT**

Legislative Defendants, by and through undersigned counsel, hereby file exhibits in response to *Williams* Plaintiffs' Notice of Filing of Dr. Rodden's Corrected Supplemental Expert Rebuttal Report and corresponding Errata [D.E.211].

As Dr. Rodden noted in his Errata [D.E. 211-4], the simulations described in his Supplemental Rebuttal Report dated November 18, 2025, which *Williams* Plaintiffs filed

as an exhibit to their reply in support of motion for preliminary injunction, contained errors due to problems with his geographic boundary file. Counsel for Legislative Defendants, alerted counsel for Plaintiffs to this issue at approximately 7:30 am on November 19, 2025, (less than 24 hours after receiving Dr. Rodden's report and code), by attaching a document prepared by Legislative Defendants' Expert Dr. Barber detailing the issues with Dr. Rodden's geographic boundary file and simulation algorithm. Counsel for Legislative Defendants indicated that in light of the errors identified by Dr. Barber, Legislative Defendants believed that Dr. Rodden's new simulations were not based on the facts as set forth in his report and would be misleading to the Court. Legislative Defendants asked that Plaintiffs withdraw the simulations analysis in Dr. Rodden's reply report (Part IV) and indicated that if no withdrawal occurred by that time, that Legislative Defendants would file documentation of the coding errors to ensure that the record was clear regarding these new simulations.

Counsel for *Williams* Plaintiffs responded that they were willing to withdraw the portion of Dr. Rodden's report filed on November 18, 2025, that related to the new simulations Dr. Rodden conducted and asked that Legislative Defendants not file the additional report from Dr. Barber at that time. As such, Legislative Defendants, relying on Plaintiffs' representation, did not file the document detailing Dr. Rodden's erroneous simulations. At the November 19, 2025 hearing, counsel for *Williams* Plaintiffs stated that they were withdrawing pages 11 to 14 of Dr. Rodden's report that contained the new simulations analysis, and counsel for Legislative Defendants did not make argument during

the hearing about the errors, relevance or significance of those new simulations, understanding the simulations to not be in evidence.

Instead of withdrawing the disputed portion of the report, however, Plaintiffs yesterday filed a revised report that contains a “corrected” version of the simulations analysis. In doing more than withdraw the simulations after the hearing, Plaintiffs foreclosed Legislative Defendants’ ability to address this at the November 19, 2025 hearing, a concern preserved by Legislative Defendants’ counsel during argument. In order to ensure that the factual record is clear, Legislative Defendants hereby file the document detailing Dr. Barber’s found errors in Dr. Rodden’s November 18, 2025 Report, as Exhibit 1, and information from Dr. Barber regarding Dr. Rodden’s new report and errata as Exhibit 2. Legislative Defendants would have been able to argue the points in Exhibit 2 at the November 19 hearing had Dr. Rodden’s corrected simulations analysis been timely submitted, and in the event the Court is inclined to consider the untimely corrected simulations.

Respectfully submitted this, the 21st day of November, 2025.

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* *Appeared via Special Notice*

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CERTIFICATE OF SERVICE

I, Phillip J. Strach, hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will provide electronic notification to counsel of record.

This the 21st day of November, 2025.

**NELSON MULLINS RILEY &
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