

SUPREME COURT OF NORTH CAROLINA

REBECCA HARPER; AMY CLARE
OSEROFF; DONALD RUMPH; JOHN
ANTHONY BALLA; RICHARD R. CREWS;
LILY NICOLE QUICK; GETTYS COHEN
JR.; SHAWN RUSH; JACKSON THOMAS
DUNN, JR.; MARK S. PETERS; KATHLEEN
BARNES; VIRGINIA WALTERS BRIEN;
DAVID DWIGHT BROWN,

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, IN HIS
OFFICIAL CAPACITY AS CHAIR OF THE
HOUSE STANDING COMMITTEE ON
REDISTRICTING; SENATOR WARREN
DANIEL, IN HIS OFFICIAL CAPACITY AS
CO-CHAIR OF THE SENATE STANDING
COMMITTEE ON REDISTRICTING AND
ELECTIONS; SENATOR RALPH HISE, IN
HIS OFFICIAL CAPACITY AS CO-CHAIR
OF THE SENATE STANDING
COMMITTEE ON REDISTRICTING AND
ELECTIONS; SENATOR PAUL NEWTON,
IN HIS OFFICIAL CAPACITY AS CO-
CHAIR OF THE SENATE STANDING
COMMITTEE ON REDISTRICTING AND
ELECTIONS; SPEAKER OF THE NORTH
CAROLINA HOUSE OF
REPRESENTATIVES TIMOTHY K.
MOORE; PRESIDENT PRO TEMPORE OF
THE NORTH CAROLINA SENATE PHILIP
E. BERGER; THE NORTH CAROLINA
STATE BOARD OF ELECTIONS; DAMON
CIRCOSTA, IN HIS OFFICIAL CAPACITY

From Wake County
No. 21 CVS 500085

**NOTICE OF JOINDER OF
MOTION FOR TEMPORARY
STAY**

AS CHAIRMAN OF THE NORTH
CAROLINA STATE BOARD OF
ELECTIONS; STELLA ANDERSON, IN
HER OFFICIAL CAPACITY AS
SECRETARY OF THE NORTH CAROLINA
STATE BOARD OF ELECTIONS; JEFF
CARMON III, IN HIS OFFICIAL CAPACITY
AS MEMBER OF THE NORTH CAROLINA
STATE BOARD OF ELECTIONS; STACY
EGGERS IV, IN HIS OFFICIAL CAPACITY
AS MEMBER OF THE NORTH CAROLINA
STATE BOARD OF ELECTIONS; TOMMY
TUCKER, IN HIS OFFICIAL CAPACITY AS
MEMBER OF THE NORTH CAROLINA
STATE BOARD OF ELECTIONS,
Defendants.

TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

Petitioners hereby join the *NCLCV* Petitioners’ motion for a temporary stay of the candidate-filing period for the primary elections for Congress and the North Carolina House and Senate that was originally scheduled to open on 6 December 2021 at noon. *See* Mot. for a Temporary Stay, *NCLCV v. Hall*, No. 413P21 (N.C. Dec. 6, 2021). On 6 December 2021, the *NCLCV* Petitioners filed a petition for writ of supersedeas or prohibition and motion for temporary stay in the Court of Appeals seeking to stay the candidate-filing window. A three-judge panel promptly granted the motion for a temporary stay “to enjoin Defendants from opening of the candidate-filing period for the 2022 primary elections.” *See* Ex. A, Order, *NCLCV v. Hall*, P21-525 (N.C. Ct. App. Dec. 6, 2021). Later on 6 December 2021, a majority of the Court of Appeals sitting en banc took the extraordinary step of vacating the panel’s order granting a temporary stay, thereby allowing

the candidate-filing window to open. *See* Ex. B, Order, *NCLCV v. Hall*, P21-525 (N.C. App. Dec. 6, 2021) (en banc).

Petitioners urge this Court to immediately stay the candidate-filing period for the same reasons articulated in the *NCLCV* stay motion. *See* Mot. at 1-2, *NCLCV v. Hall*, No. 413P21 (N.C. Dec. 6, 2021). As Petitioners explained in their petition for discretionary review, this matter is of extreme urgency due to the General Assembly's own tactics of delaying passage of the 2021 congressional map until the last possible moment while simultaneously demanding one of the earliest primaries in the country. *See* Pet. at 5, *Harper v. Hall*, No. 413P21 (N.C. Dec. 6, 2021). This Court should stay the filing period now and grant Petitioners' petition for discretionary review to ensure that next year's elections will not proceed under a congressional redistricting plan that so flagrantly violates the rights of millions of North Carolina citizens.

Respectfully submitted this 6th day of December, 2021.

PATTERSON HARKAVY LLP

Electronically submitted

Burton Craige, NC Bar No. 9180
Narendra K. Ghosh, NC Bar No. 37649
Paul E. Smith, NC Bar No. 45014
100 Europa Dr., Suite 420
Chapel Hill, NC 27517
(919) 942-5200
bcraige@pathlaw.com
nghosh@pathlaw.com
psmith@pathlaw.com

Counsel for Petitioners

N.C. R. App. P. 33(b) Certification:
I certify that all of the attorneys listed

ELIAS LAW GROUP LLP

Lalitha D. Madduri
Jacob D. Shelly
Graham W. White
10 G Street NE, Suite 600
Washington, D.C. 20002
Phone: (202) 968-4490
Facsimile: (202) 968-4498
LMadduri@elias.law
JShelly@elias.law
GWhite@elias.law

Abha Khanna
1700 Seventh Avenue, Suite 2100
Seattle, Washington 98101
Phone: (206) 656-0177

have authorized me to list their names on this document as if they had personally signed it.

Facsimile: (206) 656-0180
AKhanna@elias.law

**ARNOLD AND PORTER
KAYE SCHOLER LLP**

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

-

CERTIFICATE OF SERVICE

Pursuant to North Carolina Rule of Appellate Procedure 26, I hereby certify that I have this day served a copy of the foregoing by email, addressed to the following counsel for defendants:

Amar Majmundar
Stephanie A. Brennan
Terence Steed
NC Department of Justice
P.O. Box 629
Raleigh, NC 27602
amajmundar@ncdoj.gov
sbrennan@ncdoj.gov
tsteed@ncdoj.gov

Philip J. Strach
Alyssa Riggins
John E. Branch
Thomas A. Farr
Farr, Nelson Mullins Riley &
Scarborough LLP
4140 Parklake Ave., Suite 200
Raleigh, NC 27612
phil.strach@nelsonmullins.com
alyssa.riggins@nelsonmullins.com
john.branch@nelsonmullins.com
tom.farr@nelsonmullins.com

*Counsel for the State Board of
Elections and its Members*

Counsel for the Legislative Defendants

This the 6th day of December, 2021.

Electronically Submitted
Narendra K. Ghosh

EXHIBIT A



North Carolina Court of Appeals

EUGENE H. SOAR, Clerk

Court of Appeals Building
One West Morgan Street
Raleigh, NC 27601
(919) 831-3600

From Wake
(21CVS015426)

Fax: (919) 831-3615
Web: <https://www.nccourts.gov>

Mailing Address:
P. O. Box 2779
Raleigh, NC 27602

No. P21-525

NORTH CAROLINA LEAGUE OF
CONSERVATION VOTERS, INC.;
HENRY M. MICHAUX, JR.;
DANDRIELLE LEWIS; TIMOTHY
CHARTIER; TALIA FERNÁNDES;
KATHERINE NEWHALL; R. JASON
PARSLEY; EDNA SCOTT; ROBERTA
SCOTT; YVETTE ROBERTS;
JEREANN KING JOHNSON;
REVEREND REGINALD WELLS;
YARBROUGH WILLIAMS, JR.;
REVEREND DELORIS L. JERMAN;
VIOLA RYALS FIGUEROA; AND
COSMOS GEORGE,

PLAINTIFFS,

V.

REPRESENTATIVE DESTIN HALL,
IN HIS OFFICIAL CAPACITY AS CHAIR OF THE
HOUSE STANDING COMMITTEE ON
REDISTRICTING; SENATOR WARREN
DANIEL, IN HIS CAPACITY AS CO-
CHAIR OF THE SENATE STANDING
COMMITTEE ON REDISTRICTING AND
ELECTIONS; SENATOR RALPH E. HISE,
JR., IN HIS OFFICIAL CAPACITY AS CO-CHAIR
OF THE SENATE STANDING COMMITTEE ON
REDISTRICTING AND ELECTIONS; SENATOR
PAUL NEWTON, IN HIS OFFICIAL
CAPACITY AS CO-CHAIR OF THE SENATE
STANDING COMMITTEE ON REDISTRICTING
AND ELECTIONS; REPRESENTATIVE
TIMOTHY K. MOORE, IN HIS OFFICIAL
CAPACITY AS SPEAKER OF REPRESENTATIVES;
SENATOR PHILIP E. BERGER, IN HIS
OFFICIAL CAPACITY AS PRESIDENT PRO
TEMPORE OF THE NORTH CAROLINA SENATE;
THE STATE OF NORTH CAROLINA;
THE NORTH CAROLINA STATE
BOARD OF ELECTIONS; DAMON
CIRCOSTA, IN HIS OFFICIAL CAPACITY AS
CHAIRMAN OF THE NORTH CAROLINA STATE
BOARD OF ELECTIONS; STELLA
ANDERSON, IN HER OFFICIAL CAPACITY AS
SECRETARY OF THE NORTH CAROLINA STATE
BOARD OF ELECTIONS; JEFF CARMON III,
IN HIS OFFICIAL CAPACITY AS MEMBER OF THE

NORTH CAROLINA STATE BOARD OF ELECTIONS; STACY EGGERS IV, IN HIS OFFICIAL CAPACITY AS MEMBER OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS; TOMMY TUCKER, IN HIS OFFICIAL CAPACITY AS MEMBER OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS; and KAREN BRINSON BELL, IN HER OFFICIAL CAPACITY AS EXECUTIVE DIRECTOR OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS,

DEFENDANTS.

ORDER

The following order was entered:

The motion for temporary stay filed by Plaintiffs on 6 December 2021 is allowed in part to enjoin Defendants from opening of the candidate-filing period for the 2022 primary elections for Congress, the North Carolina Senate, and the North Carolina House of Representatives pending this Court's ruling on Plaintiffs' 'Petition for Writ of Supersedeas or Prohibition.' The period for Defendants to respond to Plaintiffs' petition shall close at 12:00 p.m. on 9 December 2021. A ruling on the petition will be made upon Defendants' filing of their responses or the expiration of the response period if no response is filed.

By order of the Court this the 6th of December 2021.

WITNESS my hand and official seal this the 6th day of December 2021.



Eugene H. Soar
Clerk, North Carolina Court of Appeals

Copy to:

Mr. Stephen D. Feldman, Attorney at Law, For North Carolina League of Conservation Voters, Inc.
Mr. Erik R. Zimmerman, Attorney at Law, For North Carolina League of Conservation Voters, Inc.
Mr. Thomas A. Farr, Attorney at law, For North Carolina League of Conservation Voters, Inc.
Mr. John E. Branch, III, Attorney at Law, For North Carolina League of Conservation Voters, Inc.
Ms. Alyssa Riggins, Attorney at Law, For North Carolina League of Conservation Voters, Inc.
Mr. Phillip J. Strach, Attorney at Law
Mr. Terence Steed, Assistant Attorney General, For The State of North Carolina Board of Elections
Ms. Stephanie A. Brennan, Special Deputy Attorney General, For The State of North Carolina Board of Elections
Mr. Amar Majmundar, Senior Deputy Attorney General, For The State of North Carolina Board of Elections
Mark E. Braden, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al
Katherine Mcknight, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al
Richard Raile, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al
Hon. Frank Blair Williams, Clerk of Superior Court

EXHIBIT B



North Carolina Court of Appeals

Fax: (919) 831-3615
Web: <https://www.nccourts.gov>

EUGENE H. SOAR, Clerk
Court of Appeals Building
One West Morgan Street
Raleigh, NC 27601
(919) 831-3600
From Wake
(21CVS015426)

Mailing Address:
P. O. Box 2779
Raleigh, NC 27602

No. P21-525

NORTH CAROLINA LEAGUE OF
CONSERVATION VOTERS, INC.;
HENRY M. MICHAUX, JR.;
DANDRIELLE LEWIS; TIMOTHY
CHARTIER; TALIA FERNANDEZ;
KATHERINE NEWHALL; R. JASON
PARSLEY; EDNA SCOTT; ROBERTA
SCOTT; YVETTE ROBERTS;
JEREANN KING JOHNSON;
REVEREND REGINALD WELLS;
YARBROUGH WILLIAMS, JR.;
REVEREND DELORIS L. JERMAN;
VIOLA RYALS FIGUEROA; AND
COSMOS GEORGE,

PLAINTIFFS,

V.

REPRESENTATIVE DESTIN HALL,
IN HIS OFFICIAL CAPACITY AS CHAIR OF THE
HOUSE STANDING COMMITTEE ON
REDISTRICTING; SENATOR WARREN
DANIEL, IN HIS CAPACITY AS CO-
CHAIR OF THE SENATE STANDING
COMMITTEE ON REDISTRICTING AND
ELECTIONS; SENATOR RALPH E. HISE,
JR., IN HIS OFFICIAL CAPACITY AS CO-CHAIR
OF THE SENATE STANDING COMMITTEE ON
REDISTRICTING AND ELECTIONS; SENATOR
PAUL NEWTON, IN HIS OFFICIAL
CAPACITY AS CO-CHAIR OF THE SENATE
STANDING COMMITTEE ON REDISTRICTING
AND ELECTIONS; REPRESENTATIVE
TIMOTHY K. MOORE, IN HIS OFFICIAL
CAPACITY AS SPEAKER OF REPRESENTATIVES;
SENATOR PHILIP E. BERGER, IN HIS
OFFICIAL CAPACITY AS PRESIDENT PRO
TEMPORE OF THE NORTH CAROLINA SENATE;
THE STATE OF NORTH CAROLINA;
THE NORTH CAROLINA STATE
BOARD OF ELECTIONS; DAMON
CIRCOSTA, IN HIS OFFICIAL CAPACITY AS
CHAIRMAN OF THE NORTH CAROLINA STATE
BOARD OF ELECTIONS; STELLA
ANDERSON, IN HER OFFICIAL CAPACITY AS
SECRETARY OF THE NORTH CAROLINA STATE
BOARD OF ELECTIONS; JEFF CARMON III,
IN HIS OFFICIAL CAPACITY AS MEMBER OF THE

NORTH CAROLINA STATE BOARD OF ELECTIONS; STACY EGGERS IV, IN HIS OFFICIAL CAPACITY AS MEMBER OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS; TOMMY TUCKER, IN HIS OFFICIAL CAPACITY AS MEMBER OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS; and KAREN BRINSON BELL, IN HER OFFICIAL CAPACITY AS EXECUTIVE DIRECTOR OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS,

DEFENDANTS.

ORDER

The following order was entered:

IT IS HEREBY ORDERED, upon a vote of the majority of judges of the Court, that the Court will rehear the above-captioned cause en banc. The panel's order dated 6 December 2021 issuing a temporary stay is vacated and the Plaintiffs' motion for temporary stay is denied. The en banc Court shall promptly rule on the pending Petition for Writ of Supersedeas or Prohibition.

By order of the Court this the 6th of December 2021.

WITNESS my hand and official seal this the 6th day of December 2021.



Eugene H. Soar
Clerk, North Carolina Court of Appeals

Copy to:

Mr. Stephen D. Feldman, Attorney at Law, For North Carolina League of Conservation Voters, Inc.

Mr. Erik R. Zimmerman, Attorney at Law, For North Carolina League of Conservation Voters, Inc.

Mr. Thomas A. Farr, Attorney at law, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al

Mr. John E. Branch, III, Attorney at Law, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al

Ms. Alyssa Riggins, Attorney at Law, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al

Mr. Phillip J. Strach, Attorney at Law, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al

Mr. Terence Steed, Assistant Attorney General, For The State of North Carolina Board of Elections

Ms. Stephanie A. Brennan, Special Deputy Attorney General, For The State of North Carolina Board of Elections

Mr. Amar Majmundar, Senior Deputy Attorney General, For The State of North Carolina Board of Elections

Mark E. Braden, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al

Ms. Katherine Mcknight, Attorney at Law, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al

Mr. Richard Raile, Attorney at Law, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al

Mr. Adam K. Doerr, Attorney at Law, For North Carolina League of Conservation Voters, Inc.

Hon. Frank Blair Williams, Clerk of Superior Court