

SUPREME COURT OF NORTH CAROLINA

NORTH CAROLINA LEAGUE OF
CONSERVATION VOTERS, INC.;
HENRY M. MICHAUX, JR.; et al.,

Petitioners,

REBECCA HARPER, et al.,

Petitioners,

v.

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

Respondents.

From Wake County
No. 21 CVS 015426

From Wake County
No. 21 CVS 50085

**NCLCV PETITIONERS' LIMITED RESPONSE TO DEFENDANT-
APPELLEES' NOTICE OF INTENT TO RESPOND AND CLARIFICATION
OF REQUEST FOR TEMPORARY STAY AND
WRIT OF SUPERSEDEAS OR PROHIBITION**

TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

Petitioners the North Carolina League of Conservation Voters, Inc., et al. (the
“NCLCV Petitioners”) file this limited response to correct a misstatement in
Defendant-Appellees’ December 7, 2021 Notice of Intent to Respond and to clarify
their request for a temporary stay and for a writ of supersedeas or prohibition.

First, with regard to Defendant-Appellees’ December 7, 2021 Notice of Intent to Respond, that Notice states that “Plaintiffs join together (see Notice of Joinder) to request suspension of the appellate rules and ask for temporary relief from this Court (see Motion for Temporary Stay), while also suggesting through recusal which justices of this Court should and should not hear those matters for extraordinary relief.” Notice at 2. In fact, the NCLCV Petitioners have not joined the recusal motion filed in *Harper v. Hall*. And the NCLCV Petitioners take no position on that motion. On a matter of such great, urgent, and statewide importance, the NCLCV Petitioners hope that every judicial officer who can participate—while respecting the constraints of the North Carolina Code of Judicial Conduct and other applicable standards—will do so, as apparently was the case yesterday evening when the *en banc* Court of Appeals issued an order in this matter with no noted recusals.

Second, with regard to the “Motion for Temporary Stay”—which the Notice also mentions (at 2)—the NCLCV Petitioners wish to clarify that they do not seek to have the Court stay candidate filing for all offices. The Motion for Temporary Stay requested that this Court “temporarily stay the candidate-filing period for the 2022 elections for all offices (*or, alternatively, for Representatives in Congress, State Senators, and State Representatives*) until the Court rules on the NCLCV Petitioners’ pending petition for a writ of supersedeas or prohibition.” Given that the period for candidate filing for all but congressional and state legislative offices opened at noon yesterday, and candidate filing for congressional and state legislative offices opened this morning following the *en banc* decision by the Court of Appeals last night, the

NCLCV Petitioners believe that the more limited stay initially granted by a panel of the Court of Appeals—that is, a stay of the candidate-filing period that is limited to the congressional and state legislative offices directly affected by NCLCV’s challenge—would be the more appropriate and limited approach at this time. That relief is also consistent with the relief the NCLCV Petitioners sought in their original Motion for Preliminary Injunction before the Superior Court, which sought a delay in the “candidate-filing period for the 2022 primary elections for Congress, the North Carolina Senate, and the North Carolina House of Representatives.” (App. 531.) The NCLCV Petitioners respectfully request that the Court consider their motion for temporary stay, as well as their petition for writ of supersedeas or prohibition, as limited to this narrower scope. The NCLCV Petitioners would also be happy to submit an amended version of their papers if that would be useful to the Court.

WHEREFORE, the NCLCV Petitioners ask that the Court consider this limited response and clarification.

Respectfully submitted this 7th day of December, 2021.

**ROBINSON, BRADSHAW & HINSON,
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Electronically Submitted

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N.C. R. App. 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:

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CERTIFICATE OF SERVICE

Pursuant to Rule 26 of the North Carolina Rules of Appellate Procedure, I hereby certify that the foregoing document and all attachments have been filed with the Clerk of the North Carolina Supreme Court by electronic submission. I further certify that a copy of this document has been duly served upon the following counsel of record by electronic mail:

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This the 7th day of December, 2021.

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