

No. 413PA21

TENTH DISTRICT

SUPREME COURT OF NORTH CAROLINA

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NORTH CAROLINA LEAGUE OF	)	
CONSERVATION VOTERS, INC., et al.,	)	
Plaintiffs-Appellants,	)	
	)	
REBECCA HARPER, et al.,	)	
Plaintiffs-Appellants, and	)	
	)	
COMMON CAUSE,	)	
Plaintiff-Intervenor-Appellant,	)	
	)	<u>From Wake County</u>
v.	)	21 CVS 015426
	)	21 CVS 500085
REPRESENTATIVE DESTIN HALL, in his	)	
official capacity as Chair of the House	)	
Standing Committee on Redistricting, et al.,	)	
	)	
Defendants-	)	
Appellees.	)	

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**LEGISLATIVE DEFENDANTS' MOTION TO EXTEND THE TIME TO FILE  
THEIR APPELLANTS NEW BRIEF**

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TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

**NOW COMES** President *Pro Tempore* Philip E. Berger, Senator Warren Daniel, Senator Ralph Hise, Senator Paul Newton, Representative Destin Hall, and Speaker Timothy K. Moore in their official capacities (collectively, “Legislative Defendants”) through counsel, pursuant to N.C.R. App. P. 37(a) and (e) and in furtherance of Legislative Defendants’ motion to dismiss their appeal, and hereby respectfully move this Court to extend time to file Legislative Defendant-Appellants’ New Brief. In support of this motion, Legislative Defendants show the Court as follows:

1. On 23 February 2022 all Plaintiffs and Legislative Defendants filed notices of appeal from the trial court’s 23 February 2022 order. Plaintiffs appealed from the trial court’s order upholding one or both of the remedial House and Senate Redistricting Plans. Legislative Defendants filed a notice of appeal from two trial court orders: (1) striking down the remedial Congressional Redistricting Plan and replacing it with a plan drawn by an Assistant to the Special Masters; and (2) denying Legislative Defendants’ Motion to Disqualify Special Master Assistants Wang and Jarvis.

2. On 26 May 2022, the Parties filed their joint record on appeal.

3. At present, there are two pending motions before this Court. First, Plaintiff Intervenor, Common Cause, sought to suspend the Appellate Rules and expedite briefing and oral arguments in this case. Legislative Defendants have provided their response to that motion and Plaintiffs and State Defendants have

provided their position on what effect the grant of certiorari by the Supreme Court of the United States in *Moore v. Harper* (21-1871) has on the posture of this matter. Second, Legislative Defendants have recently moved this Court to allow the dismissal of their notice of appeal. Plaintiffs have not, as of yet, elected to provide a formal response to the motion except to say they oppose the motion (a status that was reflected in the motion to dismiss). The State Defendants have taken no position on the motion to dismiss the appeal.

4. Considering the pending motion to dismiss their appeal, and the fact that the deadline for Appellant-Legislative Defendants' new brief approaches, Legislative Defendants ask that Court extend the deadline for their Appellants' New Brief, if still necessary, to five business days following disposition of their motion to dismiss the appeal by this Court. Should this Court grant Legislative Defendants' motion, then no appellants' brief would be necessary, this motion would be moot, and the issues before this Court would be narrowed. Should this Court deny Legislative Defendants' motion to dismiss, then the abbreviated extension would allow Legislative Defendants to finalize their appellants' brief without unreasonably delaying the proceedings.

5. Legislative Defendants intend to provide a timely Appellees' Brief to the issues raised by Plaintiff-Appellants.

6. Legislative Defendants make this motion in good faith, in furtherance of their motion to dismiss their appeal, and in furtherance of judicial economy.

7. Legislative Defendants have alerted the other parties to this filing. All Plaintiffs oppose this motion, and State Defendants take no position on this motion.

WHEREFORE, Legislative Defendants request that should their motion to dismiss be denied, that this Court grant an extension of time up to and including five business days following this Court's disposition of the motion to dismiss. Should this Court grant the motion to dismiss, Legislative Defendants anticipate that this Motion would be denied as moot.

Respectfully submitted, this the 19<sup>th</sup> day of July, 2022.

**NELSON MULLINS RILEY &  
SCARBOROUGH LLP**

*Electronically Submitted*

Phillip J. Strach

NC Bar No. 29456

4140 Parklake Avenue, Suite 200

Raleigh, NC 27612

Telephone: (919) 329-3800

Facsimile: (919) 329-3799

phillip.strach@nelsonmullins.com

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.

Thomas A. Farr (NC Bar No. 10871)

tom.farr@nelsonmullins.com

Alyssa M. Riggins (NC Bar No. 52366)

Alyssa.riggins@nelsonmullins.com

4140 Parklane Avenue, Suite 200

Raleigh, NC 27612

Telephone: (919) 329-3800

**BAKER & HOSTETLER LLP**

Katherine L. McKnight (VA Bar. No. 81482)\*  
kmcknight@bakerlaw.com  
E. Mark Braden (DC Bar No. 419915)\*  
mbraden@bakerlaw.com  
Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5403  
Telephone: 202.861.1500

*Counsel for Legislative Defendants*

*\*Admitted Pro Hac Vice*

## CERTIFICATE OF SERVICE

It is hereby certified that on this the 19th day of July, 2022, the foregoing was served on the individuals below by email:

Burton Craige  
Narendra K. Ghosh  
Paul E. Smith  
Patterson Harkavy LLP  
100 Europa Drive, Suite 420  
Chapel Hill, NC 27517  
[bcraige@pathlaw.com](mailto:bcraige@pathlaw.com)  
[nghosh@pathlaw.com](mailto:nghosh@pathlaw.com)  
[psmith@pathlaw.com](mailto:psmith@pathlaw.com)  
*Counsel for Plaintiffs Rebecca Harper, et al.*

Abha Khanna  
Elias Law Group LLP  
1700 Seventh Avenue, Suite 2100  
Seattle, WA 98101  
[AKhanna@elias.law](mailto:AKhanna@elias.law)  
*Counsel for Plaintiffs Rebecca Harper, et al.*

Elisabeth S. Theodore  
R. Stanton Jones  
Samuel F. Callahan  
Arnold and Porter  
Kaye Scholer LLP  
601 Massachusetts Avenue NW  
Washington, DC 20001-3743  
[elisabeth.theodore@arnoldporter.com](mailto:elisabeth.theodore@arnoldporter.com)  
*Counsel for Plaintiffs Rebecca Harper, et al.*

David J. Bradford  
Jenner & Block LLP  
353 North Clark Street  
Chicago, IL 60654  
[dbradford@jenner.com](mailto:dbradford@jenner.com)  
*Counsel for Plaintiffs North Carolina League of Conservation Voters, et al.*

Aria C. Branch  
Lalitha D. Madduri  
Jacob D. Shelly  
Graham W. White  
Elias Law Group LLP  
10 G Street NE, Suite 600  
Washington, DC 20002  
[ABranch@elias.law](mailto:ABranch@elias.law)  
[LMadduri@elias.law](mailto:LMadduri@elias.law)  
[JShelly@elias.law](mailto:JShelly@elias.law)  
[GWhite@elias.law](mailto:GWhite@elias.law)  
*Counsel for Plaintiffs Rebecca Harper, et al.*

Terence Steed  
Special Deputy Attorney General  
N.C. Department of Justice  
Post Office Box 629  
Raleigh, NC 27602-0629  
[tsteed@ncdoj.gov](mailto:tsteed@ncdoj.gov)  
*Counsel for the North Carolina State Board of Elections; Damon Circosta, Stella Anderson, Jeff Carmon III, Stacy Eggers IV, and Tommy Tucker, in their official capacities with the State Board of Elections*

Stephen D. Feldman  
Robinson, Bradshaw & Hinson, P.A.  
434 Fayetteville Street, Suite 1600  
Raleigh, NC 27601  
[sfeldman@robinsonbradshaw.com](mailto:sfeldman@robinsonbradshaw.com)  
*Counsel for Plaintiffs North Carolina League of Conservation Voters, et al.*

Sam Hirsch  
Jessica Ring Amunson  
Kali Brace  
Zachary C. Schauf  
Karthik P. Reddy  
Urja Mittal  
Jenner & Block LLP  
1099 New York Avenue, NW, Suite 900  
Washington, DC 20001  
[shirsch@jenner.com](mailto:shirsch@jenner.com)  
[zschauf@jenner.com](mailto:zschauf@jenner.com)

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

Allison J. Riggs  
Hilary H. Klein  
Mitchell Brown  
Katelin Kaiser  
Southern Coalition For Social Justice  
1415 W. Highway 54, Suite 101  
Durham, NC 27707  
[allison@southerncoalition.org](mailto:allison@southerncoalition.org)  
[hilaryhklein@scsj.org](mailto:hilaryhklein@scsj.org)  
[mitchellbrown@scsj.org](mailto:mitchellbrown@scsj.org)  
[katelin@scsj.org](mailto:katelin@scsj.org)

J. Tom Boer  
Olivia T. Molodanof  
Hogan Lovells US LLP  
3 Embarcadero Center, Suite 1500  
San Francisco, CA 94111  
[tom.boer@hoganlovells.com](mailto:tom.boer@hoganlovells.com)  
[olivia.molodanof@hoganlovells.com](mailto:olivia.molodanof@hoganlovells.com)  
*Counsel for Intervenor Common Cause*

Adam K. Doerr  
Robinson, Bradshaw & Hinson, P.A.  
101 North Tryon Street, Suite 1900  
Charlotte, NC 28246  
[adoerr@robinsonbradshaw.com](mailto:adoerr@robinsonbradshaw.com)

Erik R. Zimmerman  
Robinson, Bradshaw & Hinson, P.A.  
1450 Raleigh Road, Suite 100  
Chapel Hill, NC 27517  
[ezimmerman@robinsonbradshaw.com](mailto:ezimmerman@robinsonbradshaw.com)

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

**NELSON MULLINS RILEY &  
SCARBOROUGH LLP**

/s/ electronically submitted  
Phillip J. Strach, NCSB #29456