

## TENTH DISTRICT

\*\*\*\*\*

[illegible]

**LEGISLATIVE DEFENDANTS' NOTICE OF FILING**

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. 26 and in furtherance of Legislative Defendants’ 13 July 2022 Motion to Dismiss their Appeal of the trial court’s rulings on the remedial Congressional Plan and Legislative Defendants’ Motion to Disqualify, hereby respectfully note the following for the Court:

1. On 27 June 2022, Plaintiff-Intervenor Common Cause filed a Motion for Expedited Hearing and Consideration. On 13 July 2022 Legislative Defendants filed their Motion to Dismiss their Appeal of the trial court’s rulings on the remedial Congressional Plan and Legislative Defendants’ Motion to Disqualify. And, on 19 July 2022 Legislative Defendants filed a motion to extend time to file their Appellants New Brief up to and including 5 business days after a dispositive ruling on the Motion to Dismiss their appeal, should the result of the dispositive ruling be to deny the Motion to Dismiss.

2. On 25 July 2022, this Court granted, in part, Legislative Defendants’ motion to extend time to file their Appellants’ Brief by extending time to file that brief up to and including 1 August 2022. Then, on 28 July 2022, this Court granted the motion by Common Cause by scheduling a hearing for the consolidated appeal no later than 18 October 2022. Three justices dissented from that order. This Court

explicitly did not address, and reserved ruling on, Legislative Defendants' Motion to Dismiss.

3. Absent a determination by this Court on the motion to dismiss, Legislative Defendants Appellants' Brief is due today, 1 August 2022.

4. As a result of not having heard from this Court as to the pending motion to dismiss, Legislative Defendants are filing their Appellants Brief contemporaneously with this Notice, but do not intend such filing to be a waiver of their Motion to Dismiss. To the contrary, should this Court grant Legislative Defendants' Motion to Dismiss then Legislative Defendants request that the Clerk's office strike Legislative Defendants' Appellants Brief from the docket as a part of this Court's ruling on the Motion to Dismiss.

Respectfully submitted, this the 1st day of August, 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 1st day of August, 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 Bracey  
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