

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

NORTH CAROLINA STATE  
CONFERENCE OF THE NAACP;  
COMMON CAUSE; MITZI  
REYNOLDS TURNER; DAWN DALY-  
MACK; HOLLIS BRIGGS; CORINE  
MACK; CALVIN JONES; JOAN  
CHAVIS; LINDA SUTTON; and  
SYENE JASMIN,

*Plaintiffs,*

v.

PHILIP BERGER, in his official capacity  
as President *Pro Tempore* of the North  
Carolina Senate; TIMOTHY MOORE, in  
his official capacity as Speaker of the  
North Carolina House of Representatives;  
DESTIN HALL, in his official capacity  
as Chair of the North Carolina House of  
Representatives Redistricting Committee;  
WARREN DANIEL, in his official  
capacity as Co-Chair of the North  
Carolina Senate Redistricting and  
Elections Committee; RALPH HISE, in  
his official capacity as Co-Chair of the  
North Carolina Senate Redistricting and  
Elections Committee; PAUL NEWTON,  
in his official capacity as Co-Chair of the  
North Carolina Senate Redistricting and  
Elections Committee; THE NORTH  
CAROLINA STATE BOARD OF  
ELECTIONS; ALAN HIRSCH, in his  
official capacity as Chair of the State  
Board of Elections; JEFF CARMON, in  
his official capacity as member of the

Case No. 1:23-cv-1104

**MOTION FOR EXTENSION OF  
TIME TO RESPOND TO  
COMPLAINT**

Fed. R. Civ. P. 6

State Board of Elections; STACY EGGERS, in his official capacity as member of the State Board of Elections; KEVIN N. LEWIS, in his official capacity as member of the State Board of Elections; SIOBHAN O'DUFFY MILLEN, in her official capacity as member of the North Carolina State Board of Elections, KAREN BRINSON BELL, in her official capacity as the Executive Director of the State Board of Elections; THE STATE OF NORTH CAROLINA,

*Defendants.*

NOW COME Defendants Senator Philip E. Berger, in his official capacity of President *Pro Tempore* of the North Carolina Senate; Representative Timothy K. Moore, in his official capacity as Speaker of the North Carolina House of Representatives; Representative Destin Hall, in his official capacity as Chair of the North Carolina House of Representatives Redistricting Committee; Senator Warren Daniel, in his official capacity as Co-Chair of the North Carolina Senate Redistricting and Elections Committee; Senator Ralph E. Hise, Jr., in his official capacity as Co-Chair of the North Carolina Senate Redistricting and Elections Committee; and Senator Paul Newton, in his official capacity as Co-Chair of the North Carolina Senate Redistricting and Elections Committee (collectively, “Legislative Defendants”), by and through undersigned counsel, pursuant to Rule 6 of the Federal Rules of Civil Procedure and Local Rule 6.1, and respectfully move this Court for an order extending the time for Legislative Defendants to respond to

Plaintiffs' Complaint, D.E. 1, up to and including February 12, 2024. In support of this Motion, Legislative Defendants show the following:

1. On December 19, 2023, Plaintiffs filed their Complaint in the above-captioned matter. [D.E.1].

2. Representative Destin Hall received a copy of the Complaint via certified mail, c/o the North Carolina Attorney General's office, on December 28, 2023. The remaining Legislative Defendants received the same via the Attorney General's office on January 2, 2024.

3. The earliest possible deadline for Legislative Defendants to respond to or answer Plaintiffs' Complaint is January 18, 2024, which has not yet expired.

4. Legislative Defendants need additional time to analyze the twelve causes of action alleged in Plaintiffs' Complaint, D.E. 1 at pp. 73-87, and prepare a response to the same. Legislative Defendants also seek to make the response deadline the same for all Legislative Defendants.

5. As such, Legislative Defendants seek a short extension to respond to or answer Plaintiffs' Complaint, up to and including February 12, 2024.

6. This motion is made in good faith and not for the purposes of delay.

7. Pursuant to Local Rule 6.1(a), counsel for Legislative Defendants consulted in good faith with counsel for Plaintiffs and counsel for the NCSBE Defendants. Plaintiffs

consent to the relief requested in this Motion. NCSBE Defendants take no position on the relief requested in this Motion.

WHEREFORE, for the foregoing reasons, Legislative Defendants respectfully request that this Court enter an order extending the deadline for Legislative Defendants to respond to Plaintiffs' Complaint up to and including February 12, 2024.

Respectfully submitted this 11th day of January, 2024.

**NELSON MULLINS RILEY &  
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/s/ Phillip J. Strach

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*Counsel for Legislative Defendants*

**CERTIFICATE OF SERVICE**

I 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 11th day of January, 2024.

/s/ Phillip J. Strach  
Phillip J. Strach

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NORTH CAROLINA STATE  
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PHILIP BERGER, in his official capacity  
as President *Pro Tempore* of the North  
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*Defendants.*

Case No. 1:23-cv-1104

[PROPOSED] **ORDER**

Upon consideration of the Motion for Extension of Time to Respond to Plaintiffs Complaint filed by Defendants Senator Philip E. Berger, in his official capacity of President *Pro Tempore* of the North Carolina Senate; Representative Timothy K. Moore, in his official capacity as Speaker of the North Carolina House of Representatives; Representative Destin Hall, in his official capacity as Chair of the North Carolina House of Representatives Redistricting Committee; Senator Warren Daniel, in his official capacity as Co-Chair of the North Carolina Senate Redistricting and Elections Committee; Senator Ralph E. Hise, Jr., in his official capacity as Co-Chair of the North Carolina Senate Redistricting and Elections Committee; and Senator Paul Newton, in his official capacity as Co-Chair of the North Carolina Senate Redistricting and Elections Committee (collectively, “Legislative Defendants”), and for good cause shown, it is hereby **ORDERED** that Legislative Defendants’ Motion is **GRANTED**.

Legislative Defendants are allowed a short extension of time up to and including Monday, February 12, 2024, to answer Plaintiffs' Complaint, D.E. 1.

This the \_\_\_\_ day of January, 2024.

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