

No. 23-2317

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

RODNEY D. PIERCE and MOSES MATTHEWS,

Plaintiffs-Appellants,

v.

THE NORTH CAROLINA STATE BOARD OF ELECTIONS, ALAN HIRSCH, in his official capacity as Chair of the North Carolina State Board of Elections, JEFF CARMON III, in his official capacity as Secretary of the North Carolina State Board of Elections, STACY “FOUR” EGGERS IV, in his official capacity as a member of the North Carolina State Board of Elections, KEVIN N. LEWIS, in his official capacity as a member of the North Carolina State Board of Elections, SIOBHAN O’DUFFY MILLEN, in her official capacity as a member of the North Carolina State Board of Elections, PHILIP E. BERGER, in his official capacity as President Pro Tem of the North Carolina Senate, and TIMOTHY K. MOORE, in his official capacity as Speaker of the North Carolina House of Representatives,

Defendants-Appellees.

On Appeal From the United States District Court for
the Eastern District of North Carolina
The Honorable James E. Dever III (No. 4:23-cv-193-D-RN)

**OPPOSITION OF LEGISLATIVE DEFENDANTS-APPELLEES
TO MOTION TO ISSUE MANDATE FORTHWITH**

Phillip J. Strach
Thomas A. Farr
Alyssa M. Riggins
Cassie A. Holt
Alexandra M. Bradley
301 Hillsborough Street
Suite 1400
Raleigh, North Carolina 27603
(919) 329-3800
phil.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
alyssa.riggins@nelsonmullins.com
cassie.holt@nelsonmullins.com
alex.bradley@nelsonmullins.com

Richard B. Raile
Katherine L. McKnight
Trevor M. Stanley
Benjamin D. Janacek
1050 Connecticut Ave. NW,
Suite 1100
Washington, DC 20036
(202) 861-1711
rraile@bakerlaw.com
kmcnight@bakerlaw.com
tstanley@bakerlaw.com
bjanacek@bakerlaw.com

Rachel Hooper
Tyler G. Doyle
811 Main St., Suite 1100
Houston, Texas 77002
(713) 751-1600
rhooper@bakerlaw.com
tgdoyle@bakerlaw.com

Patrick T. Lewis
Key Tower
127 Public Square, Suite 2000
Cleveland, Ohio 44114
(216) 621-0200
plewis@bakerlaw.com

The Court should deny Plaintiffs' motion for immediate return of the mandate. This was a baseless appeal when it was filed, and the thin reed on which it rested collapsed when Plaintiffs learned a key premise to their theory of appellate jurisdiction by constructive denial was erroneous. Yet they continued to prosecute the appeal anyway, until this Court granted Legislative Defendants' motion to dismiss. Now, Plaintiffs ask the Court to free them from the natural and probable consequence of their imprudent decisions. The Court should decline that invitation. Granting Plaintiffs' motion would incentivize more ploys like this one. Plaintiffs knew or should have known that this unsupportable appeal was a gamble, as it deprived the district court of jurisdiction to afford the relief they insist is their clear entitlement. A ruling returning the mandate on Plaintiffs' preferred timeline would incentivize future gamesmanship by establishing the principle that gambles like this one carry no consequences. Because that is no way to run affairs of this Circuit, the Court should deny Plaintiffs' motion.

1. Plaintiffs knew what they were doing when they took this appeal. They knew the notice of appeal would divest the district court of jurisdiction to afford the relief they demanded. *See Coinbase, Inc. v. Bielski*, 599 U.S. 736, 741 (2023). Indeed, that was the point. *See, e.g.*, C.A.4.Doc.4-1 at 10 (criticizing the district court's supposed "unjustifiable delay[]"). And Plaintiffs had clearly been planning this appeal for some time. When the district court issued its order of December 29, 2023, scheduling the January 10 hearing at about 9:43 A.M., D.Ct.Doc.43, Plaintiffs filed their notice of appeal in less than two hours,

D.Ct.Doc.44, and served the undersigned counsel with a 5,200-word motion for injunction pending appeal and a motion to expedite in less than three hours. Plaintiffs made a considered choice to place their bets on a pre-ruling appeal in this Court over and against a preliminary-injunction motion in the district court.

2. Plaintiffs had multiple subsequent opportunities to back down from that gamble. Plaintiffs built their theory of appellate jurisdiction by constructive denial around a January 19 drop-dead date for relief. After the State Board's counsel informed them that their theory was in error—based on information that was publicly available well before December 29—Plaintiffs withdrew their motion for an injunction pending appeal. C.A.4.Docs.30-1 and 30-2. Plaintiffs could also have withdrawn this appeal and returned jurisdiction to the district court. They did not. Nor did Plaintiffs withdraw their appeal after Legislative Defendants twice demonstrated that the constructive-denial theory suffered numerous, fatal flaws as to make it wholly lacking in merit. *See* C.A.4.Docs.31 and 40. Plaintiffs doubled down, arriving at new and shifting theories of jurisdiction by constructive denial, insisting at every turn that the district court lacked any ability to afford them effectual relief. C.A.4.Docs.39 and 43.

Even after this Court dismissed their appeal, C.A.4.Doc.44, Plaintiffs did not act to protect their (abandoned) position in the district court. This Court did not return the mandate immediately. The Court's judgment stated that it "shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41." C.A.4.Doc.45-2 at 4. That judgment was issued at 12:39 P.M. on January 9, the day before the January 10 hearing. Plaintiffs did not move for

immediate return of the mandate. The district court then issued an order at 3:49 P.M., noting that “the Fourth Circuit’s judgment indicates that it will not issue its mandate for 21 days” but expressing intent to proceed with the January 10 hearing, which it lacked jurisdiction to conduct. D.Ct.Doc.52. Plaintiffs still did not move for immediate return of the mandate. Their counsel waited until 8:00 P.M. on January 9 to send meet-and-confer correspondence about a motion to return the mandate. Counsel for Legislative Defendants dutifully responded before 10:00 P.M., noting Legislative Defendants’ opposition. Ex. A (1/9/24 correspondence of counsel). Plaintiffs still did not move to return the mandate.

Instead, Plaintiffs waited until 1:08 P.M, on January 10, *after* the hearing in the district court to file the instant motion, again declaring an emergency and irreparable harm. C.A.4.Doc.46. But any irreparable harm is of Plaintiffs’ own making in (1) taking this calculated (and unreasonable) risk in the first instance, (2) foregoing many opportunities to back down from that choice, and (3) delaying in preserving their rights even after the gamble failed.

3. The Court should not reward this gamesmanship. Plaintiffs, in effect, ask for the right to take an exceptionally weak shot at appellate jurisdiction *before* a district court rules, insist repeatedly that the district court cannot afford timely relief, stand by that position at multiple junctures, and then—when the gamble predictably fails—obtain an exemption from ordinary process to ensure that their gamble carries no consequences. That principle, if adopted, would encourage future litigants in all manner of circumstances to take similar gambles, reasoning that “it can’t hurt” to try a pre-ruling appeal, as

nothing bad will result. That should not be the law in any case, and certainly not in this one.

4. Plaintiffs are also asking the Court to vindicate a principle that permits them to effectuate more or less all demands they impose on the Court and their opponents. For example, Plaintiffs came to this Court with two emergency motions, demanding that their opponents file responses to December 29 filings by January 3. *See* C.A.4.Docs.4 and 5. The Court took their requests seriously and imposed a response date of January 3 for both motions. *See* C.A.4.Doc.10. That obligation carried over New Year's weekend, took lawyers away from families, and cost much in legal fees. And most of it was unnecessary. At about 7:00 P.M. on the due date, January 3, Plaintiffs announced they did not need an injunction pending appeal after all because information publicly available in December proved it unnecessary. C.A.4.Doc.30. That, of course, was after Legislative Defendants' response was file-ready. *See* C.A.4.Doc.32 at 2 n.1. Likewise, Plaintiffs have felt entitled to impose made-up deadlines on opposing counsel unsupported by any court order, *see* Ex. B (1/5/24 correspondence of counsel), and (as noted) to wait until 8:00 P.M. on January 9 to meet and confer about a motion to expedite a mandate to permit a January 10, 10:00 A.M. hearing to proceed, expect a response the same night, and still not file the motion promptly.

The instant motion is just the latest iteration of Plaintiffs' unreasonable demands. The mandate rule creates an orderly process for exchanging jurisdiction between the appellate and district courts, the Court in dismissing the

appeal already elected not to expedite the return of the mandate, and Plaintiffs did not ask otherwise either *before* the Court dismissed their appeal or on the day it did so. Now, they again come to the Court demanding that everyone “jump” when they say “jump,” even as Plaintiffs apparently see little obligation to jump themselves.

In sum, decisions have consequences. Plaintiffs’ decisions were carefully calculated, and the natural and probable consequences of those decisions were knowable and likely known in advance. The Court should deny the motion.

Phillip J. Strach
Thomas A. Farr
Alyssa M. Riggins
Cassie A. Holt
Alexandra M. Bradley
301 Hillsborough Street
Suite 1400
Raleigh, North Carolina 27603
(919) 329-3800
phil.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
alyssa.riggins@nelsonmullins.com
cassie.holt@nelsonmullins.com
alex.bradley@nelsonmullins.com

/s/ Richard B. Raile
Richard B. Raile
Katherine L. McKnight
Trevor M. Stanley
Benjamin D. Janacek
1050 Connecticut Ave. NW,
Suite 1100
Washington, DC 20036
(202) 861-1711
rraile@bakerlaw.com
kmcnight@bakerlaw.com
tstanley@bakerlaw.com
bjanacek@bakerlaw.com

Rachel Hooper
Tyler G. Doyle
811 Main St., Suite 1100
Houston, Texas 77002
(713) 751-1600
rhooper@bakerlaw.com
tgdoyle@bakerlaw.com

Patrick T. Lewis
Key Tower
127 Public Square, Suite 2000
Cleveland, Ohio 44114
(216) 621-0200
plewis@bakerlaw.com

Counsel for Legislative Defendants-Appellees

CERTIFICATE OF COMPLIANCE

1. This opposition brief complies with the type-volume limitations of Federal Rules of Appellate Procedure 27(d)(2)(A) and 32(g)(1) because it contains 1,177 words.

2. This opposition brief complies with the typeface and type-style requirements of Federal Rules of Appellate Procedure 32(a)(5) because it has been prepared in a proportionally spaced typeface using Microsoft Word for Office 365 in 14-point Calisto MT font.

Dated: January 16, 2024

/s/ Richard B. Raile

Richard B. Raile
1050 Connecticut Ave. NW,
Suite 1100
Washington, DC 20036
(202) 861-1711

Counsel for Legislative Defendants-Appellees

CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2024, I electronically filed the foregoing response with the Clerk of Court for the United States Court of Appeals for the Fourth Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated: January 16, 2024

/s/ Richard B. Raile
Richard B. Raile
1050 Connecticut Ave. NW,
Suite 1100
Washington, DC 20036
(202) 861-1711

Counsel for Legislative Defendants-Appellees

Exhibit A

From: [Phil Strach](#)
To: [Jones, Stanton](#)
Cc: [Steed, Terence](#); [Raile, Richard](#); [Tom Farr](#); [Alyssa Riggins](#); [Cassie Holt](#); [Alex Bradley](#); [Lewis, Patrick T.](#); [McKnight, Katherine L.](#); [Babb, Mary Carla \(Hollis\)](#); [Stanley, Trevor M.](#); [Hooper, Rachel Palmer](#); [Doyle, Ty](#); [espeas@poynerspruill.com](#); [Theodore, Elisabeth](#); [Ferenc, Sam](#)
Subject: Re: Pierce v. NCSBE -- motion to immediately issue mandate
Date: Tuesday, January 9, 2024 9:52:59 PM

[External Email: Use caution when clicking on links or opening attachments.]

Good evening Stanton: we do not consent and will file an opposition. Thanks. Phil

Sent from my iPhone

On Jan 9, 2024, at 7:59 PM, Jones, Stanton <Stanton.Jones@arnoldporter.com> wrote:

Counsel: Plaintiffs plan to file a motion asking the Fourth Circuit to immediately issue the mandate. Please let us know whether the defendants consent.

Thanks.

Stanton

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Exhibit B

From: [Raile, Richard](#)
To: [Janacek, Benjamin](#)
Subject: FW: Pierce v. NCSBE; Uncontested Primaries for SD1 and SD2;
Date: Tuesday, January 16, 2024 10:30:13 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

From: Raile, Richard

Sent: Friday, January 05, 2024 4:07 PM

To: Ferenc, Sam <Sam.Ferenc@arnoldporter.com>; Steed, Terence <Tsteed@ncdoj.gov>; Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Eddie Speas <ESpeas@poynerspruill.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; phil.strach@nelsonmullins.com; Tom Farr <tom.farr@nelsonmullins.com>; Alyssa Riggins (alyssa.riggins@nelsonmullins.com) <alyssa.riggins@nelsonmullins.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Alex Bradley <alex.bradley@nelsonmullins.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>

Cc: Babb, Mary Carla (Hollis) <MCBabb@ncdoj.gov>

Subject: RE: Pierce v. NCSBE; Uncontested Primaries for SD1 and SD2;

Dear Sam,

The deadlines you have attempted to impose rest on your belief that your motion to expedite will be granted and our motion to dismiss denied. While you are certainly entitled to your view and to make the best case you can for it, we do not believe it proper for you to impose deadlines on us based on orders you hope will be issued but have not issued.

That said, in an effort to maintain collegiality, we note that you appear to have designated the materials we believe would be proper for the joint appendix if there were merits briefing and do not have anything else to add.

Regards,

Richard Raile

Partner

BakerHostetler

Washington Square

1050 Connecticut Ave N.W. | Suite 1100

Washington, DC 20036-5403

T +1.202.861.1711

rraile@bakerlaw.com

bakerlaw.com



From: Ferenc, Sam <Sam.Ferenc@arnoldporter.com>
Sent: Friday, January 05, 2024 12:36 PM
To: Steed, Terence <Tsteed@ncdoj.gov>; Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Eddie Speas <ESpeas@poynerspruill.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; phil.strach@nelsonmullins.com; Tom Farr <tom.farr@nelsonmullins.com>; Alyssa Riggins (alyssa.riggins@nelsonmullins.com) <alyssa.riggins@nelsonmullins.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Alex Bradley <alex.bradley@nelsonmullins.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>
Cc: Babb, Mary Carla (Hollis) <MCBabb@ncdoj.gov>
Subject: RE: Pierce v. NCSBE; Uncontested Primaries for SD1 and SD2;

[External Email: Use caution when clicking on links or opening attachments.]

Dear Counsel:

We have not received any counter-designations for the Joint Appendix for this appeal. If we do not receive any designations from you by 5pm ET today, we will assume you have none and we will proceed with preparing a Joint Appendix including only the designations we listed below.

Best,
Sam

Sam Ferenc
Associate | [Bio](#)

Arnold & Porter

601 Massachusetts Ave., NW
Washington, DC 20001-3743
T: +1 202.942.5729
Sam.Ferenc@arnoldporter.com
www.arnoldporter.com | [LinkedIn](#)

From: Ferenc, Sam
Sent: Thursday, January 4, 2024 12:42 PM
To: Steed, Terence <Tsteed@ncdoj.gov>; Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Eddie Speas <ESpeas@poynerspruill.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; phil.strach@nelsonmullins.com; Tom Farr <tom.farr@nelsonmullins.com>; Alyssa Riggins (alyssa.riggins@nelsonmullins.com) <alyssa.riggins@nelsonmullins.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Alex Bradley <alex.bradley@nelsonmullins.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>
Cc: Babb, Mary Carla (Hollis) <MCBabb@ncdoj.gov>

Subject: RE: Pierce v. NCSBE; Uncontested Primaries for SD1 and SD2;

Dear Counsel:

In preparation for merits briefing in this appeal, Plaintiffs have designated the following filings from the district court for the Joint Appendix. Please provide any counter-designations, or confirmation that you have none, by 12pm ET tomorrow, January 5, so that Plaintiffs may finalize the appendix accordingly.

Best,
Sam

Plaintiffs' Designations

- ECF 13
- ECF 17-1 through ECF 17-5
- ECF 23
- ECF 28
- ECF 39-1 through ECF 39-8
- ECF 40
- ECF 41
- ECF 42-1
- ECF 43

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Sam Ferenc

Associate | [Bio](#)

Arnold & Porter

601 Massachusetts Ave., NW

Washington, DC 20001-3743

T: +1 202.942.5729

Sam.Ferenc@arnoldporter.com

www.arnoldporter.com | [LinkedIn](#)

From: Steed, Terence <Tsteed@ncdoj.gov>

Sent: Wednesday, January 3, 2024 5:33 PM

To: Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Eddie Speas <ESpeas@poynerspruill.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Ferenc, Sam <Sam.Ferenc@arnoldporter.com>; phil.strach@nelsonmullins.com; Tom Farr <tom.farr@nelsonmullins.com>; Alyssa Riggins (alyssa.riggins@nelsonmullins.com) <alyssa.riggins@nelsonmullins.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Alex Bradley <alex.bradley@nelsonmullins.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; Raile, Richard <rRaile@bakerlaw.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>

Cc: Babb, Mary Carla (Hollis) <MCBabb@ncdoj.gov>

Subject: Re: Pierce v. NCSBE; Uncontested Primaries for SD1 and SD2;

External E-mail

Thanks for letting us know.

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From: Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>

Sent: Wednesday, January 3, 2024 4:56:49 PM

To: Steed, Terence <Tsteed@ncdoj.gov>; Eddie Speas <ESpeas@poynerspruill.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Ferenc, Sam <Sam.Ferenc@arnoldporter.com>; phil.strach@nelsonmullins.com <phil.strach@nelsonmullins.com>; Tom Farr <tom.farr@nelsonmullins.com>; Alyssa Riggins (alyssa.riggins@nelsonmullins.com) <alyssa.riggins@nelsonmullins.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Alex Bradley <alex.bradley@nelsonmullins.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>

Cc: Babb, Mary Carla (Hollis) <MCBabb@ncdoj.gov>

Subject: RE: Pierce v. NCSBE; Uncontested Primaries for SD1 and SD2;

Terence and all:

In light of Terence's emails indicating that the January 19 ballots will not include candidates for Senate Districts 1 and 2, Plaintiffs intend to file a notice with the Fourth Circuit withdrawing our request for an emergency injunction pending appeal prohibiting the State Board from sending out ballots on January 19 including candidates for those districts.

We are not withdrawing our emergency motion to expedite briefing and decision on the appeal, responses to which are also due today.

Best,
Elisabeth

From: Steed, Terence <Tsteed@ncdoj.gov>

Sent: Wednesday, January 3, 2024 3:35 PM

To: Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Eddie Speas <ESpeas@poynerspruill.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Ferenc, Sam <Sam.Ferenc@arnoldporter.com>; phil.strach@nelsonmullins.com; Tom Farr <tom.farr@nelsonmullins.com>; Alyssa Riggins (alyssa.riggins@nelsonmullins.com) <alyssa.riggins@nelsonmullins.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Alex Bradley <alex.bradley@nelsonmullins.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>

Cc: Babb, Mary Carla (Hollis) <MCBabb@ncdoj.gov>

Subject: RE: Pierce v. NCSBE; Uncontested Primaries for SD1 and SD2;

External E-mail

Elisabeth,

If you, or anyone else on this email, have any questions about elections or need clarification about our filings, please feel free to reach out. There is also a lot of information publicly available on the State Board's website, including candidate filing.

For cases like these, we always try to provide the information most relevant to the parties and the Court at the time of filing. As I am sure you can appreciate, it is very difficult to predict the path these cases will take. It ranges from a small change requiring a small amount of administrative work to a new map for the entire state. But nobody wants a 30 page filing explaining every possible fork in the road from the party taking no position on the merits, so we try to keep it concise.

Turning to your question, we previously reviewed your motion to expedite and did not identify any references to our filings or inferences made from our filings by Plaintiffs that would require a corrective response from us to the Fourth Circuit. If you have a more specific question about a specific date in your filings, I'm happy to provide a specific response, but generally, the State Board said that if new maps are ordered, it would need those maps in time to complete candidate filing by March 15th in order to meet the May 14th second primary. How long it takes to draw new maps, approve them, and how long candidate filing will take are outside the control the State Board.

Can you tell us whether you will be withdrawing any of the filings pending with the Fourth Circuit?

Thanks,

Terence

From: Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>

Sent: Wednesday, January 03, 2024 1:52 PM

To: Steed, Terence <Tsteed@ncdoj.gov>; Eddie Speas <ESpeas@poynerspruill.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Ferenc, Sam <Sam.Ferenc@arnoldporter.com>; phil.strach@nelsonmullins.com; Tom Farr <tom.farr@nelsonmullins.com>; Alyssa Riggins <alyssa.riggins@nelsonmullins.com> <alyssa.riggins@nelsonmullins.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Alex Bradley <alex.bradley@nelsonmullins.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; Raile, Richard <rRaile@bakerlaw.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>

Cc: Babb, Mary Carla (Hollis) <MCBabb@ncdoj.gov>

Subject: Re: Pierce v. NCSBE; Uncontested Primaries for SD1 and SD2;

Terence,

Thank you for this new information. We had understood from your December 22 submission to the district court that there would be primaries for the two districts at issue, and that primary candidates for those districts would be listed on the UOCAVA and absentee ballots being mailed to voters in those districts starting January 19. We now understand from your email that this was incorrect.

Can you confirm that the dates provided in your December 22 submission that we relied on in our motion to expedite remain correct with respect to when new districts would be needed to enable a new candidate filing period in advance of a potential May 14 primary for two remedial districts?

Best,
Elisabeth

From: Steed, Terence <Tsteed@ncdoj.gov>

Sent: Wednesday, January 3, 2024 12:35:49 PM

To: Eddie Speas <ESpeas@poynerspruill.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Ferenc, Sam <Sam.Ferenc@arnoldporter.com>; phil.strach@nelsonmullins.com <phil.strach@nelsonmullins.com>; Tom Farr <tom.farr@nelsonmullins.com>; Alyssa Riggins (alyssa.riggins@nelsonmullins.com) <alyssa.riggins@nelsonmullins.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Alex Bradley <alex.bradley@nelsonmullins.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; Raile, Richard <rRaile@bakerlaw.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>

Cc: Babb, Mary Carla (Hollis) <MCBabb@ncdoj.gov>

Subject: Pierce v. NCSBE; Uncontested Primaries for SD1 and SD2;

External E-mail

Counselors,

In reviewing whether we needed to respond to Plaintiffs' motion to the Fourth Circuit, we learned important information that we thought we should share.

Plaintiffs, please correct me if I have this part wrong. It is my understanding that Plaintiffs' proposed emergency injunctive relief requested from the Fourth Circuit is for an order enjoining the primary contests in Senate District 1 and Senate District 2 by January 9th in order to allow the State Board enough time to remove those contests from the ballots to be distributed on January 19, 2024.

Assuming I have that correct, the relief requested appears to be moot. There are no contested primaries in SD1 or SD2, and as a result, neither will appear on the March primary ballot. Senate District 1 has one Democratic candidate and one Republican candidate. Senate District 2 has one Democratic candidate, one Republican candidate, and one Libertarian candidate.

When there is only one candidate in a party primary contest, the contest does not appear on the ballot, and the sole candidate becomes the general election nominee by default. G.S. 163-110. Thus, if the Fourth Circuit were to issue an order enjoining these contests for the primary, there is no contest to enjoin or remove from the affected ballots in the affected counties.

Even though not requested by Plaintiffs, and not intended by me to reflect what relief, if any, might

come out of this action, the same is true for most adjacent Senate Districts, but not all see SD3 below.

1. Senate District 3 – One Dem ONLY – No contest;
2. Senate District 3 – Two Republican candidates - Contested
3. Senate District 5 – One Dem and One Rep – No contest;
4. Senate District 6 – One Dem and One Rep – No contest;
5. Senate District 9 – One Dem and One Rep – No contest;
6. Senate District 11 – One Dem and One Rep – No contest;

The candidate filing information can be confirmed on the State Board's website:

<https://www.ncsbe.gov/results-data/candidate-lists>.

Due to this information, we are now preparing a filing to relay this information to the Court today. If Plaintiffs would like to spare us that additional work by withdrawing the appeal or at least the emergency motions, we would appreciate it. Again, assuming I am reading your requested relief correctly.

Feel free to contact me if you have any questions.

Thanks,



Terence Steed
Special Deputy Attorney General
North Carolina Department of Justice
Special Litigation Section
Phone: (919) 716-6567
tsteed@ncdoj.gov
114 W. Edenton St. Raleigh, NC 27603

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