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

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'HIHQGDQWV 3UHVLGHQW 3KLOLS (%HUJHU 6SHDNHU 'HVWLQ +DOO 6HQDWRU :DUUHQ 'DQLHO 6HQDWRU 5DQGL LQ WKHLU RIILFLDO FDSDFLWLHV ³/HJLVODWLYH 'HIHQGDQWV´ &RPSODLQW ZDV ILOHG RQ 0DUFK DW ' (\$ WUXH DQG DFFXUDWH FRS\ RI KHUHWR Exhibit 1 V 6KRUWO\ WKHUHDIWHU 3ODLQWLIIV DOVR ILOHG D FR DW ' (\$ WUXH DQG DFFXUDWH FRS\ RI Exhibit 2 WKLV 1RWLFH 5HVSHFWIXOO\ VXEPLWWHG WKLV WKH WK GD\ RI

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99. Race was the predominant factor in the creation of CD-12 and CD-14. Minority communities were carved out of CD-14 and placed into CD-12 to the detriment of traditional districting principles in both districts.

100. The use of race in drawing residents within CD-12 and without CD-14 is not justified by a compelling state interest.

101. Minority voters were not placed in or removed from these districts to comply with the Voting Rights Act. To the contrary, by moving minority voters from one district to another, the 2023 Congressional Plan eliminates an existing minority opportunity district in CD-14. Minority voters in CD-12, meanwhile, already had the ability to elect their candidate of choice to the U.S. House of Representatives. Thus, compliance with the Voting Rights Act did not require the legislature to move additional minority voters from CD-14 into CD-12.

102. Even if there were a compelling state interest for the race-based redistricting of these congressional districts, the districts are not narrowly tailored to achieve that interest. Other viable and lawful alternatives to the district configurations exist.

C. Racial Discrimination and Voting in North Carolina

103. The 2023 Congressional Plan LV KDUGO\ 1RUWK &DUROLQD ¶ GLVFULPLQDWRU\ UHGLVWULFWLQJ SODQ RU YRWLQJ SUDFWLFH WKH 6RXWK ´ KDV ³µ D ORQJ KLVWRU\ R-based vote suppression LP LQDV in particular ¶ Holmes v. Moore, 270 N.C. App. 7, 20 21, 840 S.E.2d 244, 257 (2020) (quoting N.C. State Conf of NAACP v. McCrory, 831 F.3d 204, 223 (4th Cir. 2016)); see also Gingles v. Edmisten, 590 F. Supp. 345, 359 61 (E.D.N.C. 1984), *aff'd in part, rev'd in part sub nom.* Thornburg v. Gingles, 478 U.S. 30 (1986) LQGLQJ WKDW ³WKH 6WDWH RI 1RUV and effectively discriminated against black citizens in matters touching their exercise of the voting IUDQFKLVH ´ ZKLFK KDV LPSHGHG %ODFN 1RUWK &DUROLQ

political process); Johnson v. Halifax Cnty., 594 F. Supp. 374, 377 (E.D.N.C. 1984), aff'd, 767 F.2d 925 (4th Cir. 1985). Halifax County and North Carolina have been subjected to a long history of official racial discrimination touching the right to vote and

104. Indeed, when Congress enacted the Voting Rights Act of 1965, it identified North Carolina as one of nine states "originally covered" by the Act's preclearance regime. Allen v. State Bd. of Elections, 393 U.S. 544, 549 (1969). Several counties that make up and surround the districts challenged here, including Halifax County, were originally covered jurisdictions. See 30 Fed. Reg. 9897, 9897 (Aug. 7, 1965). Those counties were subject to the preclearance requirement of Section 5 of the Voting Rights Act, which required them to obtain federal approval before implementing any change to a voting practice or procedure. See Shelby County v. Holder, 570 U.S. 529, 537 (2013). Section 5 was intended to prevent jurisdictions with a history of racial discrimination in voting from enacting new discriminatory voting laws. See id. at 535–37. Although the Supreme Court struck down the coverage formula in Shelby County, Section 5 remains in force. See id. at 556–57. Indeed, Section 5 has prevented numerous proposed voting changes in North Carolina from ever going into effect. See, e.g., McCrory, 831 F.3d at 215, 223; Harris v. McCrory, 159 F. Supp. 3d 600, 611 (M.D.N.C. 2016), aff'd in part, rev'd in part, vacated in part, 137 S. Ct. 1399 (2017).

105. This history began shortly after the abolition of slavery. In 1870, Democrats took over the legislature, at least partly through Ku Klux Klan violence, and they redistricted both legislative and congressional seats to pack Black North Carolinians into as few districts as possible in order to minimize the influence of Black voters and the Republican Party, which was Black voters' preferred vehicle. To further disempower them, the Democrats also devised what they called "negro districts" to ensure that Black voters would be a majority in only a few districts. Democrats also coalition by exploiting and inflaming racial tensions and encouraging whites to vote on racial, rather than economic, lines.

106. [redacted] In 1900, Democrats won control of the North Carolina General Assembly by campaigning on white supremacy. See Holmes v. Moore, 270 N.C. 193, 200 (1967). As one Democrat put it: "[T]he Negro must be eliminated from politics." Id. at 202. Democrats succeeded in disenfranchising Black voters through a combination of violence and fraud. See id. at 200–02. In 1900, Democrats also passed a constitutional amendment that, among other things, established a literacy test for voting. See id. at 202. Although the literacy test was facially race-neutral, it was administered in a racially discriminatory manner. See id. at 202–03. Federal courts have determined that the North Carolina General Assembly acted with discriminatory intent, reveal[ing] a series of official actions taken for invidious purposes. McCrory, 831 F.3d at 223 (quotation marks omitted).

107. For example, between 1980 and 2013, the Attorney General interposed objections under Section 5 of the Voting Rights Act to at least sixty submissions consisting of some 155 discrete voting changes in North Carolina, finding that either the State or one of the covered political subdivisions within the State had failed to show that the proposed changes would not have the purpose or effect of denying or abridging the right to vote on account of race or color or membership in a language minority group.

108. And between 1982 and 2006, plaintiffs secured favorable outcomes in fifty lawsuits brought against governmental units in North Carolina under Section 2 of the Voting Rights Act. Ten of these lawsuits resulted in reported judicial decisions; forty were settled favorably without a reported decision.

109. In 2013 and 2018, the General Assembly enacted restrictive voter identification ODZV WKDW VWDWH DQG IHGHUDO FRXUWV VWUXFN GRZQ XQOLNHO\ WR YRWH´ IRU WKH SDUWLFXODU SXUSRVH RI GLVFULPLQDWLQJ DJDLQVW 1RQZKLWH YRWHUV WKH *HQHUDO $VVHPEO\ KDV UHSHDWHGO\ DGRSWHG FRQVWLWXWLRQDOO\ GHIHFWLYH FRQJUHVVLRQDO DQG OHJLVODWLYH PDSV WKDW VWDWH DQG IHGHUDO FRXUWV KDYH UXOHG LPSHUPLVVLEO\ GLVFULPLQDWH DJDLQVW 1RQZKLWH YRWHUV 6HH 4XDUOHV Y. 1RUWK &DUROLQD, 270 N.C. App. at 23, 34, 36.

110. $QG LQ MXVW WKH ODVW GHFDGH FRXUWV KDYH UXOHG WKDW 1RUWK &DUROLQD congressional and legislative maps as impermissibly discriminating against voters based on race WR GLOXWH WKH PLQRULW\ YRWH RU GLVDGYDQWDJH PLQRULW\ YRWHUV 6HH &DPSR Y. McCrory, 159 F. Supp. 3d 600 (M.D.N.C. 2016) (three-judge court), *aff'd sub nom. Cooper v. Harris*, 137 S. Ct. 1455 (2017) (invalidating two congressional districts based on the impermissible use of race); Covington v. North Carolina, 316 F.R.D. 117 (M.D.N.C. 2016) (three-judge court) (invalidating legislative districts based on the impermissible use of race), *summarily aff'd*, 137 S. Ct. 2211 (2017); Covington v. North Carolina, 283 F. Supp. 3d 410 (M.D.N.C. 2018) (three-judge court) (invalidating legislative districts based on the impermissible use of race), *aff'd in part, rev'd*

in part, 138 S. Ct. 2548 (2018); North Carolina v. Covington, 138 S. Ct. 2548 (2018) (per curiam) (finding district court's conclusion that legislature relied on race with sufficient specificity on the basis of race).

111. In addition to North Carolina's history of discrimination against minorities in voting and elections, political campaigns in North Carolina have often relied on both explicit and implicit racial appeals.

112. At the height of segregation in 1950, a circular from the contest for U.S. Senate reversed the stark terms of the state's defense: "Do you want Negroes sitting beside you, your wife and daughters in your mills and factories? Negroes eating at the lunch counters in all public eating places? Negroes riding beside you, your wife and your daughters in buses, cabs, and trains? Negroes sleeping in the same hotels and rooming houses? Negroes teaching and disciplining your children in school? . . . Negroes using your toilet facilities?" If you did, the circular argued, "Vote for Frank Graham." "Vote for Frank Graham." "Vote for SEANTOR."

113. Sadly, such sentiments were not confined to that era. Forty years later, in 1990, U.S. Senate candidate Jesse Helms's campaign aired an ad that viciously criticized his opponent, Mayor of Charlotte Harvey Gantt, who is Black, for supporting racial quotas. It showed the hands of a white man in a plaid shirt reading and then crumpling a job rejection letter while a voiceover said, "You needed that job, but they had to give it to a minority because of a racial quota. That's not right."

114. Such racial appeals have continued into the present day. For example, in 2010, the North Carolina Republican Party's Executive Committee ran a General Assembly race appealing to anti-immigrant and anti-Latinx sentiments. The mailer

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115. And just two years ago, ads against the Democratic candidate for U.S. Senate Cheri Beasley, a Black woman, featured the brother of a white state trooper killed a quarter century ago by a Black man represented by the public defender Ms. Beasley was, as well as images of white crime victims interspersed with images of Ms. Beasley wearing an unfriendly expression.

116. 7KH DELOLW\ RI 1RUWK &DURLQD¶V PLQRULW\ FL process has been further hindered by significant and disparate effects of discrimination in housing, education, employment, health, criminal justice, and other areas which persist to this day.

117. For example, according to the most recent five-year American Community Survey, between 2017 and 2021, 29 percent of Black North Carolinians and 27 percent of Latino North Carolinians were living below the poverty line, more than twice the percentage of white North Carolinians during the same period.

118. Moreover, Black and Latino households have substantially lower incomes than those paid to their white counterparts, and Black North Carolinians are unemployed at more than twice the rate of other racial groups. Similar disparities exist in the areas of home ownership and educational attainment, where white North Carolinians lead their Black and Latino counterparts by double-digits.

119. Low-income voters face a number of hurdles to voter participation including working multiple jobs, working during polling place hours, lack of access to childcare, lack of access to transportation, and higher rates of illness and disability. All of these hurdles make it more difficult for poor and low-income voters to participate effectively in the political process.

120. $V D FRQVHTXHQFH RI 1RUWK &DUROLQD¶V KLVWRULF discrimination, as well as its ongoing effects, North Carolinians from minority racial and ethnic groups have struggled to be elected to public office in the state.

121. From 1901 until 1992, North Carolina did not have a single Black representative in Congress. North Carolina has never elected a Latino member of Congress.

122. , W WRRN WKH FUHDWLRQ RI majority-Black districts in the late 1980s and early 1990s[2] CD-1 and CD-12[2] for Black North Carolinians to win election to federal office in the 20th century. The citizens of CD-1 and CD-12 have elected a Black representative in every election since 1992. And for the first time in 2022, North Carolina had three Black representatives in Congress, from CD-1, CD-12, and CD-4.

123. Black and Latino North Carolinians have fared no better in statewide elections. A Black Republican currently serves as Lieutenant Governor but was elected with the support of Black voters DQG KDV UHFHQWO\ FDPSDLJQHG E\ VD\LQJ WKDW KH American´ Otherwise, a Black official has not held a non-judicial statewide office in nearly 20 years. And North Carolina has never had a Black governor or U.S. senator. Nor has it ever elected a Latino candidate to any statewide office.

124. Finally, courts have recognized that voting in North Carolina, both historically and WRGD\ LV UDFLDOO\ SRODUL]HG ZKLFK PHDQV WKDW ³WKH FHUWDLQ FDQGLGDWHV´ preferred by Black voters, *McCrory*, 831 F.3d at 214 (quoting *Gingles*, 478 U.S. at 62). As RQH RI WKH 6WDWH¶V RZQ H[SHUWV³ FRQFOXGHG &LQJXODU RVHLVQWDL $PHULFDQ UDFH LV D EHWWHU SUHGLFWRU IRU Y 225. WLQJ 'H Courts since then have confirmed the same. *N.C. State Conf. of NAACP v. Cooper*, 430 F. Supp. 3d 15, 30 (M.D.N.C. 2019), *rev'd sub nom. N.C. State Conf. of the NAACP v. Raymond*, 981 F.3d

295 (4th Cir. 2020); Holmes v. Moore, 2022-NCSC-122, ¶ 5, 383 N.C. 171, 175, 881 S.E.2d 486, 491, reh'g granted, 384 N.C. 16, 882 S.E.2d 552 (2023), and opinion withdrawn and superseded on reh'g, 384 N.C. 426, 886 S.E.2d 120 (2023).

125. Recent election results demonstrate that racial polarization persists statewide. Exit polling shows that in the 2022 U.S. Senate race, 93 percent of Black voters preferred the Democratic candidate, whereas 62 percent of white North Carolinians voted for the Republican candidate.

126. 8OWLPDWHO\ UDFLDO SRODUL]DWLRQ LQ YRWLQJ LV IRU OHJLVODWRUV ZKR VHHN WR HQDFW Holmes, 270 N.C. App. at 222, 840 S.E.2d at 258 (quoting McCrory) G DW hether the General Assembly knew the exact numbers, it certainly knew that African American voters were highly likely, and that white voters were unlikely, to vote for Democrats. And it knew that, in recent years, African Americans had begun registering and voting in unprecedented numbers." McCrory, 831 F.3d at 225-26. The IDFW WKDW ³UDFH DQG SDUW\ DUH LQH[RUDEO\ OLQNHG LQ WHQWLRQDO GLVFULPLQDWLRQ Id. at 222 Q WKH UHJXODWLRQ RI

CAUSES OF ACTION

COUNT I

2023 Congressional Plan ¶ V Y LRODWLRQV RI WKH 8QLWHG 6WDWHV $PH Constitution: CDs 1, 6, 12, and 14
U.S. Const. amend. XIV; 42 U.S.C. § 1983
(Racial Gerrymandering)

127. Plaintiffs reallege and incorporate by reference all prior paragraphs of this Complaint and the paragraphs in the counts below as though fully set forth herein.

128. The Fourteenth Amendment W R WKH 8 6 &RQVWLWXWLRQ SURYLGH State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due

SURFHVV RI ODZ QRU GHQ\ WR DQ\ SHUVRQ ZLWKLQ LWV M

U.S. Const. amend. XIV, § 2.

129. Under the Equal Protection Clause of the Fourteenth Amendment to the U.S.

&RQVWLWXWLRQ D 6WDWH PD\ QRW LQ WKH DEVHQFH RI ³

LQWR GLIIHUHQW YRWLQJ GLVWULFWV Bethune-Hill v. Va. State Bd. of Elections, 580 U.S. 178, 187 (2017).

130. Accordingly LI ³UDFH ZDV WKH SUHGRPLQDQW IDFWRU

GHFLVLRQ WR SODFH D VLJQLILFDQW QXPEHU RI YRWHUV Z

GHVLJQ RI WKH GLVWULFW PDQGDWH Cooper v. Harris, 581 U.S. 285, 291 (2017).

131. $ SODLQWLII PD\ SURYH ³WKDW WKH OHJLVODWX

compactness, respect for political subdivisions, partisan advantage, what have you, µUDFLDO

FRQVLGHUDWLRQV¶ QRW ³UHFW HYLGHQFH¶ RI OHJLVODWLYH LQW

GLVWULFW¶V VKDSH DQG GHPRQVWUDWH that a legislature, in fact, RI ERW

U.S. 900, 916 (1995). Upon such a showing WKH 6WDWH PXVW ³SURYH that its districting

voters serves a compelling interest and is narrowly WDLORUHG Id. at 292 (internal HQG ´

quotation marks omitted).

132. Notably ³WKH VRUWLQJ RI YRWHUV RQ WKH JURXQGV

UDFH LV PHDQW WR IXQFWLRQ DV D SUR[\ IRU Id. at 308. LQFO

133. Race was the predominant factor in the creation of CDs 1, 6, 12, and 14.

134. Specifically, the General Assembly predominantly and impermissibly drew a significant number of voters within or without CDs 1, 6, 12, and 14 on the basis of race. In so doing, the General Assembly subordinated traditional race-neutral districting principles

including compactness, respect for political subdivisions, and communities defined by actual shared interests to race.

135. The predominant use of race in CDs 1, 6, 12, and 14 is not narrowly tailored to serve a compelling state interest, including compliance with the Voting Rights Act.

136. Thus, CDs 1, 6, 12, and 14 in the 2023 Congressional Plan violate the Plaintiffs' rights under the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.

137. Plaintiffs have no adequate remedy at law other than the judicial relief sought here. The failure to enjoin enforcement of the 2023 Congressional Plan will cause irreparable harm to Plaintiffs' constitutional rights.

COUNT II
2023 Congressional Plan – Violations of the Fourteenth and Fifteenth Amendments to the U.S. Constitution
U.S. Const. amends. XIV and XV; 42 U.S.C §1983
(Intentional Discrimination)

138. Plaintiffs reallege and incorporate by reference all prior paragraphs of this Complaint and the paragraphs in the counts below as though fully set forth herein.

139. The Fourteenth Amendment guarantees racial and ethnic minorities equal protection of the laws. U.S. Const. amend. XIV. And the Fifteenth Amendment guarantees that their votes will not be denied or abridged on account of their race or color. U.S. Const. amend. XV.

140. The Equal Protection Clause of the Fourteenth Amendment and the Fifteenth Amendment to the U.S. Constitution forbid states from enacting laws for which a racially discriminatory intent or purpose is a motivating factor.

141. To establish intentional discrimination, a plaintiff need only show that discriminatory purpose was a motivating factor, not the only or even the

SUHGRPLQDQW IDFWRU ³5DUHO\ FDQ LW EH VDLG WKDW D
a broad mandate made a decision motivated solely by a single concern, or even that a particular
SXUSRVH ZDV WKH µGRPLQDQW¶ RU µPRVW LPSRUWDQW¶ RQH ´ Arlington Heights, 429 U.S. at 265 n.9.
Corp., 429 U.S. 252, 265 (1977).

142. The Supreme Court has identified the following non-exclusive list of factors that
PD\ WHQG WR SURYH LQWHQWLRQDO GLVFULPLQDWLRQ ´ Id. at 266–68 (quotation omitted). ³7KH
bears more heavily on one race than another. . . . Sometimes a clear pattern, unexplainable on
grounds other than race, emerges from the effect of the state action even when the governing
OHJLVODWLRQ DSSHDUV QHXWUDO RQ LWV IDFH ´ ³7KH
particularly if it reveals a series of official actions taken for invidious purposes.´
sequence of events leading up to the challenged decision also may shed some light on the
GHFLVLRQPDNHU¶V SXUSRVHV 'HSDUWXUHV IURP WKH QRUPDO
HYLGHQFH WKDW LPSURSHU SXUSRVHV DUH SOD\LQJ D UROH ´ Id. at 267. Quotation omitted.
relevant, particularly if the factors usually considered important by the decisionmaker strongly
IDYRU D GHFLVLRQ FRQWUDU\ WR WKH RQH UHDFKHG ´ Id. at 267. Quotation omitted.
be highly relevant, especially where there are contemporary statements by members of the
GHFLVLRQPDNLQJ ERG\ PLQXWHV RU UHSRUWV ´ Id. at 268 (quotation omitted).

143. :KHQ ³D intentionally drawn district lines in order to destroy otherwise
effective crossover districts, that [] raises[s] serious questions under both the Fourteenth and
)LIWHHQWK $PHQGPHQWV ´ Bartlett v. Strickland, 556 U.S. 1, 24 (2009) (plurality).

144. The 2023 Congressional Plan was adopted, at least in part, with a racially
discriminatory intent to discriminate against minority voters in violation of the U.S. Constitution.

145. The 2023 Congressional Plan will have a discriminatory impact on minority North Carolinians, a fact that was foreseeable when Defendants drafted and passed the Plan. Elected officials in North Carolina have limited minority voters' ability to elect through the purposeful cracking and packing of minority voters.

146. In particular, the 2023 Congressional Plan intentionally dismantles CD-6 and CD-14, which were effective crossover districts under the previous plan, and weakens CD-1, which was a historically performing minority opportunity district.

147. Moreover, other circumstantial evidence raises a strong inference of a discriminatory purpose motivating the enactment of the 2023 Congressional Plan, including North Carolina's documented history and ongoing record of discrimination against Black North Carolinians in redistricting and other voting practices, the sequence of events and non-transparent process that led up to the enactment of the 2023 Congressional Plan, and the stark disparity between the robust demographic gains for minority populations and decreased electoral opportunities for minority voters.

148. Plaintiffs have no adequate remedy at law other than the judicial relief sought in this case. The failure to enjoin the conduct of elections under the 2023 Congressional Plan and ordering of remedial maps will irreparably harm Plaintiffs by subjecting them to intentionally racially discriminatory districts until the end of the decade.

COUNT III
2023 Congressional Districts in Violation of Section 2 of the Voting Rights Act
52 U.S.C. § 10301; 42 U.S.C. §1983
(Intentional Vote Dilution)

149. Plaintiffs reallege and incorporate by reference all prior paragraphs of this Complaint and the paragraphs in the count below as though fully set forth herein.

150. Section 2 of the Voting Rights Act of 1965 prohibits the enforcement of any voting qualification or prerequisite to voting or any standard, practice, or procedure that has the purpose or effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. 52 U.S.C. § 10301(a).

151. In addition to the *Arlington Heights* factors listed above, the Senate Report on the 1982 amendments to the Voting Rights Act identifies several other non-exclusive factors that may be indicative of discriminatory purpose.

152. These Senate factors include: (1) the history of official voting-related discrimination in the state or political subdivision; (2) the extent to which voting in the elections of the state or political subdivision is racially polarized; (3) the extent to which the state or political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group, such as unusually large election districts, majority-vote requirements, and prohibitions against bullet-voting; (4) the exclusion of members of the minority group from candidate slating processes; (5) the extent to which minority group members bear the effects of discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process; (6) the use of overt or subtle racial appeals in political campaigns; and (7) the extent to which members of the minority group have been elected to public office in the jurisdiction.

153. The Senate Report and the cases interpreting it make F O H D U W K D W ³ W K H U requirement that any particular number of factors be proved, or that a majority of them point one Z D \ R U W K H R W K H U (*United States v. Márengo Cnty. Comm'n*, 731 F.2d 1546, 1566 n.33 (11th Cir. 1984) (quoting S. Rep. No. 97-417, at 29 (1982)); see also id. D W ³ 7 K H V W D W X W H H [S

IRU D µ-W-RWKH-OLWLJDWLRQ ¶ DSSURDFK DQG WKH 6HQDWH IDFWRU LV DQ LQGLVSHQVDEOH HOHPHQW RI D GLOXWLRQ F

154. The 2023 Congressional Plan violates Section 2 of the Voting Rights Act because under the totality of the circumstances, it has the purpose and effect of diluting the voting power of Black and Latino voters in CDs 1, 6, 12, and 14.

155. Plaintiffs seek relief and all available remedies under 42 U.S.C. § 1983 and Section 2 of the Voting Rights Act, 52 U.S.C. § 10301.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

a. Convene a court of three judges pursuant to 28 U.S.C. § 2284(a);

b. Declare that Congressional Districts 1, 6, 12, and 14 under the 2023 Congressional Plan are unconstitutional because each constitutes a racial gerrymander in violation of the Equal Protection Clause of the Fourteenth Amendment;

c. Declare that the 2023 Congressional Plan is unconstitutional because it was passed with discriminatory intent as a motivating factor in violation of the Fourteenth and Fifteenth Amendments;

d. Declare that the 2023 Congressional Plan was enacted with a discriminatory purpose in violation of Section 2 of the Voting Rights Act;

e. Enjoin Defendants, as well as their agents and successors in office, from enforcing or giving any effect to the boundaries of the congressional districts in the 2023 Congressional Plan, including an injunction barring Defendants from conducting any further congressional elections under the current map;

f. Hold hearings, consider briefing and evidence, and otherwise take actions necessary to order the adoption of a valid congressional plan in the State of North Carolina; and

g. Grant such other or further relief the Court deems appropriate, including but not limited to an award of Plaintiffs' reasonable attorneys' fees and costs.

Dated: March 4, 2024.

PATTERSON HARKAVY LLP

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* Special Appearance pursuant to Local Rule 83.1(d)

Exhibit 2

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

SHAUNA WILLIAMS, et al., Plaintiffs, v. REPRESENTATIVE DESTIN HALL, in his official capacity as Chair of the House Standing Committee on Redistricting, et al., Defendants.	Case No. 1:23-cv-01057-TDS-JLW

PLATINIFFS' NOTICE REGARDING THEIR OPPOSITION TO LEGISLATIVE DEFENDANTS' MOTION TO CONSOLIDATE

Plaintiffs file this Notice to apprise the Court that they have now filed an Amended Complaint alleging that the 2023 Congressional Plan violates Section 2 of the Voting Rights Act. ECF No. 30 at 33 (Count III). Plaintiffs' brief opposing Legislative Defendants' Motion to Consolidate states that "among the 28 discrete challenges alleged in" the *Williams* Complaint and the *NC NAACP* Complaint, "only *one* is overlapping." ECF No. 28 at 2.[1] As a result of filing the Amended Complaint, *Williams* Plaintiffs' claims now also overlap with *NC NAACP* Plaintiffs to the extent both challenge the 2023 Congressional Plan under Section 2 of the Voting Rights Act. *See NC NAACP* Compl. at

[1] This overlapping claim is an Intentional Discrimination Claim against the 2023 Congressional Plan under the Fourteenth and Fifteenth Amendments. *Williams* Compl. at 28, ECF No. 1 (Count II); *NC NAACP* Compl. at 84–85, *N.C. State Conf. of NAACP v. Berger*, No. 1:23-cv-1104 (M.D.N.C. Dec. 19, 2023), ECF No. 1 (Count 12).

83–84, *N.C. State Conf. of NAACP v. Berger*, No. 1:23-cv-1104 (M.D.N.C. Dec. 19, 2023), ECF No. 1 (Counts 10 and 11).

In all other respects, Plaintiffs' remaining arguments against consolidation still apply and most claims do not overlap. *Williams* Plaintiffs still do not challenge the 2023 Senate Plan or 2023 House Plan, *cf. NC NAACP* Compl. at 73-83 (Counts 1–9), and *Williams* Plaintiffs bring separate challenges to Congressional Districts 1, 6, 12, and 14 as racial gerrymanders in violation of the Fourteenth Amendment, which *NC NAACP* Plaintiffs do not bring.

For all the reasons set forth in Plaintiffs' original opposition to consolidation, ECF No. 28, they respectfully request that the Court deny Legislative Defendants' motion to consolidate or, in the alternative, grant Legislative Defendants' motion to consolidate only insofar as it pertains to consolidating discovery.

Dated: March 4, 2024.

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* *Special Appearance pursuant to Local Rule 83.1(d)*