

STATE OF NORTH CAROLINA  
WAKE COUNTY

FILED IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

7018 NOV -2 AM 11: 26 18 CVS 002322

WAKE CO., C.S.C.

NORTH CAROLINA STATE )  
CONFERENCE OF NAACP )  
BRANCHES, *et al.* )  
*Plaintiffs* )

v. )

DAVID LEWIS, *in his official* )  
*Capacity as Senior Chairman of* )  
*The North Carolina House of* )  
*Representatives Select Committee* )  
*On Redistricting for the 2017-2018* )  
*Session, et al.* )  
*Defendants* )

ORDER

This matter comes before the undersigned three-judge panel upon Plaintiffs' motion for summary judgment and Defendants' motion for summary judgment pursuant to Rule 56 of the North Carolina Rules of Civil Procedure. As required by N.C.G.S. § 120-2.3, the Court specifies the following basis of its ruling:

In this litigation, the Plaintiffs challenge four North Carolina House of Representative electoral districts, all of which are located in Wake County. The House Districts at issue were established by an act of the General Assembly in 2017, N.C. Sess. Laws 2017-207, 2017-208, that was enacted following a determination by a federal court that certain districts in the General Assembly's 2011 legislative maps, including House Districts 33 and 38 in Wake County, were unconstitutional racial gerrymanders. *Covington v. North Carolina*, 316 F.R.D. 117, 126-30 (M.D.N.C. 2016) *aff'd*, 137 S. Ct. 2211 (2017).

When redrawing the North Carolina House Districts in Wake County in response to the *Covington* court mandate, the General Assembly in 2017 redrew all eleven districts in the county. Primaries have already been held under these redrawn House Districts, and the 2018 General Election is proceeding as scheduled under these redrawn House Districts.

Plaintiffs contend that the General Assembly exceeded that which was required by the *Covington* court mandate, and in so doing impermissibly and unnecessarily redrew House Districts 36, 37, 40, and 41 in violation of the North Carolina constitutional prohibition against mid-decade redistricting. N.C. Const. art. II, § 5(4). In considering the pleadings, parties' briefs and submitted materials, arguments, and the record established thus far, the Court agrees with Plaintiffs and concludes that there is no genuine issue as to any material fact and that Plaintiffs are entitled to judgment as a matter of law.

The Court hereby declares that the configuration of the Wake County House Districts in the 2017 Enacted State House Plan violates Article II, Section 5 of the North Carolina Constitution. The Court specifically declares that the alteration of House Districts 36, 37, 40, and 41 was not necessary to comply with federal law and, as a result, the alteration of those House Districts in 2017 violated, and continues to violate, the State Constitution's prohibition on mid-decade redistricting.

For the foregoing reasons, Plaintiffs' motion for summary judgment is GRANTED, and Defendants' motion for summary judgment is DENIED.

Pursuant to N.C.G.S. § 120-2.4, the Court hereby allows the General Assembly a period of time to remedy the defects in the Wake County House Districts so identified in this Order. The General Assembly shall remedy the identified defects and enact a new Wake County House District map for use in the 2020 general election no later than the earlier of: 1) the adjournment of the next regular session of the General Assembly convened in accordance with N.C.G.S. § 120-11.1; or, 2) July 1, 2019.

So ordered, this the 2nd day of November, 2018.



A handwritten signature in blue ink, appearing to read "Paul C. Ridgeway", is written over a horizontal line.

Paul C. Ridgeway, Superior Court Judge

**/s/ Joseph N. Crosswhite**

Joseph N. Crosswhite, Superior Court Judge

**/s/ Alma L. Hinton**

Alma L. Hinton, Superior Court Judge

*Certificate of Service*

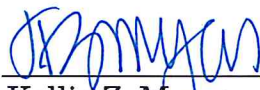
The undersigned certifies that the foregoing was served upon all parties by electronic mail and by depositing the same in the custody of the United States Postal Service, first class postage prepaid, addressed as follow:

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This the 2<sup>nd</sup> day of November, 2018.



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