

SUPREME COURT OF NORTH CAROLINA

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REBECCA HARPER; AMY CLARE OSEROFF; DONALD RUMPH; JOHN ANTHONY BALLA; RICHARD R. CREWS; LILY NICOLE QUICK; GETTYS COHEN JR.; SHAWN RUSH; JACKSON THOMAS DUNN, JR.; MARK S. PETERS; KATHLEEN BARNES; VIRGINIA WALTERS BRIEN; DAVID DWIGHT BROWN, et al.,  
Plaintiffs-Appellees.

From Wake County

21 CVS 50085

NORTH CAROLINA LEAGUE OF CONSERVATION VOTERS, INC.; HENRY M. MICHAUX, JR.; DANDRIELLE LEWIS; TIMOTHY CHARTIER; TALIA FERNÓS; KATHERINE NEWHALL; R. JASON PARSLEY; EDNA SCOTT; ROBERTA SCOTT; YVETTE ROBERTS; JEREANN KING JOHNSON; REVEREND REGINALD WELLS; YARBROUGH WILLIAMS, JR.; REVEREND DELORIS L. JERMAN; VIOLA RYALS FIGUEROA; and COSMOS GEORGE,  
Plaintiffs-Appellees

From Wake County

21 CVS 015426

vs.

REPRESENTATIVE DESTIN HALL, IN HIS OFFICIAL CAPACITY AS CHAIR OF THE HOUSE STANDING COMMITTEE ON REDISTRICTING; SENATOR WARREN DANIEL, IN HIS OFFICIAL CAPACITY AS CO-CHAIR OF THE SENATE STANDING COMMITTEE ON REDISTRICTING AND ELECTIONS; SENATOR RALPH HISE, IN HIS OFFICIAL CAPACITY AS CO-CHAIR OF THE SENATE STANDING COMMITTEE ON REDISTRICTING

AND ELECTIONS; SENATOR PAUL  
NEWTON, IN HIS OFFICIAL CAPACITY  
AS CO-CHAIR OF THE SENATE STANDING  
COMMITTEE ON REDISTRICTING AND  
ELECTIONS; SPEAKER OF THE NORTH  
CAROLINA HOUSE OF REPRESENTATIVES  
TIMOTHY K. MOORE; PRESIDENT PRO  
TEMPORE OF THE NORTH CAROLINA SENATE  
PHILIP E. BERGER; THE NORTH CAROLINA  
STATE BOARD OF ELECTIONS;  
DAMON CIRCOSTA, IN HIS OFFICIAL CAPACITY  
AS CHAIRMAN OF THE NORTH CAROLINA  
STATE BOARD OF ELECTIONS;  
STELLA ANDERSON, IN HER OFFICIAL CAPACITY  
AS SECRETARY OF THE NORTH CAROLINA  
STATE BOARD OF ELECTIONS; JEFF CARMON III,  
IN HIS OFFICIAL CAPACITY AS MEMBER OF THE  
NORTH CAROLINA STATE BOARD OF ELECTIONS;  
STACY EGGERS IV, IN HIS OFFICIAL CAPACITY AS  
MEMBER OF THE NORTH CAROLINA STATE BOARD  
OF ELECTIONS; TOMMY TUCKER, IN HIS OFFICIAL  
CAPACITY AS MEMBER OF THE NORTH CAROLINA  
STATE BOARD OF ELECTIONS,

Defendants-Appellants.

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**DEFENDANT-APPELLEES' NOTICE OF INTENT TO RESPOND**

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Plaintiff-Appellants have been denied pretrial, temporary injunctive relief by a unanimous bipartisan panel of the Superior Court and by an *en banc* Court of Appeals. (Motion for Temporary Stay, Exhibit A). Our entire Court of Appeals now stands ready to “promptly rule on the pending Petition for Writ of Supersedeas or Prohibition.” (*Id.*) Nonetheless, even before the Court of Appeals could act on that

Petition, the plaintiffs associated with the North Carolina League of Conservation Voters joined the plaintiffs associated with Rebecca Harper in asking that this Court step in “in the event that the Court of Appeals does not grant the NCLCV Petitioners’ petition for writ of supersedeas or prohibition filed in that court, or in the event that this Court deems it appropriate to act in advance of a decision on that petition by the Court of Appeals.”<sup>1</sup> (NCLCV Petition for Discretion Review, p 4). Now Plaintiffs join together (*see* Notice of Joinder) to request suspension of the appellate rules and ask for temporary relief from this Court, (*see* Motion for Temporary Stay), while also suggesting through recusal which justices of this Court should and should not hear those matters for extraordinary relief.

Legislative Defendants are preparing to respond to the Petition at the Court of Appeals, as directed by that Court, but also are preparing a responsive filing to the pending motions in this Court, including but not limited to the petitions for discretionary review prior to the Court of Appeals review, petitions for writ of supersedeas, motion to recuse Justice Berger, and other miscellaneous filings by Wednesday, December 8<sup>th</sup>, at noon. Legislative Defendants respectfully request that this Court allow the Court of Appeals to proceed and review Defendants’ filings on or before Wednesday at noon before considering any relief.

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<sup>1</sup> Considering that the trial court consolidated the *Harper* case with the *North Carolina League of Conservation Voters* case in an order not appealed by any party, (designating the NCLCV case as the lead case), Legislative Defendants are surprised to be whipsawed between certain Plaintiffs requesting this Court assert jurisdiction and other Plaintiffs arguing that the Court of Appeals has jurisdiction of the same issue. Plaintiffs filed first in the Court of Appeals and that Court should be allowed to complete its pending review before this Court acts.

Respectfully submitted this the 7<sup>th</sup> day of December, 2021.

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  
John Branch (NC Bar No. 32598)  
John.Branch@nelsonmullins.com  
Alyssa M. Riggins (NC Bar No. 52366)  
alyssa.riggins@nelsonmullins.com  
4140 Parklake Avenue, Suite 200  
Raleigh, NC 27612  
Telephone: (919) 329-3800

BAKER HOSTETLER LLP  
Mark E. Braden\* (DC Bar No. 419915)  
MBraden@bakerlaw.com  
Katherine McKnight\* (VA Bar No. 81482)  
kmcknight@bakerlaw.com  
1050 Connecticut Ave NW  
Suite 1100  
Washington DC 20036

\* Admitted Pro Hac Vice

*Counsel for Legislative Defendants*



## CERTIFICATE OF SERVICE

It is hereby certified that on this the 7th day of December, 2021, 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.*

Marc E. Elias  
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  
[MElias@elias.law](mailto:MElias@elias.law)  
[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.*

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  
4140 Parklake Avenue, Suite 200  
Raleigh, North Carolina 27612  
Telephone: (919) 329-3800  
Facsimile: (919) 329-3799  
*Attorneys for Legislative Defendants*