

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

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

Plaintiffs,)

v.)

1:13CV658

PATRICK LLOYD MCCRORY, in his)
official capacity as Governor of North)
Carolina, *et al.*,)

Defendants.)

LEAGUE OF WOMEN VOTERS OF)
NORTH CAROLINA, *et al.*,)

Plaintiffs,)

and)

LOUIS M. DUKE, *et al.*,)

1:13CV660

Plaintiffs-Intervenors,)

v.)

THE STATE OF NORTH CAROLINA, *et al.*,)

Defendants.)

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

1:13CV861

THE STATE OF NORTH CAROLINA, *et al.*,)

Defendants.)

**DEFENDANTS' REQUEST FOR EXPEDITED HEARING ON DEFENDANTS'
PENDING OBJECTION TO ORDER OF 5 DECEMBER 2014 DENYING
DEFENDANTS' MOTION TO RESCHEDULE TRIAL**

Defendants, by and through their undersigned counsel, hereby respectfully request that a hearing be held at the earliest practicable date on Defendants' pending Objection to Order of 5 December 2014 Denying Defendants' Motion to Reschedule Trial ("Objection") (D.E. 209, Case No. 13-cv-658).¹

After the Magistrate Judge entered the Order that is the subject of the pending Objection, Defendants filed a motion in the related case pending in North Carolina Superior Court, *Currie et al. v. The State of North Carolina et al.*, Case No. 13 CVS 1419 (Orange County Superior Court) ("the State Court case") requesting the State Court to reconsider its earlier order refusing to move the trial date in the State Court case.² That trial date is currently set for July 13, 2015. The trials in the above captioned matters are set to occur during the July 2015 session, which begins July 6, 2015. (*See* D.E. 211).

On Friday, January 30, 2015, the State Court judge assigned to the State Court case heard Defendants' motion to reconsider. The State Court judge denied Defendants' motion and is expected to enter a written order soon. The State Court judge took the position that there is no technical "conflict" between the trial setting in the State Court case and the trial settings in the above captioned cases because this Court may yet

¹ For ease of reference, all references to filings in the consolidated federal cases will be to Case No. 13-cv-861, *United States v. North Carolina*).

² A copy of that motion is attached hereto as Exhibit A.

schedule the trials in these cases later than July 13, 2015, despite the current July 6 setting. Defendants expect a transcript of the January 30, 2015 State Court hearing to be available within a week approximately, and will file a copy with the Court when received.

Accordingly, Defendants request a hearing at the Court's earliest opportunity to discuss the current conflict between this Court's trial session and the State Court trial date and receive any guidance as appropriate from this Court. If this Court does not postpone these trials until a date long enough after the July 13, 2015 State Court trial date to allow Defendants to have a fair and orderly process for trying both cases, Defendants may need to seek expedited relief from the North Carolina Supreme Court regarding the State Court trial date. A hearing by this Court as soon as practicable would allow Defendants to obtain necessary guidance from this Court prior to further proceedings in the State Court case.

Wherefore, Defendants respectfully pray that the Court schedule a hearing on Defendants' pending Objection to Order of 5 December 2014 Denying Defendants' Motion to Reschedule Trial as soon as practicable. A proposed order is attached hereto.

This the 2nd day of February, 2015.

ROY COOPER
ATTORNEY GENERAL OF NORTH
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By: /s/ Alexander McC. Peters

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*appearing pursuant to Local Rule 83.1(d)

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CERTIFICATE OF SERVICE

I, Phillip J. Strach, 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 of the same to the following:

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This 2nd day of February, 2015.

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