

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

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

Plaintiffs,

v.

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

Defendants.

**PLAINTIFFS' JOINT MOTION
TO DEEM REQUESTS FOR
ADMISSION TO COMPLY WITH
SCHEDULING ORDER**

Civil Action No. 1:13-CV-658

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

Plaintiffs,

v.

THE STATE OF NORTH CAROLINA, et
al.,

Defendants.

Civil Action No. 1:13-CV-660

UNITED STATES OF AMERICA,

Plaintiff,

v.

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

Defendants.

Civil Action No. 13-cv-861

PLAINTIFFS' JOINT MOTION TO DEEM REQUESTS FOR ADMISSION TO COMPLY WITH SCHEDULING ORDER

On February 18, 2015, the United States served a timely first set of requests for admission on Defendants in the case, *United States v. North Carolina*, 1:13-cv-861 (M.D.N.C.), which has been consolidated for purposes for discovery with the related cases, *North Carolina State Conference of the NAACP v. McCrory*, 1:13-cv-658 (M.D.N.C.); and *League of Women Voters v. North Carolina*, 1:13-cv-660 (M.D.N.C.). See Exhibit 1 (Plaintiff United States' First Set of Requests for Admission (Feb. 18, 2015)). The other plaintiffs' groups in these consolidated actions (the League of Women Voters, the NAACP, and the Duke intervenors) have not separately served any requests for admission on Defendants in any of the related cases.

On March 10, 2015, Defendants objected that the 96 requests for admission served on February 18 exceeded the limit of 25 requests for admission per plaintiff group provided for in this Court's December 2013 Scheduling Order. See Scheduling Order, 1:13-cv-861, at p. 5 (December 13, 2013) (ECF No. 30). Because no other plaintiffs' group served requests for admission on Defendants, Plaintiffs jointly requested that the Defendants treat the United States' February 18 requests for admission as a joint request for admission on behalf of all plaintiffs' groups. Defendants, however, declined to agree to this request.¹ See Exhibit 2 (March 17, 2015 Email) (agreeing to respond to 25 of the requests but declining to respond to the remainder).

Therefore, Plaintiffs jointly move for leave of this Court to treat the requests for

¹ Pending resolution of this issue, the United States has requested that Defendants answer the following 25 requests for admission first: Nos. 22-27, 36, 38, 40, 42, 49, 54, 56, 57, 59, 62, 64, 66, 75-77, 88-89, 91, 93. See Exhibit 2.

admission served by the United States on February 18 as joint requests for admission from all Plaintiffs, and therefore consistent with this Court's December 2013 Scheduling Order. The four plaintiffs' groups are entitled under the Scheduling Order to serve a total of 100 requests for admission. The requests for admission served on February 18 amount to less than the total 100 requests for admission allocated to the plaintiffs' side. The requests are straight-forward, and many of them can form the bases for potential stipulations in this case, promoting greater efficiency at trial. Defendants are not prejudiced in answering these requests, as Plaintiffs collectively were entitled to make a total of 100 requests, and no other requests for admission have been served by Plaintiffs.

For the foregoing reasons, we ask this Court to grant Plaintiffs' joint motion for leave to deem the United States' requests for admission dated February 18, 2015, to be joint requests for admission by all Plaintiffs, in compliance with the limit on requests for admission in the Scheduling Order, and to require the Defendants to respond to each request included therein. Responses to these requests are currently due on March 23, 2015. Plaintiffs are amenable to a short extension of time for Defendants to respond to the requests made on February 18.

Dated: March 17, 2015

Respectfully submitted,

/s/ Adam Stein

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83.1(d)

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CERTIFICATE OF SERVICE OF DISCOVERY

I hereby certify that on March 17, 2015, I electronically filed the foregoing **Plaintiffs' Joint Motion to Deem Requests for Admission to Comply with Scheduling Order**, using the CM/ECF system in case numbers 1:13- cv-658, 1:13- cv-660, and 1:13- cv-861, which will send notification of such filing to all counsel of record.

/s/ Catherine Meza

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