

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.

**JOINT MOTION TO MODIFY
DISCOVERY DEADLINES, RE:
FACT WITNESS DEPOSITIONS**

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. 1:13-cv-861

**JOINT MOTION TO MODIFY DISCOVERY DEADLINES,
RE: FACT WITNESS DEPOSITIONS**

The parties have conferred regarding the need to conduct additional fact witness depositions past the current deadline of April 30, as established by this Court's Order. *See* Order Granting Joint Motion to Amend Discovery Deadlines, ECF 244, 13-cv-861 (March 9, 2015). As a result, the parties seek the following modifications to prior discovery orders:

1. All remaining fact witness depositions shall be completed by June 5, 2015.
2. Nothing in the parties' agreement to extend the deposition deadlines shall be used as a basis to seek to change the trial date or other deadlines related to the trial in July 2015.
3. In light of the number of fact witnesses identified in Plaintiffs' updated initial disclosures, the parties may exceed the 60 deposition per side limit set in December 2013 in order to depose additional fact witnesses and to conduct trial depositions. *See* ECF 30, 13-cv-861.
4. In addition to the fact witnesses already identified in the parties' updated initial disclosures, the parties agree that they will make their best efforts to identify any additional affected voters as expeditiously as possible.
5. The parties agree to disclose any remaining fact witnesses by May 22, 2015, with no more than 15 additional fact witnesses per side, if needed, beyond those already disclosed. The parties reserve the right to seek leave

of the court to disclose additional fact witnesses beyond May 22 based on changed circumstances.

6. For depositions of affected voters between May 22 and June 5, Plaintiffs agree to make these witnesses available for deposition without the need for subpoenas.
7. While Defendants agree not to file a motion with the court to limit the number of fact witnesses (unless necessary to enforce this agreement), Defendants are not waiving their right to later file any motion to exclude any particular fact witness or fact witness's testimony at trial.

The parties jointly ask the Court to grant the order accompanying this motion.

Dated: April 24, 2015

Respectfully submitted,

By: /s/ Adam Stein

Penda D. Hair
Edward A. Hailes, Jr.
Denise D. Lieberman
Donita Judge
Caitlin Swain
ADVANCEMENT PROJECT
Suite 850
1220 L Street, N.W.
Washington, DC 20005
Phone: (202) 728-9557
phair@advancementproject.com

Irving Joyner (N.C. State Bar # 7830)
P.O. Box 374
Cary, NC 27512

Adam Stein (N.C. State Bar # 4145)
Of Counsel
TIN FULTON WALKER & OWEN, PLLC
312 West Franklin Street
Chapel Hill, NC 27516
Phone: (919) 240-7089
astein@tinfulton.com

Thomas D. Yannucci
Daniel T. Donovan
Susan M. Davies
K. Winn Allen
Jodi Wu
KIRKLAND & ELLIS LLP
655 Fifteenth St., N.W.

Phone: (919)319-353
ijoyner@ncu.edu

Washington, DC 20005
Phone: (202) 879-5000
tyannucci@kirkland.com

Attorneys for Plaintiffs in North Carolina State Conference of the NAACP, et al. v. McCrory, et al.

By: /s/ Allison Riggs

Laughlin McDonald*
ACLU Voting Rights Project
2700 International Tower
229 Peachtree Street, NE
Atlanta, GA 30303
(404) 500-1235
lmcDonald@aclu.org
* appearing pursuant to Local Rule
83.1(d)

Anita S. Earls (State Bar # 15597)
Allison J. Riggs (State Bar # 40028)
Southern Coalition for Social Justice
1415 Highway 54, Suite 101
Durham, NC 27707
Telephone: 919-323-3380 ext. 115
E-mail: anita@southerncoalition.org

Christopher Brook (State Bar
#33838) ACLU of North Carolina
Legal Foundation
P.O. Box 28004
Raleigh, NC 27611-8004
Telephone: 919-834-3466
E-mail: cbrook@acluofnc.org

Dale Ho*
Julie A. Ebenstein*
ACLU Voting Rights Project
125 Broad Street
New York, NY 10004
(212) 549-2693
E-mail: dale.ho@aclu.org
*appearing pursuant to Local Rule 83.1(d)

Attorneys for Plaintiffs in League of Women Voters of North Carolina, et al. v. North Carolina, et al.

By: /s/ John A. Russ IV

Gill P. Beck (State Bar # 13175)
Special Assistant United States
Attorney
OFFICE OF THE UNITED
STATES ATTORNEY
United States Courthouse
100 Otis Street

T. Christian Herren, Jr.
John A. Russ IV
Catherine Meza
David G. Cooper
Spencer R. Fisher
Jenigh J. Garrett
Elizabeth Ryan

Asheville, NC 28801
Telephone: (828) 259-0645
E-mail: gill.beck@usdoj.gov

Avner Shapiro
Ernest A. McFarland
Attorneys, Voting Section
Civil Rights Division
U.S. DEPARTMENT OF JUSTICE
Room 7254-NWB
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Telephone: (800) 253-3931
E-mail: catherine.meza@usdoj.gov

Attorneys for Plaintiffs in United States v. North Carolina, et al.

Marc E. Elias
Bruce V. Spiva
John M. Devaney
Elisabeth C. Frost
Joseph Wenzinger
Amanda Callais
700 Thirteenth St., N.W., Suite 600
Washington, D.C. 20005-3960
Telephone: (202) 654-6200
Facsimile: (202) 654-6211
E-mail: melias@perkinscoie.com
Email: bspiva@perkinscoie.com
E-mail: jdevaney@perkinscoie.com
E-mail: efrost@perkinscoie.com

By: /s/ Edwin M. Speas, Jr.

Edwin M. Speas, Jr. (State Bar # 4112)
John W. O'Hale (State Bar # 35895)
Caroline P. Mackie (State Bar # 41512)
P.O. Box 1801 (27602-1801)
301 Fayetteville St., Suite 1900
Raleigh, NC 27601
Telephone: (919) 783-6400
Facsimile: (919) 783-1075
E-mail: espeas@poynerspruill.com
E-mail: johale@poynerspruill.com
E-mail: cmackie@poynerspruill.com

Joshua L. Kaul
Wisconsin Bar No. 1067529
1 East Main Street, Suite 201
Madison, WI 53703
Telephone: (608) 294-4007
Facsimile: (608) 663-7499
JKaul@perkinscoie.com

Attorneys for Plaintiff-Intervenors in League of Women Voters of North Carolina, et al. v. North Carolina, et al.

By: /s/ Butch Bowers

Karl S. Bowers, Jr.
Bowers Law Office LLC
P.O. Box 50549
Columbia, SC 29250
Telephone: (803) 260-4124
Facsimile: (803) 250-3985
Email: butch@butchbowers.com

Robert C. Stephens
General Counsel
Office of the Governor of North Carolina
20301 Mail Service Center
Raleigh, North Carolina 27699
Telephone: (919) 814-2027
Facsimile: (919) 733-2120
Email: bob.stephens@nc.gov

Attorneys for Defendant Governor Patrick L. McCrory

By: /s/ Phillip J. Strach

Alexander Peters, Esq.
NC Department of Justice
PO Box 629
Raleigh, NC 27602
Telephone: (919) 716-6913
Facsimile: (919) 716-6763
Email: apeters@ncdoj.gov

Robert C. Stephens
General Counsel
Office of the Governor of North Carolina
20301 Mail Service Center
Raleigh, North Carolina 27699
Telephone: (919) 814-2027
Facsimile: (919) 733-2120
Email: bob.stephens@nc.gov

Thomas A. Farr, Esq.
Phillip J. Strach, Esq.
Ogletree, Deakins, Nash Smoak &
Stewart, P.C
4208 Six Forks Road
Raleigh, NC 27609
Telephone: (919) 787-9700
Facsimile: (919)783-9412
Email: thomas.farr@ogletreedeakins.com
Email: phil.strach@ogletreedeakins.com

*Attorney for Defendants State of North Carolina, North Carolina State Board of
Elections, Kim Westbrook Strach, Joshua B. Howard, Rhonda K. Amoroso, Joshua D.
Malcolm, Paul J. Foley, and Maja Kricker*

CERTIFICATE OF SERVICE OF DISCOVERY

I hereby certify that on April 24, 2015, I electronically filed the foregoing **Joint Motion to Modify Discovery Deadlines, re: Fact Witness Depositions**, 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/ John A. Russ IV

JOHN A. RUSS IV

U.S. Department of Justice

Civil Rights Division - Voting Section

950 Pennsylvania Avenue, N.W.

Washington, DC 20530

Phone: (800) 253-3931

Email: john.russ@usdoj.gov