

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

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

Plaintiffs,)

v.)

Case No.: 1:13-CV-658

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

Defendants.)

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

Plaintiffs,)

v.)

Case No.: 1:13-CV-660

THE STATE OF NORTH CAROLINA, et al.,)

Defendants.)

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

Case No.: 1:13-CV-861

THE STATE OF NORTH CAROLINA, et al.,)

Defendants.)

**DUKE INTERVENOR-PLAINTIFFS' MOTION TO STRIKE BRIAN NEESBY'S
TESTIMONY REGARDING MAIL-VERIFICATION FAILURE RATES AMONG
PREREGISTRANTS AND TO EXCLUDE DEFENDANTS' EXHIBIT BN-3**

The Duke Intervenor-Plaintiffs (“Plaintiffs”) respectfully move for an order striking Brian Neesby’s trial testimony regarding his analysis of mail-verification failure rates among preregistrants, *see* 7/29/15 PM Trial Tr. 82:14 - 85:20; 7/30/15 Trial Tr. 28:10 - 35:21,¹ and excluding the demonstrative exhibit (Defendants’ Exhibit BN-3) related to that testimony. For the reasons set forth in the accompanying brief in support, Mr. Neesby’s trial testimony and the related demonstrative exhibit constitute improper expert testimony, and the analysis reflected in that testimony and exhibit was not timely disclosed to Plaintiffs.

Plaintiffs have conferred with Defendants regarding this motion and have been advised that Defendants oppose it.

¹ Because certified transcripts are not yet available for the proceedings in this matter on July 29-30, 2015, these citations are to the uncertified rough draft version of the transcripts.

Dated: August 10, 2015

Respectfully submitted,

/s/ Marc E. Elias

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*Local Rule 83.1(d) Counsel for
Duke Intervenor-Plaintiffs*

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2015, I served a copy of the foregoing **DUKE INTERVENOR-PLAINTIFFS' MOTION TO STRIKE BRIAN NEESBY'S TESTIMONY REGARDING MAIL-VERIFICATION FAILURE RATES AMONG PREREGISTRANTS AND TO EXCLUDE DEFENDANTS' EXHIBIT BN-3** by filing a copy thereof in the above-captioned 1:13-cv-660 action, which will send a Notice of Electronic Filing to all parties with an e-mail address of record who have appeared and consented to electronic service in the above-captioned litigation.

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

General Information

Court	United States District Court for the Middle District of North Carolina; United States District Court for the Middle District of North Carolina
Federal Nature of Suit	Civil Rights - Voting[441]
Docket Number	1:13-cv-00660