

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.*,)

Plaintiffs-Intervenors,)

v.)

1:13CV660

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' MOTION TO EXPEDITE BRIEFING

Concurrently with the instant motion, Defendants have filed a Motion for Protective Order or Other Appropriate Relief (“Motion for Protective Order”) seeking relief from the Court from the massive discovery requests being propounded by Plaintiffs on nearly a weekly basis. As explained in that motion, Plaintiffs have served nearly 400 discovery requests on multiple state agencies, the North Carolina General Assembly, and individual legislators, with new requests coming in weekly. Plaintiffs are requiring Defendants to use over 380 advanced Boolean search terms to search the individual email boxes and electronic files of over 60 custodians across multiple state agencies.

This process was so difficult that staff for the General Assembly was not able to finally complete its search for electronic records (which involved a search of approximately 10,000,000 files) until Friday, 14 February 2014. Based on information provided by the General Assembly added to information from the other agencies involved, application of the search terms required by Plaintiffs has produced approximately 712,027 individual files, each of which must now be individually reviewed.

Defendants require an expedited resolution to their Motion for Protective Order because of the time constraints being imposed upon Defendants by Plaintiffs. Defendants also need relief soon so that scarce State resources, time, and taxpayer funds are not needlessly wasted in responding to harassing and vexatious requests.

The Court currently has scheduled a hearing on Friday, 21 February 2014 on a Motion to Quash filed by legislative movants related to legislative immunity as well as Plaintiffs' Motion to Compel. Many of the issues raised by Defendants' Motion for Protective Order relate directly to the issues to be heard in the pending motions. Moreover, in the interest of resolving these issues prior to the anticipated preliminary injunction motions likely to be filed by Plaintiffs in May, Defendants believe expediting briefing and hearing the issues at the scheduled hearing serves the interests of judicial economy and the administration of justice.

Defendants propose that the Court expedite the filing of Plaintiffs' Response to the Motion for Protective Order to on or before Thursday, 20 February 2014. In view of the quickly approaching hearing date, Defendants agree to waive the filing of any Reply to an expedited Response.

Wherefore, Defendants respectfully pray that the Court expedite the briefing on Defendants' contemporaneously filed Motion for Protective Order as set forth above. A proposed order is attached hereto.

This the 17th day of February, 2014.

ROY COOPER
ATTORNEY GENERAL OF NORTH
CAROLINA

By: /s/ Alexander McC. Peters

Alexander McC. Peters
Senior Deputy Attorney General
N.C. State Bar No. 13654
apeters@ncdoj.gov
N.C. Department of Justice
P.O. Box 629
Raleigh, NC 27602
Telephone: (919) 716-6900
Facsimile: (919) 716-6763
*Counsel for Defendants North Carolina and
State Board of Election Defendants.*

OGLETREE, DEAKINS, NASH
SMOAK & STEWART, P.C.

/s/ Thomas A. Farr

Thomas A. Farr
N.C. State Bar No. 10871
Phillip J. Strach
N.C. State Bar No. 29456
thomas.farr@ogletreedeakins.com
phil.strach@ogletreedeakins.com
4208 Six Forks Road, Suite 1100
Raleigh, North Carolina 27609
Telephone: (919) 787-9700
Facsimile: (919) 783-9412
*Co-counsel for Defendants North Carolina
and State Board of Election Defendants.*

BOWERS LAW OFFICE LLC

By: /s/ Karl S. Bowers, Jr.

Karl S. Bowers, Jr.*

Federal Bar #7716

P.O. Box 50549

Columbia, SC 29250

Telephone: (803) 260-4124

E-mail: butch@butchbowers.com

*appearing pursuant to Local Rule 83.1(d)

Counsel for Governor Patrick L. McCrory

By: /s/ Robert C. Stephens

Robert C. Stephens (State Bar #4150)

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

E-mail: bob.stephens@nc.gov

Counsel for Governor Patrick L. McCrory

CERTIFICATE OF SERVICE

I, Thomas A. Farr, 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:

Counsel for United States of America:

T. Christian Herren, Jr.
John A. Russ IV
Catherine Meza
David G. Cooper
Spencer R. Fisher
Elizabeth M. Ryan
Attorneys, Voting Section
Civil Rights Division
U.S. Department of Justice
Room 7254-NWB
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Gill P. Beck
Special Assistant United States Attorney
Office of the United States Attorney
United States Courthouse
100 Otis Street
Asheville, NC 28801

Counsel for NCAAP Plaintiffs:

Penda D. Hair
Edward A. Hailes, Jr.
Denise D. Liberman
Donita Judge
Caitlin Swain
ADVANCEMENT PROJECT
Suite 850
1220 L Street, N.W.
Washington, DC 20005
phair@advancementproject.com

Irving Joyner
P.O. Box 374
Cary, NC 27512
ijoyner@ncu.edu

Adam Stein
TIN FULTON WALKER & OWEN
312 West Franklin Street
Chapel Hill, NC 27516
astein@tinfulton.com

Thomas D. Yannucci
Daniel T. Donovan
Susan M. Davies
K. Winn Allen
Uzoma Nkwonta
Kim Knudson
Anne Dechter
KIRKLAND & ELLIS LLP
655 Fifteenth St., N.W.
Washington, DC 20005
tyannucci@kirkland.com

***Counsel for League of Women Voter
Plaintiffs:***

Anita S. Earls
Allison J. Riggs
Clare R. Barnett
Southern Coalition for Social Justice
1415 Hwy. 54, Suite 101
Durham, NC 27707
anita@southerncoalition.org

Laughlin McDonald
ACLU Voting Rights Project
2700 International Tower
229 Peachtree Street, NE
Atlanta, GA 30303
lmcdonald@aclu.org

Dale Ho
Julie A. Ebenstein
ACLU Voting Rights Project
125 Broad Street
New York, NY 10004
dale.ho@aclu.org

Christopher Brook
ACLU of North Carolina Legal Foundation
PO Box 28004
Raleigh, NC 27611-8004
cbrook@acluofnc.org

Counsel for the Intervening Plaintiffs:

John M. Davaney
jdevaney@perkinscoie.com
Marc E. Elias
melias@perkinscoie.com
Kevin J. Hamilton
khamilton@perkinscoie.com
PERKINS COIE, LLP
700 Thirteenth Street, N.W., Suite 600
Washington, D.C. 20005-3960

Edwin M. Speas, Jr.
espeas@poynerspruill.com
John W. O'Hale
johale@poynerspruill.com
Caroline P. Mackie
cmackie@poynerspruill.com
POYNER SPRUILL, LLP
301 Fayetteville St., Suite 1900
Raleigh, NC 27601

This 17th day of February, 2014.

/s/ Thomas A. Farr

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