

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 STATUS  
UPDATE**

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

In August and September 2013, the United States and private plaintiffs filed suit against various state defendants to challenge certain provisions of North Carolina House Bill 589, for violating, among other provisions, the Voting Rights Act of 1965.<sup>1</sup> *See NAACP v. McCrory*, 1:13-cv-658; *League of Women Voters v. State of North Carolina*, 1:13-cv-660; and *United States v. State of North Carolina*, 1:13-cv-861. On December 13, 2013, Magistrate Judge Peake issued an order that consolidated the three lawsuits for discovery purposes and set a schedule for the three cases. *See* Scheduling Order, ECF No. 30, 1:13-cv-861.

The Order includes a schedule for preliminary motions, including any motion for preliminary injunction by Plaintiffs and any motion for judgment on the pleadings by Defendants. The motions are due on May 5, 2014; responses are due on May 26, 2014; and reply briefs are due on June 9, 2014. At the Initial Pretrial Conference in December 2013, counsel for Plaintiffs inquired about setting a date for a hearing on the preliminary injunction motions the plaintiffs may file, and Plaintiffs were encouraged to file such a motion with Judge Schroeder to that end. Accordingly, the Scheduling Order does not set a date for any potential hearing on these motions. *See* ECF No. 30 at 4. At present, any hearing on the motions would be heard in the July term.

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<sup>1</sup> The private plaintiffs have also brought claims under the Fourteenth and Fifteenth Amendments to the United States Constitution. *See generally* Second Am. Compl., ECF No. 52, Case No. 13-cv-658; Compl., ECF No. 1, Case No. 13-cv-660. In addition, on January 27, 2014, the District Court permitted intervention by a group of young voters who are challenging provisions of House Bill 589 pursuant to the Fourteenth and Twenty-Sixth Amendments. *See* ECF No. 62, 1:13-cv-660.

Plaintiffs requested a status conference to discuss scheduling a hearing on the upcoming preliminary injunction motions and related logistical issues. ECF No. 51. On February 12, 2014, District Judge Schroeder referred the matter to Magistrate Judge Peake to be addressed at the already-scheduled hearing on the pending motions to compel and to quash on February 21, 2014.

Plaintiffs submit this status update to inform the Court that Plaintiffs jointly request that the Court set a date certain on the July 2014 civil master calendar for a hearing on Plaintiffs' motions for a preliminary injunction. Plaintiffs intend to request an evidentiary hearing regarding their proposed preliminary injunction motions, which would necessitate travel to Winston-Salem by counsel, experts, and fact witnesses from outside the Middle District of North Carolina. These cases address the fundamental right to vote, free from discrimination, and the parties wish to ensure sufficient time for the court to consider Plaintiffs' request to stop certain voting changes that will harm minority voters during the November 2014 federal general election, if the changes are not enjoined.

Setting a specific date for such a hearing would permit all parties and their counsel sufficient time to plan travel to Winston-Salem for any such hearing, and to ensure that experts and other witnesses could be present for testimony. If the court is inclined to decide at a later date whether an evidentiary hearing is necessary, establishing the possible start date for a hearing on Plaintiffs' preliminary injunction motion would allow the parties to ensure that potential witnesses reserved a particular time in July to be available for any hearing.

Defendants have informed the United States that they have no objection to the selection of July 7, if a hearing is held.

Plaintiffs therefore jointly propose that the court set **Monday, July 7**, as the start date for any hearing in the three cases on Plaintiffs' preliminary injunction motion.

Plaintiffs advise the court that such a hearing could last up to five days.

### CONCLUSION

For all the foregoing reasons, Plaintiffs provide this status update that they intend to ask the Court to set a date certain for any hearing on Plaintiffs' proposed preliminary injunction motions. Plaintiffs propose that any such hearing begin on Monday, July 7, 2014, to allow counsel and witnesses to reserve time to appear for any such hearing.

Dated: February 19, 2014

Respectfully submitted,

*For the United States:*

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 19, 2014, I electronically filed the foregoing **Plaintiffs' Joint Status Update**, using the CM/ECF system in case numbers 1:13-CV-861, 1:13-CV-658, and 1:13-CV-660, which will send notification of such filing to all counsel of record.

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