

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. )

**APPLICATION TO MAGISTRATE FOR STAY  
OF 27 MARCH 2014 ORDER  
PENDING REVIEW OF OBJECTION**

**NOW COME** Senator Phil Berger, Senator Tom Apodaca, Senator Thom Goolsby, Senator Ralph Hise, Senator Bob Rucho, Representative Thom Tillis, Representative James Boles, Jr., Representative David Lewis, Representative Tim Moore, Representative Tom Murry, Representative Larry Pittman, Representative Ruth Samuelson and Representative Harry Warren (collectively “the legislative movants”), by and through undersigned counsel, and hereby make application for a Stay of the Order of 27 March 2014 Granting in Part and Denying in Part Legislative Movants’ Motion to Quash and Plaintiffs’ Motions to Compel pending review of defendants’ Objection to that Order, filed on this same date. The stay should be entered while the Objection is under review because if the legislative movants are correct and the legislative immunity they claim is absolute, they are irreparably prejudiced by having to comply with the Order.

**WHEREFORE**, the legislative movants respectfully pray that this Application be granted and that a Stay of the Order of 27 March 2014 Granting in Part and Denying in Part Legislative Movants’ Motion to Quash and Plaintiffs’ Motions to Compel be entered.

This the 2<sup>nd</sup> day of April, 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

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

Laughlin McDonald  
ACLU Voting Rights Project  
2700 International Tower  
229 Peachtree Street, NE  
Atlanta, GA 30303  
lmcdonald@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, the 2<sup>nd</sup> day of April, 2014.

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

/s/ Alexander McC. Peters  
Alexander McC. Peters