

**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 Governor of North
Carolina, et al.,**

Defendants.

Case No. 1:13CV658

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

Plaintiffs,

v.

**THE STATE OF NORTH CAROLINA,
et al.,**

Defendants.

Case No. 1:13CV660

UNITED STATES OF AMERICA,

Plaintiff,

v.

**THE STATE OF NORTH CAROLINA,
et al.,**

Defendants.

Case No. 1:13CV861

**PLAINTIFFS' JOINT MOTION TO EXPAND PAGE LIMITATIONS AND
SETTING OTHER PROCEDURES FOR PRELIMINARY INJUNCTION
BRIEFING**

NOW COME all Plaintiffs and Plaintiff-Intervenors in the three above-captioned civil actions (hereinafter "Plaintiffs"), by and through undersigned counsel, and respectfully move the Court pursuant to Local Rule 7.3 for leave to file in support of their forthcoming Motions for Preliminary Injunction: (a) on behalf of all of the Plaintiff groups except the United States, to file a single, joint Memorandum of Law and to expand the page limitation for such Memorandum to no more than eighty (80) pages; (b) on behalf of the United States, a Memorandum of Law with a page limitation of seventy (70) pages.

In support of this motion, Plaintiffs show the following:

1. As the Court is aware, Plaintiffs in the above-captioned actions challenge the constitutionality of several recent discriminatory and unduly burdensome provisions to North Carolina's election laws set forth in House Bill 589, 2013-2014 Sess. (N.C. 2013) ("HB 589") pursuant to Section 2 of the Voting Rights Act and the Fourteenth, Fifteenth, and Twenty-Sixth Amendments of the United States Constitution.

2. On December 12, 2013, Magistrate Judge Joi Elizabeth Peake conducted an initial pretrial conference to discuss various case-management issues, including the scheduling of anticipated preliminary injunction motions. In a Scheduling Order entered on December 13, 2013, Magistrate Judge Peake set a deadline of May 5, 2014 for any party to file a motion for a preliminary injunction.

3. On February 21, 2014, Magistrate Judge Peake advised that the Court would prefer for aligned parties to file joint memoranda of law to the extent possible, in order to promote efficiency and conserve judicial resources. Consistent with the practice recommended by the Court, NAACP Plaintiffs, League of Women Voters Plaintiffs, and Plaintiff-Intervenors seek to file a single, joint memorandum of law in support of their forthcoming Motion for Preliminary Injunction. In light of its unique interests and its internal review process, the United States will file a separate memorandum of law in support of its forthcoming Motion for Preliminary Injunction. All Plaintiffs will file their respective memoranda in accordance with the timetable set forth in the Scheduling Order. All Plaintiffs will also rely on a joint appendix of exhibits.

4. Pursuant to Local Rule 7.3(d), the default page limit with regard to a memorandum of law in support of a motion for preliminary injunction is twenty (20) pages. If the NAACP Plaintiffs, League of Women Voters Plaintiffs, and Plaintiff-Intervenors were to submit separate motions and briefs, they would each be entitled to twenty (20) pages under Local Rule 7.3, or a total of sixty (60) pages, collectively. Due to the number of parties, number of specific claims and challenged provisions, extensive record of fact and expert testimony, Plaintiffs will likely require more than the standard page limit in order to adequately and fully brief the matter. Although they may not need to use all of the expanded pages, the NAACP Plaintiffs, League of Women Voter Plaintiffs, and Plaintiff-Intervenors respectfully request an additional twenty (20) pages beyond the collective limit for three plaintiffs of sixty (60) pages. Thus, Plaintiffs submit

that a page limit of eighty (80) pages for a single, joint memorandum (exclusive of an index, signature page, and certificate of service) would sufficiently allow them to brief these facts and legal issues for the Court, while at the same time minimizing duplication of arguments across separate briefs.

5. For its part, the United States submits that a page limit of seventy (70) pages (exclusive of an index, signature page, and certificate of service) would allow for a full briefing of the factual and legal issues involved in the claims raised in its complaint.

6. In addition, the NAACP Plaintiffs, League of Women Voters Plaintiffs, and Plaintiff-Intervenors seek permission to file a reply brief of 40 pages on June 9, and the United States seeks permission to file a reply brief of 35 pages.

7. The parties have conferred and Defendants' position is as follows:

- i. The page limits otherwise imposed by Local Rule 7.3(d) should be doubled for any preliminary motions, so that each side is limited to 40 pages for briefs in support of motions and for responsive briefs, and to 20 pages for reply briefs; or
- ii. Alternatively, if the Court allows Plaintiffs more than 40 pages total for a brief or briefs in support of any preliminary injunction motion, Defendants request that they be allowed the same number of total pages for their responsive brief and that they be allowed 30 rather than 21 days to respond to Plaintiffs' brief or briefs.

8. Plaintiffs oppose Defendants' requested extension of the current briefing schedule due to concern that any extension of the current schedule could hinder the Court's ability to prepare for a preliminary injunction hearing and -- if the Court finds in

Plaintiffs' favor -- fashion and order relief sufficiently in advance of the 2014 election to meaningfully protect voters whose right to vote will otherwise be infringed or denied as a result of HB 589's challenged provisions.

9. Plaintiffs are submitting a proposed order to the Court contemporaneously with this Motion.

WHEREFORE, Plaintiffs respectfully request that the Court grant leave for the Plaintiffs to file their respective Memorandums of Law in Support of their forthcoming Motion for Preliminary Injunction and to expand the page limitation for such Memorandum to eighty (80) pages for NAACP Plaintiffs, League of Women Voters Plaintiffs, and Plaintiff-Intervenors and seventy (70) pages for the United States, exclusive of an index, signature page, and certificate of service. The parties also request additional pages for their respective reply briefs.

Respectfully submitted, this the 7th day of April, 2014.

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83.1(d)*

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Local Rule 83.1

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CERTIFICATE OF SERVICE

I hereby certify that on this date I served a copy of the foregoing **PLAINTIFFS' JOINT MOTION TO FILE JOINT MEMORANDUM OF LAW AND TO EXPAND PAGE LIMITATION** with service to be made by electronic filing with the Clerk of the Court using the CM/ECF System, which will send a Notice of Electronic Filing to all parties with an e-mail address of record, who have appeared and consent to electronic service in this action.

This the 7th day of April, 2014.

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