

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

NORTH CAROLINA STATE CONFERENCE)
OF THE NAACP, EMMANUEL BAPTIST)
CHURCH, NEW OXLEY HILL BAPTIST)
CHURCH, BETHEL A. BAPTIST CHURCH,)
COVENANT PRESBYTERIAN CHURCH,)
CLINTON TABERNACLE AME ZION)
CHURCH, BARBEE'S CHAPEL)
MISSIONARY BAPTIST CHURCH, INC.,)
ROSANELL EATON, ARMENTA EATON,)
CAROLYN COLEMAN, BAHEEYAH)
MADANY, JOCELYN FERGUSON-KELLY,)
FAITH JACKSON, MARY PERRY, and)
MARIA TERESA UNGER PALMER)

Plaintiffs,)

v.)

PATRICK LLOYD MCCRORY, in his official)
capacity as the Governor of North Carolina,)
KIM WESTBROOK STRACH, in her official)
capacity as Executive Director of the North)
Carolina State Board of Elections, JOSHUA B.)
HOWARD, in his official capacity as Chairman)
of the North Carolina State Board of Elections,)
RHONDA K. AMOROSO, in her official)
capacity as Secretary of the North Carolina State)
Board of Elections, JOSHUA D. MALCOLM,)
in his official capacity as a member of the North)
Carolina State Board of Elections, PAUL J.)
FOLEY, in his official capacity as a member of)
the North Carolina State Board of Elections and)
MAJA KRICKER, in her official capacity as a)
member of the North Carolina State Board of)
Elections,)

Defendants.)

**PLAINTIFFS' MOTION TO
EXPEDITE THE COURT'S
RESOLUTION OF
DEFENDANTS' OBJECTION
TO ORDER OF 27 MARCH 2014
GRANTING IN PART AND
DENYING IN PART MOVANTS'
MOTION TO QUASH AND
PLAINTIFFS' MOTION TO
COMPEL**

Case No.: 1:13-CV-658

Plaintiffs hereby move to expedite the resolution of Defendants' Objection to Judge Peake's March 27, 2014 Order. (*See* April 2, 2014 Defendants' Objection to Order of 27 March 2014 Granting in Part and Denying in Part Legislative Movants' Motion to Quash and Plaintiffs' Motions to Compel (Rec. Doc. 97). In light of the time-sensitive nature of the issues presented in Defendants' Objection, Plaintiffs are filing their Opposition brief concurrently with this motion—a full week before Plaintiffs response would otherwise be due. The Defendants do not oppose expedited resolution of Defendants' Objection. Plaintiffs therefore respectfully request that the Court expedite its resolution of Defendants' Objection for the reasons contained herein and in the Opposition it is filing today.

A swift resolution of Defendants' Objection is critically important due to the case schedule and the voting rights Plaintiffs are seeking to protect. NAACP Plaintiffs issued the document requests at issue on December 12 and 19, 2013 and LWV Plaintiffs propounded discovery requests on December 20, 2013—almost four months ago. These subpoenas and requests for production, directed to 13 of the state legislators that had involvement in the review and passage of H.B. 589 and the State, respectively, call for the production of documents related to, among other things, information available to legislators at the time of H.B. 589's enactment and the effect of the challenged provisions on the upcoming election. Defendants filed their Motion to Quash NAACP Plaintiffs' subpoenas on January 20, 2014 and opposed LWV Plaintiffs' motion to compel on February 18, 2014. After full and complete briefing, Magistrate Judge Peake held a full hearing on that Motion on February 21, 2014 and thereafter received supplemental

briefing on the Motion on February 26, 2014. On March 27, 2014, Judge Peake issued the Order granting in part and denying in part Defendants' Motion to Quash, identifying certain categories of documents that should be produced, and instructing the parties to meet-and-confer and as to whether certain other categories of documents should be produced and/or logged. On April 4, 2014, at Defendants' request, Magistrate Judge Peake stayed her March 27 Order.

With the deadline for preliminary injunction briefing looming, Plaintiffs request expedited resolution of Defendants' Objection. Plaintiffs have conferred with counsel for Defendants and have been advised that Defendants do not oppose expedited resolution of Defendants' Objection. Expediting the resolution of Defendants' Objection and scheduling a hearing, if necessary, to better understand the issues, serves the interests of judicial economy and the administration of justice.

WHEREFORE, Plaintiffs respectfully pray that the Court expedite the resolution of Defendants' Objection.

A proposed order is attached hereto.

Dated: April 14, 2014

Respectfully submitted,

Penda D. Hair
Edward A. Hailes, Jr.
Denise D. Lieberman
Donita Judge
Caitlin Swain
ADVANCEMENT PROJECT
Suite 850
1220 L Street, N.W.
Washington, DC 20005
Telephone: (202) 728-9557
E-mail:
phaire@advancementproject.com

Irving Joyner (N.C. State Bar # 7830)
P.O. Box 374
Cary, NC 27512
Telephone: (919) 319-8353
E-mail: ijoyner@nccu.edu

By: /s/ Adam Stein

Adam Stein (N.C. State Bar # 4145)
Of Counsel
TIN FULTON WALKER & OWEN, PLLC
312 West Franklin Street
Chapel Hill, NC 27516
Telephone: (919) 240-7089
E-mail: astein@tinfulton.com

/s/ Daniel T. Donovan

Thomas D. Yannucci
Daniel T. Donovan
Susan M. Davies
Bridget K. O'Connor
K. Winn Allen
Uzoma Nkwonta
Kimberly D. Rancour
Jodi Wu
KIRKLAND & ELLIS LLP
655 Fifteenth St., N.W.
Washington, DC 20005
Telephone: (202) 879-5000
E-mail: tyannucci@kirkland.com

Attorneys for Plaintiffs in North Carolina Conference of NAACP, et al. v. McCrory, et al.

Laughlin McDonald*
ACLU Voting Rights Project
2700 International Tower
229 Peachtree Street, NE
Atlanta, GA 30303
(404) 500-1235
lmcdonald@aclu.org
* appearing pursuant to Local Rule
83.1(d)

By: /s/ Anita S. Earls

Anita S. Earls (State Bar # 15597)
Allison J. Riggs (State Bar # 40028)
Clare R. Barnett (State Bar #42678)
Southern Coalition for Social Justice
1415 Highway 54, Suite 101
Durham, NC 27707
Telephone: 919-323-3380 ext. 115
Facsimile: 919-323-3942
E-mail: anita@southerncoalition.org

Christopher Brook (State Bar
#33838) ACLU of North Carolina
Legal Foundation
P.O. Box 28004
Raleigh, NC 27611-8004
Telephone: 919-834-3466
Facsimile: 866-511-1344
E-mail: cbrook@acluofnc.org

Dale Ho*
Julie A. Ebenstein*
ACLU Voting Rights Project
125 Broad Street
New York, NY 10004
(212) 549-2693
dale.ho@aclu.org
**appearing pursuant to Local Rule
83.1(d)*

*Attorneys for Plaintiffs in League of Women Voters of North Carolina, et al. v. North
Carolina, et al.*

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2014, I served **Plaintiffs' Motion to Expedite Resolution of Defendants' Objection to 27 March 2014 Order Granting in Part and Denying in Part Movants' Motion to Quash and Plaintiffs' Motion to Compel** with the Clerk of Court using the CM/ECF system in case numbers 1:13-cv-658, 1:13-cv-660, and 1:13-cv-861, which on the same date sent notification of the filing to the following:

Counsel for Plaintiffs

Adam Stein
TIN FULTON WALKER & OWEN, PLLC
312 West Franklin Street
Chapel Hill, NC 27516
Telephone: (919) 240-7089
Facsimile: (919) 240-7822
E-mail: astein@tinfulton.com

Penda D. Hair
Edward A. Hailes
Denise Lieberman
Donita Judge
Caitlin Swain
ADVANCEMENT PROJECT
Suite 850
1220 L Street, N.W.
Washington, DC 20005
Telephone: (202) 728-9557
E-mail: phair@advancementproject.com

Daniel T. Donovan
Thomas D. Yannucci
Susan M. Davies
K. Winn Allen
Uzoma Nkwonta
Kim Knudson
Jodi Wu
KIRKLAND & ELLIS LLP
655 Fifteenth St., N.W.
Washington, DC 20005
Telephone: (202) 879-5174
Facsimile: (202) 879-5200
E-mail: daniel.donovan@kirkland.com

Irving Joyner
PO Box 374
Cary, NC 27512
E-mail: ijoyner@ncsu.edu

Counsel for Plaintiffs in League of Women Voters of North Carolina, et al. v. North Carolina, et al.

Anita S. Earls (State Bar # 15597)
Allison J. Riggs (State Bar # 40028)
Clare R. Barnett (State Bar #42678)
SOUTHERN COALITION FOR SOCIAL JUSTICE
1415 Highway 54, Suite 101
Durham, NC 27707
Telephone: (919) 323-3380 ext. 115
Facsimile: (919) 323-3942
E-mail: anita@southerncoalition.org

Christopher Brook (State Bar #33838)
ACLU of NORTH CAROLINA LEGAL FOUNDATION
P.O. Box 28004
Raleigh, NC 27611-8004
Telephone: (919) 834-3466
Facsimile: (866) 511-1344
E-mail: cbrook@acluofnc.org

Dale Ho*
Julie A. Ebenstein*
ACLU VOTING RIGHTS PROJECT
125 Broad Street
New York, NY 10004
Telephone: (212) 549-2693
E-mail: dale.ho@aclu.org
**appearing pursuant to Local Rule 83.1(d)*

Laughlin McDonald*
ACLU VOTING RIGHTS PROJECT
2700 International Tower
229 Peachtree Street, NE
Atlanta, GA 30303
Telephone: (404) 500-1235
E-mail: lmcdonald@aclu.org
**appearing pursuant to Local Rule 83.1(d)*

Counsel for Plaintiffs in US v. North Carolina, et al.

T. Christian Herren, Jr.
John A. Russ IV
Catherine Meza
David G. Cooper
Spencer R. Fisher
Elizabeth Ryan
Attorneys, Voting Section
Civil Rights Division
U.S. DEPARTMENT OF JUSTICE
Room 7254-NWB
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Telephone: (800) 253-3931
Facsimile: (202) 307-3961
E-mail: john.russ@usdoj.gov
E-mail: catherine.meza@usdoj.gov

Gill P. Beck (State Bar # 13175)
Special Assistant United States Attorney
OFFICE OF THE UNITED STATES
ATTORNEY
United States Courthouse
100 Otis Street
Asheville, NC 28801
Telephone: (828) 259-0645
E-mail: gill.beck@usdoj.gov

Counsel for Plaintiff-Intervenors in League of Women Voters of North Carolina, et al. v. North Carolina, et al.

Marc E. Elias
John M. Devaney
Elisabeth C. Frost
700 Thirteenth St., N.W., Suite 600
Washington, D.C. 20005-3960
Telephone: (202) 654-6200
Facsimile: (202) 654-6211
E-mail: melias@perkinscoie.com
E-mail: jdevaney@perkinscoie.com
E-mail: efrost@perkinscoie.com

Edwin M. Speas, Jr. (State Bar # 4112)
John W. O'Hale (State Bar # 35895)
Caroline P. Mackie (State Bar # 41512)
P.O. Box 1801 (27602-1801)
301 Fayetteville St., Suite 1900
Raleigh, NC 27601
Telephone: (919) 783-6400
Facsimile: (919) 783-1075
E-mail: espeas@poynerspruill.com
E-mail: johale@poynerspruill.com
E-mail: cmackie@poynerspruill.com

Counsel for Defendant Patrick McCrory

Karl S. Bowers, Jr.
BOWERS LAW OFFICE LLC
P.O. Box 50549
Columbia, SC 29250
Telephone: (803) 260-4124
Facsimile: (803) 250-3985
E-mail: butch@butchbowers.com

Robert C. Stephens
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
Of Counsel

**Counsel for Defendants State of North
Carolina and Members of the State Board of
Elections**

Alexander Peters, Esq.
NC DEPARTMENT OF JUSTICE
PO Box 629
Raleigh, NC 27602
Telephone: (919) 716-6913
Facsimile: (919) 716-6763
E-mail: apeters@ncdoj.gov

Thomas A. Farr, Esq.
Phillip J. Strach, Esq.
OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C
4208 Six Forks Road
Raleigh, NC 27609
Telephone: (919) 787-9700
Facsimile: (919)783-9412
E-mail: thomas.farr@ogletreedeakins.com
E-mail: phil.strach@ogletreedeakins.com

Respectfully Submitted,

/s/ Daniel T. Donovan

Daniel T. Donovan, Esq.
Kirkland & Ellis LLP
655 Fifteenth St., N.W.
Washington, DC 20005
Telephone: (202) 879-5174
Facsimile: (202) 879-5200
E-mail: daniel.donovan@kirkland.com

/s/ Adam Stein

Adam Stein (N.C. State Bar #4145)
TIN FULTON WALKER & OWEN,
PLLC
312 West Franklin Street
Chapel Hill, NC 27516
Telephone: (919) 240-7089
E-mail: astein@tinfulton.com

/s/ Anita S. Earls

Anita S. Earls (State Bar # 15597)
Allison J. Riggs (State Bar # 40028)
Clare R. Barnett (State Bar #42678)
Southern Coalition for Social Justice
1415 Highway 54, Suite 101
Durham, NC 27707
Telephone: 919-323-3380 ext. 115
Facsimile: 919-323-3942
E-mail: anita@southerncoalition.org