

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

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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. )

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**PLAINTIFFS’ MOTION TO  
EXPEDITE BRIEFING**

**Case No.: 1:13-CV-658**

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LEAGUE OF WOMEN VOTERS OF  
NORTH CAROLINA, A. PHILIP  
RANDOLPH INSTITUTE, UNIFOUR  
ONESTOP COLLABORATIVE,  
COMMON CAUSE NORTH CAROLINA,  
GOLDIE WELLS, KAY BRANDON,  
OCTAVIA RAINEY, SARA STOHLER,  
and HUGH STOHLER,

Plaintiffs,

v.

THE STATE OF NORTH CAROLINA,  
JOSHUA B. HOWARD in his official capacity as  
a member of the State Board of Elections,  
RHONDA K. AMOROSO in her official capacity  
as a member of the State Board of Elections,  
JOSHUA D. MALCOLM in his official capacity  
as a member of the State Board of Elections,  
PAUL J. FOLEY in his official capacity as a  
member of the State Board of Elections, MAJA  
KRICKER in her official capacity as a member of  
the State Board of Elections, and PATRICK L.  
MCCRORY, in his official capacity as the  
Governor of North Carolina,

Defendants.

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**Case No.: 1:13-CV-660**

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UNITED STATES OF AMERICA,

Plaintiffs,

v.

THE STATE OF NORTH CAROLINA; THE  
NORTH CAROLINA STATE BOARD OF  
ELECTIONS; and KIM W. STRACH, in her  
official capacity as Executive Director of the  
North Carolina State Board of Elections,

Defendants.

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**Case No.: 1:13-CV-861**

## **PLAINTIFFS' MOTION TO EXPEDITE BRIEFING**

Concurrently with this motion, the NAACP Plaintiffs and LWV Plaintiffs have filed a motion to compel production of documents from Defendants. As that motion explains, although Plaintiffs served their requests for production nearly eight weeks ago, Defendants to date have produced only 156 documents. The great majority of those documents, moreover, were publicly available materials, and Defendants production did not include any internal, non-public documents or communications. Although Plaintiffs have attempted to meet and confer with Defendants to facilitate document productions, Defendants have provided repeated excuses for delaying the production of additional documents and have refused to expedite their document-production efforts. For that reason, Plaintiffs' motion to compel asks this Court for various forms of relief, including an order requiring Defendants to produce all responsive documents by a specific date.

Through this motion, The NAACP and LWV Plaintiffs request an expedited briefing schedule for their motion to compel.<sup>1</sup> That expedited briefing schedule is necessary in light of the schedule in this case, which requires Plaintiffs to file expert reports on April 1, 2014 and preliminary injunction motions by March 5, 2014. Given this timeline, Plaintiffs require an expedited resolution of their motion to compel so that they can obtain the documents necessary to proceed with further discovery activities, prepare expert reports, and prepare and file motions for preliminary injunctive relief.

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<sup>1</sup> Under the Local Rules, the Defendants are permitted 21 days to respond after the service of the motion to compel. See LR 7.3(f).

The NAACP and LWV Plaintiffs propose the following scheduling for resolving the pending motion to compel:

- January 29, 2014 — Defendants file their response to Plaintiffs' Motion to Compel.
- January 31, 2014 — Plaintiffs file a reply brief in support of their Motion to Compel.
- February 3, 2014 — This Court hears argument on Plaintiffs' Motion to Compel

This schedule will enable the parties to resolve the pending motion to compel within the next two weeks, so that the parties can obtain clarity on Defendants' duty to produce documents and the dates on which those productions will be made. Because the Defendants have already had nearly two months to produce documents, and in light of the parties' lengthy discussions regarding discovery, no prejudice would result.

Dated: January 24, 2014

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Daniel T. Donovan, hereby certify that on January 24, 2013, I served Plaintiffs' Motion to Expedite Briefing 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:

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