

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

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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. )

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

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

Plaintiffs, )

v. )

THE STATE OF NORTH CAROLINA, et al., )

Defendants. )

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

UNITED STATES OF AMERICA, )

Plaintiffs, )

v. )

THE STATE OF NORTH CAROLINA, et al, )

Defendants. )

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

**PLAINTIFFS' MOTION TO STRIKE THE DECLARATIONS OF THOMAS  
BROOKS HOFELLER AND MOTION IN LIMINE TO EXCLUDE HIS  
TESTIMONY AT TRIAL**

Pursuant to Federal Rule of Evidence 702 and the Supreme Court’s decision in *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), Plaintiffs in *North Carolina State Conference of the NAACP, et al. v. McCrory, et al.*, Plaintiffs in *League of Women Voters of N.C., et al. v. North Carolina*, and the Duke Intervenor Plaintiffs (collectively, the “Plaintiffs”) respectfully move for an order striking the First Declaration of Thomas Brooks Hofeller (ECF No. 143 (Case No. 1:13-CV-00660-TDS-JEP)) and all related supporting materials (ECF. Nos. 144-145), striking the March 15, 2015 Second Declaration of Thomas Brooks Hofeller (copy attached as Exhibit D to accompanying brief) and all supporting materials, and excluding any testimony by Thomas Brooks Hofeller (“Dr. Hofeller”) at trial.<sup>1</sup> For the reasons set forth in the accompanying brief in support, Dr. Hofeller’s declarations and anticipated testimony do not meet the standards for expert testimony under Rule 702 and as established in *Daubert* and its progeny.

Plaintiffs have conferred with Defendants regarding this motion and have been advised that Defendants oppose it.

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<sup>1</sup> The undersigned are authorized to represent that Plaintiff, the United States of America, joins this motion.

Dated: June 23, 2015

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 23, 2015, I served Plaintiffs' Motion to Strike the Declarations of Thomas Brooks Hofeller and Motion in Limine to Exclude His Testimony at Trial using the CM/ECF system, by filing a copy thereof in case numbers 1:13-cv-658 and 1:13-cv-660, 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 all above-captioned actions.

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

## General Information

<b>Court</b>	United States District Court for the Middle District of North Carolina; United States District Court for the Middle District of North Carolina
<b>Federal Nature of Suit</b>	Civil Rights - Voting[441]
<b>Docket Number</b>	1:13-cv-00660