

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 the Governor of North
Carolina, et al.,

Defendants.

Civil Action No. 1:13-CV-658

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

Plaintiffs,

v.

THE STATE OF NORTH CAROLINA, et
al.,

Defendants.

Civil Action No. 1:13-CV-660

**UNITED STATES' STATEMENT IN SUPPORT
OF PLAINTIFFS' MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

On January 24, 2014, plaintiffs in the cases *NAACP v. McCrory*, 1:13-cv-658, and *League of Women Voters v. North Carolina*, 1:13-cv-660 (hereinafter "NAACP Plaintiffs" and "LWV Plaintiffs"), filed a motion to compel production of documents by the Defendants, based on requests originally served on November 29, 2013, and December 2, 2013. *See, e.g.*, 1:13-cv-658, ECF No. 58, at p 3. Due to Defendants' delay

in producing documents, and upcoming deadlines associated with expert reports and preliminary injunction motions in these cases, the NAACP Plaintiffs and LWV Plaintiffs also sought an expedited briefing schedule on the motion to compel. These same expert and preliminary injunction deadlines apply in *United States v. North Carolina*, 1:13-cv-861, which has been consolidated with the other two cases for purposes of discovery and scheduling. *See* Scheduling Order, 1:13-cv-861, ECF. No. 30, at p. 2.

The United States supports the NAACP Plaintiffs and LWV Plaintiffs' motion to compel. The United States served its own requests for production on Defendants on December 31, 2013; Defendants' responses are due on February 3, 2014. If Defendants impose similar delays and limitations on the production due on February 3rd (including imposing limitations on producing documents created both before and after the enactment of H.B. 589), the United States may need to file its own motion to compel, to ensure Defendants comply with their discovery obligations and the deadlines provided by the Federal Rules of Civil Procedure, and to ensure that the United States is not prejudiced if it chooses to seek preliminary injunctive relief pursuant to the Court's scheduling order. In light of the upcoming schedule for preliminary injunction motions due on May 5, 2014, and accompanying expert reports due on April 1, 2014, the United States concurs with the NAACP Plaintiffs and LWV Plaintiffs' request for an expedited briefing schedule for their motion to compel and a specific date (February 14, 2014) by which Defendants will turn over relevant documents within their possession, as well as any

appropriate privilege logs.¹ Indeed, some of the issues here (including relevance of documents created after enactment of H.B. 589) were previously addressed in briefing related to entry of an order regarding electronically stored information. *See* United States' Opposition to Defendants' Motion Regarding Order on Electronically Stored Information, 1:13-cv-861, ECF No. 40, at pp. 2-4.

CONCLUSION

For the reasons set forth above, the United States supports the NAACP Plaintiffs and LWV Plaintiffs' motion to compel production of documents, as well as the request that briefing on this matter be expedited.

¹ As noted in the NAACP Plaintiffs and LWV Plaintiffs' motion to compel, Defendants have agreed to provide two databases by January 31, 2014. The United States agrees that these databases should have been produced earlier, in light of the revised joint consent protective order signed by the Court on January 3, 2014, *see* 1:13-cv-861, ECF No. 36, and that the production of these databases appears to have been delayed by Defendants' initial steps to "scrub" personal data from the databases, despite the Court's adoption of the protective order.

Dated: January 28, 2014

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Respectfully submitted,

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CERTIFICATE OF SERVICE OF DISCOVERY

I hereby certify that on January 28, 2014, I electronically filed the foregoing **United States' Statement in Support of Plaintiffs' Motion to Compel Production of Documents**, using the CM/ECF system in case numbers 1:13-CV-658 and 1:13-CV-660, which will send notification of such filing to all counsel of record.

/s/ Catherine Meza

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