

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.

**JOINT STATEMENT  
REGARDING MOTIONS ON DR.  
CHARLES STEWART AND MR.  
BRIAN NEESBY**

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 OF AMERICA,

Plaintiff,

v.

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

Defendants.

Civil Action No. 1:13-cv-861

**JOINT STATEMENT REGARDING MOTIONS  
ON DR. CHARLES STEWART AND MR. BRIAN NEESBY**

During the June 24, 2015 telephonic status conference call, the Court directed the parties to provide updates by noon on Friday, June 26, on pending motions.

The United States and Defendants have met and conferred, and have reached the agreement below to hold in abeyance (a) Defendants' Motion to Exclude Testimony by the United States' Expert, Dr. Charles Stewart, ECF No. 269, 1:13-cv-861, and (b) the United States' Motion in Limine to Exclude Improper Expert Opinion Testimony of Brian Neesby, ECF No. 265, 1:13-cv-861.

The terms of the agreement are as follows:

1. In light of the voter ID issues being deferred for purposes of the July 13th proceeding, the United States agrees not to rely on evidence from Dr. Charles Stewart about his voter ID database matching process or results for purposes of presenting its merits case during the July 13th proceeding, and the United States will identify which portions of Dr. Stewart's 2015 reports that it will rely upon.
2. In exchange, the State will hold in abeyance its Daubert motion directed at Dr. Stewart. Defendants also agree not to rely on any evidence from any witnesses regarding Dr. Stewart's voter ID database matching process, including any testimony presented by Brian Neesby in his state court affidavit to the extent it addresses Dr. Stewart's voter ID database matching project.
3. Regarding the United States' motion in limine, the United States agrees to hold in abeyance its motion in limine regarding Brian Neesby. The United States,

however, retains the right to object at trial to any testimony from Mr. Neesby about database matching as it is being presented at trial, including on the grounds that Mr. Neesby was not properly disclosed as an expert and his testimony does not meet the requirements of Federal Rule of Evidence 702.

4. Accordingly, at this time, the United States will not be filing a written response to Defendants' Motion to Exclude Testimony by the United States' Expert, Dr. Charles Stewart, ECF No. 269, and Defendants will not be filing a written response to United States' Motion in Limine to Exclude Improper Expert Opinion Testimony of Brian Neesby, ECF No. 265.
5. If a future hearing addresses the United States' Section 2 voter ID claim, then this agreement would expire and would no longer bind the parties.

Dated: June 26, 2015

Respectfully submitted,

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**CERTIFICATE OF SERVICE OF DISCOVERY**

I hereby certify that on June 26, 2015, I electronically filed the foregoing **Joint Statement Regarding Motions on Dr. Charles Stewart and Mr. Brian Neesby**, using the CM/ECF system in case numbers 1:13- cv-658, 1:13- cv-660, and 1:13-cv-861, which will send notification of such filing to all counsel of record.

/s/ John A. Russ IV

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## 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