

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

NORTH CAROLINA STATE CONFERENCE)
OF THE NAACP, et al.,)
)
Plaintiffs,)
)
v.) **Case No.: 1:13-CV-658**
)
PATRICK LLOYD MCCRORY, in his official)
capacity as the Governor of North Carolina, et)
al.,)
Defendants.)

LEAGUE OF WOMEN VOTERS OF)
NORTH CAROLINA, et al.,)
)
Plaintiffs,)
)
v.) **Case No.: 1:13-CV-660**
)
THE STATE OF NORTH CAROLINA, et al.,)
)
Defendants.)

UNITED STATES OF AMERICA,)
)
Plaintiffs,)
)
v.) **Case No.: 1:13-CV-861**
)
THE STATE OF NORTH CAROLINA, et al,)
)
Defendants.)

**PLAINTIFFS' MOTION TO STRIKE DECLARATION OF THOMAS
HOFELLER AND MOTION IN LIMINE TO EXCLUDE HIS TESTIMONY AT
PRELIMINARY INJUNCTION HEARING**

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 declaration of Thomas Hofeller ("Hofeller") submitted by Defendants in support of their response in opposition to Plaintiffs' and the U.S. Department of Justice's motions for preliminary injunction, and excluding his testimony at the upcoming hearing to be held on the same. For the reasons set forth in the accompanying brief in support, Hofeller's declaration and anticipated testimony do not meet the standards for expert testimony under Rule 702 and as established in *Daubert* and its progeny.

Pursuant to the Court's March 3, 2014 Order in this case, Plaintiffs have conferred with Defendants regarding this motion and have been advised that Defendants oppose it.

Dated: June 30, 2014

Respectfully submitted,

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*Local Rule 83.1
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CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2014, I served Plaintiffs' Motion to Strike Declaration of Thomas Hofeller and Motion in Limine to Exclude His Testimony at Preliminary Injunction Hearing 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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This the 30th day of June, 2014.

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