

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

NORTH CAROLINA STATE CONFERENCE, )  
OF THE NAACP, EMMANUEL BAPTIST )  
CHURCH, BETHEL A. BAPTIST CHURCH, )  
COVENANT PRESBYTERIAN CHURCH, )  
BARBEE'S CHAPEL MISSIONARY BAPTIST )  
CHURCH, INC., ROSANELL EATON, )  
ARMENTA EATON, CAROLYN COLEMAN, )  
JOCELYN FERGUSON-KELLY, FAITH )  
JACKSON, MARY PERRY, and MARIA )  
TERESA UNGER PALMER, )

Plaintiffs, )

v. )

1:13CV658

PATRICK LLOYD MCCRORY, in his )  
Official capacity as Governor of )  
North Carolina, KIM WESTBROOK )  
STRACH, in her official capacity )  
as Executive Director 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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LEAGUE OF WOMEN VOTERS OF NORTH )  
CAROLINA; A. PHILIP RANDOLPH )  
INSTITUTE; UNIFOUR ONESTOP )  
COLLABOARATIVE; COMMON CAUSE NORTH )  
CAROLINA; GOLDIE WELLS; KAY )  
BRANDON; OCTAVIA RAINEY; SARA )

STOHLER; and HUGH STOHLER, )

Plaintiffs, )

and )

LOUIS M. DUKE; JOSUE E. BERDUO; )

NANCY J. LUND; BRIAN M. MILLER; )

BECKY HURLEY MOCK; LYNNE M. )

WALTER; and EBONY N. WEST, )

Plaintiff-Intervenors, )

v. )

1:13CV660

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 the State of )

North Carolina, )

Defendants. )

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

1:13CV861

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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**ORDER**

This matter is before the court as a result of the telephonic hearing on January 7, 2016, the parties' joint report thereafter (Doc. 399),<sup>1</sup> and the North Carolina NAACP Plaintiffs' January 12, 2016 motion to postpone the trial until after the March 15, 2016 primary election (Doc. 400). No other party seeks to postpone the trial. Having considered the positions of the parties,

IT IS HEREBY ORDERED as follows:

1. North Carolina NAACP Plaintiffs' motion to postpone the trial (Doc. 400) is DENIED. These cases have been pending for two and one-half years, all other claims in these cases (including the intent portion of all claims) were tried during the July 2015 trial term, seven months have passed since the General Assembly amended the law to add a reasonable impediment exception, and substantial information has been made available regarding the State's plans for implementing the exception. The claims need to be resolved. No other party seeks a delay, Defendants oppose the motion, and the United States has consistently opposed any further delay. (Doc. 367.) The United States has contended that the current

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<sup>1</sup> All citations are to case 1:13cv658.

schedule is "manageable and provides for the timely resolution of this matter, all of which is in the best interest of both the State's voters and election administrators." (Doc. 392 at 2.)

2. Trial relating to the remaining portion of the voter photo-ID claims in these cases under SL 2013-381, as amended by SL 2015-103, will commence on January 25, 2016, at 9:30 a.m. in Courtroom # 1 in Winston-Salem. On that first day of trial only, court will recess at 3:30 p.m. Thereafter, the parties should be prepared to start at 9:00 a.m. and recess at 5:30 p.m.

3. At Plaintiffs' insistence, the intent portion of all claims was tried in the July 2015 trial. Plaintiffs shall have up to 18 hours for the presentation of their case as to the remaining photo-ID claims, such time to include any rebuttal evidence and to be allocated among the various Plaintiffs with claims remaining. Defendants shall have 18 hours to present their case as well. The parties may use their time as they wish, but it is inclusive of all trial-related time - from pretrial motions, through evidence (including direct and cross-examinations), and final arguments. If the parties are unable to agree on the allocation of time between them on a side, they may seek assistance from the court. All materials already in the record from the July 2015 trial (including those incorporated from the preliminary injunction proceeding pursuant to Federal Rule of Civil Procedure 65(a)) are in evidence and need not (indeed, shall not) be re-introduced

during the January 2016 trial. This includes all evidence regarding the intent claims.

4. By 3:00 p.m. on January 22, 2016, the parties shall advise the Deputy Clerk as to which courtesy court copies of exhibits and depositions from the prior proceedings the court should have available in the courtroom for the January proceeding. Otherwise, the parties should be prepared to provide courtesy copies (one for the court and two for law clerks) of new evidence during the trial.

5. By agreement of the parties, the court will permit the parties to supplement the trial record, but only up to 5:00 p.m. on February 11, 2016. Any supplement will be limited to new material that is created or produced by Defendants after the close of proceedings in the January 2016 trial and any new evidence relating to any witness(es) properly identified in the parties' pretrial disclosures. Otherwise, the court will not consider any other evidence absent exceptional and compelling reasons.

/s/ Thomas D. Schroeder  
United States District Judge

January 14, 2016