

**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.

**NAACP PLAINTIFFS’ MOTION
TO STRIKE IN PART THE
EXPERT REPORT OF DR.
STEPHAN THERNSTROM**

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.

Case No.: 1:13-CV-660

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF NORTH CAROLINA, et al.,

Defendants.

Case No.: 1:13-CV-861

The NAACP Plaintiffs respectfully move for an order striking portions of the December 30, 2015 report of Dr. Stephan Thernstrom, an expert retained by the

Defendants. As set forth in the accompanying memorandum in support, substantial portions of Dr. Stephan Thernstrom's report were not limited to the topics addressed in the Plaintiffs' December 4, 2015 experts' reports, and are therefore inappropriate subjects of expert testimony at this stage under the Rule 26(f) Report negotiated by the parties and adopted by the Court. [ECF No. 382, ¶ 4(d), adopted by Text Order, Nov. 4, 2015.] The NAACP Plaintiffs request that the Court strike those portions of Dr. Thernstrom's report and bar him from testifying regarding those opinions at the upcoming trial.¹

Dated: January 18, 2016

Respectfully submitted,

Penda D. Hair
Edward A. Hailes, Jr.
Denise D. Lieberman
Donita Judge
Caitlin Swain
ADVANCEMENT PROJECT
Suite 850
1220 L Street, N.W.
Washington, DC 20005
Telephone: (202) 728-9557
E-mail:
phair@advancementproject.com

Irving Joyner (N.C. State Bar # 7830)
P.O. Box 374
Cary, NC 27512
Telephone: (919) 319-8353
E-mail: ijoyner@nccu.edu

By: /s/ Daniel T. Donovan

Adam Stein (N.C. State Bar # 4145)
Of Counsel
TIN FULTON WALKER & OWEN, PLLC
312 West Franklin Street
Chapel Hill, NC 27516
Telephone: (919) 240-7089
E-mail: astein@tinfulton.com

Daniel T. Donovan
Susan M. Davies
Bridget K. O'Connor
Michael Glick
K. Winn Allen
KIRKLAND & ELLIS LLP
655 Fifteenth St., N.W.
Washington, DC 20005
Telephone: (202) 879-5000
E-mail: michael.glick@kirkland.com

¹ Plaintiffs have conferred with Defendants regarding this motion and have been advised that Defendants oppose it.

CERTIFICATE OF SERVICE

I hereby certify that on January 18, 2016, I electronically filed the foregoing **NAACP PLAINTIFFS' MOTION TO STRIKE IN PART THE EXPERT REPORT OF STEPHAN THERNSTROM**, 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/ Daniel T. Donovan

Daniel T. Donovan

Attorney for Plaintiffs in
*North Carolina State Conference of the
NAACP, et al. v. McCrory, et al.*