

STATE OF NORTH CAROLINA
COUNTY OF DUPLIN

ADRAIN ARNETT, in his individual capacity³⁶⁷⁷
and in his capacity as Chairman of the Duplin
County Republican Party, and NORTH
CAROLINA REPUBLICAN PARTY

Plaintiffs,

v.

THE NORTH CAROLINA STATE BOARD
OF ELECTIONS; DAMON CIRCOSTA, in his
official capacity as CHAIR OF THE STATE
BOARD OF ELECTIONS; STELLA
ANDERSON, in her official capacity as
SECRETARY OF THE STATE BOARD OF
ELECTIONS; JEFF CARMON III, in his
official capacity as MEMBER OF THE STATE
BOARD OF ELECTIONS; KAREN
BRINSON BELL, in her official capacity as
EXECUTIVE DIRECTOR OF THE STATE
BOARD OF ELECTIONS,

Defendants,

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

OCT 12 A 9 15
20-CVS-570

BY CGS

**PROPOSED DEFENDANT-
INTERVENOR NORTH CAROLINA
DEMOCRATIC PARTY'S
MOTION FOR PARTIAL STAY
PENDING TRANSFER TO THREE-
JUDGE PANEL**

The North Carolina Democratic Party ("NCDP") moves this Court to stay proceedings related to Plaintiffs Adrain Arnett's and North Carolina Republican Party's (collectively "NCGOP") facial constitutional challenges to North Carolina law regarding challenges to and the pre-election processing of absentee ballots.

For the reasons discussed in the memorandum in support, filed concurrently herewith, those claims can only be adjudicated by a three-judge panel of this Court under Sections 1-267.1 of the General Statutes and North Carolina Rule of Civil Procedure 42(b)(4).

WHEREFORE, NCDP respectfully requests that the Court stay all proceedings other than the NCGOP's Public Records Act claim, and upon prompt resolution of that claim, transfer any remaining claims to a three judge panel of this Court.

Dated: October 12, 2020

PERKINS COIE LLP

Marc E. Elias*
Jacob D. Shelly*
Alex G. Tischenko*
700 Thirteenth Street, N.W., Suite 800
Washington, D.C. 20005
Telephone: (202) 654-6200
Facsimile: (202) 654-6211
MElias@perkinscoie.com
JShelly@perkinscoie.com
ATischenko@perkinscoie.com

Attorneys for Proposed Intervenor Defendants
*Motion for admission *pro hac vice* pending

Respectfully submitted,

WALLACE & NORDAN, LLP



John R. Wallace
N.C. Bar No. 7374
Matt Calabria
N.C. Bar No. 39562
Post Office Box 12065
Raleigh, NC 27605
Telephone: (919) 801-4132
Facsimile: (919) 782-8113
jrwallace@wallacenordan.com
mcalabria@wallacenordan.com

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing document in the above-titled action via electronic mail upon all parties to the following:

G. Braxton Price, N.C. Bar No. 35514
Hunter & Price, P.A.
PO Box 277
Kenansville, NC 28349
Phone: 910-296-9838
Email: gbprice@hunterandprice.com

Phillip J. Strach, N.C. Bar No. 29456
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
8529 Six Forks Road, Suite 600
Raleigh, North Carolina 27615
Telephone: (919) 789-3179
Email: phil.strach@ogletree.com

Paul Cox
North Carolina Department of Justice
114 W. Edenton St.
Raleigh, NC 27603
(919) 716-6932
pcox@ncdoj.gov

RETRIEVED FROM DEMOCRACYDOCKET.COM

