

NORTH CAROLINA SUPREME COURT

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COMMUNITY SUCCESS  
INITIATIVE, et al.,

Plaintiffs,

v.

TIMOTHY K. MOORE, IN HIS  
OFFICIAL CAPACITY OF  
SPEAKER OF THE NORTH  
CAROLINA HOUSE OF  
REPRESENTATIVES, et al.,

Defendants.

From Wake County  
19 CVS 15941  
From Court of Appeals  
No. P22-153

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**PLAINTIFFS' MOTION FOR EXPEDITED BRIEFING  
AND ARGUMENT**

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Plaintiffs-Respondents respectfully request that the Court order expedited briefing according to the schedule set forth below and also set this case for oral argument as soon as feasible following the close of briefing. In support, Plaintiffs state as follows:

1. Plaintiffs filed this action on November 20, 2019, and filed their amended complaint on December 3, 2019, challenging N.C.G.S. § 13-1's

disenfranchisement of North Carolinians on felony supervision under multiple provisions of the North Carolina Constitution.

2. On September 4, 2020, the three-judge trial court panel granted partial summary judgment, and a preliminary injunction, in favor of Plaintiffs, holding that N.C.G.S. § 13-1 violated the North Carolina Constitution insofar as it disenfranchised individuals who were on felony supervision as a result of unpaid fees or fines.

3. Trial on Plaintiffs' remaining claims challenging the disenfranchisement of all North Carolinians on felony supervision was held in Wake County from August 16-19, 2021.

4. On March 28, 2022, the trial court issued its Final Judgment and Order declaring (at 64) that N.C.G.S. § 13-1's disenfranchisement of individuals on felony supervision violates the North Carolina Constitution's Equal Protection Clause and Free Elections Clause, and enjoining Defendants "from preventing any person convicted of a felony from registering to vote or voting due to probation, parole, or post-release supervision." The Final Judgment and Order further states (at 65) that, "[f]or the avoidance of doubt, under this injunction, if a person otherwise eligible to vote is not in jail or prison for a felony conviction, they may lawfully register and vote in North Carolina."

5. Legislative Defendants filed a notice of appeal and motion for stay pending appeal on March 30, 2022.

6. On April 1, 2022, trial court denied Legislative Defendants' motion for a stay pending appeal.

7. On April 26, 2022, the Court of Appeals granted in part Legislative Defendants' petition for writ of supersedeas, ordering that the trial court's Final Judgment and Order be stayed for the May 17 and July 26, 2022 primaries, and stating that thereafter "the North Carolina State Board of Elections is ordered to take actions to implement the 'Final Judgment and Order' for subsequent elections."

8. On May 6, 2022, this Court granted Plaintiffs' petition for discretionary review.

9. The record on appeal was settled as of June 1, 2022, and will be filed by Legislative Defendants on or before June 16, 2022.

10. Good cause exists to expedite briefing and argument in this matter. This case, of extraordinary public importance involving the voting rights of over 56,000 North Carolinians living in communities across the State, has been pending for over 2.5 years.

11. Plaintiffs accordingly propose the following briefing schedule:

Legislative Defendants' Opening Brief: July 7, 2022

Plaintiffs' Brief: July 28, 2022

Legislative Defendants' Reply Brief: August 8, 2022

12. Plaintiffs further request that the Court schedule this case for oral argument at the earliest convenient date following the completion of briefing, in August if possible.

13. This modest request for expedition will not prejudice Legislative Defendants, who filed their notice of appeal over two months ago. The parties have already extensively briefed the factual and legal issues in the court below.

14. Plaintiffs would be amenable to an even more expedited schedule if the Court prefers.

Respectfully submitted this 10<sup>th</sup> day of June 2022

*Electronically submitted*

/s/ Daryl V. Atkinson

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*N.C. R. APP. P. 33(b) Certification:*

*I certify that all of the attorneys listed below have authorized me to list their names on this document as if they had personally signed it.*

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**CERTIFICATE OF SERVICE**

I do hereby certify that I have served a copy of the foregoing Motion and [Proposed] Order with the Clerk of the North Carolina Supreme Court and will send notification of such filing by electronic mail, on the following parties at the following addresses:

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This 10<sup>th</sup> day of June 2022.

/s/ Daryl Atkinson

Daryl Atkinson

NORTH CAROLINA SUPREME COURT

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**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR  
EXPEDITED BRIEFING AND ARGUMENT**

\*\*\*\*\*

The Court hereby Grants Plaintiffs' Motion for Expedited Briefing and  
Argument, and sets forth the following briefing deadlines:

- a. Legislative Defendants' Opening Brief: July 7, 2022
- b. Plaintiffs' Brief: July 28, 2022
- c. Legislative Defendants' Reply Brief: August 8, 2022

Oral Argument in this case will be scheduled for the first available date following the completion of briefing.

So Ordered this \_\_\_ day of \_\_\_\_\_ 2022.

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Justice, North Carolina Supreme Court

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