

FILED

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

2021 NOV 16 P 4: 28

SUPERIOR COURT DIVISION

COUNTY OF WAKE

CVS

WAKE CO. C.S.C.

NORTH CAROLINA LEAGUE OF CONSERVATION
VOTERS, INC.; HENRY M. MICHAUX, JR.; DANDRIELLE
LEWIS; TIMOTHY CHARTIER; TALIA FERNÓS;
KATHERINE NEWHALL; R. JASON PARSLEY; EDNA
SCOTT; ROBERTA SCOTT; YVETTE ROBERTS; JEREANN
KING JOHNSON; REVEREND REGINALD WELLS;
YARBROUGH WILLIAMS, JR.; REVEREND DELORIS L.
JERMAN; VIOLA RYALS FIGUEROA; and COSMOS
GEORGE,

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, in his official capacity as
Chair of the House Standing Committee on Redistricting;
SENATOR WARREN DANIEL, in his official capacity as Co-
Chair of the Senate Standing Committee on Redistricting and
Elections; SENATOR RALPH E. HISE, JR., in his official
capacity as Co-Chair of the Senate Standing Committee on
Redistricting and Elections; SENATOR PAUL NEWTON, in
his official capacity as Co-Chair of the Senate Standing
Committee on Redistricting and Elections; REPRESENTATIVE
TIMOTHY K. MOORE, in his official capacity as Speaker of
the North Carolina House of Representatives; SENATOR
PHILIP E. BERGER, in his official capacity as President Pro
Tempore of the North Carolina Senate; THE STATE OF
NORTH CAROLINA; THE NORTH CAROLINA STATE
BOARD OF ELECTIONS; DAMON CIRCOSTA, in his official
capacity as Chairman of the North Carolina State Board of
Elections; STELLA ANDERSON, in her official capacity as
Secretary of the North Carolina State Board of Elections; JEFF
CARMON III, in his official capacity as Member of the North
Carolina State Board of Elections; STACY EGGERS IV, in his
official capacity as Member of the North Carolina State Board of
Elections; TOMMY TUCKER, in his official capacity as
Member of the North Carolina State Board of Elections; and
KAREN BRINSON BELL, in her official capacity as Executive
Director of the North Carolina State Board of Elections,

Defendants.

PLAINTIFFS'
MOTION FOR
PRELIMINARY
INJUNCTION

NOW COME Plaintiffs, by and through counsel, and respectfully move this Court, pursuant to Rule 7(b) and Rule 65 of the North Carolina Rules of Civil Procedure, for entry of an order granting a preliminary injunction. Plaintiffs show the Court as follows:

1. This is an action for declaratory and injunctive relief to prevent Defendants State of North Carolina, North Carolina State Board of Elections, Anderson, Carmon, Eggers, Tucker, and Bell (“SBE Defendants”) from preparing for, administering, or conducting elections under unconstitutional districting plans for Congress, Senate, and House devised by Defendants Hall, Daniel, Hise, Newton, Moore, and Berger (“Legislative Defendants”) and enacted by the General Assembly on November 4, 2021 (the “Enacted Plans”). Absent a prohibitory injunction, elections will proceed under maps that the General Assembly crafted to effect unconstitutional partisan gerrymanders that effectively guarantee one party—the Republican Party—a majority of seats in Congress, the North Carolina Senate, and the North Carolina House of Representatives, even if voters prefer the other party. The voting rights of millions of North Carolinians are at stake. And unless this Court enters an injunction, Defendants’ actions will irreparably and permanently harm Plaintiffs by depriving them of their rights under the Free Elections Clause, Equal Protection Clause, Free Speech Clause, and Free Assembly Clause of the North Carolina State Constitution.
2. The Verified Complaint in this action has been filed contemporaneously with this Motion on this day, November 16, 2021.
3. Plaintiffs have standing to bring this action and to assert the legal claims therein.
4. Plaintiffs seek a preliminary injunction prohibiting SBE Defendants—as well as their officers, agents, servants, employees, attorneys, successors in office, and all persons in active concert or participation with them—from preparing for, administering, or

conducting the March 8, 2022, primary elections and any subsequent elections for Congress, the North Carolina Senate, or the North Carolina House of Representatives using the Enacted Plans.

5. Plaintiffs are likely to succeed in demonstrating that the Enacted Plans violate the North Carolina State Constitution because the Enacted Plans constitute an unlawful partisan gerrymander in violation of the Free Elections Clause, Equal Protection Clause, Free Speech Clause, and Free Assembly Clause of the North Carolina State Constitution, as set forth in Counts I, II, and III of Plaintiffs' Verified Complaint.¹
6. Absent a preliminary injunction, Plaintiffs are likely to suffer irreparable harm from Defendants' constitutional violations, which will also irreparably harm millions of North Carolina voters who seek to associate with and support their candidates of choice.
7. In addition to entering the above-described injunction, the Court should order the following relief, for reasons more fully described in Plaintiffs' Verified Complaint:
 - a. To the extent that the General Assembly does not, within two weeks from the date of this Court's order entering a preliminary injunction, adopt districting plans that remedy the constitutional violations found in the Enacted Plans as fully as would the remedial maps laid out in Plaintiffs' Verified Complaint (identified therein as the "Optimized Maps"), then the 2022 primary elections and the 2022 general election for Congress, the North Carolina Senate, and the North Carolina House of Representatives shall be conducted under the Optimized Maps.

¹ Plaintiffs are not seeking preliminary relief at this time based on Counts IV–VI of their Verified Complaint.

- b. To the extent that the Court determines that it would otherwise be infeasible to conduct the aforementioned 2022 primary elections as scheduled on March 8, 2022, with constitutionally compliant districting plans, then the Court retains jurisdiction to—in its discretion—delay the 2022 primary elections for Congress, the North Carolina Senate, and the North Carolina House of Representatives, shorten or eliminate the two-week period described in Subparagraph (a) above, or order such other relief as the Court deems just and equitable.
- c. The candidate-filing period for the 2022 primary elections for Congress, the North Carolina Senate, and the North Carolina House of Representatives shall be delayed until such dates as this Court may by order provide.
- d. If any citizen has established his or her residence in a North Carolina Senate or House district modified by any remedial redistricting plan approved by this Court, as of the closing day of the candidate filing period for the 2022 election in that district, that citizen shall be qualified to serve as Senator or Representative if elected to that office, notwithstanding the requirements of Sections 6 or 7 of Article II of the North Carolina State Constitution, which provide that each Senator and Representative, at the time of his or her election, shall have resided “in the district for which he is chosen for one year immediately preceding his election.”
- e. Grant Plaintiffs such other and further relief as the Court deems just and equitable.
8. Pursuant to N.C. Gen. Stat. § 1A-1, Rule 57, Plaintiffs request a prompt hearing on this motion.

WHEREFORE, Plaintiffs request that this Court grant their request for a preliminary injunction.

Dated: November 16, 2021

Respectfully submitted,

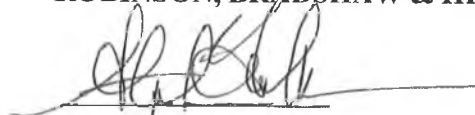
JENNER & BLOCK LLP

David J. Bradford*
JENNER & BLOCK LLP
353 North Clark Street
Chicago, IL 60654
(312) 923-2975
dbradford@jenner.com

Sam Hirsch*
Jessica Ring Amunson*
Kali Bracey*
Zachary C. Schauf*
Karthik P. Reddy*
Urja Mittal*
JENNER & BLOCK LLP
1099 New York Avenue, NW, Suite 900
Washington, D.C. 20001
(202) 639-6000
shirsch@jenner.com
zschauf@jenner.com

* *Pro hac vice motion forthcoming*

ROBINSON, BRADSHAW & HINSON P.A.



Stephen D. Feldman
ROBINSON, BRADSHAW & HINSON, P.A.
434 Fayetteville Street, Suite 1600
Raleigh, NC 27601
(919) 239-2600
sfeldman@robinsonbradshaw.com

Adam K. Doerr
ROBINSON, BRADSHAW & HINSON, P.A.
101 North Tryon Street, Suite 1900
Charlotte, NC 28246
(704) 377-2536
adoerr@robinsonbradshaw.com

Erik R. Zimmerman
ROBINSON, BRADSHAW & HINSON, P.A.
1450 Raleigh Road, Suite 100
Chapel Hill, NC 27517
(919) 328-8800
ezimmerman@robinsonbradshaw.com

Counsel for Plaintiffs