

SUPREME COURT OF NORTH CAROLINA

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NORTH CAROLINA LEAGUE OF )  
CONSERVATION VOTERS, INC. et )  
al. )

COMMON CAUSE, )

v. )

REPRESENTATIVE DESTIN HALL, )  
in his official capacity as Chair of the )  
House Standing Committee on )  
Redistricting, et al. )

From Wake County

\_\_\_\_\_  
REBECCA HARPER, et al. )

v. )

REPRESENTATIVE DESTIN HALL, )  
in his official capacity as Chair of the )  
House Standing Committee on )  
Redistricting, et al. )

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**MOTION OF PLAINTIFF-APPELLANT COMMON CAUSE FOR**  
**AN EXPEDITED HEARING AND CONSIDERATION**

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TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

Pursuant to Rule 2 of the North Carolina Rules of Appellate Procedure and its inherent power over the timing of decisions, Plaintiff-Appellant Common Cause, by and through their undersigned counsel, respectfully moves this Court for an expedited hearing and consideration of this matter on appeal.

Upon information and belief, and according to the current briefing schedules afforded under the Rules of Appellate Procedure 14(d)(1) and 28(h) and this Court's 14 June 2022 Order granting an extension to Legislative Defendants,<sup>1</sup> briefing is likely to complete on the appeal taken by Plaintiff-Appellants concerning the remedial state legislative maps on or before 10 August 2022, and briefing is likely to complete on the appeal taken by Legislative Defendants-Appellants concerning the Congressional map on or before 7 September 2022. All appeals in this matter will therefore be ripe for oral argument and consideration by early September 2022.

The public interest requires a final decision by this Court at the earliest possible opportunity. Rule 2 recognizes the Court's inherent power to "expedite decision in the public interest," even when doing so requires suspending or varying the Rules of Appellate Procedure. N.C. R. App. P. 2. Rule 2 arises from the residual power of appellate courts and may be exercised at their discretion in "exceptional circumstances, significant issues of importance in the public interest, or to prevent injustice." *Steingress v. Steingress*, 350 N.C. 64, 66, 511 S.E.2d 298, 299 (1999).

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<sup>1</sup> See Order, *Harper v. Hall*, No. 413PA21-1 (14 June 2022) ("Legislative-Defendants shall have up to and including the 25<sup>th</sup> day of July 2022 to file and serve his/her brief with this Court.").

This matter is one such significant public issue implicating substantial rights: Before the Court in the current appeal is whether the trial court, on remand, properly applied the 4 February Order and 14 February Opinion in this matter striking down the 2021 Enacted state House, Senate, and Congressional maps and ordering the trial court to approve remedial maps satisfying *all* provisions of the North Carolina Constitution. *See* Order ¶ 9. In its 8 December 2021 Order, this Court recognized the “great public interest in the subject matter interest in these matters, the importance of the issues to the constitutional jurisprudence of this State, and the need for urgency in reaching a final resolution on the merits at the earliest possible opportunity.” Order at 3, *Harper v. Hall*, No. 413P21 (8 Dec. 2021). These considerations persist today.

The decision in this matter stands to directly impact every voter in North Carolina, informing the formation of state legislative and Congressional maps in this and future redistricting cycles. Plaintiff-Appellant Common Cause has raised issues on appeal challenging the remedial state legislative maps on several constitutional grounds, as set forth in the Appellant Brief filed concomitantly with this Motion. As this Court recognized in its 14 February Opinion, redistricting “must be performed ‘in conformity with the State Constitution.’” Opinion ¶ 6 (quoting *Stephenson v. Bartlett*, 355 N.C. 354, 371, 562 S.E.2d 377, 390 (2002)). While this appeal remains pending, the meaning and effect of those words hangs in the balance, leaving North Carolina’s voters with continued uncertainty regarding the status of their right to

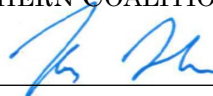
elect representatives pursuant to maps that comport with state constitutional requirements.

Furthermore, expedited consideration of this matter is warranted to ensure that any additional redistricting this cycle can be completed in an orderly fashion and with the clarity on the requirements of the state constitution that will be provided by the disposition of this appeal. Expedited consideration will allow the resolution of all the issues pending before the Court in this remedial Appeal before any future redistricting, avoiding the rushed timeline for future redistricting and related proceedings characteristic of the earlier proceedings in this matter.

For these reasons, Common Cause respectfully requests oral argument at the earliest possible time following the close of briefing, and an expedited consideration of its appeal thereafter. The *Harper* Plaintiffs consent to this Motion and the *NCLCV* Plaintiffs support the relief requested in this Motion. Legislative Defendants object to the Motion and plan to file a response, and State Defendants take no position.

Respectfully submitted, this the 27 day of June, 2022.

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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**

The undersigned certifies that the foregoing document was filed to the electronic-filing site at <https://www.ncappellatecourts.org> and served upon all parties by electronic mail and, if requested, by United States Mail, addressed to the following:

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This the 27th day of June, 2022.

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