

SUPREME COURT OF NORTH CAROLINA

NORTH CAROLINA LEAGUE OF)
 CONSERVATION VOTERS, INC., et al.,)
 Plaintiffs-Appellants,)
)
 REBECCA HARPER, et al.,)
 Plaintiffs-Appellants, and)
)
 COMMON CAUSE,)
 Plaintiff-Intervenor-Appellant,)
)
 v.)
)
 REPRESENTATIVE DESTIN HALL, in his)
 official capacity as Chair of the House)
 Standing Committee on Redistricting, et al.,)
)
 Defendants-)
 Appellees.)

From Wake County
 21 CVS 015426
 21 CVS 500085

LEGISLATIVE DEFENDANTS' MOTION TO EXTEND THE TIME TO FILE
THEIR APPELLANTS NEW BRIEF

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TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

NOW COMES President *Pro Tempore* Philip E. Berger, Senator Warren Daniel, Senator Ralph Hise, Senator Paul Newton, Representative Destin Hall, and Speaker Timothy K. Moore in their official capacities (collectively, “Legislative Defendants”) through counsel, pursuant to N.C.R. App. P. 37(a) and (e) and in furtherance of Legislative Defendants’ motion to dismiss their appeal, and hereby respectfully move this Court to extend time to file Legislative Defendant-Appellants’ New Brief. In support of this motion, Legislative Defendants show the Court as follows:

1. On 23 February 2022 all Plaintiffs and Legislative Defendants filed notices of appeal from the trial court’s 23 February 2022 order. Plaintiffs appealed from the trial court’s order upholding one or both of the remedial House and Senate Redistricting Plans. Legislative Defendants filed a notice of appeal from two trial court orders: (1) striking down the remedial Congressional Redistricting Plan and replacing it with a plan drawn by an Assistant to the Special Masters; and (2) denying Legislative Defendants’ Motion to Disqualify Special Master Assistants Wang and Jarvis.

2. On 26 May 2022, the Parties filed their joint record on appeal.

3. At present, there are two pending motions before this Court. First, Plaintiff Intervenor, Common Cause, sought to suspend the Appellate Rules and expedite briefing and oral arguments in this case. Legislative Defendants have provided their response to that motion and Plaintiffs and State Defendants have

provided their position on what effect the grant of certiorari by the Supreme Court of the United States in *Moore v. Harper* (21-1871) has on the posture of this matter. Second, Legislative Defendants have recently moved this Court to allow the dismissal of their notice of appeal. Plaintiffs have not, as of yet, elected to provide a formal response to the motion except to say they oppose the motion (a status that was reflected in the motion to dismiss). The State Defendants have taken no position on the motion to dismiss the appeal.

4. Considering the pending motion to dismiss their appeal, and the fact that the deadline for Appellant-Legislative Defendants' new brief approaches, Legislative Defendants ask that Court extend the deadline for their Appellants' New Brief, if still necessary, to five business days following disposition of their motion to dismiss the appeal by this Court. Should this Court grant Legislative Defendants' motion, then no appellants' brief would be necessary, this motion would be moot, and the issues before this Court would be narrowed. Should this Court deny Legislative Defendants' motion to dismiss, then the abbreviated extension would allow Legislative Defendants to finalize their appellants' brief without unreasonably delaying the proceedings.

5. Legislative Defendants intend to provide a timely Appellees' Brief to the issues raised by Plaintiff-Appellants.

6. Legislative Defendants make this motion in good faith, in furtherance of their motion to dismiss their appeal, and in furtherance of judicial economy.

7. Legislative Defendants have alerted the other parties to this filing. All Plaintiffs oppose this motion, and State Defendants take no position on this motion.

WHEREFORE, Legislative Defendants request that should their motion to dismiss be denied, that this Court grant an extension of time up to and including five business days following this Court's disposition of the motion to dismiss. Should this Court grant the motion to dismiss, Legislative Defendants anticipate that this Motion would be denied as moot.

Respectfully submitted, this the 19th day of July, 2022.

**NELSON MULLINS RILEY &
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Electronically Submitted

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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

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