

SUPREME COURT OF NORTH CAROLINA

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.)

**PLAINTIFF-APPELLANT COMMON CAUSE’S RESPONSE IN
OPPOSITION TO LEGISLATIVE DEFENDANTS’ MOTION TO
EXTEND THE TIME TO FILE LEGISLATIVE DEFENDANTS’
APPELLANT BRIEF**

TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

Legislative Defendants' Motion to Extend the Time to File Their Appellants brief should be denied because, if granted, it would prejudice Plaintiff Common Cause's Motion to Expedite (which remains under consideration with the Court) and reward Legislative Defendants for their unjustified delay in moving to dismiss their own Congressional appeal.

Legislative Defendants have already received a month's extension to file their opening brief, a fact they omit from their Motion. Order, *Harper v. Hall*, 413PA21-1 (June 14, 2022). And now, just six days before their brief is due, Legislative Defendants request an additional indeterminate extension that is contingent upon this Court's ruling on their last-minute motion to dismiss their Congressional appeal. But this predicament is one entirely of Legislative Defendants' making, and thus any time and expense expended by Legislative Defendants in meeting their 25 July deadline is attributable only to their own failure to act with reasonable expedience in seeking to dismiss their appeal (5 months after it was noticed). Far from serving judicial economy, as they claim, granting yet another extension to Legislative Defendants would only reward their failure to act with reasonable expedience.

Moreover, granting the requested relief would further prejudice Plaintiff-Appellant Common Cause, which has moved to expedite the proceedings in this matter. In their motion, Common Cause noted that the current briefing schedule allows for all appeals in this matter to be ripe for oral argument and consideration by early September 2022, and thus the public interest and need for expedient resolution

to inform future redistricting can be addressed without a need to alter the briefing schedule in place. Mot. of Plaintiff-Appellant Common Cause for an Expedited Hearing and Consideration at 2. By seeking a last-minute extension on the filing of their opening brief, and attempting to justify this by a situation entirely of their own making, Legislative Defendants seek an unreasonable delay in the proceedings that would prejudice Plaintiffs. The motion should be denied.

Respectfully submitted, this the 22nd day of July, 2022.

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CERTIFICATE OF SERVICE

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