

SUPREME COURT OF NORTH CAROLINA

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REBECCA HARPER; AMY CLARE  
OSEROFF; DONALD RUMPH; JOHN  
ANTHONY BALLA; RICHARD R. CREWS;  
LILY NICOLE QUICK; GETTYS COHEN  
JR.; SHAWN RUSH; JACKSON THOMAS  
DUNN, JR.; MARK S. PETERS; KATHLEEN  
BARNES; VIRGINIA WALTERS BRIEN;  
DAVID DWIGHT BROWN, et al.,  
Plaintiffs-Appellees.

From Wake County

21 CVS 50085

NORTH CAROLINA LEAGUE OF  
CONSERVATION VOTERS, INC.; HENRY M.  
MICHAX, 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-Appellees

From Wake County

21 CVS 015426

vs.

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 HISE, 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; SPEAKER OF THE NORTH  
CAROLINA HOUSE OF REPRESENTATIVES  
TIMOTHY K. MOORE; PRESIDENT PRO  
TEMPORE OF THE NORTH CAROLINA SENATE  
PHILIP E. BERGER; 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,

Defendants-Appellants.

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**DEFENDANT-APPELLEES' NOTICE OF INTENT TO RESPOND**

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Plaintiff-Appellants have been denied pretrial, temporary injunctive relief by a unanimous bipartisan panel of the Superior Court and by an *en banc* Court of Appeals. (Motion for Temporary Stay, Exhibit A). Our entire Court of Appeals now stands ready to “promptly rule on the pending Petition for Writ of Supersedeas or Prohibition.” (*Id.*) Nonetheless, even before the Court of Appeals could act on that

Petition, the plaintiffs associated with the North Carolina League of Conservation Voters joined the plaintiffs associated with Rebecca Harper in asking that this Court step in “in the event that the Court of Appeals does not grant the NCLCV Petitioners’ petition for writ of supersedeas or prohibition filed in that court, or in the event that this Court deems it appropriate to act in advance of a decision on that petition by the Court of Appeals.”<sup>1</sup> (NCLCV Petition for Discretion Review, p 4). Now Plaintiffs join together (*see* Notice of Joinder) to request suspension of the appellate rules and ask for temporary relief from this Court, (*see* Motion for Temporary Stay), while also suggesting through recusal which justices of this Court should and should not hear those matters for extraordinary relief.

Legislative Defendants are preparing to respond to the Petition at the Court of Appeals, as directed by that Court, but also are preparing a responsive filing to the pending motions in this Court, including but not limited to the petitions for discretionary review prior to the Court of Appeals review, petitions for writ of supersedeas, motion to recuse Justice Berger, and other miscellaneous filings by Wednesday, December 8<sup>th</sup>, at noon. Legislative Defendants respectfully request that this Court allow the Court of Appeals to proceed and review Defendants’ filings on or before Wednesday at noon before considering any relief.

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<sup>1</sup> Considering that the trial court consolidated the *Harper* case with the *North Carolina League of Conservation Voters* case in an order not appealed by any party, (designating the NCLCV case as the lead case), Legislative Defendants are surprised to be whipsawed between certain Plaintiffs requesting this Court assert jurisdiction and other Plaintiffs arguing that the Court of Appeals has jurisdiction of the same issue. Plaintiffs filed first in the Court of Appeals and that Court should be allowed to complete its pending review before this Court acts.

Respectfully submitted this the 7<sup>th</sup> day of December, 2021.

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N.C. R. App. P. 33(b) Certification:  
I certify that all of the attorneys listed below  
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## CERTIFICATE OF SERVICE

It is hereby certified that on this the 7th day of December, 2021, the foregoing was served on the individuals below by email:

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