

SUPREME COURT OF NORTH CAROLINA

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.

DEFENDANT-APPELLEES' NOTICE OF INTENT TO RESPOND

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.”¹ (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 8th, 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.

¹ 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 7th day of December, 2021.

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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

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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