

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,

Plaintiffs,

v.

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

From Wake County  
No. 21 CVS 500085

\*\*\*\*\*

**NOTICE OF JOINDER OF  
MOTION FOR TEMPORARY  
STAY**

\*\*\*\*\*

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.

TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

Petitioners hereby join the *NCLCV* Petitioners' motion for a temporary stay of the candidate-filing period for the primary elections for Congress and the North Carolina House and Senate that was originally scheduled to open on 6 December 2021 at noon. *See* Mot. for a Temporary Stay, *NCLCV v. Hall*, No. 413P21 (N.C. Dec. 6, 2021). On 6 December 2021, the *NCLCV* Petitioners filed a petition for writ of supersedeas or prohibition and motion for temporary stay in the Court of Appeals seeking to stay the candidate-filing window. A three-judge panel promptly granted the motion for a temporary stay "to enjoin Defendants from opening of the candidate-filing period for the 2022 primary elections." *See* Ex. A, Order, *NCLCV v. Hall*, P21-525 (N.C. Ct. App. Dec. 6, 2021). Later on 6 December 2021, a majority of the Court of Appeals sitting en banc took the extraordinary step of vacating the panel's order granting a temporary stay, thereby allowing

the candidate-filing window to open. *See* Ex. B, Order, *NCLCV v. Hall*, P21-525 (N.C. App. Dec. 6, 2021) (en banc).

Petitioners urge this Court to immediately stay the candidate-filing period for the same reasons articulated in the *NCLCV* stay motion. *See* Mot. at 1-2, *NCLCV v. Hall*, No. 413P21 (N.C. Dec. 6, 2021). As Petitioners explained in their petition for discretionary review, this matter is of extreme urgency due to the General Assembly's own tactics of delaying passage of the 2021 congressional map until the last possible moment while simultaneously demanding one of the earliest primaries in the country. *See* Pet. at 5, *Harper v. Hall*, No. 413P21 (N.C. Dec. 6, 2021). This Court should stay the filing period now and grant Petitioners' petition for discretionary review to ensure that next year's elections will not proceed under a congressional redistricting plan that so flagrantly violates the rights of millions of North Carolina citizens.

Respectfully submitted this 6th day of December, 2021.

**PATTERSON HARKAVY LLP**

Electronically submitted

Burton Craige, NC Bar No. 9180  
Narendra K. Ghosh, NC Bar No. 37649  
Paul E. Smith, NC Bar No. 45014  
100 Europa Dr., Suite 420  
Chapel Hill, NC 27517  
(919) 942-5200  
bcraige@pathlaw.com  
nghosh@pathlaw.com  
psmith@pathlaw.com

*Counsel for Petitioners*

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

**ELIAS LAW GROUP LLP**

Lalitha D. Madduri  
Jacob D. Shelly  
Graham W. White  
10 G Street NE, Suite 600  
Washington, D.C. 20002  
Phone: (202) 968-4490  
Facsimile: (202) 968-4498  
LMadduri@elias.law  
JShelly@elias.law  
GWhite@elias.law

Abha Khanna  
1700 Seventh Avenue, Suite 2100  
Seattle, Washington 98101  
Phone: (206) 656-0177

have authorized me to list their names on this document as if they had personally signed it.

Facsimile: (206) 656-0180  
AKhanna@elias.law

**ARNOLD AND PORTER  
KAYE SCHOLER LLP**

Elisabeth S. Theodore  
R. Stanton Jones  
Samuel F. Callahan  
601 Massachusetts Avenue NW  
Washington, DC 20001-3743  
(202) 954-5000  
elisabeth.theodore@arnoldporter.com  
stanton.jones@arnoldporter.com  
samuel.callahan@arnoldporter.com

-

RETRIEVED FROM DEMOCRACYDOCKET.COM

## **CERTIFICATE OF SERVICE**

Pursuant to North Carolina Rule of Appellate Procedure 26, I hereby certify that I have this day served a copy of the foregoing by email, addressed to the following counsel for defendants:

Amar Majmundar  
Stephanie A. Brennan  
Terence Steed  
NC Department of Justice  
P.O. Box 629  
Raleigh, NC 27602  
amajmundar@ncdoj.gov  
sbrennan@ncdoj.gov  
tsteed@ncdoj.gov

Philip J. Strach  
Alyssa Riggins  
John E. Branch  
Thomas A. Farr  
Farr, Nelson Mullins Riley &  
Scarborough LLP  
4140 Parklake Ave., Suite 200  
Raleigh, NC 27612  
phil.strach@nelsonmullins.com  
alyssa.riggins@nelsonmullins.com  
john.branch@nelsonmullins.com  
tom.farr@nelsonmullins.com

*Counsel for the State Board of  
Elections and its Members*

*Counsel for the Legislative Defendants*

This the 6th day of December, 2021.

Electronically Submitted  
Narendra K. Ghosh

# EXHIBIT A



# North Carolina Court of Appeals

EUGENE H. SOAR, Clerk

Court of Appeals Building  
One West Morgan Street  
Raleigh, NC 27601  
(919) 831-3600

From Wake  
( 21CVS015426 )

Fax: (919) 831-3615  
Web: <https://www.nccourts.gov>

Mailing Address:  
P. O. Box 2779  
Raleigh, NC 27602

No. P21-525

NORTH CAROLINA LEAGUE OF  
CONSERVATION VOTERS, INC.;  
HENRY M. MICHAUX, JR.;  
DANDRIELLE LEWIS; TIMOTHY  
CHARTIER; TALIA FERNÁNDES;  
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,

V.

REPRESENTATIVE DESTIN HALL,  
IN HIS OFFICIAL CAPACITY AS CHAIR OF THE  
HOUSE STANDING COMMITTEE ON  
REDISTRICTING; SENATOR WARREN  
DANIEL, IN HIS CAPACITY AS CO-  
CHAIR OF THE SENATE STANDING  
COMMITTEE ON REDISTRICTING AND  
ELECTIONS; SENATOR RALPH E. HISE,  
JR., 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; REPRESENTATIVE  
TIMOTHY K. MOORE, IN HIS OFFICIAL  
CAPACITY AS SPEAKER OF REPRESENTATIVES;  
SENATOR PHILIP E. BERGER, IN HIS  
OFFICIAL CAPACITY AS PRESIDENT PRO  
TEMPORE OF THE NORTH CAROLINA SENATE;  
THE STATE OF NORTH CAROLINA;  
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; and KAREN BRINSON BELL, IN HER OFFICIAL CAPACITY AS EXECUTIVE DIRECTOR OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS,

DEFENDANTS.


## ORDER

The following order was entered:

The motion for temporary stay filed by Plaintiffs on 6 December 2021 is allowed in part to enjoin Defendants from opening of the candidate-filing period for the 2022 primary elections for Congress, the North Carolina Senate, and the North Carolina House of Representatives pending this Court's ruling on Plaintiffs' 'Petition for Writ of Supersedeas or Prohibition.' The period for Defendants to respond to Plaintiffs' petition shall close at 12:00 p.m. on 9 December 2021. A ruling on the petition will be made upon Defendants' filing of their responses or the expiration of the response period if no response is filed.

By order of the Court this the 6th of December 2021.

WITNESS my hand and official seal this the 6th day of December 2021.

  
Eugene H. Soar  
Clerk, North Carolina Court of Appeals

Copy to:

Mr. Stephen D. Feldman, Attorney at Law, For North Carolina League of Conservation Voters, Inc.  
Mr. Erik R. Zimmerman, Attorney at Law, For North Carolina League of Conservation Voters, Inc.  
Mr. Thomas A. Farr, Attorney at law, For North Carolina League of Conservation Voters, Inc.  
Mr. John E. Branch, III, Attorney at Law, For North Carolina League of Conservation Voters, Inc.  
Ms. Alyssa Riggins, Attorney at Law, For North Carolina League of Conservation Voters, Inc.  
Mr. Phillip J. Strach, Attorney at Law  
Mr. Terence Steed, Assistant Attorney General, For The State of North Carolina Board of Elections  
Ms. Stephanie A. Brennan, Special Deputy Attorney General, For The State of North Carolina Board of Elections  
Mr. Amar Majmundar, Senior Deputy Attorney General, For The State of North Carolina Board of Elections  
Mark E. Braden, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al  
Katherine Mcknight, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al  
Richard Raile, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al  
Hon. Frank Blair Williams, Clerk of Superior Court



# EXHIBIT B

RETRIEVAL



# North Carolina Court of Appeals

EUGENE H. SOAR, Clerk

Court of Appeals Building  
One West Morgan Street  
Raleigh, NC 27601  
(919) 831-3600

From Wake  
( 21CVS015426 )

Fax: (919) 831-3615  
Web: <https://www.nccourts.gov>

Mailing Address:  
P. O. Box 2779  
Raleigh, NC 27602

No. P21-525

NORTH CAROLINA LEAGUE OF  
CONSERVATION VOTERS, INC.;  
HENRY M. MICHAUX, JR.;  
DANDRIELLE LEWIS; TIMOTHY  
CHARTIER; TALIA FERNANDEZ;  
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,

V.

REPRESENTATIVE DESTIN HALL,  
IN HIS OFFICIAL CAPACITY AS CHAIR OF THE  
HOUSE STANDING COMMITTEE ON  
REDISTRICTING; SENATOR WARREN  
DANIEL, IN HIS CAPACITY AS CO-  
CHAIR OF THE SENATE STANDING  
COMMITTEE ON REDISTRICTING AND  
ELECTIONS; SENATOR RALPH E. HISE,  
JR., 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; REPRESENTATIVE  
TIMOTHY K. MOORE, IN HIS OFFICIAL  
CAPACITY AS SPEAKER OF REPRESENTATIVES;  
SENATOR PHILIP E. BERGER, IN HIS  
OFFICIAL CAPACITY AS PRESIDENT PRO  
TEMPORE OF THE NORTH CAROLINA SENATE;  
THE STATE OF NORTH CAROLINA;  
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; and KAREN BRINSON BELL, IN HER OFFICIAL CAPACITY AS EXECUTIVE DIRECTOR OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS,

DEFENDANTS.

## ORDER

The following order was entered:

IT IS HEREBY ORDERED, upon a vote of the majority of judges of the Court, that the Court will rehear the above-captioned cause en banc. The panel's order dated 6 December 2021 issuing a temporary stay is vacated and the Plaintiffs' motion for temporary stay is denied. The en banc Court shall promptly rule on the pending Petition for Writ of Supersedeas or Prohibition.

By order of the Court this the 6th of December 2021.

WITNESS my hand and official seal this the 6th day of December 2021.



Eugene H. Soar  
Clerk, North Carolina Court of Appeals

Copy to:

Mr. Stephen D. Feldman, Attorney at Law, For North Carolina League of Conservation Voters, Inc.  
Mr. Erik R. Zimmerman, Attorney at Law, For North Carolina League of Conservation Voters, Inc.  
Mr. Thomas A. Farr, Attorney at law, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al  
Mr. John E. Branch, III, Attorney at Law, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al  
Ms. Alyssa Riggins, Attorney at Law, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al  
Mr. Phillip J. Strach, Attorney at Law, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al  
Mr. Terence Steed, Assistant Attorney General, For The State of North Carolina Board of Elections  
Ms. Stephanie A. Brennan, Special Deputy Attorney General, For The State of North Carolina Board of Elections  
Mr. Amar Majmundar, Senior Deputy Attorney General, For The State of North Carolina Board of Elections  
Mark E. Braden, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al  
Ms. Katherine Mcknight, Attorney at Law, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al  
Mr. Richard Raile, Attorney at Law, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al  
Mr. Adam K. Doerr, Attorney at Law, For North Carolina League of Conservation Voters, Inc.  
Hon. Frank Blair Williams, Clerk of Superior Court