

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

DEMOCRACY NORTH CAROLINA; *et al.*,

Plaintiffs,

v.

ALAN HIRSCH, in his official capacity as
CHAIR OF THE STATE BOARD OF
ELECTIONS, *et al.*,

Defendants.

Case No. 1:23-CV-878

**LEGISLATIVE DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Intervenor-Defendants Philip E. Berger, in his official capacity as President *Pro Tempore* of the North Carolina Senate, and Destin C. Hall, in his official capacity as Speaker of the North Carolina House of Representatives (“Legislative Defendants”), by and through undersigned counsel, file this motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1, on all of Plaintiffs’ claims as well as their standing to assert the same. There are no genuine issues as to any material facts and Legislative Defendants are entitled to judgment as a matter of law.

In support of this motion, Legislative Defendants contemporaneously file a supporting memorandum of law and incorporate by reference the facts and arguments stated therein.

Additionally, in support of this motion, Legislative Defendants submit and incorporate by reference the following exhibits:

- Exhibit 1: Cited Excerpts and Exhibits from the Deposition of Paul Cox, Rule 30(b)(6) Representative for the North Carolina State Board of Elections.
- Exhibit 2: Cited Excerpts and Exhibits from the Deposition of Senator Warren Daniel.
- Exhibit 3: Cited Excerpts from the Deposition of former Representative Grey Mills.
- Exhibit 4: Cited Excerpts and Exhibits from the Deposition of Cheryl Carter, Rule 30(b)(6) Representative for Democracy North Carolina.
- Exhibit 5: Cited Excerpts from the Deposition of Marcus Bass, Rule 30(b)(6) Representative for North Carolina Black Alliance.
- Exhibit 6: Cited Excerpts and Exhibits from the Deposition of Jennifer Rubin, Rule 30(b)(6) Representative for League of Women Voters of North Carolina.
- Exhibit 7: Cited Excerpts and Exhibits from the Deposition of Dr. Jacob Grumbach.
- Exhibit 8: Cited Excerpts from the Deposition of Dr. Andrew Taylor.
- Exhibit 9: Cited Excerpts and Exhibits from the Deposition of Daisuke Tim Tsujii, Rule 30(b)(6) Representative for the Forsyth County Board of Elections.
- Exhibit 10: Cited Excerpts from the Deposition of Dr. Paul White.
- Exhibit 11: Cited Excerpts from the Deposition of Dr. Kevin Quinn.
- Exhibit 12: Cited Excerpts from the Deposition of Cleta Mitchell.

- Exhibit 13: Cited Excerpts from the Deposition of James Womack, Rule 30(b)(6)

Representative for North Carolina Election Integrity Team.

WHEREFORE, Legislative Defendants respectfully request that the Court grant this motion for summary judgment, dismissing all of Plaintiffs' claims with prejudice.

Respectfully submitted, this the 11th day of April 2025.

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

/s/ Phillip J. Strach

Phillip J. Strach (NCSB # 29456)

Alyssa M. Riggins (NCSB # 52366)

Nathaniel J. Pencook (NCSB # 52339)

Cassie A. Holt (NCSB # 56505)

Alexandra M. Bradley (NCSB # 54872)

Jordan A. Koonts (NCSB #59363)

301 Hillsborough Street, Suite 1400

Raleigh, NC 27603

Telephone: (919) 329-3800

Facsimile: (919) 329-3779

phil.strach@nelsonmullins.com

alyssa.riggins@nelsonmullins.com

nate.pencook@nelsonmullins.com

cassie.holt@nelsonmullins.com

alex.bradley@nelsonmullins.com

jordan.koonts@nelsonmullins.com

Counsel for Legislative Defendants

CERTIFICATE OF SERVICE

I, Phillip J. Strach, hereby certify that on this day the forgoing document was electronically filed with the Clerk of Court using the CM/ECF system, which will provide electronic notice to all counsel of record.

This the 11th day of April 2025.

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

/s/ Phillip J. Strach

Phillip J. Strach
N.C. State Bar No. 29456

RETRIEVED FROM DEMOCRACYDOCKET.COM