

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

SHAUNA WILLIAMS, FLOR HERRERA-PICASSO, MINERVA FREEMAN, MAURA ACETO, JAVIER LIMON, ARMENTA EATON, JAMES ADAMS, LUCIANO GONZALES-VEGA, CHENITA JOHNSON, PAMLYN STUBBS, EARL JONES, ALLISON SHARI ALLEN, LAURA MCCLETTIE, NELDA LEON, GERMAN FR CASTRO, ALAN RENE OLIVIA CHAPELA, VIRGINIA KEOGH, and NATALEE NANETTE NIEVES,

Plaintiffs,

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 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 the North Carolina House of Representatives; SENATOR PHILIP E. BERGER, in his official capacity as President *Pro Tempore* of the North Carolina Senate; THE NORTH CAROLINA STATE BOARD OF ELECTIONS; ALAN HIRSCH, in his official capacity as Chair 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;

Case No. 1:23-cv-1057

**LEGISLATIVE DEFENDANTS'  
MOTION TO CONSOLIDATE**

STACY EGGERS IV, in his official capacity as Member of the North Carolina State Board of Elections; KEVIN LEWIS, in his official capacity as Member of the North Carolina State Board of Elections; and SIOBHAN O'DUFFY MILLEN, in her official capacity as Member of the North Carolina State Board of Elections,

Defendants.

NORTH CAROLINA STATE CONFERENCE OF THE NAACP; COMMON CAUSE; MITZI REYNOLDS TURNER; DAWN DALY-MACK; HOLLIS BRIGGS; CORINE MACK; CALVIN JONES; JOAN CHAVIS; LINDA SUTTON; and SYENE JASMIN,

Plaintiffs,

vs.

PHILIP BERGER, in his official capacity as the President Pro Tempore of the North Carolina Senate; TIMOTHY MOORE, in his official capacity as the Speaker of the North Carolina House of Representatives; DESTIN HALL, in his official capacity as the Chair of the North Carolina House of Representatives Redistricting Committee; WARREN DANIEL, in his official capacity as Co-Chair of the North Carolina Senate Redistricting and Elections Committee; RALPH HISE, in his official capacity as Co-Chair of the North Carolina Senate Redistricting and Elections Committee; PAUL NEWTON, in his official capacity as Co-Chair of the Senate Standing Committee on Redistricting and Elections; THE NORTH CAROLINA STATE BOARD OF ELECTIONS; ALAN HIRSCH, in his official capacity as the Chair of the State Board of Elections; JEFF CARMON, in his

Case No. 1:23-cv-1104

**LEGISLATIVE DEFENDANTS'  
MOTION TO CONSOLIDATE**

official capacity as the Secretary of the State Board of Elections; STACY EGGERS, in his official capacity as a member of the State Board of Elections; KEVIN N. LEWIS, in his official capacity as a member of the State Board of Elections; SIOBHAN O'DUFFY MILLEN, in her official capacity as Member of the North Carolina State Board of Elections; KAREN BRINSON BELL, in her official capacity as the Executive Director of the State Board of Elections; THE STATE OF NORTH CAROLINA,

Defendants.

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NOW COME Defendants Senator Philip E. Berger, in his official capacity of President *Pro Tempore* of the North Carolina Senate; Representative Timothy K. Moore, in his official capacity as Speaker of the North Carolina House of Representatives; Representative Destin Hall, in his official capacity as Chair of the North Carolina House of Representatives Redistricting Committee; Senator Warren Daniel, in his official capacity as Co-Chair of the North Carolina Senate Redistricting and Elections Committee; Senator Ralph E. Hise, Jr., in his official capacity as Co-Chair of the North Carolina Senate Redistricting and Elections Committee; and Senator Paul Newton, in his official capacity as Co-Chair of the North Carolina Senate Redistricting and Elections Committee (collectively, "Legislative Defendants"), by and through undersigned counsel, and pursuant to Rule 42 of the Federal Rules of Civil Procedure, respectfully move this Court

for an order consolidating the above-captioned actions. In support of this Motion, Legislative Defendants show the Court the following:

1. Plaintiffs in *Williams, et al. v. Hall, et al.*, No. 1:23-cv-1057 (the “*Williams* Plaintiffs”) filed their Complaint on December 4, 2023, challenging the constitutionality of North Carolina’s 2023 Congressional Plan. Because the *Williams* Plaintiffs allege claims under the Fourteenth and Fifteenth Amendments, a three-judge panel for this case was appointed on December 15, 2023. [Order, No. 1:23-cv-1057, D.E. 11].

2. Similarly, Plaintiffs in *N.C. State Conference of the NAACP, et al. v. Berger, et al.*, No. 1:23-cv-1104 (“*NAACP* Plaintiffs”) challenge *inter alia* the constitutionality of the 2023 Congressional Plan. Because of the constitutional claims alleged by the *NAACP* Plaintiffs, on January 2, 2024, a three-judge panel was appointed in this case. [Order, No. 1:23-cv-1104, D.E. 11].

3. The panel appointed to hear the *NAACP* litigation includes two of the same judges appointed to the three-judge panel in *Williams*.

4. As set forth in detail in Legislative Defendants’ Memorandum in Support, which is incorporated herein by reference, the above-captioned matters should be consolidated under Fed. R. Civ. P. 42 because they involve common questions of law and fact.

5. This motion is made in good faith and not for the purposes of delay.

6. Counsel for Legislative Defendants consulted in good faith with counsel for *Williams* Plaintiffs, *NAACP* Plaintiffs, and counsel for the NCSBE Defendants. *Williams*

Plaintiffs oppose the relief requested in this Motion. *NAACP* Plaintiffs oppose the relief requested in this Motion. NCSBE Defendants take no position on the relief requested in this Motion.

WHEREFORE, for the foregoing reasons, and as set forth in detail in Legislative Defendants' Memorandum in Support, Legislative Defendants move this Court for an order consolidating the above-captioned matters.

Respectfully submitted, this the 25th day of January, 2024.

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*\*\* Special Notice of Appearance  
Forthcoming*

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**CERTIFICATE OF SERVICE**

I, Phillip J. Strach, hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will provide electronic notification to counsel of record.

This the 25th day of January, 2024.

**NELSON MULLINS RILEY &  
SCARBOROUGH LLP**

/s/ Phillip J. Strach  
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