

NORTH CAROLINA COURT OF APPEALS

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BEVERLY BARD, RICHARD LEVY, SUSAN KING COPE, ALLEN WELLONS, LINDA MINOR, THOMAS W. ROSS, SR., MARIE GORDON, SARAH KATHERINE SCHULTZ, JOSEPH J. COCCIA, TIMOTHY S. EMRY, and JAMES G. ROWE,

Plaintiffs-Appellants,

v.

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 Secretary of the North Carolina State Board of Elections, STACY "FOUR" EGGERS in his official capacity as a member of the North Carolina State Board of Elections, SIOBHAN O'DUFFY MILLEN in her official capacity as a member of the North Carolina State Board of Elections, KEVIN N. LEWIS in his official capacity as a Member of the North Carolina State Board of Elections, PHILLIP E. BERGER in his official capacity as President Pro Tem of the North Carolina Senate, and DESTIN HALL in his official capacity as Speaker of the North Carolina House of Representatives.

Defendants-Appellees.

From Wake County

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PLAINTIFFS/CROSS-APPELLEES' MOTION FOR ORAL ARGUMENT

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Come now the Plaintiffs through undersigned counsel and move the Court pursuant to Rule 37 of the North Carolina Rules of Appellate Procedure to allow oral arguments in the above case for the reasons set forth below:

1. Plaintiffs requested oral argument on the form provided by the Court setting out briefly the basic rationale for why oral argument would be helpful to the Court.
2. However, that brief explanation could not adequately discuss the scope of nuanced legal and constitutional questions raised in the briefs.
3. While Defendants contend, and the panel below agreed, that this case is controlled by the doctrine of nonjusticiable political questions, there is minimal law on the scope and application of that doctrine and how it is to be applied to cases in North Carolina.
4. Further, the underlying application of that doctrine to the issues now before the Court implicates the scope of judicial authority to decide critical constitutional questions impacting the rights of North Carolina citizens.
5. There are multiple core issues pertaining to the rights of North Carolinians that underly a consideration of the issues in this case including: the scope and application of unenumerated rights under the North Carolina State Constitution; whether there is any right to "fair elections"; whether alleged facts that the government has attempted (and succeeded) in manipulating the elective system in select races, states a claim which implicates a right to "fair elections"; and whether the allegations challenge a political gerrymander or instead challenge an election process manipulated by the government in violation of the rights of our citizens?
6. Even though the Superior Court panel below held against Plaintiffs, there were many questions raised by the Court over a period of several hours during argument by counsel and the presiding Judge noted the value of the arguments:

“The Superior Court panel carefully and thoughtfully listened to the arguments advanced by Plaintiffs, with presiding Judge Foster concluding

the arguments by stating: ‘Thank you-all for your arguments today. They were helpful to the Court, illuminating the issues that we need to consider, and I appreciate your time and effort that you put in on behalf of all your clients. I think this is a classic example of why these issues are important and why we're here. So thank you all.’ T pp 65-66.” Plaintiffs/Cross-Appellees’ Brief, pp 14-15.

7. Counsel for Defendants-Appellees/Cross-Appellants and the State Board of Election Appellees have been contacted regarding the nature of this motion.
8. Defendants-Appellees/Cross-Appellants object to the relief sought herein and will be filing a response. The State Board of Election Appellees take no position to this motion and will not be filing a response.

THEREFORE, Plaintiffs respectfully request the Court to issue an order setting this case for oral argument before this panel so that counsel for all parties may have the opportunity to answer any questions and clarify any arguments that would be helpful to a determination of the extraordinarily important set of issues before the Court .

Respectfully submitted the 24th day of July 2025.

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing document has been served by e-mail on the following:

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This the 24th day of July 2025.

/s/ Thomas R. Wilson  
Thomas R. Wilson

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