

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:25-cv-00003**

TELIA KIVETT; KARYN MULLIGAN;
WAKE COUNTY REPUBLICAN PARTY;
REPUBLICAN NATIONAL COMMITTEE;
and NORTH CAROLINA REPUBLICAN
PARTY,

Plaintiffs,

v.

NORTH CAROLINA STATE BOARD OF
ELECTIONS; KAREN BRINSON BELL, in
her official capacity as Executive Director of
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, in his official
capacity as Secretary of the North Carolina
State Board of Elections; STACY EGGERS
IV, KEVIN N. LEWIS, and SIOBHAN
O'DUFFY MILLEN, in their official
capacities as members of the North Carolina
State Board of Elections,

Defendants,

DEMOCRATIC NATIONAL COMMITTEE,

Intervenor-Defendant.

**DNC'S MEMORANDUM IN SUPPORT
OF STATE BOARD'S MOTION TO
MODIFY FINAL ORDER AND
REQUEST FOR INDICATIVE RULING**

Intervenor-Defendant Democratic National Committee ("DNC") joins in the Motion to Modify Final Order and Request for Indicative Ruling and supporting brief filed by the State Board on February 13, 2025 (DE 24, 25) for the same reasons articulated by the State Board pursuant to Federal Rule of Civil Procedure Rule 60(b) and Federal Rule of Appellant Procedure 12.1, and incorporates those reasons herein by reference. The DNC joins the State Board in respectfully

requesting that this Court issue a ruling indicating that, if the Fourth Circuit remands the instant case to this Court, this Court would modify its January 6, 2025 order remanding this case to state court and retain jurisdiction over the federal issues and defenses implicated by this lawsuit consistent with the Fourth Circuit's order in *Griffin v. NCSBE*, Nos. 25-1018, 25-1019, 25-1020 & 15-1024 (4th Cir. Feb. 4, 2025) (per curiam).

Respectfully submitted this 18th day of February 2025.

/s/ James W. Whalen

SHANA L. FULTON

N.C. BAR NO. 27836

WILLIAM A. ROBERTSON

N.C. BAR NO. 53589

JAMES W. WHALEN

N.C. Bar No. 58477

BROOKS, PIERCE, MCLENDON

HUMPHREY & LEONARD, LLP

150 Fayetteville Street

1700 Wells Fargo Capitol Center

Raleigh, N.C. 27601

Phone: (919) 839-0300

Fax: (919) 839-0304

sfulton@brookspierce.com

wrobertson@brookspierce.com

jwhalen@brookspierce.com

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed using CM/ECF, which will electronically serve all parties who have appeared in the case.

This the 18th day of February, 2025.

/s/ James W. Whalen
James W. Whalen

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