

STATE OF NORTH CAROLINA
WAKE COUNTY

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

2019 OCT 10 PM 2: 49

19 CVS 012667

REBECCA HARPER, *et al.* WAKE CO., C.S.C.)

Plaintiffs,)

v.)

Representative DAVID R. LEWIS,)

in his official capacity as Senior)

Chairman of the House Standing)

Committee on Redistricting, *et al.*,)

Defendants.)

ORDER

THIS MATTER comes before the undersigned three-judge panel upon Plaintiffs' Motion for Expedited Proceedings, filed September 30, 2019.

On September 27, 2019, Plaintiffs filed a verified complaint in Superior Court, Wake County, seeking a declaration that the current North Carolina congressional districts, established by an act of the General Assembly in 2016, N.C. Sess. Laws 2016-1 (Senate Bill 2), violate the rights of Plaintiffs and all Democratic voters in North Carolina under the North Carolina Constitution. Plaintiffs seek to enjoin the future use of the 2016 congressional districts. On September 30, 2019, this action was assigned to the undersigned panel by the Chief Justice of the Supreme Court of North Carolina.

On September 30, 2019, Plaintiffs filed a motion for preliminary injunction and a motion for expedited briefing and resolution of Plaintiffs' motion for a preliminary injunction. On October 2, 2019, Defendants North Carolina State Board of Elections and its members (hereinafter "State Defendants") notified the Court that they support expedited consideration of this matter because candidate filing for congressional primaries is set to begin on December 2, 2019. On October 7, 2019, counsel for Defendants Representative David R. Lewis, Senator Ralph E. Hise, Jr., Speaker Timothy K. Moore, President Pro Tempore Philip E. Berger, Senator Warren Daniel, and Senator Paul Newton

(hereinafter “Legislative Defendants”) entered notices of appearance. On October 9, 2019, a motion to intervene was filed by three incumbent Congressional Representatives (hereinafter “Intervenor Applicants”), seeking to intervene in this action in both their capacity as Representatives and as residents and voters in three of the Congressional districts challenged in Plaintiffs’ verified complaint.

A separate Case Management Order has been contemporaneously entered with this Order.

After reviewing the pleadings and motion for expedited proceedings, the Court, in its discretion and for good cause shown, hereby ORDERS that Plaintiffs’ motion for expedited proceedings is GRANTED in part as follows:

1. Any Defendant desiring to respond to Plaintiffs’ motion for a preliminary injunction shall submit a response brief to the Court by 5:00 p.m. on October 21, 2019, in the manner set forth in the Case Management Order.
2. Plaintiffs shall submit any reply briefs to the Court by 5:00 p.m. on October 23, 2019, in the manner set forth in the Case Management Order.
3. Plaintiffs’ motion for preliminary injunction will be heard by the Court at 10:00 a.m. on October 24, 2019.
4. If Intervenor-Applicants desire to respond to Plaintiffs’ motion for preliminary injunction, they may submit a response brief to the Court by 5:00 p.m. on October 21, 2019, in the manner set forth in the Case Management Order and, if they desire to be heard at the hearing on October 24, 2019 on Plaintiffs’ motion, they shall be prepared to be heard on that date. In the event that the Court allows the Intervenor-Applicants’ Motion to Intervene, the Court shall consider any brief and arguments made by the Intervenor-Applicants.
5. Plaintiffs’ other requests relating to scheduling in the motion for expedited proceedings are otherwise denied.

SO ORDERED, this the 10th day of October, 2019.

/s/ Paul C. Ridgeway

Paul C. Ridgeway, Superior Court Judge

/s/ Joseph N. Crosswhite

Joseph N. Crosswhite, Superior Court Judge

/s/ Alma L. Hinton

Alma L. Hinton, Superior Court Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the parties by emailing a copy thereof to the address below, in accordance with the October 10, 2019 Case Management Order:

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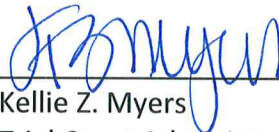
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This the 10th day of October, 2019.



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