

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

REBECCA HARPER, et al.,

Plaintiffs,

v.

REPRESENTATIVE DAVID R. LEWIS,
in his official capacity as Senior Chairman of
the House Select Committee on Redistricting,
et al.,

Defendants.

Civil Action No. 5:19-CV-00452-FL

PLAINTIFFS' NOTICE REGARDING EMERGENCY MOTION TO REMAND

Plaintiffs respectfully submit this notice to advise the Court that, unless the Court requests a reply brief concerning Plaintiffs' emergency motion to remand (ECF No. 18), Plaintiffs do not intend to file a reply brief. Nothing in Legislative Defendants' opposition filed today merits any further response; the relevant points are comprehensively addressed in Plaintiffs' opening memorandum of law in this case (ECF No. 19) and this Court's decision granting remand in *Common Cause v. Lewis*, 385 F. Supp. 3d 505 (E.D.N.C. 2019). And, as explained in the remand motion, it is critically important that this case be remanded immediately to avoid interrupting the state court's expedited proceedings on Plaintiffs' motion for a preliminary injunction, under which defendants' responses are due at 5:00 p.m. today and an in-person hearing has been set for this Thursday, October 24, at 10:00 a.m. As noted in the motion to remand, Plaintiffs intend to file a subsequent motion for fees, costs, and other appropriate relief after the Court decides the remand motion.

DATED: October 21, 2019

Respectfully submitted,

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Counsel for Plaintiffs

**Pro Hac Vice motions forthcoming.*

CERTIFICATE OF SERVICE

I hereby certify that on this date, October 21, 2019, I caused the foregoing document to be filed and served on all counsel of record by operation of the CM/ECF system for the United States District Court for the Eastern District of North Carolina.

DATED: October 21, 2019

/s/ Elisabeth S. Theodore
Elisabeth S. Theodore

Counsel for Plaintiffs