

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

COMMON CAUSE, *et al.*, )  
)  
Plaintiffs, )  
)  
v. )  
)  
ROBERT A. RUCHO, in his official )  
capacity as Chairman of the North Carolina )  
Senate Redistricting Committee for the )  
2016 Extra Session and Co-Chairman of the )  
Joint Select Committee on Congressional )  
Redistricting, *et al.*, )  
)  
Defendants. )

CIVIL ACTION  
No. 1:16-CV-1026-WO-JEP  
  
THREE-JUDGE COURT

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League of Women Voters of North )  
Carolina, *et al.*, )  
)  
Plaintiffs, )  
)  
v. )  
)  
Robert A. Rucho, in his official capacity as )  
Chairman of the North Carolina Senate )  
Redistricting Committee for the 2016 Extra )  
Session and Co-Chairman of the 2016 Joint )  
Select Committee on Congressional )  
Redistricting, *et al.*, )  
)  
Defendants. )

CIVIL ACTION  
NO. 1:16-CV-1164-WO-JEP  
  
THREE JUDGE COURT

**RESPONSE OF THE STATE DEFENDANTS TO LEGISLATIVE DEFENDANTS’  
EMERGENCY MOTION TO STAY PENDING SUPREME COURT REVIEW AND  
REQUEST FOR EXPEDITED RULING**

Pursuant to Local Rule 7.2 and the Court’s September 5, 2018 Order, ECF No. 150,<sup>1</sup> Defendants Andy Penry, in his official capacity as Chairman of the North Carolina Bipartisan State Board of Elections and Ethics Enforcement (the “State Board”); the State Board; the State of North Carolina and Governor Roy Cooper hereby respond to the Legislative Defendants’ Emergency Motion to Stay Pending Supreme Court Review and Request for Expedited Ruling, ECF No. 145 (the “Motion”).<sup>2</sup>

The State takes no position on the Motion, but it believes that a swift decision would advance the public interest.

The State Board takes no position on the Motion. The State Board staff stands ready and willing to assist the Court by providing any information the Court finds necessary or helpful.

The Governor takes no position on the Motion, but believes that the Court should redraw North Carolina’s congressional maps.

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<sup>1</sup> Citations to ECF document numbers herein refer to the document numbers in *Common Cause et al. v. Rucho et al.*, No. 1:16-CV-1026.

<sup>2</sup> “Legislative Defendants” consist of the following co-defendants in these consolidated matters: Senator Robert Rucho, in his official capacity as co-chair of the Joint Select Committee on Congressional Redistricting (the “Committee”); Representative David Lewis, in his official capacity as co-chair of the Committee; Timothy K. Moore, in his official capacity as Speaker of the North Carolina House of Representatives; and Philip E. Berger, in his official capacity as President Pro Tempore of the North Carolina Senate.

Respectfully submitted, this 5<sup>th</sup> day of September, 2018.

NORTH CAROLINA DEPARTMENT OF  
JUSTICE

By: /s/ Alexander McC. Peters

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**CERTIFICATE OF SERVICE**

I, Alexander McC. Peters, 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 of the same to the following:

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Dated: September 5, 2018

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