

SUPREME COURT OF NORTH CAROLINA

MARGARET DICKSON, *et al.*)

)

Plaintiffs,)

v.)

)

ROBERT RUCHO, *et al.*)

)

Defendants.)

From Wake County

No. 11 CVS 16896

No. 11 CVS 16940

(Consolidated)

NORTH CAROLINA STATE)

CONFERENCE OF BRANCHES OF)

THE NAACP; *et al.*)

)

Plaintiffs,)

)

v.)

)

THE STATE OF NORTH)

CAROLINA, *et al.*)

Defendants.)

CONSENT MOTION TO DISMISS APPEAL

The Legislative Defendants-Appellants (“Legislative Defendants”), with the consent of all parties and pursuant to N.C. R. App. P. 37(e)(2), move this Court for dismissal of their pending appeal in this matter and show the Court:

1. In order to avoid the time and expense of continued litigation, counsel for Legislative Defendants and counsel for Plaintiffs have been engaged in

negotiations regarding the disposition of all fees, costs, and expenses in these consolidated cases. Legislative Defendants and Plaintiffs believe they have reached a tentative agreement that eliminates the need for further litigation and the need for this Court to rule upon this appeal.

2. Following this Court's entry of an order dismissing this appeal, the parties will make appropriate filings with the three-judge panel below regarding the fees, costs, and expenses sought by Plaintiffs in this matter.

3. Counsel for the Plaintiffs and counsel for Defendants the State of North Carolina and the North Carolina State Board of Elections have been consulted regarding this motion and consent to Legislative Defendants' request for dismissal of this appeal.

4. Any taxed costs related to this appeal should be allocated to the Legislative Defendants unless otherwise agreed by the parties.

Respectfully submitted this the 4th day of January, 2019.

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

Electronically submitted

/s/ Phillip J. Strach

Phillip J. Strach

N.C. State Bar No. 29456

Telephone: (919) 787-9700

phil.strach@ogletreedeakins.com

4208 Six Forks Road, Suite 1100

Raleigh, North Carolina 27609

N.C. R. App. P. 33(b) Certification: I
certify that all of the attorneys listed
below have authorized me to list their
names on this document as if they had
personally signed it.

/s/ Michael McKnight

Michael McKnight

N.C. State Bar No. 36932

Telephone: (919) 787-9700

michael.mcknight@ogletreedeakins.com

4208 Six Forks Road, Suite 1100

Raleigh, North Carolina 27609

Counsel for the Legislative Defendants

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing CONSENT MOTION TO WITHDRAW APPEAL in the above titled action upon all other parties to this cause by:

[] Hand delivering a copy hereof to each said party or to the attorney thereof;

[] Transmitting a copy hereof to each said party via facsimile transmittal;

[] By email transmittal;

[X] Depositing a copy here of, first class postage pre-paid in the United States mail, properly addressed to:

Edwin M. Speas, Jr.
Caroline P. Mackie
Poyner Spruill LLP
P. O. Box 1801
Raleigh, NC 27602-1801
*Counsel for Plaintiffs-Appellees
The Dickson Plaintiffs*

Allison Riggs
Southern Coalition for Social
Justice
1415 Highway 54, Suite 101
Durham, NC 27707
*Counsel for Plaintiffs-Appellees The
NAACP Plaintiffs*

Alec McC. Peters
James Bernier, Jr.
North Carolina Department of
Justice
Post Office Box 629
Raleigh, North Carolina 27602
*Counsel for Defendants the State of
North Carolina and the North
Carolina
State Board of Elections*

Irving Joyner
North Carolina NAACP
P.O. Box 355
Durham, NC 27702
*Counsel for Plaintiffs-Appellants
The NAACP Plaintiffs*

Victor L. Goode
Assistant General Counsel
NAACP
4805 Mt. Hope Drive.
Baltimore, MD 21215-3297
*Counsel for Plaintiffs-Appellees The
NAACP Plaintiffs*

This the 4th day of January, 2019.

By: /s/ Phillip J. Strach
Phillip J. Strach

36897358.1