

STATE OF NORTH CAROLINA
COUNTY OF WAKE

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

MARGARET DICKSON, *et al.*)
Plaintiffs,)

v.)

ROBERT RUCHO, *et al.*)
Defendants.)

WAKE CO., C.S.)

BY)

11 CVS 16896

NORTH CAROLINA STATE CONFERENCE)
OF BRANCHES OF THE NAACP; *et al.*)

Plaintiffs,)

v.)

THE STATE OF NORTH CAROLINA, *et al.*)
Defendants.)

11 CVS 16940

(Consolidated)

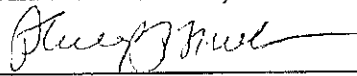
NOTICE OF APPEAL

TO THE HONORABLE JUSTICES OF THE NORTH CAROLINA SUPREME COURT:

Defendants Thom Tillis, Philip E. Berger, Bob Rucho, and David Lewis ("legislative defendants"), hereby give notice of appeal in the above captioned actions to the Supreme Court of North Carolina from the Order and Judgment on Remand from the North Carolina Supreme Court entered by the three-judge panel of the Honorable Paul C. Ridgeway, the Honorable Joseph N. Crosswhite, and the Honorable Alma L. Hinton on February 12, 2018. Legislative defendants appeal as of right directly to the Supreme Court pursuant to N.C. Gen. Stat. §120-2.5.

Respectfully submitted this 14th day of March, 2018.

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

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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing 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;
- Depositing a copy here of, first class postage pre-paid in the United States mail,

properly addressed to:

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This the 14th day of March, 2018.

By: 
Phillip J. Strach

STATEMENT OF TRANSCRIPT OPTION

Per Appellate Rules 7(b) and 9(c), the transcript of the hearing on remand and the joint plaintiffs' motion for emergency relief in this case, taken by Tammy G. Bates, Court Reporter, on December 15, 2017, consisting of 53 pages, numbered 1-53, bound in one volume, will be electronically filed by Ms. Bates promptly following the filing of this record on appeal with the Supreme Court.

STIPULATION SETTLING RECORD ON APPEAL

Counsel for the Appellants and Appellees stipulate as follows:

1. The proposed record on appeal was timely served on 18 April 2018. The certificate showing service of the proposed record may be omitted from the settled record.

2. Plaintiffs-Appellees' response to the proposed record on appeal was served via electronic mail on 20 April 2018. Defendants-Appellees State of North Carolina and the Bipartisan State Board of Elections and Ethics Enforcement's response to the proposed record on appeal was served via electronic mail on 24 April 2018. The parties came to an agreement as to which documents would be included in the printed record. Because no party moved for judicial settlement, the record on appeal was deemed settled on 1 May 2018.

3. All captions, signatures, headings of papers, certificates of service, and documents filed with the trial court that are not necessary for an understanding of the appeal may be omitted from the record, except as required by Rule 9 of the Rules of Appellate Procedure.

4. The parties have undergone a reasonable search for duplicative or substantially similar documents and have eliminated any duplicates. To the extent documents that appear in the record in earlier appeals in these consolidated matters appear in the record here, such documents have been included for the convenience of the Court.

5. The parties stipulate that the following documents constitute the agreed-upon record on appeal to be filed with the Clerk of the Supreme Court:

5. The parties stipulate that the following documents constitute the agreed-upon record on appeal to be filed with the Clerk of the Supreme Court:

- a. The printed record on appeal, consisting of pages 1 to 426.
- b. The transcript of the December 15, 2017 hearing on remand and the joint plaintiffs' motion for emergency relief, consisting of pages 1-53.

This 1st day of May, 2018.

For the Legislative Defendants-Appellants:

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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.

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² Pursuant to N.C. R. Civ. P. 25, the Bipartisan State Board of Elections and Ethics Enforcement should automatically be substituted for the defendant identified as the State Board of Elections in these matters.

PROPOSED ISSUES ON APPEAL

Pursuant to Rule 10, Legislative Defendants-Appellants intend to present the following proposed issues on appeal:

1. Did the three-judge panel err in entering judgment in favor of Plaintiffs and against the Defendants on Claims for Relief 22, 23, and 24 of the *Dickson v. Rucho* Amended Complaint (11 CVS 16896) and Claims for Relief 9, 10, and 11 of the *NAACP v. State of North Carolina* Amended Complaint (11 CVS 16940)?
2. Did the three-judge panel err in entering judgment in favor of Plaintiffs and against the Defendants on Claims for Relief 19, 20, and 21 of the *Dickson v. Rucho* Amended Complaint (11 CVA 16896) and Claims for Relief 1, 2, and 3 of the *NAACP v. State of North Carolina* Amended Complaint (11 CVS 16940)?
3. Did the three-judge panel err in declaring the 2011 First and Twelfth Congressional Districts and the 2011 majority black legislative districts unconstitutional under the Equal Protection Clause of the United States Constitution?
4. Did the three-judge panel err in declaring the 2011 First and Twelfth Congressional Districts and the 2011 majority black legislative districts unconstitutional under Article 1, § 19 of the North Carolina Constitution?
5. Did the three-judge panel err in failing to conclude that all claims were moot and should be dismissed?
6. Did the three-judge panel err in retaining jurisdiction over this case for purposes of entertaining motions for costs and attorneys' fees?

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that this day a copy of the foregoing **Final Record on Appeal** has been duly served by depositing a copy therefore in an envelope bearing sufficient postage in the United States Mail, addressed to the following persons at the following addresses, which are the last addresses know to me:


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This the  day of May, 2018



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