

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
NO. 1:15-CV-00399-TDS-JEP**

SANDRA LITTLE COVINGTON, *et al.*,

Plaintiffs,

v.

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

Defendants.

**PLAINTIFFS' MOTION FOR
ADDITIONAL RELIEF**

Pursuant to the Court's Order for Supplementary Briefing Schedule, (Doc. 124, August 15, 2016), as modified by Consent Order (Doc. 127, August 19, 2016), Plaintiffs hereby move this Court for an Order granting the following relief:

1. Establish 5:00 pm on January 25, 2017 as the deadline for the General Assembly to enact legislation creating new districts to remedy the constitutional violations found by the Court to exist in twenty-eight specific districts in the 2011 House and Senate Redistricting Plans.
2. Appoint a special master to draw new House or Senate plans in the event the General Assembly fails to enact new House or Senate plans by 5:00 pm on January 25, 2017 as required by paragraph 1 above.
3. To allow the Court to make a prompt decision as to whether the new plans remedy the constitutional violations found by the Court in its August 12, 2016 decision, and are otherwise constitutional, order Defendants to submit to the

- Court and provide copies to the Plaintiffs the following documents and information no later than 7 days following the enactment of new plans.
- a. transcripts of all committee hearings and floor debates;
 - b. the “stat pack” for the enacted plans;
 - c. a description of the process the General Assembly followed in enacting the new plans, including the identity of all participants involved in the process;
 - d. the criteria the General Assembly applied in drawing the districts in the new plans, including the extent to which race was a factor in drawing any district in which the black voting age population (BVAP) is greater than 50%; and
 - e. as to any district with a BVAP greater than 50%, the factual basis upon which the General Assembly concluded that the VRA obligated it to draw the district at greater than 50% BVAP.
4. If plaintiffs have any objection to plans submitted, order that they so inform the Court in a brief filed no later than 7 days following receipt of the documents and information described in paragraph 3 above, describing the legal and factual bases for any objection.
5. Order Defendants to respond to Plaintiffs’ objections 7 days from the date on which Plaintiffs file objections.

6. Order that the term of any legislator elected in 2016 and serving in a House or Senate district modified by the General Assembly in 2017 to cure the constitutional defects found by the court herein be shortened to one year.
7. Order that any citizen having established their residence in a House or Senate district modified by the General Assembly in 2017 to cure the constitutional defects found by the court herein as of the closing day of the filing period for the 2017 special election in that district, shall be qualified to serve as Senator or Representative if elected to that office notwithstanding the requirement of Sections 6 and 7 of Article II of the North Carolina Constitution which provides that each Senator and Representative, at the time of their election, shall have resided “in the district for which he is chosen for one year immediately preceding his election.”
8. Order Defendants to conduct elections in any district modified by the General Assembly in 2017 to cure the constitutional defects found by the court herein such that the legislators elected in 2017 can be sworn in and serve a one-year term beginning in January 2018 and lasting until reelected or a successor is elected to serve a two year term beginning in 2019.
9. Retain jurisdiction to implement this remedy and to award Plaintiffs’ their attorneys’ fees and costs as provided by statute.

In support of this motion, Plaintiffs file an accompanying memorandum of law.

This the 30th day of September, 2016.

POYNER SPRUILL LLP

By: s/ Edwin M. Speas, Jr.

Edwin M. Speas, Jr.
N.C. State Bar No. 4112
espeas@poynerspruill.com
Caroline P. Mackie
N.C. State Bar No. 41512
cmackie@poynerspruill.com
P.O. Box 1801 (27602-1801)
301 Fayetteville St., Suite 1900
Raleigh, NC 27601
Telephone: (919) 783-6400
Facsimile: (919) 783-1075

Counsel for Plaintiffs

**SOUTHERN COALITION FOR
SOCIAL JUSTICE**

By: s/ Anita S. Earls

Anita S. Earls
N.C. State Bar No. 15597
anita@southerncoalition.org
Allison J. Riggs
State Bar No. 40028
allisonriggs@southerncoalition.org
Southern Coalition for Social Justice
1415 Highway 54, Suite 101
Durham, NC 27707
Telephone: 919-794-4198
Facsimile: 919-323-3942

Counsel for Plaintiffs

**TIN FULTON WALKER &
OWEN, PLLC**

By: s/ Adam Stein

Adam Stein (Of Counsel)
N.C. State Bar # 4145
astein@tinfulton.com
Tin Fulton Walker & Owen, PLLC
1526 E. Franklin St., Suite 102
Chapel Hill, NC 27514
Telephone: (919) 240-7089

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this date I have 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:

Alexander M. Peters
Special Deputy Attorney General
Office of the Attorney General
P.O. Box 629
Raleigh, NC 27602
apeters@ncdoj.gov
kmurphy@ncdoj.gov

Counsel for Defendants

Thomas A. Farr
Phillip J. Strach
Michael D. McKnight
Ogletree, Deakins, Nash, Smoak &
Stewart, P.C.
4208 Six Forks Road, Suite 1100
Raleigh, NC 27602
thomas.farr@ogletreedeakins.com
phillip.strach@ogletreedeakins.com
michael.mcknight@ogletreedeakins.com

This the 30th day of September, 2016.

/s/Anita S. Earls