

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION
Civil Action No. 1:13-CV-00949

DAVID HARRIS, CHRISTINE)
BOWSER, and SAMUEL LOVE,)

Plaintiffs,)

v.)

PATRICK MCCRORY, in his capacity)
as Governor of North Carolina, NORTH)
CAROLINA STATE BOARD OF)
ELECTIONS, and JOSHUA HOWARD,)
in his capacity as Chairman of the North)
Carolina State Board of Elections,)

Defendants.)

**DEFENDANTS' MOTION TO STAY,
DEFER, OR ABSTAIN**

Defendants Patrick McCrory, North Carolina State Board of Elections, and Joshua Howard (collectively "Defendants") move this Court to Stay, Defer, or Abstain from further proceedings in this action because parallel litigation involving the same claims and issues raised in the Complaint here is currently pending before the North Carolina Supreme Court.

WHEREFORE, for the reasons stated in Defendants' contemporaneously filed Memorandum of Law, Defendants respectfully request that the Court enter an order staying, deferring, or abstaining from further proceedings in this matter until the conclusion of the parallel litigation described in Defendants' Memorandum of Law.

This the 11th day of February, 2014.

ROY COOPER
ATTORNEY GENERAL OF NORTH
CAROLINA

By: /s/ Alexander McC. Peters
Alexander McC. Peters
Senior Deputy Attorney General
N.C. State Bar No. 13654
apeters@ncdoj.gov
N.C. Department of Justice
P.O. Box 629
Raleigh, NC 27602
Telephone: (919) 716-6900
Facsimile: (919) 716-6763
Counsel for Defendants

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

/s/ Thomas A. Farr
Thomas A. Farr
N.C. State Bar No. 10871
Phillip J. Strach
N.C. State Bar No. 29456
thomas.farr@ogletreedeakins.com
phil.strach@ogletreedeakins.com
4208 Six Forks Road, Suite 1100
Raleigh, North Carolina 27609
Telephone: (919) 787-9700
Facsimile: (919) 783-9412
*Co-counsel for Defendants North Carolina
State Board of Elections and Joshua Howard,
in his capacity as Chairman of the North
Carolina State Board of Elections*

CERTIFICATE OF SERVICE

I, Thomas A. Farr, hereby certify that I have this day electronically filed the foregoing **Defendants' Motion to Stay, Defer, or Abstain** with the Clerk of Court using the CM/ECF system which will provide electronic notification of the same to the following:

PERKINS COIE LLP
John M. Devaney
jdevaney@perkinscoie.com
Marc E. Elias
melias@perkinscoie.com
Kevin J. Hamilton
khamilton@perkinscoie.com
700 Thirteenth Street, N.W., Suite 600
Washington, D.C. 20005-3960
MElias@perkinscoie.com
Attorneys for Plaintiff

POYNER SPRUILL LLP
Edwin M. Speas, Jr.
espeas@poynerspruill.com
John W. O'Hale
johale@poynerspruill.com
Caroline P. Mackie
cmackie@poynerspruill.com
301 Fayetteville St., Suite 1900
Raleigh, NC 27601
Local Rule 83.1 Attorney for Plaintiffs

This the 11th day of February, 2014.

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

/s/ Thomas A. Farr
Thomas A. Farr
N.C. State Bar No. 10871
4208 Six Forks Road, Suite 1100
Raleigh, NC 27609
Telephone: 919.787.9700
Facsimile: 919.783.9412
thomas.farr@odnss.com

*Co-Counsel for Defendants North Carolina
State Board of Elections and Joshua Howard,
in his capacity as Chairman of the North
Carolina State Board of Elections*

17095965.1