

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. )

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**DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

Defendants Patrick McCrory, in his capacity as Governor of North Carolina, the North Carolina State Board of Elections, and Joshua Howard, in his capacity as Chairman of the North Carolina State Board of Elections (collectively "Defendants") file this motion for summary judgment, pursuant to Fed. R. Civ. 56 and L.R. 56.1, on all claims alleged by Plaintiffs. There are no genuine issues as to any material facts and Defendants are entitled to judgment as a matter of law.

In support of this motion, Defendants have contemporaneously filed a supporting memorandum of law and incorporate by reference the facts and arguments stated in their previously filed Memorandum in Opposition to Plaintiffs' Motion for a Preliminary Injunction (D.E. 29) and in their Memorandum of Law in Support of their Motion to Stay, Defer, or Abstain (D.E. 44).

Additionally, in support of this motion, Defendants incorporate by reference Exhibits A through P (D.E. 30-1 through D.E. 33-4) filed contemporaneously with their Memorandum in Opposition to Plaintiffs' Motion for a Preliminary Injunction and the following additional exhibits:

- Exhibit Q: Complete Deposition of Dr. Thomas Hofeller and All Exhibits
- Exhibit R: Direct Examination Trial Testimony of Dr. Thomas Hofeller in the *State Redistricting Cases* (June 5, 2013)
- Exhibit S: Complete Deposition of Dr. Stephen Ansolabehere
- Exhibit T: Cited Excerpts and Exhibits from the Deposition of David L. Harris
- Exhibit U: Cited Excerpts and Exhibits from the Deposition of Christine Bowser
- Exhibit V: Cited Excerpts and Exhibits from the Deposition of Rev. Dr. William J. Barber II
- Exhibit W: Cited Excerpts from the Deposition of Dr. David W. Peterson in the *State Redistricting Cases*
- Exhibit X: Affidavit of R. Erika Churchill filed in the *State Redistricting Cases*
- Exhibit Y: Exhibits 34 through 53 to the Second Affidavit of Dan Frey<sup>1</sup> filed in the *State Redistricting Cases*
- Exhibit Z: Excerpts containing statements from Public Hearings on Redistricting in 2011 cited by the three-judge-panel in its findings of fact in the *State Redistricting Cases* (D.E. 30-2, pp. 12-16)

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<sup>1</sup> The Second Affidavit of Dan Frey, along with selected exhibits, was previously filed with the Court contemporaneously with Defendants' Memorandum in Opposition to Plaintiffs' Motion for a Preliminary Injunction. (*See* D.E. 30-4.)

WHEREFORE, Defendants respectfully request that the Court grant their Motion for Summary Judgment and dismiss all of Plaintiffs' claims with prejudice.

This the 2nd day of June, 2014.

ROY COOPER  
ATTORNEY GENERAL OF NORTH  
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**CERTIFICATE OF SERVICE**

I, Thomas A. Farr, hereby certify that I have this day electronically filed the foregoing **Defendants' Motion for Summary Judgment** 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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This the 2nd day of June, 2014.

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