

TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

NOW COMES President *Pro Tempore* Philip E. Berger, Senator Warren Daniel, Senator Ralph Hise, Senator Paul Newton, Representative Destin Hall, and Speaker Timothy K. Moore in their official capacities (collectively, “Legislative Defendants”) through counsel, pursuant to N.C.R. App. P. 27(c)(2) and hereby respectfully moves for an extension of time of 30 days, through 25 July 2022 to file all principal appellants briefs in this cause. In support of this motion, Legislative Defendants show the Court as follows:

1. On 23, February 2022 all Plaintiffs’ and Legislative Defendants filed notices of appeal from the trial court’s 23 February 2022 order.

2. On 26 May 2022, the Parties filed their joint record on appeal.

3. All Appellants’ briefs are presently due on or before 25 June 2022. Because this date falls on a weekend, this makes the briefs due on 27 June 2022.

4. Counsel reasonably believes that additional time to prepare Legislative Defendants’ appellant brief in this case is needed, and believes that in the interests of judicial efficiency, the briefing schedule for all appellants should likewise be extended. The record in this matter is voluminous. The printed record of appeal alone is 5,178 pages, and the 9(d) record totals 15,729 pages, 4,106 of which are new to this phase of the appeal. As the election districts are set for the 2022 election, and primaries have already been conducted, there is no need for an expedited review of this matter. Rather, it is more appropriate for this case to proceed on a normal timeframe, where an extension of time to file brief will alleviate a time constraint on

one of the parties and not impact the timing of the Court's review. Furthermore, on 13 June 2022, the parties filed comments in response to the Trial Court's Notice of Intent to Assess Fees and Costs of the Special Masters. Given that the Trial Court did not provide an opportunity for response, it is likely that the Court will issue an order of some sort in the next month. Plaintiffs and Defendants have extremely different positions on the matter of fees, including the Trial Court's jurisdiction to hear such an issue; therefore, it is also likely one or both parties could file an appeal from any order issued by the Trial Court. If that is the case, the parties could supplement the present record on appeal with the filings and orders and including those matters in a single appellants' brief under an extension of time. Judicial economy supports such an extension so that this Court can fully hear all issues surrounding the appeal, and not be forced to hear the issue of fees separately.

5. Furthermore, Counsel for Legislative Defendants also have significant conflicting professional obligations, including an expedited merit appeal and oral arguments set the week of July 4 by the Fifth Circuit.

6. Counsel for the State Board of Elections do not oppose this motion. Counsel for *Harper*, *Common Cause*, and *NCLCV* oppose this motion, but when consulted did not indicate the reason for their opposition.

7. As the current deadline for filing has not yet expired, and good cause exists on this record, Legislative Defendants respectfully requests an extension of time up to and including 25 July 2022 for all appellants to file their appellants briefs.

Respectfully submitted, this the 14th day of June, 2022.

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Electronically Submitted

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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
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CERTIFICATE OF SERVICE

It is hereby certified that on this the 14th day of June, 2021, the foregoing was served on the individuals below by email:

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