IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SHAUNA WILLIAMS, *et al.*, *Plaintiffs*, v. REPRESENTATIVE DESTIN HALL, in his official capacity as Chair of the House Standing Committee on Redistricting, *et al.*, *Defendants*.	Civil Action No. 23-CV-1057
NORTH CAROLINA STATE CONFERENCE OF THE NAACP, *et al.*, *Plaintiffs*, v. PHILIP BERGER, in his official capacity as the President Pro Tempore of the North Carolina Senate, *et al.*, *Defendants*.	Civil Action No. 23-CV-1104

JOINT NOTICE REGARDING SCHEDULE

Williams Plaintiffs, *NAACP* Plaintiffs, Legislative Defendants, and State Board Defendants ("Parties"), by and through undersigned counsel, and pursuant to this Court's October 30, 2025 Order [D.E.179], jointly submit their proposed schedules for the Court's consideration. Having met and conferred, the Parties are unable to agree on a schedule at this time. Per the Court's instructions, the Parties' separate positions and proposed schedules are provided below.

***Williams* Plaintiffs and *NAACP* Plaintiffs' ("Plaintiffs") Proposed Schedule**:

Expedited Preliminary Injunction Schedule (as proposed in Plaintiffs Joint Motion to Expedite, [D.E.185])[1]:

- Preliminary injunction motions filed **October 31, 2025**.
- Defendants' responses: **November 14, 2025**
- Plaintiffs' replies: **November 18, 2025** (**10:00 am EST**)
- A preliminary injunction hearing on **November 19, 2025** or as soon thereafter as the Court can accommodate

Alternative schedule if Court modifies the candidate filing period:

- Defendants' responses: **November 17, 2025**
- Plaintiffs' replies: **November 24, 2025**
- A preliminary injunction hearing during the week of **December 1, 2025**

Proposed Full Schedule:

- Discovery opens: **December 1, 2025**
    - *Parties to confer on initial response deadline that allows for time off during the holidays*
- Responsive pleadings: **December 15, 2025**
- Oppositions to any motions to dismiss: **January 16, 2026**
- Plaintiffs' opening expert reports: **January 23, 2026**
- Replies in support of any motions to dismiss: **January 30, 2026**
- Defendants' expert reports: **February 19, 2026**
- Plaintiffs' replies to Defendants' expert reports, if any: **March 12, 2026**
- Discovery closes: **April 10, 2026**
- Pretrial disclosures:

[1] This schedule matches Legislative Defendants' "Option 2" schedule below, except that Legislative Defendants request oral argument instead of a hearing.

- Witness and exhibit lists: **April 17, 2026**
- Objections to witness and exhibit lists: **April 24, 2026**
- Pretrial conference: **April 29, 2026**
- Pretrial briefs: **May 6, 2026**

- Trial: Starting on **May 11, 2026**
  - *Note: August 2026 trial setting is not possible for NAACP Plaintiffs.*
  - *Note: November and December 2026 trial setting is not possible for Williams Plaintiffs.*

Plaintiffs oppose Legislative Defendants' proposal, set forth in "Option 1" below, for a full trial on the merits of Plaintiffs' supplemental claims beginning in two weeks. This option, among other issues, would foreclose meaningful supplemental discovery that Plaintiffs are entitled to pursuant to Rule 26 of the Federal Rules of Civil Procedure, concerning the factual allegations that have occurred after trial and prior discovery in this matter and which are relevant to Plaintiffs' supplemental claims and new defenses that may be asserted in response to Plaintiffs' supplemental complaints. *See* Fed. R. Civ. Pr. 26(b)(1) (permitting discovery "regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case"); *Aulicino v. New York City (Dep't of Homeless Servs.)*, No. 03 CV 2395 (SJ), 2010 WL 2787548, at *2 (E.D.N.Y. July 14, 2010) (reopening discovery on plaintiff's new claims regarding factual developments while action was pending); *Wang v. New York City Dep't of Youth & Cmty. Dev.*, No. 21CV6271LGSVF, 2024 WL 1174723, at *7 (S.D.N.Y. Mar. 19, 2024) (reopening discovery "related to the new factual allegations in the supplemental complaint"); *Appel v. Bos. Nat'l Title Agency, LLC*, No. 18-CV-873-BAS-MDD, 2019 WL 2164051, at *6 (S.D. Cal. May 17, 2019) (reopening discovery pertaining to new claims in amended complaint);

Wade v. Franklin Cty., No. 2:21-cv-305, 2023 WL 2705063, at *1 (S.D. Ohio Mar. 30, 2023) (court "acknowledged that permitting Plaintiff to assert these new claims would 'require re-opening fact discovery' and directing the parties to file a joint proposed case schedule"). In addition to the consequences of foreclosing discovery that would result from Legislative Defendants' Option 1, there are likely other due process implications and scheduling concerns with respect to fact and expert witnesses. Accordingly, if the Court is inclined to proceed with Legislative Defendants' Option 1, Plaintiffs respectfully request an opportunity to more fully brief this issue on an expedited basis before the Court issues a scheduling order.

Because there is not enough time to engage in sufficient discovery in advance of the various pre-election deadlines beginning in December, Plaintiffs moved for preliminary injunctions on specific claims. Plaintiffs submit that the appropriate course is to adjudicate the preliminary injunction motions on the schedule proposed by Plaintiffs, as agreed to by Legislative Defendants in their Option 2, and then proceed on an expedited basis to final judgment, as proposed in Plaintiffs' schedule above, which allows for adequate discovery under a reasonably expedited schedule that would bring final resolution to the new claims in approximately six months.

Legislative Defendants' Proposed Trial Schedule[2]:

Option 1- Reopening of the Existing Trial Record

- Parties Exchange Supplemental Exhibit and Witness Lists (with the exception of Defendants' Expert Materials): **November 7, 2025.**
- Deadline to file supplemental pre-trial Exhibit and Witness Lists: **November 14, 2025**.[3]
- Defendants' Response to Preliminary Injunction and Trial Brief with Expert Materials: **November 14, 2025**.
- Two-day resumption of the trial, beginning **November 17, 2025**, or as soon as the Court can accommodate.[4]

*Legislative Defendants will make Senator Hise available for a Three-hour deposition prior to the hearing on a mutually agreeable date.

Option 2- Preliminary Injunction Only[5]

- Preliminary Injunction motions filed **October 31, 2025**.
- Defendants' responses: **November 14, 2025**.
- Plaintiffs' replies: **November 18, 2025 by 10:00 a.m. EST**.

[2] Legislative Defendants understood the Court's order to seek an expedited trial schedule designed to resolve this matter prior to the December 1, 2025 filing date. Legislative Defendants propose that here as "Option 1." Since Plaintiffs do not agree that a trial by the December 1, 2025 candidate filing deadline is feasible, Legislative Defendants also propose a preliminary injunction schedule as "Option 2." Legislative Defendants note that Plaintiffs have proposed an alternative preliminary injunction schedule that involves alternative election deadlines. No party has moved for that relief and Legislative Defendants oppose any such request.

[3] All objections preserved for trial.

[4] Counsel for *Williams* Plaintiffs has a pre-existing, in-court obligation on November 17 on the west coast. While *Williams* Plaintiffs oppose Legislative Defendants' "Option 1" proposal in full, should the Court be inclined to adopt this schedule, *Williams* Plaintiffs request trial commence on November 19 or after. In the event that any witness is unavailable for the hearing dates selected by the Court, the parties will meet-and-confer to discuss options for those witnesses, including submitting trial depositions limited to three hours, or submitting expert reports, as appropriate. The parties have already begun the process of discussing potential unavailability of experts.

[5] In the event the Court is not inclined to resolve Plaintiffs supplemental challenge on the merits ahead of the December 1, 2025 candidate filing deadline, Legislative Defendants respectfully submit that after preliminary injunction proceedings, it would be best to order expedited briefing on Legislative Defendants' Motion to Dismiss and then require the parties to meet and confer on a schedule within seven days of the Court's decision on that dispositive motion.

- An Oral Argument (no more than two hours total) on **November 19, 2025** or as soon thereafter as the Court can accommodate.

State Board Defendants:

The State Board takes no position on the proposed schedules and leaves the resolution of same to the sound discretion of the Court. To the extent it aids the Court in reaching that decision, the Declaration of Sam Hayes, recently filed in the *Pierce* action before the Fourth Circuit and which addressed the 2026 election schedule, is attached hereto as Exhibit A. Although that filing expressly addressed State Senate districts, the same administrative and timing considerations would apply equally to Congressional districts.

Respectfully submitted this, the 3rd day of November, 2025.

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**Special Appearance pursuant to Local Rule 83.1(d)*

EXHIBIT A

No. 25-2180

In the
United States Court of Appeals for the Fourth Circuit

RODNEY D. PIERCE and MOSES MATTHEWS,

Plaintiff-Appellants,

v.

THE NORTH CAROLINA STATE BOARD OF ELECTIONS, et al.,

Defendant-Appellees.

On Appeal from the United States District Court
for the Eastern District of North Carolina, James E. Dever, III, District Judge
No. 4:23-cv-193-D-RN

DECLARATION OF SAM HAYES

I, Sam Hayes, declare under penalty of perjury, that the following information is true to the best of my knowledge and state as follows:

1. I am over 18 years old. I am competent to give this declaration and have personal knowledge of the facts set forth herein. I have consulted with senior staff at the North Carolina State Board of Elections (the "State Board") in the preparation of this declaration.

2. I currently serve as the Executive Director of the State Board. I

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became Executive Director of the State Board effective May 15, 2025. My statutory duties as Executive Director include staffing, administration, and execution of the State Board's decisions and orders. I am also the Chief State Elections Official for the State of North Carolina under the National Voter Registration Act of 1993 and N.C.G.S. § 163-27. As Executive Director, I am responsible for the administration of elections in the State of North Carolina. The State Board has supervisory responsibilities for the 100 county boards of elections, and as Executive Director, I provide guidance to the directors of the county boards.

3. Candidate filing for the March 3, 2026, statewide primary election begins at noon on December 1, 2025, and ends at noon on December 19, 2025. *See* N.C.G.S. § 163-106.2(a). The 2026 primary contests on the ballot may include U.S. Senate, U.S. House of Representatives, the N.C. General Assembly, statewide and district-level judicial contests, county offices, and other local offices. Absentee ballots will be distributed beginning January 12, 2026, and in-person early voting begins on February 12, 2026. N.C.G.S. §§ 163-227.10 and -258.9(a); -166.40(b).

4. In our state, the county boards of elections administer elections

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in each county, which includes, among other things, registering voters and assigning them to their voting jurisdictions, providing for the distribution of voting systems, ballots, and pollbooks, training elections officials, conducting absentee and in-person voting, and tabulation and canvassing of results. The State Board is responsible for development and enhancement of our State Elections Information Management System ("SEIMS"), which includes managing functions that are used to assign voters to their relevant voting districts, a process known as "geocoding." The State Board also supports the county boards and their vendors in the preparation and proofing of ballots.

5. For state legislative and congressional electoral districts, the geocoding process starts when the State Board receives district shapefiles from the legislature, which include geographic data setting the boundaries for legislative districts. The State Board's staff then works with county board staff to use the shapefiles to update the voting jurisdictions that are assigned to particular addresses in SEIMS. State Board staff and county board staff perform multiple audits of the geocoding to ensure its accuracy before preparation of the ballots. The amount of time required for geocoding

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generally corresponds with the number of district boundaries that are redrawn within the counties and, especially, the number of voting districts that split precinct lines.

6. The process of generating and proofing ballots is complex and involves multiple technical systems and quality-control checkpoints that precede ballot printing and the coding of voting machines. This includes the preparation and proofing of official ballots, certified vendors printing and delivering those ballots to the county board offices, and county board staff creating outgoing absentee ballot packages for each eligible absentee ballot requester. *See* N.C.G.S. §§ 163-165.3, -229, -230.1(a1) & (c); see also 08 NCAC 06B .0103. Additionally, the number of different "ballot styles" of official ballots which must be prepared and proofed for each county depends on the alignment and overlap of different districts. *See* N.C.G.S. § 165(3) (" 'Ballot style' means the version of a ballot within a jurisdiction that an individual voter is eligible to vote. . . . The different versions of the county's official ballot containing only those district ballot items one individual voter may vote are the county's different ballot styles."). For recent statewide primaries in even years, there have been well over 3,000 ballot styles. And ballots must

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go through the proofing process twice—once for printed ballots, and once for ballots made available to military and overseas voters and visually-impaired voters through the State Board's absentee ballot portal. *See* https://votebymail.ncsbe.gov/app/home, last visited October 13, 2025. All of this must be completed prior to the absentee ballot distribution deadline.

7. Under N.C.G.S. §§ 163-227.10(a) and -258.9(a), the State Board must begin mailing absentee ballots 50 days prior to the primary election day, unless before the primary ballots have been printed the State Board exercises its authority under N.C.G.S. § 163-22(k) to reduce that deadline to 45 days or there is "an appeal before the State Board or the courts not concluded, in which case the board shall provide the ballots as quickly as possible upon the conclusion of such an appeal." The federal Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA") requires that absentee ballots that include elections for federal office be made available by 45 days before a primary election, *see* 52 U.S.C. § 20302(a)(8)(A), unless I request a waiver of this requirement based on a legal contest delaying the preparation of ballots (or another enumerated hardship), and that waiver is granted by the federal official designated to administer UOCAVA, *see id.* § 20302(g). The

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state requesting a waiver must present a comprehensive plan that provides absentee UOCAVA voters sufficient time to receive and submit absentee ballots they have requested in time to be counted in the federal election.

8. Based on the primary date of March 3, 2026, 50 days before the primary election falls on Monday, January 12, 2026. The 45-day federal deadline falls on January 17, 2026, but because that is a weekend day, the county boards would need to be prepared to begin distributing absentee ballots on the prior business day, which is January 16, 2026, if the State Board reduced the state law deadline to 45 days before the primary election day.

9. If the State Board needs to implement new State Senate districts, per a court order, staff would need to reassign voters to the new districts and allow time for candidates to file for the affected districts. If the new districts are provided before the start of candidate filing established in state law, December 1, 2025, *see* N.C.G.S. § 163-106.2, then there would be no need to provide for a different candidate filing period, and if the districts are provided approximately a week before the start of the filing period then it is likely that the necessary reassignment of voters in these limited number of districts could be completed before filing begins. This would mean there

should not be a delay of any administrative dates or deadlines for ballot preparation and distribution for the March 2026 primary.

10. If the new districts are provided after the start of the candidate filing period, however, then a candidate filing period for the affected contests would need to be provided. The candidate filing period provided by state law is 15 business days, N.C.G.S. § 163-106.2(a), but a shorter period such as 5 business days, is administrable. The work of reassigning voters into new districts, while not ideal, can be accomplished at the same time as any candidate filing period.

11. Following candidate filing and assignment of voters, the ballot preparation process must begin. If only a limited number of State Senate ballot items are being prepared, this reduces the initial ballot preparation and proofing time, but not the printing and delivery time, or the preparation of ballot packages at the county board office. State Board staff estimates the overall ballot preparation for any court-ordered State Senate districts for the 18 counties at issue would take approximately 9 business days following the close of candidate filing, if this were occurring for a separate election for State Senate districts. If a remedial map involved more counties that could

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add time to ballot preparation. However, if ballot preparation is already ongoing for other contests, any new State Senate candidates could be folded into ongoing ballot preparation, as long as such candidates are known at least 7 business days prior to the absentee ballot distribution deadline.

12. Thus, if any court-ordered remedial map only affected two state senate districts, and candidate filing was completed by December 19, State Board staff estimates that the agency and affected counties could incorporate new candidates for the affected districts into ongoing ballot preparation work, in time to meet the current absentee distribution deadline of January 12, 2026.

13. Under the current schedule set by state law, the Board will have only 11 business days to complete the tasks set forth above after the candidate-filing window closed on December 19. Even including holidays and weekends, there are only 23 calendar days between the close of candidate filing and the absentee ballot distribution deadline. This is already a very busy period for the State Board and county boards, with staff already likely to need to work overtime hours to complete the necessary work. Moreover, the State Board does not currently have an employee on staff

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primarily tasked with geocoding work, which could impact the amount of time it takes to complete geocoding of new districts, as well as only a limited number of field specialists available to assist county boards with the ballot preparation work. Accordingly, any disruption to this time period could delay the start of absentee voting for the March 2026 primary.

14. If a new map is needed but is not ordered in time to complete the tasks above before the ballot distribution deadline, affected election contests would need to be moved to May 12, 2026, the date currently set for a second primary. N.C.G.S. § 163-111. To make this timeline work, candidate filing for any remedial districts would need to be complete before the county canvass of the March primary on or about March 13, 2026, leaving 10 days, including weekends, to prepare ballots before distributing absentee ballots by March 23, 2026, which is 50 days before a May 12, 2026, election. If a court-ordered remedial map were not provided in sufficient time for candidate filing to occur in early March, holding the contests for the affected State Senate districts on May 12, 2026, would not be administratively possible, particularly if there is also a federal contest on the second primary ballot.

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15. Finally, if a court-ordered map is provided after the aforementioned deadlines, the affected races could be held on some date after the canvass is completed for any May 12, 2026, second primaries that are needed. The State and county boards would need to ensure that they could begin distributing ballots at least 45 days in advance, and that they had at least 5 business days for candidate filing and at least 9 business days for ballot preparation before that. Given these necessities, the best option would likely be July 21, 2026, ten weeks after the May 12 primary. Holding an election at any time later than August 4, 2026, would make it difficult to canvass the election and prepare ballots in advance of the general election ballot distribution date of September 4, 2026. *See* N.C.G.S. § 163-227.10(a).

This concludes my declaration.

Pursuant to 28 U.S.C. § 1746(2), I verify under penalty of perjury that the foregoing Declaration is true and correct in substance and in fact to the best of my knowledge and belief.

This the 14th day of October, 2025.

Sam Hayes, Executive Director
N.C. State Board of Elections