

No. 25-2180

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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RODNEY PIERCE and MOSES MATHEWS,  
Plaintiffs-Appellants,

v.

NORTH CAROLINA STATE BOARD OF ELECTIONS, et al.,  
Defendants-Appellees.

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On Appeal from the United States District Court  
for the Eastern District of North Carolina  
Hon. James C. Dever III, No. 23-cv-193-D

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**PLAINTIFFS-APPELLANTS' UNOPPOSED MOTION TO  
EXCEED WORD LIMITS**

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## MOTION TO EXCEED WORD LIMITS

Pursuant to Federal Rules of Appellate Procedure 27 and 32, Plaintiffs-Appellants respectfully move the Court for leave to file an opening brief with an enlarged word count limit of 16,000 words, to permit Appellees to file a responsive brief with a reciprocal word limit of 16,000 words, and for leave to file a reply brief with an enlarged word count limit of 8,000 words. In support of this motion, Appellants state as follows:

1. This appeal arises from a challenge under Section 2 of the Voting Rights Act to certain North Carolina state legislative districts. In February 2025, the district court held a five-day bench trial. On September 30, 2025, the court entered judgment for Defendants in a 126-page opinion. Dkt. 131. Appellants noted their appeal from that judgment on October 1, 2025, Dkt. 133, and this Court subsequently entered a briefing order setting the deadline for Appellants' opening brief as February 2, 2026, Dkt. 29.

2. There is good cause to grant Appellants leave to exceed the word limit for four principal reasons:

- The enlarged word count is appropriate in light of the length of the district court's opinion, which is 126 pages long and makes findings about the results of a five-day bench trial. Addressing the court's lengthy conclusions will require thorough and detailed briefing.
- Over the course of 126 pages, the district court entered conclusions on at least 14 different legal issues, including all three *Gingles* preconditions, the nine traditional Senate Factors, and two additional totality of the circumstances factors. Dkt. 131. Even the most efficient discussion of these conclusions will consume extensive briefing.
- The questions presented in this appeal involve important statutory issues with wide-ranging significance both for hundreds of thousands of people living in the affected districts but also for the interpretation of § 2 throughout the Circuit. Thorough briefing will aid the decisional process of the Court in resolving these questions.
- Courts routinely grant extensions of the word count in analogous § 2 cases. In *Allen v. Milligan*, the Supreme Court

granted appellants leave to file an opening brief of 18,000 words and a reply brief of 10,000 words. *Allen v. Milligan*, No. 21-1086 (Mar. 14, 2022). Similarly, in a recent § 2 case in the Fifth Circuit, that court granted appellants leave to file an opening brief of 20,000 words and a reply brief of 10,000 words. *Robinson v. Ardoin*, 22-30333 (5th Cir. June 20, 2022), Dkt. 142.

3. Appellants have consulted with both sets of Appellees. The State Board of Education appellees do not oppose the motion. The Legislative Defendant appellees take no position on the motion.

WHEREFORE, Appellants respectfully request that this Court enlarge the word count limit for Appellants' opening brief to 16,000 words, Appellees' response brief to 16,000 words, and Appellants' reply brief to 8,000 words.

Dated: January 23, 2026

Respectfully submitted,

s/ Elisabeth S. Theodore

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was filed electronically on January 23, 2026, and will, therefore, be served electronically upon all counsel.

*s/ Elisabeth S. Theodore*

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Elisabeth S. Theodore

## CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g), the undersigned counsel for Appellants certifies that:

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 472 words, excluding the parts exempted by Fed. R. App. P. 32(f).

2. This petition complies with the typeface requirements of Fed. R. App. P. 32(a) because it has been prepared using Microsoft Office Word and is set in Century Schoolbook font in a size equivalent to 14 points or larger.

*s/ Elisabeth S. Theodore*

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Elisabeth S. Theodore