

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

RODNEY D. PIERCE and
MOSES MATTHEWS,

Plaintiffs,

v.

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

Defendants.

Case No. 4:23-cv-193-D

JOINT NOTICE REGARDING SCHEDULING ORDER

Plaintiffs Rodney D. Pierce and Moses Matthews, (“Plaintiffs”) together with Defendants the North Carolina State Board of Elections, Alan Hirsch, Jeff Carmon III, Stacy Eggers IV, Kevin N. Lewis, Siobhan O’Duffy Millen, each in their official capacities (“State Board Defendants”), and Philip E. Berger and Destin Hall, both in their official capacities (“Legislative Defendants”), jointly notify the Court that the supplemental racially polarized voting (“RPV”) expert deadlines in the Scheduling Order, as modified by D.E. 94, are no longer possible because precinct-sorted election data from the November 2024 elections is not yet available.

At the time that the Joint Motion for Modification of the Scheduling Order, D.E. 93, was filed proposing a deadline of January 24, 2025 for supplemental RPV reports, the parties anticipated having precinct-sorted data from the November 2024 elections on January 10 or January 11, 2025. As of the date of this notice, the precinct-sorted data is not yet available.

The parties have met and conferred on the issue via email on January 13 and 14, 2025, and by videoconference on January 15, 2025. Counsel for the State Board Defendants informed the parties on the January 15, 2025, meet and confer that approximately ten counties have not finished

inputting their precinct-level data into the statewide database. One of those counties is in challenged Senate District 2. On the call, counsel for the State Board Defendants also indicated they expected all precinct-sorted data from the counties to be reported by next week, likely no later than January 23, 2025 (the date of the next State Board meeting), and that the data could be posted after processing by the State Board, typically within 24 hours. The parties agree that there is now insufficient time to exchange supplemental RPV reports between the anticipated receipt of the precinct-sorted data and the January 24, 2025 deadline. Legislative Defendants further believe that there is insufficient time for supplemental RPV reports to be completed prior to the commencement of trial on February 3, 2025.

Counsel for all parties will continue to confer to find a solution to this issue and will update the Court with any new developments. In order to resolve this issue expeditiously, Counsel can be available for a status conference next week, but in all events will be prepared to discuss this issue at the January 30, 2025, Pretrial Conference.

Respectfully submitted, this the 17th day of January, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel and parties registered in said system.

Respectfully submitted this, the 17th day of January, 2025.

/s/ Phillip J. Strach _____
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