

SUPREME COURT OF NORTH CAROLINA

NORTH CAROLINA LEAGUE OF)
CONSERVATION VOTERS, INC. et)
al.)

COMMON CAUSE,)

v.)

REPRESENTATIVE DESTIN HALL,)
in his official capacity as Chair of the)
House Standing Committee on)
Redistricting, et al.)

From Wake County

REBECCA HARPER, et al.)

v.)

REPRESENTATIVE DESTIN HALL,)
in his official capacity as Chair of the)
House Standing Committee on)
Redistricting, et al.)

**PLAINTIFF-APPELLANT COMMON CAUSE’S RESPONSE IN
OPPOSITION TO LEGISLATIVE DEFENDANTS’ MOTION TO
EXTEND THE TIME TO FILE LEGISLATIVE DEFENDANTS’
APPELLANT BRIEF**

TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

Legislative Defendants' Motion to Extend the Time to File Their Appellants brief should be denied because, if granted, it would prejudice Plaintiff Common Cause's Motion to Expedite (which remains under consideration with the Court) and reward Legislative Defendants for their unjustified delay in moving to dismiss their own Congressional appeal.


Legislative Defendants have already received a month's extension to file their opening brief, a fact they omit from their Motion. Order, *Harper v. Hall*, 413PA21-1 (June 14, 2022). And now, just six days before their brief is due, Legislative Defendants request an additional indeterminate extension that is contingent upon this Court's ruling on their last-minute motion to dismiss their Congressional appeal. But this predicament is one entirely of Legislative Defendants' making, and thus any time and expense expended by Legislative Defendants in meeting their 25 July deadline is attributable only to their own failure to act with reasonable expedience in seeking to dismiss their appeal (5 months after it was noticed). Far from serving judicial economy, as they claim, granting yet another extension to Legislative Defendants would only reward their failure to act with reasonable expedience.

Moreover, granting the requested relief would further prejudice Plaintiff-Appellant Common Cause, which has moved to expedite the proceedings in this matter. In their motion, Common Cause noted that the current briefing schedule allows for all appeals in this matter to be ripe for oral argument and consideration by early September 2022, and thus the public interest and need for expedient resolution

to inform future redistricting can be addressed without a need to alter the briefing schedule in place. Mot. of Plaintiff-Appellant Common Cause for an Expedited Hearing and Consideration at 2. By seeking a last-minute extension on the filing of their opening brief, and attempting to justify this by a situation entirely of their own making, Legislative Defendants seek an unreasonable delay in the proceedings that would prejudice Plaintiffs. The motion should be denied.

Respectfully submitted, this the 22nd day of July, 2022.

SOUTHERN COALITION FOR SOCIAL JUSTICE

By: 
Hilary H. Klein
N.C. State Bar No. 53711
hilaryhklein@scsj.org

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 signed it.

Allison J. Riggs
N.C. State Bar No. 40028
allison@southerncoalition.org
Mitchell Brown
N.C. State Bar No. 56122
Mitchellbrown@scsj.org
Katelin Kaiser
N.C State Bar No. 56799
Katelin@scsj.org
Jeffrey Loperfido
N.C. State Bar No. 52939
jeffloperfido@scsj.org
Noor Taj
N.C. State Bar No. 58508
noor@scsj.org

1415 W. Highway 54, Suite 101

Durham, NC 27707
Telephone: 919-323-3909
Facsimile: 919-323-3942

HOGAN LOVELLS US LLP

J. Tom Boer*
D.C. Bar No. 469585
CA Bar. No. 199563
tom.boer@hoganlovells.com
Olivia T. Molodanof*
CA Bar No. 328554
olivia.molodanof@hoganlovells.com

3 Embarcadero Center, Suite 1500
San Francisco, California 94111
Telephone: 415-374-2300
Facsimile: 415-374-2499

*Admitted *pro hac vice*

*Counsel for Plaintiff-Appellant Common
Cause*

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed to the electronic-filing site at <https://www.ncappellatecourts.org> and served upon all parties by electronic mail and, if requested, by United States Mail, addressed to the following:

Sam Hirsch
Jessica Ring Amunson
Kali Bracey
Zachary C. Schuaf
Karthik P. Reddy
Urja Mittal
JENNER & BLOCK LLP
1099 New York Avenue, NW, Suite 900
Washington, D.C. 20001
shirsch@jenner.com
zschauf@jenner.com

Stephen D. Feldman
ROBINSON, BRADSHAW & HINSON, P.A.
434 Fayetteville Street, Suite 1600
Raleigh, NC 27501
sfeldman@robinsonbradshaw.com

Adam K. Doerr
ROBINSON, BRADSHAW & HINSON, P.A.
101 North Tryon Street, Suite 1900
Charlotte, NC 28246
adoerr@robinsonbradshaw.com

Erik R. Zimmerman
ROBINSON, BRADSHAW & HINSON, P.A.
1450 Raleigh Road, Suite 100
Chapel Hill, NC 27517
ezimmerman@robinsonbradshaw.com

*Counsel for North Carolina League of
Conservation Voters, INC., et al.
Plaintiffs-Appellants*

Burton Craige
Narendra K. Ghosh
Paul E. Smith
PATTERSON HARKAVY LLP
100 Europa Dr., Suite 420
Chapel Hill, NC 27517
bcraige@pathlaw.com
nghosh@pathlaw.com
psmith@pathlaw.com

Lalitha D. Madduri
Jacob D. Shelly
Graham W. White
ELIAS LAW GROUP LLP
10 G. Street NE, Suite 600
Washington, D.C. 20002
LMadduri@elias.law
JShelly@elias.law
GWhite@elias.law

Abha Khanna
ELIAS LAW GROUP LLP
1700 Seventh Avenue, Suite 2100
Seattle, Washington 98101
AKhanna@elias.law

Elisabeth S. Theodore
R. Stanton Jones
Samuel F. Callahan
ARNOLD AND PORTER KAYE SCHOLER
LLP
601 Massachusetts Avenue NW
Washington, DC 20001
elisabeth.theodore@arnoldporter.com
Stanton.Jones@arnoldporter.com
Sam.Callahan@arnoldporter.com

Phillip J. Strach
Thomas A. Farr
Alyssa M. Riggins
NELSON MULLINS RILEY &
SCARBOROUGH LLP
4140 Parklake Avenue, Suite 200
Raleigh, North Carolina 27612
phillip.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
alyssa.riggins@nelsonmullins.com

Mark E. Braden
Katherine McKnight
Richard Raile
BAKER HOSTETLER LLP
1050 Connecticut Ave NW
Suite 1100
Washington, DC 20036
mBraden@bakerlaw.com
kmcknight@bakerlaw.com
rraile@bakerlaw.com

Counsel for Legislative Defendants

This the 22nd day of July, 2022.

*Counsel for Rebecca Harper, et al.
Plaintiffs-Appellants*

Terence Steed
Special Deputy Attorney General
Stephanie A. Brennan
Special Deputy Attorney General
Amar Majmundar
Senior Deputy Attorney General

NC DEPARTMENT OF JUSTICE
P.O. Box 629
Raleigh, NC 27602
tsteed@ncdoj.gov
sbrennan@ncdoj.gov
amajmundar@ncdoj.gov

Counsel for the State Defendants

By: /s/ Hilary H. Klein
Hilary H. Klein
Southern Coalition for Social Justice