

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
NO. 1:15-CV-00399

SANDRA LITTLE COVINGTON, *et al.*,)
)
 Plaintiffs,)
)
 v.)
)
 STATE OF NORTH CAROLINA, *et al.*)
)
 Defendants.)
)
 _____)

**PLAINTIFFS AND LEGISLATIVE
DEFENDANTS' JOINT
STIPULATION ON WITHDRAWAL
OF SUBPOENA AND MOTION TO
QUASH OR MODIFY SUBPOENA**

Plaintiffs and the legislative defendants enter into the following stipulation:

1. On July 20, 2017, plaintiffs issued a subpoena to Representative David Lewis (“Rep. Lewis”) directing Rep. Lewis to appear as a witness at the hearing scheduled for July 27, 2017 (the “Subpoena”).
2. On July 25, 2017, the legislative defendants filed a Motion to Quash or Modify the Subpoena (“Motion”).
3. On July 26, 2017 the plaintiffs filed a Response to the Motion to Quash.
4. Through this joint stipulation, plaintiffs agree to withdraw the Subpoena and the legislative defendants agree to withdraw the Motion.
5. The legislative defendants stipulate that (1) between February 5, 2016 and February 19, 2016, Dr. Tom Hofeller was retained to redraw the North Carolina congressional map (consisting of 13 congressional districts), a redistricting committee was appointed, public hearings held, written criteria adopted and a new map enacted; and (2) Dr. Hofeller has been retained by the legislative leadership to consult on the

legislative remedial maps; Rep. Lewis has not assigned Dr. Hofeller to fill in the House and Senate grouping maps filed with the Court on October 31, 2016 (D.E. 137-1) with district lines, nor has he seen or approved such a map and does not know if Dr. Hofeller has drawn such a map. Neither Rep. Lewis nor any other legislative defendant waives legislative privilege with regard to the remedial redistricting process for the state legislative districts and does not do so by or through this stipulation.

This the 26th day of July, 2017.

OGLETREE, DEAKINS, NASH
SMOAK & STEWART, P.C.

/s/ Phillip J. Strach

Thomas A. Farr
N.C. State Bar No. 10871
Phillip J. Strach
N.C. State Bar No. 29456
thomas.farr@ogletreedeakins.com
phil.strach@ogletreedeakins.com
4208 Six Forks Road, Suite 1100
Raleigh, North Carolina 27609
Telephone: (919) 787-9700
Facsimile: (919) 783-9412
Counsel for Legislative Defendants

/s/ Edwin M. Speas, Jr.

Edwin M. Speas, Jr.
Poyner Spruill LLP
P.O. Box 1801 (27602-1801)
301 Fayetteville St., Suite 1900
Raleigh, NC 27601
espeas@poynerspruill.com
Attorneys for Plaintiffs

/s/ Anita S. Earls

Anita S. Earls

Allison J. Riggs

Southern Coalition for Social Justice

1415 Highway 54, Suite 101

Durham, NC 27707

anita@southerncoalition.org

allisonriggs@southerncoalition.org

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, Phillip J. Strach, hereby certify that I have this day electronically filed the foregoing **PLAINTIFFS' AND LEGISLATIVE DEFENDANTS' JOINT STIPULATION OF WITHDRAWAL OF SUBPOENA AND MOTION TO QUASH OR MODIFY SUBPOENA** with the Clerk of Court using the CM/ECF system which will provide electronic notification of the same to the following:

Edwin M. Speas, Jr.
Carolina P. Mackie
Poyner Spruill LLP
P.O. Box 1801 (27602-1801)
301 Fayetteville St., Suite 1900
Raleigh, NC 27601
espeas@poynerspruill.com
cmackie@poynerspruill.com
Attorneys for Plaintiffs

Anita S. Earls
Allison J. Riggs
Southern Coalition for Social Justice
1415 Highway 54, Suite 101
Durham, NC 27707
anita@southerncoalition.org
allisonriggs@southerncoalition.org
Attorneys for Plaintiffs

Alexander McC. Peters
Senior Deputy Attorney General
N.C. Department of Justice
apeters@ncdoj.gov
P.O. Box 629
Raleigh, NC 27602

This the 26th day of July 2017.

OGLETREE, DEAKINS, NASH
SMOAK & STEWART, P.C.

/s/ Phillip J. Strach
Phillip J. Strach
N.C. State Bar No. 29456
4208 Six Forks Road, Suite 1100
Raleigh, NC 27609
Telephone: 919.787.9700
Facsimile: 919.783.9412

30659408.1