

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.)
_____)

**PARTIES' SECOND JOINT
STIPULATIONS**

The parties jointly stipulate to the following facts:

The 2011 Redistricting Process

1. Senator Rucho and Representative Lewis were appointed Chairs of the Senate and House Redistricting Committees, respectively, on January 27 and February 15, 2011. Def. Answer, ¶ 54 (8/14/15).
2. Senator Rucho was responsible for developing a proposed Senate map. Representative Lewis was responsible for developing a proposed House map. *Id.*
3. Dr. Thomas Brooks Hofeller was engaged by the law firm Ogletree Deakins, in December 2010, to design and draw the House, Senate and Congressional redistricting maps under direction from Senator Rucho and Representative Lewis. *Id.*
4. Dr. Hofeller prepared a Carolina Proportionality Chart in March 2011 as soon as the data from the decennial census was released. Hofeller Dep. Tr. Vol. I, 80:4-81:1; Hofeller Dep. Ex. 436.

5. Dr. Hofeller began drawing the plans in March 2011, following receipt of the new census data. Def. Answer, ¶ 54 (8/14/15).

6. Senator Rucho described Dr. Hofeller as the “chief architect” of the plans and Dr. Hofeller described himself the same way. *Id.*

7. Senator Rucho and Representative Lewis were the legislators who gave instructions to Dr. Hofeller regarding the design and construction of the House and Senate maps. *Id.* at ¶55.

Introduction of VRA Maps and Public Statements

8. On June 17, 2011, Senator Rucho and Representative Lewis released to the public the Senate and House proposed VRA districts.

9. On June 17, 2011, Senator Rucho and Representative Lewis issued a public statement accompanying the release of the VRA districts, and announcing public hearings on June 23, 2011, on the proposed House and Senate VRA districts.

10. Senator Rucho and Representative Lewis jointly released another public statement on June 22, 2011 responding to criticism from Senator Blue and others about the proposed House and Senate VRA districts.

11. Senator Rucho and Representative Lewis issued another joint public statement on July 12, 2011 announcing the release of the full House and Senate plans, Lewis-Dollar-Dockham 1 and Rucho Senate 1. Churchill Dep. Ex. 55.

12. On July 21, 2011, Senator Rucho presented Rucho Senate 2 to the Senate Redistricting Committee.

13. On July 25, 2011, Senator Martin Nesbitt offered an alternate Senate map, “Senate Fair and Legal,” as an amendment, and that amendment was rejected.

14. Also on July 25, 2011, Senator Floyd McKissick, on behalf of the Legislative Black Caucus, offered “Possible Senate Districts,” as an amendment, and that amendment was rejected.

15. On July 25, 2011, Rucho Senate 2 passed the Senate and was sent to the House.

16. On July 27, 2011, Rucho Senate 2 was voted out of the House, and then ratified and chaptered into session law as S.L. 2011-402.

17. On July 21, 2011, Representative Lewis presented Lewis-Dollar-Dockham 2 to the House Redistricting Committee.

18. On July 25, 2011, Representative Grier Martin offered an alternate House map, “House Fair and Legal,” as an amendment, and that amendment was rejected.

19. Also on July 25, 2011, Representative Kelly Alexander, on behalf of the Legislative Black Caucus, offered an alternate House map, “Possible House Districts,” as an amendment, and that amendment was rejected.

20. On July 27, 2011, a proposed committee substitute, Lewis-Dollar-Dockham 3, was taken up for presentation and discussion in the Senate Redistricting Committee.

21. Also on July 27, 2011, Lewis-Dollar-Dockham 3 was amended (now referred to as Lewis-Dollar-Dockham 4), and passed second and third readings in the Senate. The House concurred in the senate changes.

22. On July 28, 2011, the law was ratified and chaptered into session law as S.L. 2011-404.

23. In November of 2011, the legislature became aware that the text of the state House and Senate redistricting bills, as enacted in July, left certain areas in the state unassigned to any district. The legislature came back into session and enacted curative legislation for both redistricting plans on November 7, 2011.

Some of the Data Available to the General Assembly

24. The Legislator's Guide was prepared by legislative staff in March 2011 and published to the joint redistricting committee on March 30, 2011.

25. On March 31, 2011, Sen. Rucho and Rep. Lewis solicited views on compliance with the Voting Rights Act from prominent attorneys and minority contacts across the state. Some of the responses they received included the following:

a. Michael Crowell and Bob Joyce, election law attorneys at the UNC School of Government, submitted a responsive memorandum dated May 27, 2011.

b. Anita Earls, executive director of the Southern Coalition for Social Justice, submitted a responsive memorandum dated May 27, 2011.

c. Former Supreme Court Justice Robert Orr submitted a responsive memorandum dated June 3, 2011.

26. Sen. Rucho and Rep. Lewis, through the Ogletree Deakins law firm, hired Dr. Thomas Brunell of the University of Texas at Dallas, to conduct a racially polarized voting analysis for the legislature. Brunell Dep. Tr. 68:17-19; 69:16-22.

27. Dr. Brunell was first contacted to perform this analysis on May 12, 2011. Brunell Dep. Tr. 69:19-70:2.

28. Dr. Brunell submitted a draft report of his analysis to Thomas Farr, an attorney at Ogletree Deakins, on June 6, 2011. Brunell Dep. Tr. 131: 16-24; 132:10-11; 133:23-25; Brunell Dep. Exs. 309-10.

29. Dr. Brunell's report was not finished until June 14, 2011. Brunell Dep. Tr. 101:17-19; Brunell Dep. Ex. 299 (reported dated June 14).

30. The racially polarized voting study performed by Dr. Ray Block was submitted by a group called Alliance for Fair Redistricting and Minority Voting Rights ("AFRAM") through their attorney, Anita Earls, on May 9, 2011. First Rucho Aff., Jan. 19, 2012.

31. Dr. Brunell was provided a copy of the Dr. Ray Block report on racially polarized voting, but he did not receive the data upon which Dr. Block's report was based and did not conduct any independent analysis of that report. Brunell Dep. Tr. 173:13-25.

Plaintiffs' Residences

35. Plaintiff Sandra Little Covington is a registered voter in the State of North Carolina. She currently resides at 6309 Glenlea Circle, Fayetteville, NC 28314. She is a resident in North Carolina House District 42. Ms. Covington resides in Cumberland County Precinct Cross Creek 28-1-G5

36. Plaintiff Marvin Cornelous Arrington is a registered voter in the State of North Carolina. He currently resides at 6311 N.C. 48, Battleboro, NC 27809. He is a resident in North Carolina State Senate District 4 and North Carolina House District 7. Mr. Arrington resides in the Rocky Mount Battleboro Precinct in Nash County.

37. Plaintiff Herman Benthle Lewis, Jr., is a registered voter in the State of North Carolina. He currently resides at 422 Westover Avenue, Wilson, NC 27893. He is a resident in North Carolina State Senate District 4 and North Carolina House District 24. Mr. Lewis resides in Wilson County Precinct "Wilson C."

38. Plaintiff Viola Ryals Figueroa is a registered voter in the State of North Carolina. She currently resides at 508 Colonial Terrace Dr., Goldsboro, NC 27530. She is a resident in North Carolina State Senate District 5 and North Carolina House District 21. Ms. Figueroa resides in Wayne County precinct 17.

39. Plaintiff Crystal Graham Johnson is a registered voter in the State of North Carolina. She currently resides at 1170 Benjamin Drive, Greenville, NC 27834. She is a resident in North Carolina Senate District 5 and North Carolina House District 24. Ms. Johns resides in Belvoir precinct in Pitt County.

40. Plaintiff Marcus Walter Mayo is a registered voter in the State of North Carolina. He currently resides at 3877 Countryside Drive, Ayden, NC 28513. He is a resident in North Carolina Senate District 5. Mr. Mayo resides in Pitt County Precinct Ayden A.

41. Plaintiff Julian Charles Pridgen, Sr., is a registered voter in the State of North Carolina. He currently resides at 2711 Westbrooke Drive, Kinston, NC 28504.

He is a resident in North Carolina Senate District 5 and North Carolina House District 12. Mr. Pridgen resides in Precinct Kinston-9 in Lenoir County.

42. Plaintiff Gregory Keith Tucker is a registered voter in the State of North Carolina. He currently resides at 207 Stutz Street, Greenville, NC 27834. He is a resident in North Carolina Senate District 5 and North Carolina House District 24. Mr. Tucker resides in Pitt County Precinct Greenville #3.

43. Plaintiff Cynthia C. Martin is a registered voter in the State of North Carolina. She currently resides at 1301 Brown Straw Drive, Raleigh, NC 27610. She is a resident in North Carolina Senate District 14 and North Carolina House District 33. Ms. Martin resides in Wake County Precinct 17-07.

44. Plaintiff John Raymond Verdejo is a registered voter in the State of North Carolina. He currently resides at 5601 Leonard Mill Road, Raleigh NC 27616. He is a resident in North Carolina Senate District 14 and North Carolina House District 38. Mr. Verdejo resides in Wake County Precinct 13-07.

45. Plaintiff DeDreana Irene Freeman is a registered voter in the State of North Carolina. She currently resides at 1005 Worth Street, Durham, NC 27701. She is a resident in North Carolina Senate District 20 and North Carolina House District 29. Ms. Freeman resides in Durham County Precinct 17.

46. Plaintiff Milo Pyne is a registered voter in the State of North Carolina. He currently resides at 806 Vickers Avenue, Durham, NC 27701. He is a resident in North Carolina Senate District 20 and North Carolina House District 29. Mr. Pyne resides in Precinct 8 in Durham County.

47. Plaintiff Juanita Rogers is a registered North Carolina voter. She currently resides at 117 Orange Street, Oxford, NC 27565. She is a resident in North Carolina Senate District 20 and North Carolina House District 32. Ms. Rogers resides in the South Oxford Precinct in Granville County.

48. Plaintiff Valencia Applewhite is a registered voter in the State of North Carolina. She currently resides at 5813 Mondavi Place, Fayetteville, NC 28314. She is a resident in North Carolina Senate District 21. Ms. Applewhite resides in Cumberland County Precinct Cross Creek 28-1-G5.

49. Plaintiff David Lee Mann is a registered voter in the State of North Carolina. He currently resides at 501 Vista Drive, Fayetteville, NC 28305. He is a resident in North Carolina Senate District 21 and North Carolina House District 43. He resides in Cumberland County Precinct Cross Creek 08.

50. Plaintiff Mary Evelyn Thomas is a registered voter in the State of North Carolina. She currently resides at 217 Cecil Avenue, Spring Lake, NC 28390. She is a resident in North Carolina Senate District 21 and North Carolina House District 42. Ms. Thomas resides in Cumberland County Precinct Spring Lake-2-G11.

51. Plaintiff Jamal Trevon Fox is a registered voter in the State of North Carolina. He currently resides at 2026 Chapel Park Lane, Greensboro NC 27405. He is a resident in North Carolina Senate District 28 and North Carolina House District 57. Mr. Fox resides in Guilford County Precinct and VTD G09.

52. Plaintiff Chanelle Darlene James is a registered voter in the State of North Carolina. She currently resides at 25 Bluestone Lane, Greensboro, NC 27407. She is a

resident in North Carolina Senate District 28 and North Carolina House District 60. Ms. James resides in Guilford County Precinct and VTD G61.

53. Plaintiff Catherine Wilson Kimel is a registered voter in the State of North Carolina. She currently resides at 209 South Chapman Street, Greensboro NC 27403. She is a resident in North Carolina Senate District 28 and North Carolina House District 58. Ms. Kimel resides in Guilford County Precinct and VTD G14.

54. Plaintiff Vanessa Vivian Marin is a registered voter in the State of North Carolina. She currently resides at 1713 Huffine Mill Road, Greensboro, NC 27405. She is a resident in North Carolina Senate District 28 and North Carolina House District 57. Ms. Martin resides in Greensboro Precinct G06.

55. Plaintiff Susan Sandler Campbell is a registered voter in the State of North Carolina. She currently resides at 1208 Brookstown Avenue, Winston-Salem, NC 27101. She is a resident in North Carolina Senate District 32. She resides in Precinct 901 in Forsyth County.

56. Plaintiff Marshall Ansin is a registered voter in the State of North Carolina. He currently resides at 3108 Westbury Lake Drive, Apt. A, Charlotte, NC 28269. Before December 10, 2015, he resided at 10037 Avon Farm Lane, Charlotte, NC 28269. He is a resident in North Carolina Senate District 38 and North Carolina House District 107. Mr. Ansin resides in Mecklenburg County Precinct 214.

57. Plaintiff Rosa H. Mustafa is a registered voter in the State of North Carolina. She currently resides at 8034 Lobilia Lane, Charlotte, NC 28214. She is a

resident in North Carolina Senate District 38. Ms. Mustafa resides in Mecklenburg County Precinct 80.

58. Plaintiff Antoinette Dennis Mingo is a registered voter in the State of North Carolina. She currently resides at 13411 Ada Ct. Charlotte, NC 28213. She is a resident in North Carolina Senate District 40 and North Carolina House District 107. Ms. Mingo resides in Mecklenburg County Precinct 204.1.

59. Plaintiff Ruth E. Sloane is a registered voter in the State of North Carolina. She currently residents at 2112 Saint Luke Street, Charlotte, NC 28216. She is a resident in North Carolina Senate District 40 and North Carolina House District 107. Ms. Sloane resides in Mecklenburg County Precinct 55.

60. Plaintiff Claude Dorsey Harris III is a registered voter in the State of North Carolina. He currently resides at 836 Oak Stump Road, Elizabeth City, NC 27909. He is a resident in North Carolina House District 5. Mr. Harris resides in the Mount Hermon Precinct in Pasquotank County.

61. Plaintiff James Edward Alston is a registered voter in the State of North Carolina. He currently resides at 9471 Alston Street, Castalia, NC 27816. He is a resident in North Carolina House District 7. Mr. Alston resides in the Castalia Precinct in Nash County.

62. Plaintiff Bryan Olshan Perlmutter is a registered voter in the State of North Carolina. He currently resides at 649 West Club Boulevard, Durham, NC 27701. He is a resident in North Carolina House District 31. Mr. Perlmutter resides in Precinct 20 in Durham County.

63. Plaintiff La'Tanta Denishia McCrimmon is a registered voter in the State of North Carolina. She resides at 12776 Pea Bridge Road, Laurinburg, NC 28532. She is a resident in North Carolina House District 48. Ms. McCrimmon resides in Precinct 05 in Scotland County.

64. Plaintiff Catherine Orel Medlock-Walton is a registered voter in the State of North Carolina. She resides at 1521 Bridford Parkway, #12F, Greensboro, NC 27407. She is a resident in North Carolina House District 60. Ms. Medlock-Walton resides in Precinct FR1 in Guilford County.

65. Plaintiff Mark R. Englander is a registered voter in the State of North Carolina. He resides at 625 Baldwin Avenue, Charlotte, NC 27816. He is a resident in North Carolina House District 102. Mr. Englander resides in Precinct 002 in Mecklenburg County.

Submitted this the 21st day of March, 2016.

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CERTIFICATE OF SERVICE

I hereby certify that on this date I served a copy of the foregoing **SECOND JOINT STIPULATIONS**, with service to be made by electronic filing with the Clerk of the Court using the CM/ECF System, which will send a Notice of Electronic Filing to all parties with an e-mail address of record who have appeared and consented to electronic service in this action.

This the 21st day of March, 2016.

/s/ Allison J. Riggs
Allison J. Riggs