

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Consolidated Civil Action**

RALEIGH WAKE CITIZENS
ASSOCIATION, et al.

Plaintiffs,

v.

WAKE COUNTY BOARD
OF ELECTIONS,

Defendant.

No. 5:15-cv-156

CALLA WRIGHT, et al.,

Plaintiffs,

v.

THE STATE OF NORTH CAROLINA,
et al.,

Defendants.

No. 5:13-cv-607

MOTION TO STRIKE “LEGISLATIVE LEADERS’ NOTICE OF FILING”

NOW COME Plaintiffs in these consolidated cases pursuant to Rule 12(f) of the Federal Rules of Civil Procedure and move this Court for an Order striking the pleading styled “Legislative Leaders’ Notice of Filing” dated August 3, 2016 and filed herein by the non-parties Speaker Tim Moore and President Pro Tem Phil Berger, and to strike all of its exhibits (ECF No.

91 and 91-1 to 91-4¹). The grounds for the motion include that the individual legislators filing these documents are not parties to this litigation; the exhibits include purported new redistricting maps for the Wake County Board of Education and Wake County Board of County Commissioners that have not been duly enacted by the North Carolina General Assembly; the district maps contained in the filing cannot legally be adopted as an interim remedy by this Court; and the filing is highly prejudicial to the Plaintiffs, to the elected officials who serve on those Boards, and to the voters of Wake County.

Pursuant to Local Rule 7.1(d), Plaintiffs file herewith a memorandum of law and attached Declaration of Frederick G. McBride in support of this motion.

WHEREFORE, Plaintiffs respectfully request that this Court strike from the record in this matter the “Legislative Leaders’ Notice of Filing” and the exhibits to that Notice.

Respectfully submitted this 5th day of August, 2016.

/s/ Anita S. Earls
Anita S. Earls
N.C. State Bar No. 15597
Allison J. Riggs
N.C. State Bar No. 40028
SOUTHERN COALITION
FOR SOCIAL JUSTICE
1415 West Highway 54, Suite 101
Durham, NC 27707
919-794-4198
anita@southerncoalition.org
Counsel for Plaintiffs

¹ These are the document numbers for the documents filed in the lead case, *Raleigh Wake Citizens Assn. et al., v. Wake Cty. Bd. of Elections, et al.*, No. 5:15-cv-156; in *Wright v. North Carolina*, No. 13-cv-607, the ECF numbers are 107 and 107- to 107-4.

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing MOTION TO STRIKE “LEGISLATIVE LEADERS’ NOTICE OF FILING” with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel and parties of record.

This the 5th day of August, 2016.

/s/ Anita S. Earls
Anita S. Earls
N.C. State Bar No. 15597
Southern Coalition for Social Justice
1415 W. Highway 54, Suite 101
Durham, NC 27707
Telephone: (919) 323-3380
Facsimile: (919) 323-3942
Email: Anita@southerncoalition.org
Counsel for Plaintiffs