

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

NO. 1:13-CV-00949

**DAVID HARRIS; CHRISTINE
BOWSER; and SAMUEL LOVE,**

Plaintiffs,

v.

**PATRICK MCCRORY, in his capacity
as Governor of North Carolina; NORTH
CAROLINA STATE BOARD OF
ELECTIONS; and JOSHUA HOWARD,
in his capacity as Chairman of the North
Carolina State Board of Elections,**

Defendants.

**PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Plaintiffs David Harris and Christine Bowser (“Plaintiffs”), through their counsel and pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1, respectfully move this court for an order granting summary judgment in Plaintiffs’ favor on Plaintiffs’ claim that North Carolina Congressional Districts 1 and 12 of the 2011 Congressional Plan, as enacted by N.C. Session Law 2011-403, and as amended by curative legislation enacted as N.C. Session Law 2011-414 (hereinafter, as amended, the “2011 Congressional Plan”), constitute illegal racial gerrymanders in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

In support of this Motion, Plaintiffs rely upon the pleadings, discovery materials, stipulations, and other documents filed to date (including but not limited to any and all

materials previously filed in support of Plaintiffs' Motion for Preliminary Injunction), as well as the June 2, 2014 Declaration of John Devaney (and exhibits thereto), which is attached to this Motion as Exhibit 1. Plaintiffs further rely upon their Memorandum in Support of Motion for Summary Judgment, which is being filed contemporaneously with this Motion.

For the reasons set forth in the accompanying Memorandum, Plaintiffs respectfully request that the Court enter a summary judgment order declaring the 2011 Congressional Plan, including Congressional Districts 1 and 12, as well as the districts resulting from those districts' configuration, constitutionally invalid. Plaintiffs further request that the Court enjoin use of the 2011 Congressional Plan and these specific districts in the 2014 congressional election and any future election.

WHEREFORE, Plaintiffs respectfully request that this Court enter summary judgment in favor of Plaintiffs and against Defendants in the manner set forth above, and that the Court order such other and further relief as this Court may deem appropriate.

Respectfully submitted, this the 2nd day of June, 2014.

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Local Rule 83.1

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this date I served a copy of the foregoing **PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** 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 consent to electronic service in this action.

This the 2nd day of June, 2014.

/s/ Edwin M. Speas, Jr.

Edwin M. Speas, Jr.