

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1270 (L)
(5:15-cv-00156-D)

RALEIGH WAKE CITIZENS ASSOCIATION; JANNET B. BARNES;
BEVERLEY S. CLARK; WILLIAM B. CLIFFORD; BRIAN FITZSIMMONS;
GREG FLYNN; DUSTIN MATTHEW INGALLS; AMY T. LEE; ERVIN
PORTMAN; SUSAN PORTMAN; JANE C. ROGERS; BARBARA D.
VANDENBERGH; JOHN G. VANDENBERGH; AMY WOMBLE;
PERRY WOODS,

Plaintiffs-Appellants,

v.

WAKE COUNTY BOARD OF ELECTIONS,

Defendant-Appellee.

On Appeal from the United States District Court
for the Eastern District of North Carolina

**RESPONSE OF DEFENDANT-APPELLEE WAKE COUNTY BOARD OF
ELECTIONS TO APPELLANTS' MOTION TO ISSUE MANDATE**

Charles F. Marshall
Matthew B. Tynan
Jessica Thaller-Moran
BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.
1700 Wells Fargo Capitol Center
150 Fayetteville Street
Raleigh, North Carolina 27601
Telephone: (919) 839-0300

The Wake County Board of Elections (“WBOE”) respectfully requests that the Court take no action that would divest the Court of jurisdiction or authority to rule on the WBOE’s previously filed petition for rehearing en banc, which the WBOE has asked the Court to consider on an expedited basis.

The WBOE otherwise takes no position on Appellants’ procedural request.

Respectfully submitted this 19th day of July, 2016.

/s/ Charles F. Marshall

Charles F. Marshall
N.C. State Bar No. 23297
cmarshall@brookspierce.com

/s/ Matthew B. Tynan

Matthew B. Tynan
N.C. State Bar No. 47181
mtynan@brookspierce.com

/s/ Jessica Thaller-Moran

Jessica Thaller-Moran
N.C. State Bar No. 46444
jthaller-moran@brookspierce.com

Brooks, Pierce, McLendon,
Humphrey, & Leonard, L.L.P.
1700 Wells Fargo Capitol Center
150 Fayetteville Street
Raleigh, NC 27601
Telephone: (919) 839-0300
Fax: (919) 839-0304

*Attorneys for Defendant-Appellee
Wake County Board of Elections*

CERTIFICATE OF SERVICE

I hereby certify that, on the date below, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Anita S. Earls
Allison Jean Riggs
Southern Coalition for Social Justice
1415 West Highway 54, Suite 101
Durham, NC 27707
919-323-3380 x115
Fax: 919-323-3942
anita@southerncoalition.org
allison@southerncoalition.org
Counsel for Plaintiffs-Appellants

Respectfully submitted this 19th day of July, 2016.

/s/ Charles F. Marshall

Charles F. Marshall