

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

SANDRA LITTLE COVINGTON, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:15-cv-399
)	
THE STATE OF NORTH CAROLINA, et al.,)	
)	
Defendants.)	

**RESPONSE OF THE STATE DEFENDANTS TO LEGISLATIVE DEFENDANTS’
EMERGENCY MOTION TO STAY PENDING SUPREME COURT REVIEW AND
REQUEST FOR EXPEDITED RULING**

Pursuant to Local Rule 7.2 and the Court’s January 22, 2018 Text Order, the State of North Carolina (“the State”) and the State Board of Elections and its members, all of whom have been sued in their official capacities (the “State Board Defendants”)¹ hereby respond to the Legislative Defendants’ Emergency Motion to Stay Pending Supreme Court Review and Request for Expedited Ruling, ECF No. 243 (the “Motion”).²

The State takes no position on the Motion, but it believes that a swift decision on a remedy would advance the public interest. To devise that remedy, the Court should follow fair procedures

¹ Under a recently enacted state statute, the Bipartisan State Board of Elections and Ethics Enforcement has replaced the State Board of Elections. *See* 2017 N.C. SESS. LAW 6, sec. 4(c). The new Bipartisan Board does not yet have members appointed to it.

² “Legislative Defendants” consist of the following co-defendants: Robert A. Rucho, in his official capacity only as the Chairman of the North Carolina Senate Redistricting Committee; David R. Lewis, in his official capacity only as the Chairman of the North Carolina House of Representatives Redistricting Committee; Philip E. Berger, in his official capacity only as the President Pro Tempore of the North Carolina Senate; Timothy K. Moore, in his official capacity only as the Speaker of the North Carolina House of Representatives.

that will allow the Court to hear from all parties and to gather any further information the Court needs.

The State Board Defendants take no position on the Motion. The staff of the State Board of Elections stands ready and willing to assist the Court by providing any information the Court finds necessary or helpful.

Respectfully submitted, this 23rd day of January, 2018.

NORTH CAROLINA DEPARTMENT OF
JUSTICE

By: /s/ Alexander McC. Peters

Alexander McC. Peters

Senior Deputy Attorney General

N.C. State Bar No. 13654

apeters@ncdoj.gov

James Bernier, Jr.

Special Deputy Attorney General

N.C. State Bar No. 45869

jbernier@ncdoj.gov

N.C. Department of Justice

P.O. Box 629

Raleigh, NC 27602

Telephone: (919) 716-6900

Facsimile: (919) 716-6763

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing RESPONSE OF THE STATE DEFENDANTS TO LEGISLATIVE DEFENDANTS' EMERGENCY MOTION TO STAY PENDING SUPREME COURT REVIEW AND REQUEST FOR EXPEDITED RULING with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties with an email address of record, who have appeared and consent to electronic service in this action

This the 23rd day of January, 2018.

/s/ Alexander McC. Peters
Alexander McC. Peters
Senior Deputy Attorney General