

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

DEMOCRACY NORTH CAROLINA, THE LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, DONNA PERMAR, JOHN P. CLARK, MARGARET B. CATES, LELIA BENTLEY, REGINA WHITNEY EDWARDS, ROBERT K. PRIDDY II, WALTER HUTCHINS, AND SUSAN SCHAFFER,

Plaintiffs,

v.

THE NORTH CAROLINA STATE BOARD OF ELECTIONS; DAMON CIRCOSTA, in his official capacity as Chair of the State Board of Elections; STELLA ANDERSON, in her official capacity as Secretary of the State Board of Elections; KEN RAYMOND, in his official capacity as Member of the State Board of Elections; JEFF CARMON III, in his official capacity as Member of the State Board of Elections; DAVID C. BLACK, in his official capacity as Member of the State Board of Elections; KAREN BRINSON BELL, in her official capacity as Executive Director of the State Board of Elections; THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION; J. ERIC BOYETTE, in his official capacity as Transportation Secretary; THE NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES; MANDY COHEN, in her official capacity as Secretary of Health and Human Services,

Defendants,

and

PHILIP E. BERGER, in his official capacity as President Pro Tempore of the North Carolina Senate, and TIMOTHY K. MOORE, in his official capacity as Speaker of the North Carolina House of Representatives,

Proposed Intervenors.

Civil Action No. 20-cv-00457

MOTION TO INTERVENE

**MOTION TO INTERVENE BY HON. PHILIP E. BERGER, IN HIS OFFICIAL
CAPACITY AS PRESIDENT PRO TEMPORE OF THE NORTH CAROLINA SENATE,
AND HON. TIMOTHY K. MOORE, IN HIS OFFICIAL CAPACITY AS
SPEAKER OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES**

Pursuant to Federal Rule of Civil Procedure 24, Philip E. Berger, President Pro Tempore of the North Carolina Senate, and Timothy K. Moore, Speaker of the North Carolina House of Representatives, respectfully move to intervene to oppose Plaintiffs' challenges to North Carolina election law. The motion should be granted for the reasons stated in the accompanying brief in support.

Proposed Intervenors also request that their motion be granted expedited consideration to ensure they can participate as parties in the preliminary injunction proceedings. Plaintiffs filed their preliminary injunction motion on June 5, 2020, and in that motion they requested expedited consideration, asking that the response be due within 14 days and the reply within 7 days of the response. *See* Doc. 9 at 7. On June 8, the Court directed the parties to file a joint status report with the Court setting forth a proposed briefing schedule by 5 p.m. on June 10. Whatever the briefing schedule ends up being, Proposed Intervenors need to be admitted into the case in advance of the response deadline to ensure that they can submit evidence in opposition to Plaintiffs' motion, which is supported by hundreds of pages of exhibits. And they also need to be a party to ensure that they can file a notice of appeal if the preliminary injunction motion is granted. For these reasons, Proposed Intervenors request that their motion be considered on an expedited basis that allows them to participate fully as parties in the preliminary injunction proceedings.

Dated: June 10, 2020

/s/ Nicole J. Moss
COOPER & KIRK, PLLC

Respectfully submitted,

COOPER & KIRK, PLLC
David H. Thompson*

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Notice of Appearance Forthcoming

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that, on June XX, 2020, I electronically filed the foregoing Motion and the accompanying Answer with the Clerk of the Court using the CM/ECF system.

/s/ Nicole J. Moss
Nicole J. Moss