

**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,

*Defendant-Intervenors.*

Civil Action No. 20-cv-00457

**RESPONSE TO MOTION TO INTERVENE**

**DEFENDANT-INTERVENORS’ RESPONSE TO REPUBLICAN COMMITTEES’  
MOTION TO INTERVENE**

Defendant-Intervenors Philip E. Berger, President Pro Tempore of the North Carolina Senate, and Timothy K. Moore, Speaker of the North Carolina House of Representatives (“Legislative Defendants”), respond to Proposed Intervenors Republican Committees’ motion to intervene as follows:

Legislative Defendants do not object, and indeed welcome, the participation of Proposed Intervenors under Rule 24(b). Nevertheless, we submit that Proposed Intervenors are unable to satisfy the requirements of Rule 24(a) because their interests in the validity of the challenged laws are adequately represented by Legislative Defendants, who under state law are designated agents to represent the State of North Carolina’s interest in any suit challenging the constitutionality of North Carolina law. *See* N.C. GEN. STAT. 120–32.6(b). As private parties, Proposed Intervenors must make a strong showing of inadequacy to intervene as of right alongside Legislative Defendants, *see Stuart v. Huff*, 706 F.3d 345, 352 (4th Cir. 2013), and Proposed Intervenors cannot make that showing here.

Dated: June 22, 2020

Respectfully submitted,

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**CERTIFICATE OF WORD COUNT**

Pursuant to Local Rule 7.3(d)(1), the undersigned counsel hereby certifies that the foregoing Response, contains 162 words as measured by Microsoft Word.

/s/Nicole J. Moss  
Nicole J. Moss

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that, on June 22, 2020, I electronically filed the foregoing Response with the Clerk of the Court using the CM/ECF system.

/s/ Nicole J. Moss  
Nicole J. Moss