

**IN THE UNITED STATES DISTRICT COURT
FOR THE 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

Civil Action

No. 20-cv-00457

LEGISLATIVE DEFENDANTS'
MOTION TO STRIKE
PLAINTIFFS' JULY 2ND
DECLARATIONS

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,

Legislative Defendant-Intervenors.

**LEGISLATIVE DEFENDANTS' MOTION TO STRIKE
PLAINTIFFS' JULY 2ND DECLARATIONS**

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"), for the reasons set forth in the accompanying brief, respectfully move to strike the declarations submitted by Plaintiffs on July 2, 2020 and for an order requiring Plaintiffs, by July 7, 2020 to refile the reply in support of their motion for a preliminary injunction without references to the stricken declarations and their contents.

In the alternative, to the extent the Court allows any portion of the July 2nd declarations into the record, Legislative Defendants respectfully request (1) leave to depose the authors of such declarations between now and July 17, 2020; (2) leave to file a surreply of no more than 5,000 words, along with rebuttal evidence, by July 21, 2020; and (3) that the Court reschedule the preliminary injunction hearing for July 23, 2020 or as soon thereafter as the matter may be heard.

Dated: July 6, 2020

/s/ Nicole J. Moss

Nicole J. Moss (State Bar No.
31958)

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*Local Civil Rule 83.1 Counsel
for Legislative Defendant-
Intervenors*

Respectfully submitted,

/s/ David H. Thompson

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Peter A. Patterson

Steven J. Lindsay*

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*Counsel for Legislative
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**Notice of Appearance
Forthcoming*

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on the 6th day of July, 2020, she electronically filed the foregoing Legislative Defendants' Motion To Strike Plaintiffs' July 2nd Declarations with the Clerk of the Court using the CM/ECF system, which will send notification of such to all counsel of record in this matter.

/s/ Nicole J. Moss
Nicole J. Moss