

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. PRIDY II,)
SUSAN SCHAFFER, and)
WALTER HUTCHINS,)

Plaintiffs,)

v.)

1:20CV457

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,)
and 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.)

ORDER

The Public Interest Legal Foundation ("PILF") filed a Motion for Leave to File Amicus Curiae Brief in Opposition to Plaintiffs' Motion for Preliminary Injunction. (Doc. 66.) The court will grant PILF's request for leave to file an amicus curiae brief and will consider their attached memorandum. Although there is no Federal Rule of Civil Procedure that applies to motions for leave to appear as amicus curiae in a

federal district court, Rule 29 of the Federal Rules of Appellate Procedure applies to amicus briefs at the federal appeals level. See Am. Humanist Assoc. v. Md.-Nat'l Capital Park & Planning Comm'n, 303 F.R.D. 266, 269 (D. Md. 2014) (collecting cases). That rule indicates that amici should state "the reason why an amicus brief is desirable and why the matters asserted are relevant to the disposition of the case." Fed. R. App. P. 29(a)(3)(B).

PILF is an organization concerned with elections and voting, and, as part of its organizational activities, studies voter rolls throughout the country. (Doc. 66-1 at 3-4.)¹ It has compiled data which it believes reveals potentially duplicated registrations in North Carolina. (Id. at 4.)

The court finds PILF has "demonstrated a special interest in the outcome of the suit," Am. Humanist Assoc., 303 F.R.D. at 269, that the matters discussed in the brief are relevant to the case's disposition, and that the motion is timely. Accordingly, PILF will be permitted to participate as amicus curiae, and the court will consider the proposed memorandum and exhibit.

¹ All citations in this Order to documents filed with the court refer to the page numbers located at the bottom right-hand corner of the documents as they appear on CM/ECF.

IT IS THEREFORE ORDERED that Public Interest Legal Foundation's motion for leave to file amicus curiae brief, (Doc. 66), is **GRANTED** and that Public Interest Legal Foundation shall file their amicus curiae brief within five days of this Order.

IT IS FURTHER ORDERED that Public Interest Legal Foundation shall file their Memorandum, (Doc. 66-1), attached to their Motion for Leave to File Amicus Curiae Brief as a separate pleading.

This the 8th day of July, 2020.

William L. Ostun, Jr.

United States District Judge