

General Assembly. But only after the Democratic Party obtained a majority on the North Carolina Supreme Court, did Democratic plaintiffs bring a case challenging the General Assembly's constitutional authority to determine the location of district lines. Plaintiffs offer no criteria for how districts must be drawn. Instead, they contend that political decisions regarding the location of district lines must be made by the courts unless the General Assembly draws plans that maximize the political influence of Democratic candidates at the expense of African-American voters and Republicans.

Plaintiffs' standardless, politically-biased theories will result in districting plans that will subject the state to liability under a standing order by a federal court, the Voting Rights Act, and the Fourteenth and Fifteenth Amendments to the United States Constitution. Plaintiffs' theories, if adopted, will also violate the rights of the Legislative Defendants, Republican voters, and Republican candidates under the First and Fourteenth Amendments. Plaintiffs' claims must be rejected.

FIRST DEFENSE

Defendants will necessarily violate the federal court order entered by the United States District Court for the Middle District of North Carolina in *Covington v. North Carolina* if this Court grants the relief requested by plaintiffs.

SECOND DEFENSE

Defendants will necessarily violate the Voting Rights Act and the Fourteenth and Fifteenth Amendments of the United States Constitution if the Court grants the relief requested by plaintiffs.

THIRD DEFENSE

Plaintiffs are asking this Court to punish the Legislative Defendants, voters for Republican candidates, and Republican candidates in the same way plaintiffs contend that the

General Assembly has treated Democrats in the challenged plans. They do so by asking this Court to “crack” Republican voters out of districts that currently elect Republican candidates in order to submerge them in a district in which plaintiffs believe it will be more difficult to elect a Republican candidate. Should this Court adopt plaintiffs’ standardless and politically-biased theory of liability, it will violate the rights of the Legislative Defendants, Republican voters, and Republican candidates under the First and Fourteenth Amendments to the United States Constitution and Article I, Secs. 10, 12, 14, and 19 of the North Carolina Constitution.

FOURTH DEFENSE

Plaintiffs are asking this Court to punish the Legislative Defendants, voters for Republican candidates, and Republican candidates in the same way plaintiffs contend that the General Assembly has punished Democrats. They do so by asking this Court to create districts that elect Democratic candidates by removing Republican voters from districts where those voters currently elect a Republican candidate and “packing” them in other districts that already elect Republican candidates. Under plaintiffs’ standardless and politically-biased theory of liability, doing so will violate the First and Fourteenth Amendments to the United States Constitution and Article I, Secs. 10, 12, 14, and 19 of the North Carolina Constitution.

FIFTH DEFENSE

Plaintiffs request that the Court grant them a right to reside or vote in districts that are drawn to favor their preferred political party at the expense of their non-preferred political party. Such a request if granted violates the First and Fourteenth Amendments to the United States Constitution and Article I, Sections 10, 12, 14, and 19 of the North Carolina Constitution.

SIXTH DEFENSE

Plaintiffs request that the Court grant them a right to reside or vote in districts that are drawn to maximize the political influence of the organizational and individual Democratic

plaintiffs at the expense of the Legislative Defendants, voters for Republican candidates, and Republican candidates. Such a request if granted violates the First and Fourteenth Amendments to the United States Constitution and Article I, Secs. 10, 12, 14, and 19 of the North Carolina Constitution.

SEVENTH DEFENSE

The North Carolina Constitution allows the General Assembly to consider partisan advantage and incumbency protection in the application of its discretionary redistricting decisions. *Stephenson v. Bartlett*, 355 N.C. 35, 562 SE.2d 377, 390 (N.C. 2002) (“*Stephenson P*”). There is no such thing as a “nonpartisan” districting plan and there is no basis whatsoever for plaintiffs’ contention that the General Assembly must draw “non-partisan plans.” Any court order prohibiting the Legislative Defendants from considering partisan advantage and incumbency protection would violate the First and Fourteenth Amendments to the United States Constitution and Article I, Secs. 10, 12, 14, and 19 of the North Carolina Constitution.

EIGHTH DEFENSE

Under the theory of liability described by plaintiffs, a district is always “cracked” whenever the Democratic candidate loses the district (but not when a Republican candidate loses the district). Further, districts in which Democratic voters elect a Democratic candidate are “packed” regardless of the percentage of the Democratic voters in the district (but not so with districts in which voters for Republican candidates elect a Republican candidate). Accordingly, to remedy these supposed violations, the defendants must necessarily adopt districting plans that elect only Democratic candidates where such candidates are not currently being elected, at the expense of the Legislative Defendants, voters for Republican candidates, and Republican candidates, in violation of the First and Fourteenth Amendments to the United States Constitution, and Article I, Secs. 10, 12, 14, and 19 of the North Carolina Constitution.

NINTH DEFENSE

Defendants and the People of North Carolina have been severely prejudiced by Plaintiffs' unreasonable delay in bringing these claims challenging the constitutional authority of the General Assembly to consider partisan affiliation and incumbency in making the inherently political decisions regarding the location of district lines. Plaintiffs' claims are thereby barred by the doctrine of laches.

TENTH DEFENSE

Plaintiffs' Amended Complaint fails to state a claim upon which relief can be granted and should be dismissed pursuant to Rule 12(b)(6) of the North Carolina Rules of Civil Procedure.

ELEVENTH DEFENSE

Plaintiffs have failed to identify any constitutional criteria that the legislature could follow or alternative districting maps that they contend satisfy any such constitutional criteria. Plaintiffs' failure to either identify any such criteria or produce districting maps that comply with their alleged criteria, entitle Defendants to judgment on the pleadings pursuant to Rule 12(c), of the North Carolina Rules of Civil Procedure.

TWELFTH DEFENSE

Plaintiffs' standardless, politically-biased theory of liability, if adopted by this Court, will operate as an illegal judicial amendment of the North Carolina Constitution in violation of Article XIII of the North Carolina Constitution.

THIRTEENTH DEFENSE

The constitutional authority to draw state senate and state house districts has been reserved by the People to the General Assembly, subject to the express limitations found only in Article II, Secs. 2, 3, 4, and 5 of the North Carolina Constitution. The 2017 legislative redistricting plans fully comply with these provisions of the State Constitution.

FOURTEENTH DEFENSE

In order to achieve political gain, plaintiffs are asking this Court to usurp the constitutional authority of the General Assembly to draw legislative districts in violation of the separation of powers doctrine, adopted by the People in Article I, Sec. 6 of the North Carolina Constitution.

FIFTEENTH DEFENSE

Plaintiffs' politically-biased, standardless theory of liability, is non-justiciable under any provision of the North Carolina Constitution, including Article I, Sec. 19, Article I, Sec. 10, and Article I, Secs. 12 and 14.

SIXTEENTH DEFENSE

Unlike the provision of the Pennsylvania Constitution cited by the plaintiffs, nothing in the North Carolina Constitution states that elections must be "equal." Reading any such term into the North Carolina Constitution would amount to an illegal judicial amendment of the Constitution in violation of Article XIII of the North Carolina Constitution. For this and other reasons, Plaintiffs' claim that the 2017 legislative redistricting plans violate Article I, Sec. 10 of the North Carolina Constitution is not warranted by existing law or a good faith argument for the extension, modification or reversal of existing law.

SEVENTEENTH DEFENSE

Neither the Organizational nor the Individual Plaintiffs have standing to bring this action.

EIGHTEENTH DEFENSE

Plaintiffs' are requesting that the Court "punish" and "burden" the Legislative Defendants, Republican candidates, and Republican voters in the same way plaintiffs contend that the General Assembly has "punished" or "burdened" Democratic voters. Plaintiffs' request for equitable relief should therefore be denied because plaintiffs have unclean hands.

NINETEENTH DEFENSE

Plaintiffs' complaint should be dismissed because of their failure to provide a judicially manageable standard or definition for the terms "packed," "cracked," or "non-partisan."

TWENTIETH DEFENSE

Defendants answer the individual allegations of Plaintiffs' Complaint as follows:

"INTRODUCTION"

1. Defendants deny the allegations of paragraph 1.
2. Defendants deny the allegations of paragraph 2.
3. Defendants deny the allegations of paragraph 3.
4. Defendants admit that the Governor lacks the constitutional authority to veto districting bills. In all other respects, Defendants deny the allegations of paragraph 4.
5. Defendants admit that the decision in *Stephenson I* speaks for itself and that the 2017 legislative plans fully and completely comply with the constitutional standards stated therein. In all other respects, Defendants deny the allegations of paragraph 5.
6. Defendants deny the allegations of paragraph 6.

"PARTIES

A. Plaintiffs"

7. Defendants deny that the 2017 Legislative Plans "burden" the ability of Common Cause in any respect and that Common Cause or its members have standing to bring this action. In all other respects, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 7.
8. Defendants admit that the North Carolina Democratic Party ("NCDP") is a political party as defined under N.C. Gen. Stat. § 163-96, and that registered Democratic voters

reside in every legislative district. In all other respects, Defendants deny the allegations of paragraph 8.

9. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Chapman. Defendants admit that election results in House District 100 and Senate District 40 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 9.

10. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff DuBose. Defendants admit that election results in House District 2 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 10.

11. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Gauck. Defendants admit that the district lines for House Districts 17 and 18 and Senate Districts 8 and 9 and the election results in those districts speak for themselves. In all other respects, Defendants deny the allegations of paragraph 11.

12. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Nesbit. Defendants admit that the election results for House District 19 and Senate District 9 speak for themselves. In all other respects Defendants deny the allegations of paragraph 12.

13. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Jordan. Defendants admit that the election results for Senate District 11 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 13.

14. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Gates. Defendants admit that the election results for Senate District 49 speak for themselves. In all other respects Defendants deny the allegations of paragraph 14.

15. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Peters. Defendants admit that the district lines for Senate District 48 and the election results for that district speak for themselves. In all other respects, Defendants deny the allegations of paragraph 15.

16. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Morton. Defendants admit that the election results for House District 100 and Senate District 37 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 16.

17. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Brien. Defendants admit that the election results for House District 102 and Senate District 37 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 17.

18. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Turner. Defendants admit that the election results for House District 38 and Senate District 15 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 18.

19. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Schaller. Defendants admit that the 2011 versions of House Districts 63 and 64 were not changed in the 2017 House Plan and that election results in

House District 64 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 19.

20. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Harper. Defendants admit that the election results for House District 36 and Senate District 17 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 20.

21. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Wischmann. Defendants admit that the election results in House District 15 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 21.

22. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Brown. Defendants admit that the election results in House District 58 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 22.

23. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Oseroff. Defendants admit that the election results for House District 8 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 23.

24. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Jackson. Defendants admit that the election results in House District 103 and Senate District 29 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 24.

25. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Balla. Defendants admit that the election results in House District 34 and Senate District 16 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 25.

26. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Johnson. Defendants admit that the election results for House District 74 and Senate District 31 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 26.

27. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Wolff. Defendants admit that the election results in House District 37 and Senate District 17 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 27.

28. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Peden-Coviello. Defendants admit that the election results in House District 72 and Senate District 32 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 28.

29. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Barnes. Defendants admit that the election results for House District 113 and Senate District 48 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 29.

30. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Holbrook. Defendants admit that the district lines for House Districts 17 and 18 and Senate Districts 8 and 9 and that the election results in these

districts speak for themselves. In all other respects, Defendants deny the allegations of paragraph 30.

31. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff McCracken. Defendants admit that the election results for House District 51 and Senate District 12 speak for themselves. In all other respects, Defendants denies the allegations of paragraph 31.

32. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Dunn. Defendants admit that the election results for House District 104 and Senate District 39 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 32.

33. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Machak. Defendants admit that the election results for House District 109 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 33.

34. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Service. Defendants admit that the election results in House District 34 and Senate District 18 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 34.

35. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Rumph. Defendants admit that the election results for House District 9 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 35.

36. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff McGrigor. Defendants admit that the election results for House District 7 and Senate District 18 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 36.

37. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Bradley. Defendants admit that the election results in House District 35 and Senate District 14 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 37.

38. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Thomas. In all other respects, Defendants deny the allegations of paragraph 38.

39. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Miller. Defendants admit that the election results for House District 18 and Senate District 8 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 39.

40. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Person. Defendants admit that the election results for House District 43 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 40.

41. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Smith. Defendants admit that the election results for House District 83 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 41.

42. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Sloan. Defendants admit that the election results for House District 67 speak for themselves. In all other respects, Defendants denies the allegations of paragraph 42.

43. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Frey. Defendants admit that the election results in House District 69 speak for themselves. In all other respects, Defendants denies the allegations of paragraph 43.

44. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Quick. Defendants admit that the election results in House District 59 speak for themselves. In all other respects, Defendants denies the allegations of paragraph 44.

45. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Brown. Defendants admit that the election results for Senate District 26 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 45.

46. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding Plaintiff Campbell. Defendants admit that the election results in House District 46 speak for themselves. In all other respects, Defendants denies the allegations of paragraph 46.

“B. Defendants”

- 47. Defendants admit the allegations of paragraph 47.
- 48. Defendants admit the allegations of paragraph 48.
- 49. Defendants admit the allegations of paragraph 49.

50. Defendants admit the allegations of paragraph 50.

51. Defendants admit the allegations of paragraph 51.

52. Defendants admit that the power and authority of the North Carolina State Board of Elections and Ethics Enforcement are established by statutes that speak for themselves. In all other respects, Defendants deny the allegations of paragraph 52.

53. Defendants admit the allegations of paragraph 53.

54. Defendants admit the allegations of paragraph 54.

55. Defendants admit the allegations of paragraph 55.

56. Defendants admit the allegations of paragraph 56.

57. Defendants admit the allegations of paragraph 57.

58. Defendants admit the allegations of paragraph 58.

59. Defendants admit the allegations of paragraph 59.

60. Defendants admit the allegations of paragraph 60.

61. Defendants admit the allegations of paragraph 61.

“JURISDICTION AND VENUE”

62. Defendants deny the allegations of paragraph 62.

63. Defendants admit the allegations of paragraph 63.

64. Defendants admit the allegations of paragraph 64.

“FACTUAL ALLEGATIONS

A. National Republican Party Officials Target North Carolina for Partisan Gerrymandering Prior to 2010 Election”

65. Defendants lack knowledge or information sufficient to form a belief about the allegations of paragraph 65.

66. Defendants lack knowledge or information sufficient to form a belief about the allegations of paragraph 66.

67. Defendants lack knowledge or information sufficient to form a belief about the allegations of paragraph 67.

68. Defendants lack knowledge or information sufficient to form a belief about the allegations of paragraph 68.

“B. Republican Mapmakers Create 2011 Plan from Party Headquarters”

69. Defendants deny that Republicans set out to “entrench” Republicans in power. In all other respects, Defendants lack knowledge or information sufficient to form a belief about the allegations of paragraph 69.

70. Defendants admit that Tom Hofeller, John Morgan, Dale Oldham and Joel Raupe advised Republican Chairs during the 2011 redistricting process and that Fair and Legal Redistricting may have paid Morgan, Raupe and Hofeller. In all other respects, Defendants deny the allegations of paragraph 70.

71. Defendants admit that like all legislation and prior districting plans drawn by both political parties the 2011 plans were initially drawn in private and that work was done at political party facilities. In all other respects, Defendants deny the allegations of paragraph 71.

72. Defendants admit that like all legislation and prior districting plans drawn by both political parties the 2011 plans were initially drawn in private and that work was done at political party facilities; and that draft plans were reviewed by the Redistricting Chairs and some of the Republican members before proposed maps were released to the public. In all other respects, Defendants deny the allegations of paragraph 72.

73. Defendants admit that Art Pope provided legal advice to the Redistricting Chairs. In all other respects, Defendants deny the allegations of paragraph 73.

74. Defendants deny the allegations of paragraph 74.

75. Defendants admit that the citations from the *Dickson* case speak for themselves. In all other respects, Defendants deny the allegations of paragraph 75.

“C. Republicans Enact 2011 Plans to Increase Their Party’s Power”

76. Defendants admit that the identity of members of the legislature who voted for the 2011 legislative districting plans are a matter of public record. In all other respects, Defendants denies the allegations of paragraph 76.

77. Defendants admit the allegations of paragraph 77.

“D. The 2011 Plan Gave Republican Super Majorities that were Grossly Disproportionate to Republicans’ Share of the Statewide Vote.”

78. Defendants admit that the election results in 2012 speak for themselves. In all other respects, Defendants denies the allegations of paragraph 78

79. Defendants admit that the election results in 2012 speak for themselves. In all other respects, Defendants denies the allegations of paragraph 79.

80. Defendants admit that the election results in 2014 speak for themselves. In all other respects, Defendants denies the allegations of paragraph 80.

81. Defendants admit that the election results in 2014 speak for themselves. In all other respects, Defendants denies the allegations of paragraph 81.

82. Defendants admit that the election results in 2016 speak for themselves. In all other respects, Defendants denies the allegations of paragraph 82.

83. Defendants admit that the election results in 2016 speak for themselves. In all other respects, Defendants denies the allegations of paragraph 83.

84. The Defendants admit that the election results for the 2012, 2014 and 2016 general election speak for themselves. In all other respects, Defendants deny the allegations of paragraph 84.

“E. A Federal Court Strikes Down Many Districts as Racially Gerrymandered”

85. Defendants admit that the decisions in *Covington v. North Carolina* speak for themselves. In all other respects, Defendants deny the allegations of paragraph 85.

86. Defendants admit that the decision in *Covington v. North Carolina* speaks for itself. In all other respects, Defendants deny the allegations of paragraph 86.

“F. The General Assembly Enacted the 2017 Plans to Dilute the Voting Power of Democratic Voters and Maximize the Political Advantage of Republicans”

87. Defendants deny the allegations of paragraph 87.

88. Defendants deny the allegations of paragraph 88.

89. Defendants admit that General Assembly staff regularly prepare proposed legislation in “secret” for Democratic or Republican members, that the practice followed by the Redistricting Chairs was consistent with this practice to the extent Dr. Hofeller was hired as a consultant to the chairs, and that Democratic controlled General Assemblies had in the past used their consultants to prepare districting plans in “secret.” Defendants admit that the cited transcript speaks for itself. In all other respects, Defendants deny the allegations of paragraph 89.

90. Defendants admit that the statements attributed to Representative Lewis are taken completely out of context, apply to congressional redistricting and not legislative redistricting, and speak for themselves. In all other respects, Defendants deny the allegations of paragraph 90.

91. Defendants admit that the statements transcribed at committee meetings speak for themselves. In all other respects, Defendants deny the allegations of paragraph 91.

92. Defendants admit that the statements transcribed at committee meetings speak for themselves. In all other respects, Defendants deny the allegations of paragraph 92.

93. Defendants admit that the statements and votes transcribed at committee meetings speak for themselves. In all other respects, Defendants deny the allegations of paragraph 93.

94. Defendants admit that the statements of Representatives Lewis and Hise transcribed at committee meetings speak for themselves. In all other respects, Defendants deny the allegations of paragraph 94.

95. Defendants admit that the statements of Representative Lewis transcribed at committee meetings speak for themselves. In all other respects, Defendants deny the allegations of paragraph 95.

96. Defendants admit that various criteria were adopted by the House and Senate Committees and that the record speaks for itself. In all other respects, Defendants deny the allegations of paragraph 96.

97. Defendants admit that the transcribed record speaks for itself. In all other respects, Defendants deny the allegations of paragraph 97.

98. Defendants admit that the transcribed record speaks for itself. In all other respects, Defendants deny the allegations of paragraph 98.

99. Defendants admit that the transcribed record speaks for itself. In all other respects, Defendants deny the allegations of paragraph 99.

100. Defendants admit that the transcribed record speaks for itself. In all other respects, Defendants deny the allegations of paragraph 100.

101. Defendants admit that the transcribed record speaks for itself. In all other respects, Defendants deny the allegations of paragraph 101.

102. Defendants admit that the transcribed record speaks for itself. In all other respects, Defendants deny the allegations of paragraph 102.

103. Defendants admit that the transcribed record speaks for itself. In all other respects, Defendants deny the allegations of paragraph 103.

104. Defendants admit that paragraph 104 lists the criteria adopted by the Committees and that “election data” is the 8th criterion listed. In all other respects, Defendants deny the allegations of paragraph 104.

105. Defendants admit that the decision in *Covington* speaks for itself. In all other respects, Defendants deny the allegations of paragraph 105.

106. Defendants admit that like all legislation, including redistricting legislation passed by Democratic-controlled General Assemblies, the initial draft of the 2017 House Districting Plan was done in a confidential manner and protected by legislative privilege until it was released for public review and comments by the committee chairs. Defendants admit that the hearing transcript speaks for itself. In all other respects, Defendants denies the allegations of paragraph 106.

107. Defendants deny the allegations of paragraph 107.

108. Defendants admit that the proposed House redistricting plan was released on August 21, 2017. Defendants deny that the proposed Senate redistricting plan was released on August 21, 2017, because it was released on August 20, 2017. In all other respects, Defendants deny the allegations of paragraph of paragraph 108.

109. Defendants admit that the statement by Senator Hise cited in paragraph 109 is taken completely out of context and speaks for itself. In all other respects, Defendants deny the allegations of paragraph 109.

110. Defendants deny the allegations of paragraph 110.
111. Defendants deny the allegations of paragraph 111.
112. Defendants deny the allegations of paragraph 112.
113. Defendants deny the allegations of paragraph 113.
114. Defendants deny the allegations of paragraph 114.
115. Defendants deny the allegations of paragraph 115.
116. Defendant admit that any public comments speak for themselves. In all other respects, Defendants deny the allegations of paragraph 116.
117. Defendants admit that the committee votes are a matter of public record and speak for themselves. In all other respects, Defendants deny the allegations of paragraph 117.
118. Defendants admit that the proceedings before the House are a matter of public record that speak for themselves. In all other respects, Defendants deny the allegations of paragraph 118.
119. Defendants admit that the proceedings before the General Assembly are a matter of public record that speak for themselves. In all other respects, Defendants deny the allegations of paragraph 119.
120. Defendants admit that the *Covington* decision speaks for itself. In all other respects, Defendants deny the allegations of paragraph 120.
- “G. The *Covington* Court Appoints a Special Master to Redraw Several Districts in the 2017 Plans that Remained Racially Gerrymandered”**
121. Defendants admit that the *Covington* decision speaks for itself. In all other respects, Defendants deny the allegations of paragraph 121.
122. Defendants admit that the *Covington* decision speaks for itself. In all other respects, Defendants deny the allegations of paragraph 122.

123. Defendants admit that the *Covington* decision speaks for itself. In all other respects, Defendants deny the allegations of paragraph 123.

124. Defendants admit that the *Covington* decision speaks for itself. In all other respects, Defendants deny the allegations of paragraph 124.

125. Defendants admit that the *Covington* decision speaks for itself. In all other respects, Defendants deny the allegations of paragraph 125.

“H. The 2017 Plans Pack or Crack Plaintiffs and Other Democratic Voters to Dilute Their Votes and Maximize the Political Advantage of Republicans”

126. Defendants deny the allegations of paragraph 126.

127. Defendants deny the allegations of paragraph 127.

“1. The 2017 House Plan Packs and Cracks Democratic Voters”

128. Defendants admit that House Districts 2 and 32 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs’ counsel in the *Covington* case and that Person, Granville, Vance, and Warren Counties are located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 128.

129. Defendants deny the allegations of paragraph 129.

“House Districts 4, 14, and 15”

130. Defendants admit that House Districts 4, 14, and 15 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs’ counsel in *Covington* and that Duplin and Onslow Counties are located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 130.

131. Defendants admit that the district lines for House Districts 14 and 15 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 131.

“House Districts 7 and 25”

132. Defendants admit that House Districts 7 and 25 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs’ counsel in *Covington* and that Franklin and Nash Counties are located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 132.

133. Defendants admit that the lines for House Districts 7 and 25 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 133.

“House Districts 8, 9, and 12”

134. Defendants admit that House Districts 8, 9 and 12 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs’ counsel in *Covington* and that Pitt and Lenoir Counties are located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 134.

135. Defendants admit that the district lines for House Districts 8, 9, and 12 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 135.

“House Districts 10, 26, 51, and 53”

136. Defendants admit that House Districts 10, 26, 51, and 53 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs’ counsel in *Covington* and that Greene, Wayne, Sampson, Bladen, Johnston, Harnett and Lee Counties are located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 136.

137. Defendants deny the allegations of paragraph 137.

“House Districts 11, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 49”

138. Defendants admit that House Districts 11, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 49 are located in a lawful county group mandated by the North Carolina Constitution as

conceded by the plaintiffs and plaintiffs' counsel in *Covington* and that Wake County is located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 138.

139. Defendants admit that Plaintiffs want the Court to judicially gerrymander all House Districts in Wake County to try and prevent a Republican candidate from winning any of them. In all other respects, Defendants deny the allegations of paragraph 139.

140. Defendants admit that the decision in *N.C. State Conf. of NAACP Branches v. Lewis* speaks for itself. In all other respects, Defendants deny the allegations of paragraph 140.

“House Districts 16, 46, and 47”

141. Defendants admit that House Districts 16, 46, and 47 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs' counsel in *Covington* and that Pender, Columbus and Robeson Counties are located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 141.

142. Defendants deny the allegations of paragraph 142.

“House Districts 17, 18, 19, and 20”

143. Defendants admit that House Districts 17, 18, 19, and 20 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs' counsel in *Covington* and that New Hanover and Brunswick Counties are located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 143.

144. Defendants admit that the election results in House Districts 17, 19, and 20 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 144.

“House Districts 42, 43, 44, and 45”

145. Defendants admit that House Districts 42, 43, 44, and 45 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs’ counsel in *Covington* and that Cumberland County is located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 145.

146. Defendants deny the allegations of paragraph 146.

“House Districts 55, 68, and 69”

147. Defendants admit that House Districts 55, 68, and 69 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs’ counsel in *Covington* and that Anson and Union Counties are located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 147.

148. Defendants deny the allegations of paragraph 148.

“House Districts 58, 59, and 60”

149. Defendants admit that House Districts 58, 59, and 60 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs’ counsel in *Covington* and that Anson and Union Counties are located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 149.

150. Defendants deny the allegations of paragraph 150.

“House Districts 63 and 64”

151. Defendants admit that House Districts 63 and 64 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs’

counsel in *Covington* and that Alamance County is located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 151.

152. Defendants deny the allegations of paragraph 152.

“House Districts 66, 67, 76, 77, 82, and 83”

153. Defendants admit that House Districts 66, 67, 76, 77, 82, and 83 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs’ counsel in *Covington* and that Richmond, Montgomery, Stanly, Cabarrus, Rowan, and Davie Counties are located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 153.

154. Defendants deny the allegations of paragraph 154.

“House Districts 71, 72, 73, 74, and 75”

155. Defendants admit that House Districts 71, 72, 73, 74, and 75 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs’ counsel in *Covington* and that Forsyth and Yadkin Counties are located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 155.

156. Defendants admit that the district lines in House District 71, 72, 73, 74, and 75 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 156.

“House Districts 88, 92, 98, 99, 100, 101, 102, 103, 104, 105, 106, and 107”

157. Defendants admit that House Districts 88, 92, 98, 99, 100, 101, 102, 103, 104, 105, 106, and 107 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs’ counsel in *Covington* and that Mecklenburg County is located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 157.

158. Defendants deny the allegations of paragraph 158.

“House Districts 108, 109, 110, and 111”

159. Defendants admit that House Districts 108, 109, 110, and 111 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs’ counsel in *Covington* and that Mecklenburg County is located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 159.

160. Defendants admit that the district lines for House Districts 108, 109, 110, and 111 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 160.

“House Districts 113 and 117”

161. Defendants admit that House Districts 113 and 117 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs’ counsel in *Covington* and that Transylvania, Henderson and Polk Counties are located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 161.

162. Defendants deny the allegations of paragraph 162.

“House Districts 114, 115, and 116”

163. Defendants admit that House Districts 114, 115, and 116 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs’ counsel in *Covington* and that Buncombe County is located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 163.

164. Defendants deny the allegations of paragraph 164.

“2. The 2017 Senate Plan Packs and Cracks Democratic Voters”

“Senate Districts 8 and 9”

165. Defendants admit that Senate Districts 8 and 9 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs’ counsel in *Covington* and that Bladen, Pender, Brunswick and New Hanover Counties are located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 165.

166. Defendants deny the allegations of paragraph 166.

“Senate Districts 10, 11, and 12”

167. Defendants admit that Senate Districts 10, 11, and 12 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs’ counsel in *Covington* and that Sampson, Duplin, Johnston, Nash, Lee and Harnett Counties are located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 167.

168. Defendants deny the allegations of paragraph 168.

“Senate Districts 14, 15, 16, 17, and 18”

169. Defendants admit that Senate Districts 14, 15, 16, 17, and 18 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs’ counsel in *Covington* and that Wake and Franklin Counties are located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 169.

170. Defendants deny the allegations of paragraph 170.

171. Defendants deny the allegations of paragraph 171.

172. Defendants deny the allegations of paragraph 172.

173. Defendants deny the allegations of paragraph 173.

“Senate Districts 24, 26, 27, and 28”

174. Defendants admit that Senate Districts 24, 26, 27, and 28 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs’ counsel in *Covington* and that Randolph, Guilford, and Alamance Counties are located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 174.

175. Defendants deny the allegations of paragraph 175.

176. Defendants deny the allegations of paragraph 176.

177. Defendants deny the allegations of paragraph 177.

178. Defendants deny the allegations of paragraph 178.

“Senate Districts 37, 38, 39, 40, and 41”

179. Defendants admit that Senate Districts 37, 38, 39, 40, and 41 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs’ counsel in *Covington* and that Mecklenburg County is located in the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 179.

180. Defendants deny the allegations of paragraph 180.

181. Defendants deny the allegations of paragraph 181.

182. Defendants deny the allegations of paragraph 182.

“Senate Districts 48 and 49”

183. Defendants admit that Senate Districts 48 and 49 are located in a lawful county group mandated by the North Carolina Constitution as conceded by the plaintiffs and plaintiffs’ counsel in *Covington* and that Transylvania, Henderson and Buncombe Counties are located in

the constitutionally required county group. In all other respects, Defendants deny the allegations of paragraph 183.

184. Defendants deny the allegations of paragraph 184.

“3. The 2017 Plan Achieved Their Goal in the 2018 Election”

185. Defendants deny the allegations of paragraph 185.

186. Defendants admit that the election results for 2018 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 186.

187. Defendants admit that the election results for 2018 speak for themselves. In all other respects, Defendants deny the allegations of paragraph 187.

188. Defendants deny the allegations of paragraph 188.

“I. The Partisan Gerrymandering of the 2017 Plans Causes Plaintiffs and Other Democratic Voters to be Entirely Shut Out of the Political Process”

189. Defendants deny the allegations of paragraph 189.

190. Defendants deny the allegations of paragraph 190.

191. Defendants deny the allegations of paragraph 191.

192. Defendants deny the allegations of paragraph 192.

193. Defendants deny the allegations of paragraph 193.

194. Defendants deny the allegations of paragraph 194.

195. Defendants deny the allegations of paragraph 195.

196. Defendants deny the allegations of paragraph 196.

“COUNT I

Violation of North Carolina Constitution’s Equal Protection Clause, Art. I §19”

197. Defendants incorporate by reference their responses to paragraphs 1 through 196.

198. Defendants admit that Article I, Section 19 of the North Carolina Constitution speaks for itself. In all other respects, Defendants deny the allegations of paragraph 198.

199. Defendants admit that the cited cases speak for themselves. In all other respects, Defendants deny the allegations of paragraph 199.

200. Defendants admit that the cited case speaks for itself. In all other respects, Defendants deny the allegations of paragraph 200.

201. Defendants deny the allegations of paragraph 201.

202. Defendants deny the allegations of paragraph 202.

203. Defendants deny the allegations of paragraph 203.

204. Defendants deny the allegations of paragraph 204.

“COUNT II

Violation of North [sic] Constitution’s Free Election Clause, Art. I §5”

205. Defendants incorporate by reference their responses to paragraphs 1 through 204.

206. Defendants admit that Article I, Section 5 speaks for itself. In all other respects, Defendants deny the allegations of paragraph 206.

207. Defendants deny the allegations of paragraph 207.

208. Defendants admit that the decision cited speaks for itself. In all other respects, Defendants deny the allegations of paragraph 208.

209. Defendants deny the allegations of paragraph 209.

210. Defendants deny the allegations of paragraph 210.

211. Defendants deny the allegations of paragraph 211.

“COUNT III

Violation of North [sic] Constitution’s Freedom of Assembly, Art. I §§ 12 & 14”

212. Defendants incorporate by reference their responses to paragraphs 1-211.

213. Defendants deny the allegations of paragraph 213.

214. Defendants deny the allegations of paragraph 214.

215. Defendants admit that the cited case speaks for itself. In all other respects, Defendants deny the allegations of paragraph 215.

216. Defendants deny the allegations of paragraph 216.

217. Defendants deny the allegations of paragraph 217.

218. Defendants deny the allegations of paragraph 218.

219. Defendants deny the allegations of paragraph 219.

220. Defendants deny the allegations of paragraph 220.

221. Defendants deny the allegations of paragraph 221.

222. Defendants deny the allegations of paragraph 222.

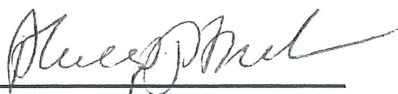
PRAYER FOR RELIEF

Wherefore, Defendants respectfully request that the Court enter an order and final judgment.

1. dismissing all of Plaintiffs' claims with prejudice;
2. awarding Defendants their costs and attorneys' fees; and
3. providing Defendants with such other and further relief as may be equitable and proper.

Respectfully submitted this 15th day of February, 2019.

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

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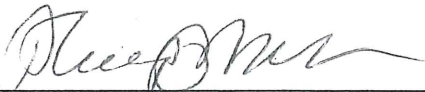
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**Pro Hac Vice Motion Pending*

CERTIFICATE OF SERVICE

This is to certify that on this date I caused the Foregoing document to be served on all counsel of record by electronic mail in accordance with the agreement of the parties to serve documents in this matter electronically.

This the 15th day of February, 2019.

By: 

Phillip J. Strach

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