STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.: 19 CVS 012667

REBECCA HARPER, *et al.*,

Plaintiffs,

v.

REPRESENTATIVE DAVID R. LEWIS, IN HIS OFFICIAL CAPACITY AS SENIOR CHAIRMAN OF THE HOUSE SELECT COMMITTEE ON REDISTRICTING, *et al.*,

Defendants.

MOTION TO INTERVENE

(Three-Judge Court Pursuant to N.C. Gen. Stat § 1-267.1)

NOW COME Intervenor Applicants Ted Budd, Virginia Foxx, and Richard Hudson (collectively, "Intervenor Applicants"), and, pursuant to Rule 24 of the North Carolina Rules of Civil Procedure (the "Rules"), file this Motion to Intervene ("Motion") as Defendants in the above-captioned case. In support of their Motion, Intervenor Applicants show the Court as follows:

INTRODUCTION

1. For more than a century the North Carolina General Assembly has taken political considerations, including incumbency protection and partisan advantage, into account in drawing congressional district lines, with North Carolina appellate courts traditionally upholding such considerations. *See, e.g.*, *Stephenson v. Bartlett*, 355 N.C. 354, 371, 562 S.E.2d 377, 390 (2002) (allowing Legislature to "consider partisan advantage" when redrawing maps, so long as it complies with the State Constitution's Whole County Provisions, N.C. Const. Art. II, §§ 3(3), 5(3)). Now Plaintiffs—many of whom were also plaintiffs in *Common Cause v. Lewis*, 18-CVS-14001 (WAKE) represented by the same counsel—seek to extend their upheaval of North Carolina

redistricting law by bringing the exact same claims they raised in *Common Cause v. Lewis* regarding North Carolina's state legislative districts, now against the congressional maps, two and a half months before filing begins for the 2020 elections. They do so despite having been able to raise those claims since the maps were enacted, or at the very least in *Common Cause v. Lewis* almost year ago, when their proposed remedies would have caused less confusion and chaos for voters and candidates, who are now preparing for primary elections in these congressional districts within mere months, and less confusion and chaos for the Court and the Parties.

2. Plaintiffs are fourteen alleged Democratic voters, most of whom were Plaintiffs in *Common Cause v. Lewis*, 18-CVS-14001 (WAKE). They ask the Court to declare that North Carolina's 2016 congressional redistricting plan (N.C. Sess. Law 2016-1) (the "2016 Plan"), is invalid for the same reasons set forth in this Court's September 3, 2019 Order in *Common Cause v. Lewis*. Their principal complaint is that the Legislative Defendants consideration of partisan advantage in drafting the 2016 Plan purportedly made it an "extreme partisan gerrymander" that violates North Carolina's Free Elections Clause. As a result, Plaintiffs allege that their votes have been diluted through "packing" and "cracking," preventing them from electing the Democratic candidates of their choice. Plaintiffs here are not hiding their objective: they are using political arguments to advance a legal theory supporting a political goal.

3. Intervenor Applicants are incumbent representatives of North Carolina's 5th, 8th, and 13th congressional districts—all of which Plaintiffs challenge—who anticipate running to keep their seats in 2020. In their capacity as Representatives and candidates for office, they have invested significant time and resources interacting with and serving their constituents, fundraising, and electioneering, all in reliance on the current district configuration. Redrawing the state's Congressional Maps for the 2020 elections—barely over a year away—would be significantly

disruptive, costly, and would impair Intervenor Applicants' rights relating to both their current offices and their candidacies for the same.

4. Moreover, Intervenor Applicants are not only representatives of those congressional districts, but also residents and voters therein. As voters and residents of the congressional districts they represent, Intervenor Applicants believe that, to the extent any of the Plaintiffs have standing to raise their claims, Intervenor Applicants have the same purported rights, and that an award of the remedy Plaintiffs seek may impair Intervenor Applicants' rights. Therefore, Intervenor Applicants also seek to intervene in this case to protect their rights as residents and voters.

5. Additionally, Intervenor Applicants have a cognizable interest under Article I, Section 4 of the U.S. Constitution in ensuring that the direct grant of rights and responsibilities for their election to members of the State Legislature for drawing Congressional districts is fully and faithfully enforced and considered by this Court. *See Bush v. Palm Beach County Canvassing Board*, 531 U.S. 70 (2000); *see also Arizona State Legislature v. Arizona Independent Redistricting Comm'n*, 135 S. Ct. 2652, 2677–2694 (Roberts, C.J., dissenting).

6. Plaintiffs' proposed relief—which would invalidate the 2016 Plans entirely and require all new districts—would impair the Intervenor Applicants' own interests as representatives and voters and harm the rights accorded to them through their state legislators under Article I, Section IV of the U.S. Constitution.

7. Plaintiffs can only vindicate their interest in enhanced representation by impairing Intervenor Applicants' own interests in the same, and can only accomplish this by injecting chaos into the political cycle by enjoining use of maps that have been used for two election cycles, including special elections merely a month ago. In short, if Plaintiffs' alleged enhanced rights

exist, Intervenor Applicants have those same rights, which may be impaired by the outcome of this case. And Intervenor Applicants have an even more personal stake in the outcome of this case, as they are elected Congressional Members currently representing, and campaigning to continue representing, the people in those same challenged districts.

8. As such, Intervenor Applicants have an interest in the outcome of this litigation, and their interests are not fully represented by the current Defendants, who are state actors that took part in the district map drawing process and are being sued only in their official capacities. Furthermore, as this lawsuit was filed just over a week ago and no Defendant has answered or otherwise pled in response to the Complaint, intervention is timely, allowing intervention will not prejudice the Parties, and intervention will benefit this Court through the evidence and legal argument that Intervenor Applicants can provide. Accordingly, pursuant to N.C. R. Civ. P. 24, Intervenor Applicants should be allowed to intervene as Defendants.

PARTIES

9. Plaintiffs are comprised of a group of fourteen (14) alleged Democratic voters. (Compl. ¶¶ 6–19). Each of the Plaintiffs contend that they (1) live and vote in certain North Carolina Congressional districts and (2) regularly vote for Democratic candidates for office, (*Id.*), and that their right to vote has been "diluted" by the purportedly unconstitutional congressional maps, making it less likely that their preferred candidates will win election, (*e.g., id.* ¶ 119, 127, 135, 141–42).

10. Intervenor Applicants are certain members of North Carolina's congressional delegation who also vote and reside in the challenged districts and who regularly vote for Republican candidates for office.

11. Intervenor Applicant Rep. Virginia Foxx is the member of the United States House of Representatives for the NC-05 district. Rep. Foxx is a registered Republican who has consistently voted for Republican candidates for Congress.

12. Intervenor Applicant Rep. Richard Hudson is the member of the United States House of Representatives for the NC-08 district. Rep. Hudson is a registered Republican who has consistently voted for Republican candidates for Congress.

13. Intervenor Applicant Rep. Ted Budd is the member of the United States House of Representatives for the NC-13 district. Rep. Budd is a registered Republican who has consistently voted for Republican candidates for Congress.

14. Defendants are comprised of six state legislators, Representative David R. Lewis, Senator Ralph E. Hise, Jr., Senator Warren Daniel, Senator Paul Newton, Speaker Timothy K. Moore, and President *Pro Tempore* Philip E. Berger, sued in their legislative capacities (the "Legislative Defendants"); the North Carolina State Board of Elections; and the members of the North Carolina State Board of Elections (the State Board and its members are referred to herein as the "State Defendants") (*Id.* ¶¶ 20–31). Defendants are sued in their official capacities only, and not in their individual capacities. (*Id.*).

PROCEDURAL HISTORY

15. On September 27, 2019, Plaintiffs filed their first Complaint. On September 30, 2019, Plaintiffs filed a Motion for Preliminary Injunction and a Motion for Expedited Briefing and Resolution of Plaintiffs' Motion for Preliminary Injunction. On or about October 2, 2019, the Chief Justice assigned the three-judge panel to hear the case. Accordingly, Intervenor Applicants' Motion is properly before this Court.

ARGUMENT

16. "Liberal intervention is desirable to dispose of as much of a controversy involving as many apparently concerned persons as is compatible with efficiency and due process." *Feller v. Brock*, 802 F.2d 722, 729 (4th Cir. 1986); *see Virmani v. Presbyterian Health Servs. Corp.*, 127 N.C. App. 629, 648, 493 S.E.2d 310, 322 (1997) (The North Carolina rule for intervention and the federal rule are "substantially the same," thus "the holdings of the federal circuit courts are instructive." (citation omitted)), *aff'd in part, rev'd in part on other grounds*, 350 N.C. 449, 515 S.E.2d 675 (1999).

17. Intervention may be available as a matter of right or, if the party does not have an absolute right to intervene, the Court may allow permissive intervention. N.C. R. Civ. P. 24(a), (b). In either instance, the party's motion must be timely and "accompanied by a pleading setting forth the claim or defense for which intervention is sought." N.C. Rule Civ. P. 24(c). Intervenor Applicants are entitled here to intervene by right or, in the alternative, show that the Court should grant permissive intervention.

I. The Motion is Timely.

18. Regardless of whether the movant seeks to intervene as a matter or right or by permissive intervention, the motion must be timely. N.C. R. Civ. P. 24(a), (b). "In considering whether a motion to intervene is timely, the trial court considers '(1) the status of the case, (2) the possibility of unfairness or prejudice to the existing parties, (3) the reason for the delay in moving for intervention, (4) the resulting prejudice to the applicant if the motion is denied, and (5) any unusual circumstances.' *Hamilton v. Freeman*, 147 N.C. App. 195, 201, 554 S.E.2d 856, 859 (2001) (quoting *Procter v. City of Raleigh Bd. of Adjust.*, 133 N.C. App. 181, 183, 514 S.E.2d 745, 746 (1999)).

19. Here, Intervenor Applicants' Motion is timely and does not prejudice Plaintiffs. This action has only just begun, with the Complaint and Plaintiff's outstanding Preliminary Injunction motions as the only filings. *See also Hamilton*, 147 N.C. App. at 201, 554 S.E.2d at 859-60 (2001) ["A motion to intervene is rarely denied as untimely prior to the entry of judgment . . ." (citations omitted)]; *compare, e.g.*, *State Employees' Credit Union, Inc. v. Gentry*, 75 N.C. App. 260, 264-65, 330 S.E.2d 645, 648 (1985) (denying intervention as untimely after entry of default) *with Defenders of Wildlife v. NCDOT*, 281 F.R.D. 264, 267 (E.D.N.C. 2012) (allowing intervention after responsive pleadings were filed, but before the record and summary judgment motions were due). In *Common Cause v. Lewis*, this Court permitted intervention by a group of Republican voters where the Motion to Intervene was filed over two months after the plaintiffs in that case filed their initial Complaint. Order Granting Motion to Intervene, *Common Cause v. Lewis*, Case No. 18-CVS-14001 (N.C. Super. Ct. February 26, 2019). In this case, Intervenor Applicants have moved even more quickly by filing within two weeks of Plaintiffs' initiating this action, and before any Defendants have filed any responsive pleadings. Accordingly, allowing the Motion will not substantially delay the proceedings and prejudice the Parties.

II. Intervenor Applicants Are Entitled to Intervention as a Matter of Right.

20. Rule 24(a) allows intervention of right "[w]hen (1) a statute confers an unconditional right to intervene, or (2) [w]hen the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede its ability to protect that interest, unless the applicant's interest is adequately represented by existing parties." N.C. R. Civ. P. 24(a). Both subsections of Rule 24(a) apply here.

21. Under N.C. R. Civ. P. 24(a)(2), the Court must allow a party to intervene when the proposed intervenor demonstrates that "(1) [the intervenor] has a direct and immediate interest relating to the property or transaction, (2) denying intervention would result in a practical impairment of the protection of that interest, and (3) there is inadequate representation of that interest by existing parties." *Virmani*, 350 N.C. at 459, 515 S.E.2d at 683. A party has a direct interest in the action if "he will either gain or lose by the direct operation and effect of the judgment." *Id.* at 459, 515 S.E.2d at 683 [quoting *Strickland v. Hughes*, 273 N.C. 481, 485, 160 S.E.2d 313, 316 (1968)].

22. Courts nationwide have recognized the substantial interest of elected representatives in cases challenging the legality of the districts they were elected to represent. *See, e.g.*, *League of United Latin Am. Citizens, Council No. 4434 v. Clements*, 884 F.2d 185, 188–89 (5th Cir. 1989) (noting that elected judges have cognizable interest in their individual capacity in racial gerrymandering challenge to judicial districts in Texas); *Ohio A. Philip Randolph Inst. v. Smith*, No. 1:18CV357, 2018 WL 8805953 (S.D. Ohio Aug. 16, 2018) (granting permissive intervention of Republican members of Ohio congressional delegation in lawsuit challenging Ohio congressional maps as partisan gerrymanders); *Martinez v. Bush*, 234 F. Supp. 2d 1275, 1287 (S.D. Fla. 2002) (noting that congressional member in racial gerrymandering suit was granted intervention); *Johnson v. Mortham*, 915 F. Supp. 1529, 1538 (N.D. Fla. 1995) (permitting intervention of congressional member whose congressional district was challenged in racial gerrymandering challenge); Order Granting Motion to Intervene, *League of Women Voters of Pennsylvania v. Commonwealth of Pennsylvania*, Case No. 261 M.D. 2017 (Pa. Commw. Ct. Nov. 13, 2017) (granting intervention of Republican voters and Republican candidate for congress). Elected officials whose electoral districts are challenged as unlawful have "personal interests in

their office," "equitable interests" in the timing and form of relief, and interests in their continued incumbency. *See Clements*, 884 F.2d. at 188; *see also Williams v. State Board of Elections*, 696 F. Supp. 1563, 1571–72 (N.D. Ill. 1988).

23. In this case, Intervenor Applicants have the same substantial interests in the legality of their districts as those recognized in courts nationwide. Though they were not responsible for drawing the 2016 Plans, Intervenor Applicants have invested countless hours of their time and energy learning their districts, listening to and addressing the needs of their constituency, *League of Women Voters of Mich. v. Johnson*, 902 F.3d 572, 579 (6th Cir. 2018) (permitting congressmen to permissively intervene because, in part, they have an interest in representing their constituents) (citing and quoting *McCormick v. United States*, 500 U.S. 257, 272 (1991)), raising and spending money on electioneering activities, and developing coalitions of supporters within those districts. The remedy sought by Plaintiffs would likely destroy the relationships and goodwill developed by the Intervenor Applicants with the voters and residents in their respective districts formed over several years. Plaintiff's remedy may also pair two or more Intervenor Applicants in the same districts, virtually guaranteeing that one or more of the double-bunked members will effectively be prevented from running in their district as the Republican candidate. *See Democratic Party v. Benkiser*, 459 F.3d 582, 586-588 (5th Cir. 2006) (an injury in fact exists when a candidate's "election prospects and campaign coffers" are threatened.); *Barlow v. Collins*, 397 U.S. 159, 163-64 (1970) (noting that economic injury is the quintessential form of injury.

24. Furthermore, Intervenor Applicants have substantial interests in this action as voters and residents of their districts. If Plaintiffs' right to vote is impaired, then Intervenor Applicants' right is similarly affected. *See City of Boerne*, 659 F.3d at 434-435; *Bailey*, 326 N.C. at 747, 392 S.E.2d at 356. Plaintiffs seek to expand the concept of the right to vote in a way that

favors Plaintiffs over other North Carolina citizens, claiming the strength of their votes was impermissibly diluted by the 2016 Plan. (Compl. ¶ 135). If Plaintiffs' alleged right to enhanced representation exists, the Intervenor Applicants have that same right. But their political and policy views, as Republican Party voters, differ from Plaintiffs' views. Plaintiffs can only vindicate their interest in enhanced representation by diminishing the exact same interests of the Applicants.

25. As such, courts have routinely allowed voters to intervene in cases implicating their right to vote. *See, e.g.*, *City of Boerne*, 659 F.3d 421; *NAACP, Inc. v. Duplin County*, 2012 WL 360018, at *5 (E.D.N.C. Feb. 2, 2012) (allowing voters' intervention as of right); *Miller v. Blackwell*, 348 F. Supp. 2d 916, 920 (S.D. Ohio 2004); *Carter v. Dies*, 321 F. Supp. 1358, 1360 (N.D. Tex. 1970), *aff'd sub nom. Bullock v. Carter*, 405 U.S. 134 (1972); *see also Republican Party of N.C. v. Martin*, 865 F.2d 1259 (4th Cir. 1988) (per curiam) (allowing intervention for association's interest in preserving the residency requirement for election of North Carolina judges); Order Granting Motion to Intervene, *Common Cause v. Lewis*, Case No. 18-CVS-14001 (N.C. Super. Ct. February 26, 2019) (allowing permissive intervention of Republican voters in lawsuit challenging state legislative district lines on claims of partisan gerrymandering).

26. In addition, this case directly implicates Article I, Section IV of the U.S. Constitution. This direct grant of authority to the state legislatures for drawing Congressional districts is a substantial interest shared by Intervenor Applicants, and deserves special consideration by this Court. *See Bush v. Palm Beach County Canvassing Board*, 531 U.S. 70 (2000)

27. Intervenor Applicants' interests in this action are more personal and fundamental than those of the Legislative Defendants. As officeholders and candidates in the challenged districts, Intervenor Applicants are directly impacted by any changes in the boundaries of their

districts and the composition of their constituency. Further, as Republican voters who reside and vote in and around the districts Plaintiffs have expressly put at issue in this case, Plaintiffs' proposed remedy would directly impact their ability to work with Republican candidates in their counties, organize together, select their preferred candidates, and voice their values and political views.

28. These unique, substantial, and important legal interests are not adequately represented by the existing Defendants in this case, who consist of constitutional officers of North Carolina government whose official duty interests are not as personal and fundamental as the rights and interests of the Intervenor Applicants. *See League of United Latin Am. Citizens v. Clements*, 884 F.2d 185, 188 (5th Cir. 1989) (discussing individual and official capacities and that "[a] voting rights case challenges the election process rather than the individuals holding office"). None of the Legislative Defendants have been sued in their individual capacity—only in their official capacity. *See id.* Moreover, none of the Defendants face the consequences of this Court granting Plaintiffs' requested relief in the same manner as the Intervenor Applicants, who suffer the threat of having his or her district redrawn in a manner detrimental to his or her interests as an elected official, candidate, and voter. Therefore, the Legislative Defendants cannot represent the interests of each district and the representatives thereof and candidates and voters therein, nor can they adequately represent the unique interest of the Intervenor Applicants as representatives, candidates, and voters.

29. Allowing Intervenor Applicants to intervene will ensure that these unique and important interests applicable to the congressional members, candidates, and voters are represented, and that this Court has the benefit of the evidence and legal argument Intervenor

Applicants can provide. Accordingly, intervention as of right pursuant to Rule 24(a)(2) should be allowed.

III. Intervenor Applicants Are Also Entitled to Permissive Intervention.

30. Rule 24(b) provides that a Court may allow intervention "(1) [w]hen a statute confers a conditional right to intervene, or (2) [w]hen a movant's claim or defense and the main action have a question of law or fact in common." N.C. R. Civ. P. 24(b). "In exercising its discretion the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties." N.C. R. Civ. P. 24(b)(2).

31. "Rule 24(b)(2) does not require a permissive intervenor to show 'a direct personal or pecuniary interest in the subject of the litigation.' " *Koenig v. Town of Kure Beach*, 178 N.C. App. 500, 507, 631 S.E.2d 884, 889 (2006) (quoting *In re Scearce*, 81 N.C. App. 531, 541, 345 S.E.2d 404, 410 (1986)). Indeed, the substantive issue to be addressed if the Intervenor Applicants are permitted to intervene—whether the future use of the 2016 Plan should be enjoined—is a separate determination that does not affect "the question of who should be allowed to appear and present the issue[.]" *Virmani,* 350 N.C. at 461, 515 S.E.2d at 684. Further, the trial court's decision on permissive intervention is within its sound discretion and will not be disturbed absent a "ruling so arbitrary that it could not have been the result of a reasoned decision." *Id.* at 460, 515 S.E.2d at 683 (citation omitted).

32. For the same reasons described above, the Intervenor Applicants' claims or defenses have questions of law and fact in common with the main action, constituting a real and direct interest in the determination of whether the 2016 Plan is deemed invalid. Plaintiffs seek to invalidate the 2016 Plan on constitutional grounds, and Intervenor Applicants seek to defend the constitutionality of the Plan and, in general, defend their districts. Moreover, all the voters of an

affected district, like Intervenor Applicants here, have an equally protected interest in the constitutionality of the 2016 Plan. Furthermore, Intervenor Applicants have properly submitted a proposed answer as their responsive pleading, *see* N.C. R. Civ. P. 24(c), supporting the same.

33. Permitting the Intervenor Applicants to intervene would not result in undue delay or prejudice the adjudication of the rights of Plaintiffs or Defendants. The lawsuit was initiated two weeks ago, and there have been no responsive pleadings filed. Moreover, any possible prejudice that Plaintiffs might claim is substantially outweighed by the prejudice that Intervenor Applicants would suffer to their personal interests as Representatives, candidates, and voters in their respective districts if this Court denied their motion. The Court will also benefit from the evidence and legal argument Intervenor Applicants can provide. Accordingly, the Intervenor Applicants satisfy the requirements for permissive intervention, and the Court should allow the motion.

CONCLUSION

WHEREFORE, Intervenor Applicants respectfully request that the Court grant their Motion to Intervene as a matter of right or, in the alternative, with permission of the Court.

Pursuant to N.C. R. Civ. P. 24(c), an unsigned proposed Answer by Intervenor Applicants is attached hereto as **Exhibit A**. In the event that the Motion is granted, Intervenor Applicants ask that the Court allow them at least seven (7) days to file an Answer to Plaintiffs' Complaint.

This the 9th day of October, 2019.

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**Applications for Pro Hac Vice admissions forthcoming*

EXHIBIT A

STATE OF NORTH CAROLINA

COUNTY OF WAKE

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REPRESENTATIVE DAVID R. LEWIS, IN HIS OFFICIAL CAPACITY AS SENIOR CHAIRMAN OF THE HOUSE SELECT COMMITTEE ON REDISTRICTING, *et al.*,

Defendants.

INTERVENOR APPLICANTS' PROPOSED ANSWER PURSUANT TO RULE 24(C)

NOW COME Potential Intervenors Ted Budd, Virginia Foxx, and Richard Hudson ("Intervenor Defendants") and hereby submit this Proposed Answer pursuant to Rule 24(c) of the North Carolina Rules of Civil Procedure, as follows:

Any allegations not contained in numbered paragraphs are denied. Intervenor Defendants' use of Plaintiffs' headings is for convenience only, and is not an admission.

RESPONSE TO ENUMERATED ALLEGATIONS

INTRODUCTION

1. The Court's opinion in *Common Cause v. Lewis* speaks for itself. The remaining allegations contained in Paragraph 1 are legal conclusions, which do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

2. Admitted that this case concerns North Carolina's 2016 congressional map ("Congressional Map"). Denied that "there is no dispute" about the lawfulness of the Congressional Map. The remaining allegations contained in Paragraph 2 are legal conclusions,

which do not require a response, or allege facts about the Legislative Defendants to which Intervenor Defendants lack sufficient personal knowledge or information to respond; therefore, such allegations are denied.

3. Admitted that Republican candidates have won elections for 10 of North Carolina's 13 congressional seats since the 2016 Plan was adopted. This Court's opinion in *Common Cause v. Lewis* speaks for itself. Intervenor Defendants lack sufficient personal knowledge or information to respond to the remaining allegations contained in Paragraph 3; therefore, such allegations are denied.

4. The opinion of the Supreme Court of the United States in *Rucho v. Common Cause* speaks for itself. This Court's opinion in *Common Cause v. Lewis* speaks for itself. The remaining allegations contained in Paragraph 4 are legal conclusions, which do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

5. This Court's opinion in *Common Cause v. Lewis* speaks for itself. The remaining allegations contained in Paragraph 5 are legal conclusions, which do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

PARTIES

A. Plaintiffs

6. Admitted that incumbent Rep. G.K. Butterfield won the NC-01 congressional race with 69.85% of the vote in 2018. Intervenor Defendants lack sufficient information or knowledge to respond to the remaining allegations contained in Paragraph 6; therefore, such allegations are denied.

7. Admitted that incumbent Republican Rep. George Holding won the NC-02 congressional race with 51.27% of the vote in 2018. Intervenor Defendants lack sufficient

information or knowledge to respond to the remaining allegations contained in Paragraph 7; therefore, such allegations are denied.

8. Admitted that then-incumbent Republican Rep. Walter Jones won the NC-03 congressional race with 100% of the vote in 2018. Admitted that now-incumbent Dr. Greg Murphy won the NC-03 congressional race with 61.7% of the vote in 2019. Intervenor Defendants lack sufficient information or knowledge to respond to the remaining allegations contained in Paragraph 8; therefore, such allegations are denied.

9. Admitted that incumbent Democrat Rep. David Price won the NC-04 congressional race with 72.37% of the vote in 2018. Intervenor Defendants lack sufficient information or knowledge to respond to the remaining allegations contained in Paragraph 9; therefore, such allegations are denied.

10. Admitted that incumbent Republican Rep. Virginia Foxx won the NC-05 congressional race with 57.03% of the vote in 2018. Intervenor Defendants lack sufficient information or knowledge to respond to the remaining allegations contained in Paragraph 10; therefore, such allegations are denied.

11. Admitted that incumbent Republican Rep. Mark Walker won the NC-06 congressional race with 56.52% of the vote in 2018. Intervenor Defendants lack sufficient information or knowledge to respond to the remaining allegations contained in Paragraph 11; therefore, such allegations are denied.

12. Admitted that incumbent Republican Rep. David Rouzer won the NC-07 congressional race with 55.54% of the vote in 2018. Intervenor Defendants lack sufficient information or knowledge to respond to the remaining allegations contained in Paragraph 12; therefore, such allegations are denied.

13. Admitted that incumbent Republican Rep. Richard Hudson won the NC-08 congressional race with 55.34% of the vote in 2018. Intervenor Defendants lack sufficient information or knowledge to respond to the remaining allegations contained in Paragraph 13; therefore, such allegations are denied.

14. Admitted that Republican Rep. Dan Bishop won the NC-09 congressional race with 50.69% of the vote in 2019. Intervenor Defendants lack sufficient information or knowledge to respond to the remaining allegations contained in Paragraph 14; therefore, such allegations are denied.

15. Admitted that incumbent Republican Rep. Patrick McHenry won the NC-10 congressional race with 59.29% of the vote in 2018. Intervenor Defendants lack sufficient information or knowledge to respond to the remaining allegations contained in Paragraph 15; therefore, such allegations are denied.

16. Admitted that incumbent Republican Rep. Mark Meadows won the NC-11 congressional race with 59.21% of the vote in 2018. Intervenor Defendants lack sufficient information or knowledge to respond to the remaining allegations contained in Paragraph 16; therefore, such allegations are denied.

17. Admitted that incumbent Republican Rep. Mark Meadows won the NC-11 congressional race with 59.21% of the vote in 2018. Intervenor Defendants lack sufficient information or knowledge to respond to the remaining allegations contained in Paragraph 17; therefore, such allegations are denied.

18. Admitted that incumbent Democrat Rep. Alma Adams won the NC-12 congressional race with 73.07% of the vote in 2018. Intervenor Defendants lack sufficient information or knowledge to respond to the remaining allegations contained in Paragraph 18;

therefore, such allegations are denied.

19. Admitted that incumbent Republican Rep. Ted Budd won the NC-13 congressional race with 51.54% of the vote in 2018. Intervenor Defendants lack sufficient information or knowledge to respond to the remaining allegations contained in Paragraph 19; therefore, such allegations are denied.

B. Defendants

20. Admitted upon information and belief.

21. Admitted upon information and belief.

22. Admitted upon information and belief.

23. Admitted upon information and belief.

24. Admitted upon information and belief.

25. Admitted upon information and belief.

26. Admitted upon information and belief.

27. Admitted upon information and belief.

28. Admitted upon information and belief.

29. Admitted upon information and belief.

30. Admitted upon information and belief.

31. Admitted upon information and belief.

JURISDICTION AND VENUE

32. The allegations of Paragraph 32 assert legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

33. The allegations of Paragraph 33 assert legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

34. The allegations of Paragraph 34 assert legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

FACTUAL ALLEGATIONS

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

35. Intervenor Defendants lack sufficient knowledge or information to respond to the allegations contained in Paragraph 35; therefore, such allegations are denied.

36. Intervenor Defendants lack sufficient knowledge or information to respond to the allegations contained in Paragraph 36; therefore, such allegations are denied.

37. Intervenor Defendants lack sufficient knowledge or information to respond to the allegations contained in Paragraph 37; therefore, such allegations are denied.

38. Intervenor Defendants lack sufficient knowledge or information to respond to the allegations contained in Paragraph 38; therefore, such allegations are denied.

B. Republican Mapmakers Create the 2011 Plans from Party Headquarters With the Intent to Advantage Republicans and Disadvantage Democrats

39. Intervenor Defendants lack sufficient knowledge or information to respond to the allegations contained in Paragraph 39; therefore, such allegations are denied.

40. Intervenor Defendants lack sufficient knowledge or information to respond to the allegations contained in Paragraph 40; therefore, such allegations are denied.

41. Intervenor Defendants lack sufficient knowledge or information to respond to the allegations contained in Paragraph 41; therefore, such allegations are denied.

42. Upon information and belief, the referenced deposition transcript of Dr. Thomas Hofeller speaks for itself. Intervenor Defendants lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 42; therefore, such allegations are

denied.

43. Upon information and belief, the referenced deposition transcript of Dr. Thomas Hofeller speaks for itself. Intervenor Defendants lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 43; therefore, such allegations are denied.

44. Admitted that Republican candidates won 9 of 13 congressional seats in 2012. Admitted that the 2012 election results speak for themselves. Intervenor Defendants lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 44; therefore, such allegations are denied.

C. Legislative Defendants Create the 2016 Plan with the Explicit Partisan Goal of Guaranteeing a 10-3 Republican Advantage in Congressional Seats

45. Admitted that the *Harris v. McCrory* opinion speaks for itself. Any remaining allegations contained in Paragraph 45 are denied.

46. Admitted that there was a supermajority of Republicans in both chambers of the General Assembly in 2016. Intervenor Defendants lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 46; therefore, such allegations are denied.

47. Upon information and belief, the referenced deposition transcript of Rep. David Lewis speaks for itself. Intervenor Defendants lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 47; therefore, such allegations are denied.

48. Intervenor Defendants lack sufficient knowledge or information to respond to the allegations contained in Paragraph 48; therefore, such allegations are denied.

49. Upon information and belief, the referenced deposition transcripts and trial testimony of Dr. Thomas Hofeller speaks for themselves. Intervenor Defendants lack sufficient

knowledge or information to respond to the remaining allegations contained in Paragraph 49; therefore, such allegations are denied.

50. Upon information and belief, the referenced deposition transcripts of Dr. Thomas Hofeller speaks for themselves. Intervenor Defendants lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 50; therefore, such allegations are denied.

51. Upon information and belief, the referenced deposition transcript of Dr. Thomas Hofeller speaks for itself. Upon information and belief, the referenced deposition transcript of Rep. David Lewis speaks for itself. Intervenor Defendants lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 51; therefore, such allegations are denied.

52. Upon information and belief, the referenced deposition transcript of Dr. Thomas Hofeller speaks for itself. Upon information and belief, the referenced deposition transcript of Rep. David Lewis speaks for itself. Intervenor Defendants lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 52; therefore, such allegations are denied.

53. Upon information and belief, the referenced deposition transcript of Rep. David Lewis speaks for itself. Intervenor Defendants lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 53; therefore, such allegations are denied.

54. Intervenor Defendants lack sufficient knowledge or information to respond to the allegations contained in Paragraph 54; therefore, such allegations are denied.

55. Intervenor Defendants lack sufficient knowledge or information to respond to the allegations contained in Paragraph 55; therefore, such allegations are denied.

56. Admitted, upon information and belief.

57. The Adopted Criteria speak for themselves. Any remaining allegations contained in Paragraph 57 are denied.

58. The referenced legislative record speaks for itself. Intervenor Defendants lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 58; therefore, such allegations are denied.

59. The referenced legislative record speaks for itself. Intervenor Defendants lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 59; therefore, such allegations are denied.

60. The Adopted Criteria speak for themselves. Any remaining allegations contained in Paragraph 60 are denied.

61. The referenced legislative record speaks for itself. Intervenor Defendants lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 61; therefore, such allegations are denied.

62. The Adopted Criteria speak for themselves. Any remaining allegations contained in Paragraph 62 are denied.

63. The proceedings of the General Assembly are public records and speak for themselves. The referenced legislative record speaks for itself. Intervenor Defendants lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 63; therefore, such allegations are denied.

64. Intervenor Defendants lack sufficient knowledge or information to respond to the allegations contained in Paragraph 64; therefore, such allegations are denied.

65. Intervenor Defendants lack sufficient knowledge or information to respond to the

allegations contained in Paragraph 65; therefore, such allegations are denied.

66. Upon information and belief, the referenced deposition transcript of Dr. Thomas Hofeller speaks for itself. Intervenor Defendants lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 66; therefore, such allegations are denied.

67. The referenced legislative record speaks for itself. Intervenor Defendants lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 67; therefore, such allegations are denied.

68. The referenced legislative record speaks for itself. Intervenor Defendants lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 68; therefore, such allegations are denied.

69. The proceedings of the General Assembly are public records and speak for themselves. Intervenor Defendants lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 69; therefore, such allegations are denied.

70. Upon information and belief, the referenced deposition transcript of Sen. Rucho speaks for itself. Intervenor Defendants lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 70; therefore, such allegations are denied.

D. The 2016 Plan Achieves Its Intended Effect of Propelling Ten Republican Congressional Candidates to Electoral Victory Every Two Years

71. Denied.

72. The 2016 electoral results speak for themselves. Any remaining allegations contained in Paragraph 72 are denied.

73. The 2018 electoral results speak for themselves. Specifically denied that the "adjust[ed]" vote percentage, after apparently taking out all votes from some of the most

Republican areas of North Carolina, is representative of how North Carolina voted in 2018 as a whole. Any remaining allegations contained in Paragraph 73 are denied.

74. The 2018 electoral results speak for themselves. Any remaining allegations contained in Paragraph 74 are denied.

75. The 2018 electoral results speak for themselves. Any remaining allegations contained in Paragraph 75 are denied.

76. To the extent Plaintiffs seek to introduce expert testimony from previous challenges to the 2016 Plan, Intervenor Defendants reserve the right to rebut such testimony with expert testimony of their own. To the extent the conclusions of Drs. Jowei Chen and Jonathan Mattingly are contained in expert reports disclosed in discovery, introduced into evidence or in trial testimony, such documents speak for themselves. Any remaining allegations contained in Paragraph 76 are denied.

E. The 2016 Plan Packs and Cracks Democratic Voters in Every District

77. Denied.

Congressional District 1

78. The Congressional Districts and their territorial locations speak for themselves. Any remaining allegations contained in Paragraph 78 are denied.

79. The Congressional Districts and their territorial locations speak for themselves. Any remaining allegations contained in Paragraph 79 are denied.

80. The Congressional Districts and their territorial locations speak for themselves. Any remaining allegations contained in Paragraph 80 are denied.

81. The Congressional Districts and their territorial locations speak for themselves. Any remaining allegations contained in Paragraph 81 are denied.

82. The 2016 and 2018 electoral results speak for themselves. Any remaining allegations contained in Paragraph 82 are denied.

Congressional District 2

83. The Congressional Districts and their territorial locations speak for themselves. Any remaining allegations contained in Paragraph 83 are denied.

84. The 2016 and 2018 electoral results speak for themselves. Any remaining allegations contained in Paragraph 84 are denied.

Congressional District 3

85. The Congressional Districts and their territorial locations speak for themselves. Any remaining allegations contained in Paragraph 85 are denied.

86. The 2016 and 2018 electoral results speak for themselves. Any remaining allegations contained in Paragraph 86 are denied.

Congressional District 4

87. The Congressional Districts and their territorial locations speak for themselves. Any remaining allegations contained in Paragraph 87 are denied.

88. The 2016 and 2018 electoral results speak for themselves. Any remaining allegations contained in Paragraph 88 are denied.

Congressional District 5

89. The Congressional Districts and their territorial locations speak for themselves. Any remaining allegations contained in Paragraph 89 are denied.

90. The 2016 and 2018 electoral results speak for themselves. Any remaining allegations contained in Paragraph 90 are denied.

Congressional District 6

91. Admitted upon information and belief that Greensboro is the third most populous city in North Carolina. Any remaining allegations contained in Paragraph 91 are denied.

92. The Congressional Districts and their territorial locations speak for themselves. Any remaining allegations contained in Paragraph 92 are denied.

93. The Congressional Districts and their territorial locations speak for themselves. Any remaining allegations contained in Paragraph 93 are denied.

94. The 2016 and 2018 electoral results speak for themselves. Any remaining allegations contained in Paragraph 94 are denied.

Congressional District 7

95. The Congressional Districts and their territorial locations speak for themselves. Any remaining allegations contained in Paragraph 95 are denied.

96. The 2016 and 2018 electoral results speak for themselves. Any remaining allegations contained in Paragraph 96 are denied.

Congressional District 8

97. The Congressional Districts and their territorial locations speak for themselves. Any remaining allegations contained in Paragraph 97 are denied.

98. The 2016 and 2018 electoral results speak for themselves. Any remaining allegations contained in Paragraph 98 are denied.

Congressional District 9

99. The Congressional Districts and their territorial locations speak for themselves. Any remaining allegations contained in Paragraph 99 are denied.

100. The 2016 and 2018 electoral results speak for themselves. Any remaining

allegations contained in Paragraph 100 are denied.

Congressional Districts 10 and 11

101. The Congressional Districts and their territorial locations speak for themselves. Any remaining allegations contained in Paragraph 101 are denied.

102. The Congressional Districts and their territorial locations speak for themselves. Any remaining allegations contained in Paragraph 102 are denied.

103. The 2016 and 2018 electoral results speak for themselves. Any remaining allegations contained in Paragraph 103 are denied.

Congressional District 12

104. Upon information and belief, the referenced deposition transcript of Dr. Thomas Hofeller speaks for itself. The Congressional Districts and their territorial locations speak for themselves. Any remaining allegations contained in Paragraph 104 are denied.

105. The 2016 and 2018 electoral results speak for themselves. Any remaining allegations contained in Paragraph 105 are denied.

Congressional District 13

106. The Congressional Districts and their territorial locations speak for themselves. Any remaining allegations contained in Paragraph 106 are denied.

107. The 2016 and 2018 electoral results speak for themselves. Any remaining allegations contained in Paragraph 107 are denied.

F. Legislative Defendants Did Not Draw Any District in the 2016 Congressional Map to Comply with the Voting Rights Act

108. Upon information and belief, the referenced deposition transcript of Dr. Thomas Hofeller speaks for itself. Any remaining allegations contained in Paragraph 108 are denied.

109. The Adopted Criteria speak for themselves. Any remaining allegations contained

in Paragraph 109 are denied.

110. Upon information and belief, the referenced deposition transcripts of Rep. David Lewis and Sen. Rucho speak for themselves. Intervenor Defendants lack sufficient knowledge or information to respond to the allegations contained in Paragraph 110; therefore, such allegations are denied.

G. The U.S. Supreme Court Holds that Partisan Gerrymandering Claims Are Left to State Courts Applying State Constitutions

111. The opinion of the Supreme Court of the United States in *Rucho v. Common Cause* speaks for itself. The remaining allegations contained in Paragraph 111 are admitted, upon information and belief.

112. The Middle District of North Carolina's opinion in *Common Cause v. Rucho* speaks for itself. Any remaining allegations contained in Paragraph 112 are denied.

113. The opinion of the Supreme Court of the United States in *Rucho v. Common Cause* speaks for itself. Any remaining allegations contained in Paragraph 113 are denied.

114. The opinion of the Supreme Court of the United States opinion in *Rucho v. Common Cause* speaks for itself. Any remaining allegations contained in Paragraph 114 are denied.

H. The Superior Court Strikes Down North Carolina's State Legislative Maps Under the North Carolina Constitution

115. This Court's opinion in *Common Cause v. Lewis* speaks for itself. Any remaining allegations contained in Paragraph 115 are denied.

116. This Court's opinion in *Common Cause v. Lewis* speaks for itself. Any remaining allegations contained in Paragraph 116 are denied.

117. This Court's opinion in *Common Cause v. Lewis* speaks for itself. Any remaining allegations contained in Paragraph 117 are denied.

118. This Court's opinion in *Common Cause v. Lewis* speaks for itself. Any remaining allegations contained in Paragraph 118 are denied.

119. Denied.

COUNT ONE
Violation of the North Constitution's
Free Elections Clause, Art. I, § 10

120. Intervenor Defendants incorporate by reference their responses to all other paragraphs as if fully set forth herein.

121. The North Carolina Constitution speaks for itself. Any remaining allegations contained in Paragraph 121 are denied.

122. The cited documents speak for themselves. The remaining allegations of Paragraph 122 assert legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

123. The cited documents speak for themselves. The remaining allegations of Paragraph 123 assert legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

124. The North Carolina Constitution speaks for itself. The cited case law speaks for itself. The remaining allegations of Paragraph 124 assert legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

125. The North Carolina Constitution and this Court's opinion in *Common Cause v. Lewis* speak for themselves. Any remaining allegations contained in Paragraph 125 assert legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

126. This Court's opinion in *Common Cause v. Lewis* speaks for itself. Any remaining

allegations contained in Paragraph 126 assert legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

127. Denied.

128. Denied.

COUNT TWO
Violation of the North Constitution's
Equal Protection Clause, Art. I, § 19

129. Intervenor Defendants incorporate by reference their responses to all other paragraphs as if fully set forth herein.

130. The North Carolina Constitution speaks for itself. Any remaining allegations contained in Paragraph 130 are denied.

131. The cited case law speaks for itself. The remaining allegations in Paragraph 131 are legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

132. The *Stephenson* case speaks for itself. The remaining allegations in Paragraph 132 are legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

133. This Court's opinion in *Common Cause v. Lewis* speaks for itself. Any remaining allegations contained in Paragraph 133 assert legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

134. Denied.

135. Denied.

COUNT III
Violation of the North Constitution's Freedom of Speech and Freedom of Assembly Clauses, Art. I, §§ 12 & 14

136. Intervenor Defendants incorporate by reference their responses to all other paragraphs as if fully set forth herein.

137. The North Carolina Constitution speaks for itself. Any remaining allegations contained in Paragraph 137 are denied.

138. The North Carolina Constitution speaks for itself. Any remaining allegations contained in Paragraph 138 are denied.

139. This Court's opinion in *Common Cause v. Lewis* speaks for itself. Any remaining allegations contained in Paragraph 139 assert legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

140. This Court's opinion in *Common Cause v. Lewis* speaks for itself. Any remaining allegations contained in Paragraph 140 assert legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

141. Denied.

142. Denied.

143. Denied.

144. Denied.

To the extent that any portion of the Complaint and any of its subparts and sections contain allegations that have not been specifically responded to in this Answer, such allegations are denied. Furthermore, the Prayer for Relief and Headings contained in the Complaint (to the extent that the words and phrases contained therein may constitute allegations) are denied.

FIRST AFFIRMATIVE 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).

SECOND AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the doctrines of estoppel, laches, and waiver. Specifically, Plaintiffs—most of whom were Plaintiffs represented by the same counsel in *Common Cause v. Lewis*—failed to raise these claims in their previous lawsuit challenging North Carolina legislative district maps as unconstitutional partisan gerrymanders. Plaintiffs' unreasonable delay harms the interests of Intervenor Defendants and other North Carolina candidates and voters who will suffer due to the confusion and delay Plaintiffs' proposed remedy would cause.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs' politically-biased theory of liability is a non-justiciable political question and therefore the Amended Complaint should be dismissed pursuant to Rule 12(b)(1).

FOURTH AFFIRMATIVE DEFENSE

Plaintiffs requests that this Court enter an order to the General Assembly dictating the time, places, and manner of holding the congressional elections. Such a request, if granted, violates Article I, Section 4 of the United States Constitution, which mandates that state legislatures set the "Times, Places and Manner of holding Elections for . . . Representatives[.]"

FIFTH AFFIRMATIVE 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 AFFIRMATIVE 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 (2002). Plaintiffs' requested relief thus 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 AFFIRMATIVE DEFENSE

Plaintiffs' politically-biased theory of liability, if adopted by this Court, would effectively bypass the People and adopt a judicial amendment of the North Carolina Constitution in violation of Article XIII.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs' requested relief, to redraw legislative districts without any consideration of party affiliation, violates of the separation of powers doctrine, in Article I, Section 6 of the North Carolina Constitution.

NINTH AFFIRMATIVE DEFENSE

Plaintiffs' are requesting that the Court "punish" and "burden" Intervenor Defendants, both as candidates and 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.

PRAYER FOR RELIEF

WHEREFORE, Defendants respectfully request that the Court enter an order and final judgment which:

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

This the ___day of October 2019.

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**Applications for Pro Hac Vice admissions forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing **Motion to Intervene** upon all parties to this matter by placing a copy in the United States Mail, First Class, postage prepaid and addressed as follows:

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This the 9th day of October, 2019.

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