

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.

**Memorandum in Opposition to  
Plaintiffs' Motion to Strike**

NOW COME Intervenor-Applicants Reps. Virginia Foxx, Richard Hudson, and Ted Budd (collectively "Intervenor Applicants") and submit this Memorandum in Opposition to Plaintiffs' Motion to Strike.

**INTRODUCTION**

Intervenor Applicants' response to Plaintiffs' Motion for Preliminary Injunction was timely. In an attempt to sidestep the adversarial process, Plaintiffs ignored the specific process mandated for pending state court motions on removal contained in the Local Rules for the United States District Court for the Eastern District of North Carolina in their rush to block Intervenor Applicants from participating in this case. One would assume that, given Plaintiffs' desire for an expedited, no-matter-the-cost judicial process, they would forgo filing frivolous motions like their Motion to Strike; yet, here we are. For the reasons that follow, as well as plain common sense, Plaintiffs' Motion should be immediately denied.

## ARGUMENT

### I. INTERVENOR APPLICANTS' RESPONSE IS TIMELY.

Plaintiffs' Motion to Strike completely misreads—or fails to understand—the rules governing the conduct complained of in the motion. Section 1450 provides, in relevant part, that “[a]ll injunctions, orders, and other proceedings had in such action prior to its removal shall remain in full force and effect **until dissolved or modified by the district court.**” 28 U.S.C. § 1450 (emphasis added). The last clause of the relevant section is of specific importance because the federal court to which the case was removed modified the time for filing responses to Plaintiffs' Motion for Preliminary Injunction through the operation of its local rules.

On September 30, 2019, Plaintiffs filed their Motion for Preliminary Injunction in this case without an accompanying memorandum of law. *See* Plaintiffs' Motion for Preliminary Injunction, *Harper v. Lewis*, 19-CVS-012667 (Wake) (filed Sept. 30, 2019). On October 14, 2019, Legislative Defendants removed this case to the United States District Court for the Eastern District of North Carolina. While emergency motions practice played out respecting remand, the District Court specifically notified the parties that “pursuant to Local Civil Rule 5.3(c)(2) if, at the time of removal, a motion is pending for which no supporting memorandum of law has been submitted to the state court, the movant on that motion shall file a supporting memorandum within 14 days of the date of removal . . . .” Notice, *Harper v. Lewis*, No. 19-cv-452 (October 17, 2019) (docket sheet attached as **Exhibit 1**). The District Court went on to say that “[t]he Local Civil Rule 7.1(f) **deadline for a response to the motion runs from the date of the movant's filing of a supporting memorandum in this court.**”<sup>1</sup> *Id.* (emphasis added).

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<sup>1</sup> E.D.N.C. L.R. 5.3(c)(2) reads, in its entirety:

Memoranda need not always accompany Motions in this Court, which was the case for Plaintiffs' Motion for Preliminary Injunction. Accordingly, while this Court's October 10, 2019 Order set the deadline for responding to Plaintiffs' Motion for Preliminary Injunction in this Court as 5:00 p.m. on October 21, 2019, upon removal that deadline was modified by Eastern District Local Rule 5.3(c)(2) to be fourteen (14) days from the date on which Plaintiffs filed the required Memorandum in Support of their Motion for Preliminary Injunction in Federal Court. Because Plaintiffs had until October 28, 2019 to file their memorandum in support under the District Court's Local Rules (and accompanying notice), no response to the motion (and memorandum) was required by Intervenor Applicants until fourteen (14) days after Plaintiffs' memorandum was filed.<sup>2</sup> See E.D.N.C. Local Rule 5.3(c)(2). Plaintiffs never filed a memorandum in support in the District Court, therefore no response to that motion was due. Since Plaintiffs never filed their Memorandum in Support, the deadline in Federal Court for Defendants to file their opposition to the Motion for Preliminary Injunction did not begin to run while the case was pending in Federal Court. Considering that Intervenor Applicants served their Opposition to Plaintiffs' Motion for Preliminary Injunction approximately forty (40) minutes after they learned that the case had been remanded to this Court, service of the Opposition was timely.

## **II. NO PARTY HAS BEEN PREJUDICED.**

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If, at the time of removal, a motion is pending for which no supporting memorandum of law has been submitted to the state court, the movant on that motion shall file a supporting memorandum within 14 days of the date of removal, unless the motion is of a type covered by Local Civil Rule 77.2 or unless otherwise ordered by the court. The Local Civil Rule 7.1(f) deadline for a response to the motion runs from the date of the movant's filing of a supporting memorandum in this court.

<sup>2</sup> Indeed, had Judge Flanagan not remanded the case, the Legislative Defendants, by filing their response before Plaintiffs filed their Local Rule 5.3(c)(2) memorandum, created an open question of whether they would have had any ability to respond to potential new arguments raised by Plaintiffs in their Local Rule 5.3(c)(2) memorandum.

Even assuming Plaintiffs are correct and the District Court's local rules and orders are meaningless, there is still no prejudice to Plaintiffs. Black's Law Dictionary defines the word "prejudice" to mean "[d]amage or detriment to one's legal rights or claims." *Black's Law Dictionary* 1299 (9th ed. 2009). Intervenor Applicants filed their response approximately forty (40) minutes after learning the case was remanded to this Court. This is less than 24-hours after Intervenor Applicants' Memorandum would have been due but for the removal. Even if Intervenor Applicants were untimely—which they were absolutely not—then there is still no prejudice. Plaintiffs may find it inconvenient or problematic to be forced to respond to additional arguments due to **their** lightning-speed request for a preliminary injunction, but it does not come close to rising to the level of prejudicial. *Cf. Smith v. Young Moving & Storage, Inc.*, 141 N.C. App. 469 (N.C. App. 2000) (mere "inconveniences" do not rise to the level of prejudicial).

#### **CONCLUSION**

For the aforementioned reasons, Plaintiffs' Motion to Strike should be denied.

Respectfully submitted, this the 23rd day of October, 2019.

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CLOSED

**U.S. District Court  
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)  
CIVIL DOCKET FOR CASE #: 5:19-cv-00452-FL**

Harper, et al v. Lewis, et al  
Assigned to: District Judge Louise Wood Flanagan  
related Case: 5:18-cv-00589-FL  
Case in other court: Wake County Superior Court, 19CVS12667  
Cause: 28:1446 Notice of Removal

Date Filed: 10/14/2019  
Date Terminated: 10/22/2019  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
10/14/2019	<u>1</u>	Notice of Appearance filed by Phillip J. Strach on behalf of PHILIP E BERGER, PRESIDENT PRO TEMPORE OF THE NC SENATE, WARREN DANIEL, IN HIS OFFICIAL CAPACITY AS CO-CHAIR OF THE SENATE STANDING COMMITTEE ON REDISTRICTING, RALPH HISE, IN HIS OFFICIAL CAPACITY AS CO-CHAIR OF THE SENATE STADNING COMMITTEE ON REDISTRICTING, REP. DAVID R. LEWIS, IN HIS OFFICIAL CAPACITY AS SR. CHAIR OF THE HOUSE SELECT COMMITTEE ON REDISTRICTING, TIMOTHY K MOORE, SPEAKER OF THE NC HOUSE OF REPRESENTATIVES, PAUL NEWTON, IN HIS OFFICIAL CAPACITY AS CO-CHAIR OF THE SENATE STANDING COMMITTEE ON REDISTRICTING. (Strach, Phillip) (Entered: 10/14/2019)
10/14/2019	<u>2</u>	Notice of Appearance filed by Alyssa Riggins on behalf of PHILIP E BERGER, PRESIDENT PRO TEMPORE OF THE NC SENATE, WARREN DANIEL, IN HIS OFFICIAL CAPACITY AS CO-CHAIR OF THE SENATE STANDING COMMITTEE ON REDISTRICTING, RALPH HISE, IN HIS OFFICIAL CAPACITY AS CO-CHAIR OF THE SENATE STADNING COMMITTEE ON REDISTRICTING, REP. DAVID R. LEWIS, IN HIS OFFICIAL CAPACITY AS SR. CHAIR OF THE HOUSE SELECT COMMITTEE ON REDISTRICTING, TIMOTHY K MOORE, SPEAKER OF THE NC HOUSE OF REPRESENTATIVES, PAUL NEWTON, IN HIS OFFICIAL CAPACITY AS CO-CHAIR OF THE SENATE STANDING COMMITTEE ON REDISTRICTING. (Riggins, Alyssa) (Entered: 10/14/2019)
10/14/2019	<u>3</u>	Notice of Appearance filed by Thomas A. Farr on behalf of PHILIP E BERGER, PRESIDENT PRO TEMPORE OF THE NC SENATE, WARREN DANIEL, IN HIS OFFICIAL CAPACITY AS CO-CHAIR OF THE SENATE STANDING COMMITTEE ON REDISTRICTING, RALPH HISE, IN HIS OFFICIAL CAPACITY AS CO-CHAIR OF THE SENATE STADNING COMMITTEE ON REDISTRICTING, REP. DAVID R. LEWIS, IN HIS OFFICIAL CAPACITY AS SR. CHAIR OF THE HOUSE SELECT COMMITTEE ON REDISTRICTING, TIMOTHY K MOORE, SPEAKER OF THE NC HOUSE OF REPRESENTATIVES, PAUL NEWTON, IN HIS OFFICIAL CAPACITY AS CO-CHAIR OF THE SENATE STANDING COMMITTEE ON REDISTRICTING. (Farr, Thomas) (Entered: 10/14/2019)
10/14/2019	<u>4</u>	Notice of Appearance filed by Michael Douglas McKnight on behalf of PHILIP E BERGER, PRESIDENT PRO TEMPORE OF THE NC SENATE, WARREN DANIEL,

		IN HIS OFFICIAL CAPACITY AS CO-CHAIR OF THE SENATE STANDING COMMITTEE ON REDISTRICTING, RALPH HISE, IN HIS OFFICIAL CAPACITY AS CO-CHAIR OF THE SENATE STADNING COMMITTEE ON REDISTRICTING, REP. DAVID R. LEWIS, IN HIS OFFICIAL CAPACITY AS SR. CHAIR OF THE HOUSE SELECT COMMITTEE ON REDISTRICTING, TIMOTHY K MOORE, SPEAKER OF THE NC HOUSE OF REPRESENTATIVES, PAUL NEWTON, IN HIS OFFICIAL CAPACITY AS CO-CHAIR OF THE SENATE STANDING COMMITTEE ON REDISTRICTING. (McKnight, Michael) (Entered: 10/14/2019)
10/14/2019	<u>5</u>	<b>Notice of Removal</b> filed by PHILIP E BERGER, PRESIDENT PRO TEMPORE OF THE NC SENATE, WARREN DANIEL, IN HIS OFFICIAL CAPACITY AS CO-CHAIR OF THE SENATE STANDING COMMITTEE ON REDISTRICTING, RALPH HISE, IN HIS OFFICIAL CAPACITY AS CO-CHAIR OF THE SENATE STADNING COMMITTEE ON REDISTRICTING, REP. DAVID R. LEWIS, IN HIS OFFICIAL CAPACITY AS SR. CHAIR OF THE HOUSE SELECT COMMITTEE ON REDISTRICTING, TIMOTHY K MOORE, SPEAKER OF THE NC HOUSE OF REPRESENTATIVES, PAUL NEWTON, IN HIS OFFICIAL CAPACITY AS CO-CHAIR OF THE SENATE STANDING COMMITTEE ON REDISTRICTING . (Attachments: # <u>1</u> Exhibit State Court Pleadings, # <u>2</u> Exhibit Harris v. McCrory Trial Transcript, # <u>3</u> Exhibit Dr. Chen Report from Common Cause v. Rucho, # <u>4</u> Exhibit Common Cause v. Rucho DX 5038, # <u>5</u> Exhibit Notice of Removal to State Court, # <u>6</u> Exhibit Civil Cover Sheet, # <u>7</u> Exhibit Supplemental Removal Cover Sheet) (Strach, Phillip) Modified on 10/15/2019 to clarify docket event and correct text. (Rudd, D.) (Entered: 10/14/2019)
10/14/2019	<u>6</u>	Notice of Appearance filed by Narendra K. Ghosh on behalf of All Plaintiffs. (Ghosh, Narendra) (Entered: 10/14/2019)
10/14/2019	<u>7</u>	Notice of Related Case filed by JOHN BALLA, KATHLEEN BARNES, VIRGINIA WALTERS BRIEN, DAVID DWIGHT BROWN, RICHARD R. CREWS, Gettys Cohen, Jr., JACKSON THOMAS DUNN, JR., JOSEPH THOMAS GATES, REBECCA HARPER, AMY CLARE OSEROFF, MARK S. PETERS, LILY NICOLE QUICK, DONALD RUMPH, SHAWN RUSH . (Ghosh, Narendra) (Entered: 10/14/2019)
10/14/2019		Filing fee: \$ 400.00, receipt number 0417-541823. (Rudd, D.) (Entered: 10/15/2019)
10/15/2019	<u>8</u>	RESPONSE regarding <u>7</u> Notice of Related Case, filed by PHILIP E BERGER, PRESIDENT PRO TEMPORE OF THE NC SENATE, WARREN DANIEL, IN HIS OFFICIAL CAPACITY AS CO-CHAIR OF THE SENATE STANDING COMMITTEE ON REDISTRICTING, RALPH HISE, IN HIS OFFICIAL CAPACITY AS CO-CHAIR OF THE SENATE STADNING COMMITTEE ON REDISTRICTING, REP. DAVID R. LEWIS, IN HIS OFFICIAL CAPACITY AS SR. CHAIR OF THE HOUSE SELECT COMMITTEE ON REDISTRICTING, TIMOTHY K MOORE, SPEAKER OF THE NC HOUSE OF REPRESENTATIVES, PAUL NEWTON, IN HIS OFFICIAL CAPACITY AS CO-CHAIR OF THE SENATE STANDING COMMITTEE ON REDISTRICTING. (Riggins, Alyssa) (Entered: 10/15/2019)
10/15/2019		Chief Judge Terrence W. Boyle added. (Rudd, D.) (Entered: 10/15/2019)

10/15/2019	<u>9</u>	Notice of Appearance filed by Paul M. Cox on behalf of STELLA ANDERSON, IN HER OFFICIAL CAPACITY AS SECRETARY OF THE NC BOARD OF ELECTIONS, DAVID C BLACK, IN HIS OFFICIAL CAPACITY OF THE NC STATE BOARD OF ELECTIONS, JEFF CARMON, IN HIS OFFICIAL CAPACITY AS MEMBER OF THE NC STATE BOARD OF ELECTIONS, DAMON CIRCOSTA, IN HIS OFFICIAL CAPACITY AS CHAIRMAN OF THE NC STATE BOARD OF ELECTIONS, KENNETH RAYMOND, IN HIS OFFICIAL CAPACITY AS MEMBER OF THE NC STATE BOARD OF ELECTIONS, The North Carolina State Board of Elections. (Cox, Paul) (Entered: 10/15/2019)
10/15/2019	<u>10</u>	Notice of Appearance filed by Stephanie Ann Brennan on behalf of STELLA ANDERSON, IN HER OFFICIAL CAPACITY AS SECRETARY OF THE NC BOARD OF ELECTIONS, DAVID C BLACK, IN HIS OFFICIAL CAPACITY OF THE NC STATE BOARD OF ELECTIONS, JEFF CARMON, IN HIS OFFICIAL CAPACITY AS MEMBER OF THE NC STATE BOARD OF ELECTIONS, DAMON CIRCOSTA, IN HIS OFFICIAL CAPACITY AS CHAIRMAN OF THE NC STATE BOARD OF ELECTIONS, KENNETH RAYMOND, IN HIS OFFICIAL CAPACITY AS MEMBER OF THE NC STATE BOARD OF ELECTIONS, The North Carolina State Board of Elections. (Brennan, Stephanie) (Entered: 10/15/2019)
10/15/2019	<u>11</u>	Notice of Appearance filed by Amar Majmundar on behalf of STELLA ANDERSON, IN HER OFFICIAL CAPACITY AS SECRETARY OF THE NC BOARD OF ELECTIONS, DAVID C BLACK, IN HIS OFFICIAL CAPACITY OF THE NC STATE BOARD OF ELECTIONS, JEFF CARMON, IN HIS OFFICIAL CAPACITY AS MEMBER OF THE NC STATE BOARD OF ELECTIONS, DAMON CIRCOSTA, IN HIS OFFICIAL CAPACITY AS CHAIRMAN OF THE NC STATE BOARD OF ELECTIONS, KENNETH RAYMOND, IN HIS OFFICIAL CAPACITY AS MEMBER OF THE NC STATE BOARD OF ELECTIONS, The North Carolina State Board of Elections. (Majmundar, Amar) (Entered: 10/15/2019)
10/15/2019		Notice to Counsel - All Counsel should file a Notice of Appearance pursuant to Local Civil Rule 5.2(a). (Rudd, D.) (Entered: 10/15/2019)
10/15/2019	<u>12</u>	Financial Disclosure Statement by The North Carolina State Board of Elections (Cox, Paul) (Entered: 10/15/2019)
10/15/2019	<u>13</u>	Financial Disclosure Statement by Damon Circosta (Cox, Paul) (Entered: 10/15/2019)
10/15/2019	<u>14</u>	Financial Disclosure Statement by Stella Anderson (Cox, Paul) (Entered: 10/15/2019)
10/15/2019	<u>15</u>	Financial Disclosure Statement by David C. Black (Cox, Paul) (Entered: 10/15/2019)
10/15/2019	<u>16</u>	Financial Disclosure Statement by Jeff Carmon (Cox, Paul) (Entered: 10/15/2019)
10/15/2019	<u>17</u>	Financial Disclosure Statement by Kenneth Raymond (Cox, Paul) (Entered: 10/15/2019)
10/15/2019		Notice to Counsel - Out of State Counsel should comply with Local Civil Rule 83.1(e) when filing their notice of special appearance. (Rudd, D.) (Entered: 10/15/2019)
10/15/2019	<u>18</u>	Emergency MOTION to Remand <i>and to Expedite Resolution of Motion to Remand</i> filed

		by John Balla, Kathleen Barnes, Virginia Walters Brien, David Dwight Brown, Gettys Cohen, Jr., Richard R. Crews, Jackson Thomas Dunn, Joseph Thomas Gates, Rebecca Harper, Amy Clare Oseroff, Mark S. Peters, Lily Nicole Quick, Donald Rumph, Shawn Rush. (Attachments: # <u>1</u> Exhibit A -- Remedial Map Memorandum, # <u>2</u> Text of Proposed Order) (Ghosh, Narendra) (Entered: 10/15/2019)
10/15/2019	<u>19</u>	Memorandum in Support regarding <u>18</u> Emergency MOTION to Remand <i>and to Expedite Resolution of Motion to Remand</i> filed by John Balla, Kathleen Barnes, Virginia Walters Brien, David Dwight Brown, Gettys Cohen, Jr., Richard R. Crews, Jackson Thomas Dunn, Joseph Thomas Gates, Rebecca Harper, Amy Clare Oseroff, Mark S. Peters, Lily Nicole Quick, Donald Rumph, Shawn Rush. (Ghosh, Narendra) (Entered: 10/15/2019)
10/15/2019		Notice to Counsel - When filing a Notice of Removal, counsel is to use the event "Complaints, Other Initiating Documents" instead of using the event "Notice-Other". No other action is needed at this time. (Rudd, D.) (Entered: 10/15/2019)
10/15/2019	<u>20</u>	Notice of Special Appearance for non-district by Daniel F. Jacobson on behalf of All Plaintiffs. (Jacobson, Daniel) (Entered: 10/15/2019)
10/16/2019	<u>21</u>	Notice of Special Appearance for non-district by Robert S. Jones on behalf of All Plaintiffs. (Jones, Robert) (Entered: 10/16/2019)
10/17/2019	<u>22</u>	Notice filed by Philip E. Berger, Warren Daniel, Ralph Hise, David R. Lewis, Timothy K. Moore, Paul Newton . (Attachments: # <u>1</u> Exhibit state court notice of filing of notice of removal) (Riggins, Alyssa) (Entered: 10/17/2019)
10/17/2019		<b>TEXT ORDER REASSIGNING CASE. At the direction of the Court, this case is reassigned to United States District Judge Louise Wood Flanagan for all further proceedings. Chief United States District Judge Terrence W. Boyle is no longer assigned to the case. All future filings shall reflect the revised case number of 5:19-CV-452-FL. Signed by Peter A. Moore, Jr., Clerk of Court on 10/17/2019.</b> (Hockaday, A.) (Entered: 10/17/2019)
10/17/2019		<b>TEXT ORDER regarding plaintiffs' emergency motion to remand and to expedite resolution of motion to remand. Removing defendants are DIRECTED to file a response to plaintiffs' motion on or before noon on Monday, October 21, 2019. Signed by District Judge Louise Wood Flanagan on 10/17/2019.</b> (Collins, S.) (Entered: 10/17/2019)
10/17/2019		Notice to Counsel. Counsel is reminded that pursuant to Local Civil Rule 5.3(c)(2) if, at the time of removal, a motion is pending for which no supporting memorandum of law has been submitted to the state court, the movant on that motion shall file a supporting memorandum within 14 days of the date of removal, unless the motion is of a type covered by Local Civil Rule 77.2 or unless otherwise ordered by the court. The Local Civil Rule 7.1(f) deadline for a response to the motion runs from the date of the movant's filing of a supporting memorandum in this court. (Collins, S.) (Entered: 10/17/2019)
10/17/2019	<u>23</u>	Notice of Special Appearance for non-district by Elisabeth S. Theodore on behalf of All Plaintiffs. (Theodore, Elisabeth) (Entered: 10/17/2019)

10/17/2019	<u>24</u>	Financial Disclosure Statement by John Balla, Kathleen Barnes, Virginia Walters Brien, David Dwight Brown, Gettys Cohen, Jr., Richard R. Crews, Jackson Thomas Dunn, Joseph Thomas Gates, Rebecca Harper, Amy Clare Oseroff, Mark S. Peters, Lily Nicole Quick, Donald Rumph, Shawn Rush (Ghosh, Narendra) (Entered: 10/17/2019)
10/21/2019	<u>25</u>	RESPONSE in Opposition regarding <u>18</u> Emergency MOTION to Remand <i>and to Expedite Resolution of Motion to Remand</i> filed by Philip E. Berger, Warren Daniel, Ralph Hise, David R. Lewis, Timothy K. Moore, Paul Newton. (Strach, Phillip) (Entered: 10/21/2019)
10/21/2019	<u>26</u>	RESPONSE to Motion regarding <u>18</u> Emergency MOTION to Remand <i>and to Expedite Resolution of Motion to Remand</i> filed by Stella Anderson, David C. Black, Jeff Carmon, Damon Circosta, Kenneth Raymond, The North Carolina State Board of Elections. (Attachments: # <u>1</u> Exhibit Exh 1 Memorandum Opinion, Common Cause v. Lewis, # <u>2</u> Exhibit Exh 2 Affidavit of Karen Brinson Bell) (Cox, Paul) (Entered: 10/21/2019)
10/21/2019	<u>27</u>	MOTION for Extension of Time to File Answer filed by Stella Anderson, David C. Black, Jeff Carmon, Damon Circosta, Kenneth Raymond, The North Carolina State Board of Elections. (Attachments: # <u>1</u> Text of Proposed Order) (Brennan, Stephanie) (Entered: 10/21/2019)
10/21/2019	<u>28</u>	Notice filed by John Balla, Kathleen Barnes, Virginia Walters Brien, David Dwight Brown, Gettys Cohen, Jr., Richard R. Crews, Jackson Thomas Dunn, Joseph Thomas Gates, Rebecca Harper, Amy Clare Oseroff, Mark S. Peters, Lily Nicole Quick, Donald Rumph, Shawn Rush regarding <u>18</u> Emergency MOTION to Remand <i>and to Expedite Resolution of Motion to Remand</i> . (Theodore, Elisabeth) (Entered: 10/21/2019)
10/21/2019		Motion Submitted to District Judge Louise Wood Flanagan regarding <u>18</u> Emergency MOTION to Remand <i>and to Expedite Resolution of Motion to Remand</i> . (Collins, S.) (Entered: 10/21/2019)
10/21/2019		Motion Referred to Peter A. Moore, Jr., Clerk of Court regarding <u>27</u> MOTION for Extension of Time to File Answer. (Collins, S.) (Entered: 10/21/2019)
10/21/2019		<b>TEXT ORDER granting the Consent Motion for Extension of Time <u>27</u> filed by Defendants the North Carolina State Board of Elections, Damon Circosta, Stella Anderson, Kenneth Raymond, Jeff Carmon, and David C. Black. For good cause shown, it is ordered that these defendants have up to and including October 28, 2019, within which to answer or otherwise respond to the Complaint. Signed by Peter A. Moore, Jr., Clerk of Court on 10/21/2019.</b> (Hockaday, A.) (Entered: 10/21/2019)
10/21/2019	<u>29</u>	<b>**CORRECTED AND REFILED AT <u>32</u> **</b> Notice filed by Philip E. Berger, Warren Daniel, Ralph Hise, David R. Lewis, Timothy K. Moore, Paul Newton regarding <u>5</u> Notice - other,,, <i>Legislative Defendants' response to Plaintiffs state court motion for preliminary injunction</i> . (Attachments: # <u>1</u> Exhibit excerpts from deposition of Erika Churchill from Dickson v. Rucho, # <u>2</u> Exhibit affidavit of Karen Brinson Bell from Common Cause v. Lewis) (Strach, Phillip) Modified on 10/22/2019 (Collins, S.) (Entered: 10/21/2019)

10/21/2019	<u>30</u>	RESPONSE to Plaintiffs' Motion for Preliminary Injunction filed by Stella Anderson, David C. Black, Jeff Carmon, Damon Circosta, Kenneth Raymond, The North Carolina State Board of Elections. (Attachments: # <u>1</u> Exhibit 1) (Cox, Paul) (Entered: 10/21/2019)
10/21/2019		<b>CORRECTED</b> NOTICE OF DEFICIENCY regarding <u>29</u> Notice - other. Wrong event used. Counsel shall refile using the event Response or alternatively Response to Motion, found under the Responses and Replies category. (Collins, S.) Modified on 10/22/2019 (Collins, S.). (Entered: 10/21/2019)
10/21/2019	<u>31</u>	ANSWER to Complaint by Philip E. Berger, Warren Daniel, Ralph Hise, David R. Lewis, Timothy K. Moore, Paul Newton. (Strach, Phillip) (Entered: 10/21/2019)
10/22/2019	<u>32</u>	RESPONSE to Plaintiffs' State Court Motion for Preliminary Injunction filed by Philip E. Berger, Warren Daniel, Ralph Hise, David R. Lewis, Timothy K. Moore, Paul Newton. (Attachments: # <u>1</u> Exhibit excerpts from deposition of Erika Churchill from Dickson v. Rucho, # <u>2</u> Exhibit notice of filing of affidavit of Karen Brinson Bell from Common Cause v. Lewis) (Strach, Phillip) (Entered: 10/22/2019)
10/22/2019	<u>33</u>	<b>ORDER granting <u>18</u> Motion to Remand and to Expedite Resolution of Motion to Remand. This case is REMANDED to the General Court of Justice, Superior Court Division, Wake County, North Carolina, for further proceedings. The clerk is DIRECTED to transmit a certified copy of this order to the clerk of the General Court of Justice, Superior Court Division, Wake County, North Carolina, and to file in this case a copy of the clerk's transmittal letter with certified copy of the instant order. The court will retain jurisdiction in this case only insofar as plaintiff may desire to pursue an award of costs and attorneys' fees pursuant to 28 U.S.C. § 1447(c). Signed by District Judge Louise Wood Flanagan on 10/22/2019.</b> (Collins, S.) (Entered: 10/22/2019)
10/22/2019	<u>34</u>	<b>JUDGMENT - In accordance with the court's order entered October 22, 2019, more particularly described therein, that plaintiffs' motion to remand is granted and that this case is remanded to Wake County Superior Court, North Carolina for further proceedings. Signed by Peter A. Moore, Jr., Clerk of Court on 10/22/2019.</b> (Collins, S.) (Entered: 10/22/2019)
10/22/2019	<u>35</u>	Letter from S. Collins, Deputy Clerk to Wake County Clerk of Court transmitting certified copies of Order <u>33</u> and Judgment <u>34</u> . (Collins, S.) (Entered: 10/22/2019)

PACER Service Center			
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<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	5:19-cv-00452-FL

<b>Billable Pages:</b>	16	<b>Cost:</b>	1.60
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing **Memorandum in Opposition to Plaintiffs' Motion to Strike** upon all parties to this matter by email as follows:

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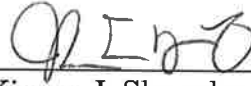
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This the 23rd day of October, 2019.

**SHANAHAN LAW GROUP, PLLC**

By:



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