

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
No. 21 CVS 015426  
No. 21 CVS 500085

NORTH CAROLINA LEAGUE OF CONSERVATION  
VOTERS, INC., *et al.*,

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, IN HIS OFFICIAL  
CAPACITY AS SENIOR CHAIR OF THE HOUSE  
STANDING COMMITTEE ON REDISTRICTING, *et al.*,

Defendants.

REBECCA HARPER, *et al.*,

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, IN HIS OFFICIAL  
CAPACITY AS SENIOR CHAIR OF THE HOUSE  
STANDING COMMITTEE ON REDISTRICTING, *et al.*,

Defendants.

***HARPER* PLAINTIFFS'  
PROPOSED  
SCHEDULING ORDER**

On December 8, 2021, the Supreme Court of North Carolina granted a preliminary injunction in these consolidated cases and directed this Court “to hold proceedings necessary to reach a ruling on the merits of plaintiffs’ claims and to provide a written ruling on or before Tuesday, January 11, 2022.” Order, No. 413P21, at 2. This Court then requested that the parties submit a proposed scheduling order by today, December 10. The parties conferred by phone and email, but in the short time available were not able to reach agreement on a full schedule.

The *Harper* Plaintiffs respectfully propose the schedule set forth below. This schedule will facilitate a final resolution by January 11 as the Supreme Court directed, while still affording the parties their basic procedural rights in a lawsuit, such as Plaintiffs’ right to file an amended complaint under Rule 15 and right to submit expert reports at the merits stage of the case.

In contrast, Legislative Defendants’ proposed schedule would prejudice Plaintiffs in material ways. First, under Legislative Defendants’ schedule, Plaintiffs would be forced to rely solely on their experts’ initial reports from the preliminary injunction stage, while Legislative Defendants would be permitted to submit new expert reports, even though both sides submitted expert reports at the preliminary injunction stage. Second, Legislative Defendants would have weeks to submit their expert reports, but Plaintiffs’ responsive reports would be due *2 business days* later over the Christmas holiday. The *Harper* Plaintiffs’ schedule gives each side reasonable time for their respective expert reports.

In addition, while Plaintiffs will of course present their case at a live trial if the Court orders one, we believe that in these circumstances, with such a condensed timeframe, the Court can resolve these cases on the basis of written submissions by the parties along with witness affidavits, expert reports, and video depositions. Legislative Defendants’ proposal that the Court conduct a trial over just three days would necessarily allow for the presentation of only certain

evidence in a limited manner, while taking away substantial time from the other necessary work of the parties and the Court.

Wednesday, December 15, 2021	Deadline for Plaintiffs’ amendment of pleadings.
Tuesday, December 21	Deadline for Defendants’ answers.
Tuesday, December 21	Deadline for parties’ exchange of evidence (in the form of expert witness reports, fact witness affidavits, and exhibit lists).  With each opening, rebuttal, and reply expert report, each party will produce the source code, source data, input parameters, and output data for the analyses conducted by that expert for that report. <sup>1</sup>
Tuesday, December 28	Deadline for parties’ exchange of rebuttal expert reports.
Friday, December 31	Deadline for parties’ exchange of reply expert reports.
Monday, January 3– Tuesday, January 4, 2022	Parties to conduct any expert depositions by video, limited to 4 hours per expert, with one hour reserved for direct.  Parties also will have the right to conduct fact-witness depositions prior to submission of proposed findings of fact and conclusions of law.
Thursday, January 6	Deadline for submission of proposed findings and fact and conclusions of law to the Court.
Friday, January 7, or Monday, January 10	Argument before the Court, if the Court so directs.
Tuesday, January 11	Deadline for Court’s written ruling on the merits.

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<sup>1</sup> The *Harper* Plaintiffs have separately agreed to produce by Monday, December 13, certain source code and backup data from their experts’ initial reports at the preliminary injunction phase if Legislative Defendants will reciprocally provide at the same time the home addresses of all the incumbent legislators and members of Congress, which Legislative Defendants used in drawing the map and which is important data for Plaintiffs’ experts’ analyses.

Dated: December 10, 2021

By: /s/ Burton Craige

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*\*Pro hac vice motion pending*

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the foregoing *by email*, addressed to counsel for all other parties.

This the 10th day of December, 2021.

/s/ Burton Craige  
Burton Craige, NC Bar No. 9180