

# **Exhibit 1**

## Alyssa Riggins

---

**From:** McKnight, Katherine L. <kmcknight@bakerlaw.com>  
**Sent:** Thursday, December 9, 2021 12:05 PM  
**To:** Theodore, Elisabeth; Feldman, Stephen; Burton Craige; Narendra Ghosh; Paul Smith; 'melias@elias.law'; 'abranh@elias.law'; Imadduri@elias.law; jshelly@elias.law; gwhite@elias.law; akhanna@elias.law; Jones, Stanton; Callahan, Sam; Doerr, Adam; Zimmerman, Erik; 'Hirsch, Sam'; Amunson, Jessica Ring; Kali Bracey; Schauf, Zachary C.; Mittal, Urja R.  
**Cc:** Phil Strach; Tom Farr; John Branch; Alyssa Riggins; Braden, E. Mark; Raile, Richard; Brennan, Stephanie; Majmundar, Amar; 'tsted@ncdoj.gov'  
**Subject:** NCLCV v. Hall (21 CVS 15426)/Harper v. Hall (21 CVS 500085) -- Request for source code and related information

◀External Email▶ - From: prvs=8977a768b0=kmcknight@bakerlaw.com

Dear Plaintiffs' Counsel in the *Harper* and *NCLCV* matters,

We write to request copies of the source code, source data, input parameters (i.e., the exact model specifications and input parameters given to the computer programs to perform the simulations analysis), and all data outputted from those simulations (including reporting as well as shapefiles or block-assignment files for the simulated plans) for the analyses that formed the basis for the expert reports of Drs. Chen and Pegden in the *Harper* case. We also request the data and model parameters underlying Dr. Duchin's expert report in the *NCLCV* matter. Finally, we request the source code, source data, input parameters (as defined above), and output data (as defined above) used to generate the three "Optimized" Maps/Plans that the *NCLCV* Plaintiffs asked Dr. Duchin to assess and that they produced to the Court.

Considering the tight timeframe governing these cases, we ask that Plaintiffs produce these materials **by 12pm Monday, December 13**. We are available to discuss best ways to transfer this material.

If Plaintiffs in either case plan to withhold any of these materials, we ask for notice of that refusal **by 12pm Monday, December 13**.

Thank you very much,

Kate

Katherine L. McKnight  
Partner

---

**BakerHostetler**  
Washington Square  
1050 Connecticut Ave, N.W. | Suite 1100  
Washington, DC 20036-5403  
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kmcknight@bakerlaw.com  
bakerlaw.com



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# **Exhibit 2**

## Alyssa Riggins

---

**From:** Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>  
**Sent:** Friday, December 10, 2021 1:13 PM  
**To:** Alyssa Riggins; 'Feldman, Stephen'  
**Cc:** Phil Strach; Tom Farr; John Branch; 'Mark Braden'; 'Katherine McKnight'; 'Richard Raile'; 'Brennan, Stephanie'; 'Majmundar, Amar'; 'tsteed@ncdoj.gov'; 'Burton Craig'; 'Narendra Ghosh'; 'Paul Smith'; 'melias@elias.law'; 'abran@elias.law'; 'Imadduri@elias.law'; 'jshelly@elias.law'; 'gwhite@elias.law'; 'akhanna@elias.law'; Jones, Stanton; Callahan, Sam; 'Doerr, Adam'; 'Zimmerman, Erik'; 'Hirsch, Sam'; 'Amunson, Jessica Ring'; 'Kali Bracey'; 'Schauf, Zachary C.'; 'Mittal, Urja R.'  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order  
**Attachments:** 2019.3.29 Protective Order.docx

Dear all:

Two updates from the Harper plaintiffs. First, in response to Kate's email yesterday requesting source code, the Harper Plaintiffs are happy to provide source code, inputs, and outputs from Dr. Chen and Dr. Pegden on Monday, on two conditions. First, will Defendants agree to enter into the attached protective order that we all agreed on in Common Cause? We'll update it for this case. Second, will defendants provide, by Monday, a list of the incumbent addresses for both congressional and state legislative districts that the Legislative Defendants used in drawing the maps? Consistent with the experience in the Common Cause case, we will need their home addresses, not P.O. boxes or office addresses. I should note that we do intend to serve updated expert reports, but we are nonetheless happy to send you on Monday the code from the versions we served with the preliminary injunction motion.

Second, on further consideration, we'd like to propose two days for expert video depositions, with a 4 hour cap (including 1 hour for direct) for each expert. We would submit the videos (or excerpts) to the judges.

Given that the deadline is today, please let us know your thoughts on scheduling. We are happy to jump on the phone again.

Best,  
Elisabeth

**From:** Theodore, Elisabeth  
**Sent:** Thursday, December 9, 2021 5:19 PM  
**To:** 'Alyssa Riggins' <alyssa.riggins@nelsonmullins.com>; Feldman, Stephen <SFeldman@robinsonbradshaw.com>  
**Cc:** Phil Strach <phil.strach@nelsonmullins.com>; Tom Farr <tom.farr@nelsonmullins.com>; John Branch <john.branch@nelsonmullins.com>; Mark Braden <MBraden@bakerlaw.com>; Katherine McKnight <kmcknight@bakerlaw.com>; Richard Raile <rRaile@bakerlaw.com>; Brennan, Stephanie <Sbrennan@ncdoj.gov>; Majmundar, Amar <amajmundar@ncdoj.gov>; 'tsteed@ncdoj.gov' <tsteed@ncdoj.gov>; Burton Craig <bcraig@pathlaw.com>; Narendra Ghosh <nghosh@pathlaw.com>; Paul Smith <psmith@pathlaw.com>; 'melias@elias.law' <melias@elias.law>; 'abran@elias.law' <abran@elias.law>; zzz.External.Imadduri@elias.law <Imadduri@elias.law>; zzz.External.jshelly@elias.law <jshelly@elias.law>; zzz.External.gwhite@elias.law <gwhite@elias.law>; zzz.External.akhanna@elias.law <akhanna@elias.law>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Callahan, Sam <Sam.Callahan@arnoldporter.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Zimmerman, Erik <EZimmerman@robinsonbradshaw.com>; 'Hirsch, Sam' <SHirsch@jenner.com>; Amunson, Jessica Ring <JAmunson@jenner.com>; Kali Bracey <KBracey@jenner.com>; Schauf,

Zachary C. <ZSchauf@jenner.com>; Mittal, Urja R. <UMittal@jenner.com>  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

All:

Thanks for the discussion earlier today. As promised, our proposal is as follows, in general strokes. As we noted, our proposal is no live evidentiary hearing, and the court would make findings of fact and conclusions of law on the paper submissions. We added a few additional deadlines in addition to what we described on the call, and there may be need to be some other deadlines in there too, like for evidentiary objections. We also pushed back our proposal for a date for submission of proposed findings and conclusions to Jan. 6.

Dec. 15 - deadline to amend pleadings  
Dec. 21 - deadline for defendants to answer  
Dec. 21 - deadline to exchange evidence (in the form of expert reports, fact witness affidavits)  
Dec. 28 - deadline to exchange rebuttal evidence (in the form of rebuttal expert reports)  
Dec. 31 - deadline to submit reply expert reports  
Jan. 6 - deadline to submit proposed findings of fact and conclusions of law to the Court  
Jan. 10 - court could schedule argument if it chooses  
Jan. 11 - deadline for court's decision on the merits

As I mentioned, we would agree to mutual foregoing of expert depositions, but reserve the right to take fact witness depositions (which we would propose to do by Zoom). We might want to agree to a deadline to exchange the names of all potential fact witnesses to speed that process along.

**From:** Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>  
**Sent:** Thursday, December 9, 2021 11:41 AM  
**To:** Theodore, Elisabeth <[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>; Feldman, Stephen <[SFeldman@robinsonbradshaw.com](mailto:SFeldman@robinsonbradshaw.com)>  
**Cc:** Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; John Branch <[john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com)>; Mark Braden <[MBraden@bakerlaw.com](mailto:MBraden@bakerlaw.com)>; Katherine McKnight <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Richard Raile <[rRaile@bakerlaw.com](mailto:rRaile@bakerlaw.com)>; Brennan, Stephanie <[Sbrennan@ncdoj.gov](mailto:Sbrennan@ncdoj.gov)>; Majmundar, Amar <[amajmundar@ncdoj.gov](mailto:amajmundar@ncdoj.gov)>; 'tsteed@ncdoj.gov' <[tsteed@ncdoj.gov](mailto:tsteed@ncdoj.gov)>; Burton Craige <[bcraige@pathlaw.com](mailto:bcraige@pathlaw.com)>; Narendra Ghosh <[nghosh@pathlaw.com](mailto:nghosh@pathlaw.com)>; Paul Smith <[psmith@pathlaw.com](mailto:psmith@pathlaw.com)>; 'melias@elias.law' <[melias@elias.law](mailto:melias@elias.law)>; 'abranche@elias.law' <[abranche@elias.law](mailto:abranche@elias.law)>; zzz.External.lmadduri@elias.law <[lmadduri@elias.law](mailto:lmadduri@elias.law)>; zzz.External.jshelly@elias.law <[jshelly@elias.law](mailto:jshelly@elias.law)>; zzz.External.gwhite@elias.law <[gwhite@elias.law](mailto:gwhite@elias.law)>; zzz.External.akhanna@elias.law <[akhanna@elias.law](mailto:akhanna@elias.law)>; Jones, Stanton <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; Callahan, Sam <[Sam.Callahan@arnoldporter.com](mailto:Sam.Callahan@arnoldporter.com)>; Doerr, Adam <[ADoerr@robinsonbradshaw.com](mailto:ADoerr@robinsonbradshaw.com)>; Zimmerman, Erik <[EZimmerman@robinsonbradshaw.com](mailto:EZimmerman@robinsonbradshaw.com)>; 'Hirsch, Sam' <[SHirsch@jenner.com](mailto:SHirsch@jenner.com)>; Amunson, Jessica Ring <[JAmunson@jenner.com](mailto:JAmunson@jenner.com)>; Kali Bracey <[KBracey@jenner.com](mailto:KBracey@jenner.com)>; Schauf, Zachary C. <[ZSchauf@jenner.com](mailto:ZSchauf@jenner.com)>; Mittal, Urja R. <[UMittal@jenner.com](mailto:UMittal@jenner.com)>  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

External E-mail

Hi Elisabeth,

Phil and Kate are available to speak with you at 3:00. Could you please circulate a meeting invitation and be sure to include them?

Best,  
Alyssa

**From:** Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>  
**Sent:** Wednesday, December 8, 2021 6:10 PM  
**To:** Feldman, Stephen <SFeldman@robinsonbradshaw.com>  
**Cc:** Phil Strach <Phillip.Strach@nelsonmullins.com>; Tom Farr <tom.farr@nelsonmullins.com>; John Branch <john.branch@nelsonmullins.com>; Alyssa Riggins <Alyssa.Riggins@nelsonmullins.com>; Mark Braden <MBraden@bakerlaw.com>; Katherine McKnight <kmcknight@bakerlaw.com>; Richard Raile <rraile@bakerlaw.com>; Brennan, Stephanie <Sbrennan@ncdoj.gov>; Majmundar, Amar <amajmundar@ncdoj.gov>; 'tsteed@ncdoj.gov' <tsteed@ncdoj.gov>; Burton Craige <bcraige@pathlaw.com>; Narendra Ghosh <nghosh@pathlaw.com>; Paul Smith <psmith@pathlaw.com>; 'melias@elias.law' <melias@elias.law>; 'abranche@elias.law' <abranche@elias.law>; Imadduri@elias.law; jshelly@elias.law; gwhite@elias.law; akhanna@elias.law; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Callahan, Sam <Sam.Callahan@arnoldporter.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Zimmerman, Erik <EZimmerman@robinsonbradshaw.com>; 'Hirsch, Sam' <SHirsch@jenner.com>; Amunson, Jessica Ring <JAmunson@jenner.com>; Kali Bracey <KBracey@jenner.com>; Schauf, Zachary C. <ZSchauf@jenner.com>; Mittal, Urja R. <UMittal@jenner.com>  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

◀ **External Email** ▶ - From: prvs=969f644b3=Elisabeth.Theodore@arnoldporter.com

Counsel:

In light of the court's order, we think it would be best to meet and confer tomorrow on the schedule. Are representatives from all parties available at 1pm or at 3pm?

Best,  
Elisabeth

**From:** Rossi, Alison J. <Alison.J.Rossi@nccourts.org>  
**Sent:** Wednesday, December 8, 2021 5:14 PM  
**To:** Feldman, Stephen <SFeldman@robinsonbradshaw.com>; Myers, Kellie Z. <Kellie.Z.Myers@nccourts.org>  
**Cc:** Phillip Strach <Phillip.Strach@nelsonmullins.com>; Tom Farr <tom.farr@nelsonmullins.com>; john.branch@nelsonmullins.com; Alyssa Riggins <Alyssa.Riggins@nelsonmullins.com>; Mark Braden <MBraden@bakerlaw.com>; Katherine McKnight <kmcknight@bakerlaw.com>; Richard Raile <rraile@bakerlaw.com>; Brennan, Stephanie <Sbrennan@ncdoj.gov>; Majmundar, Amar <amajmundar@ncdoj.gov>; 'tsteed@ncdoj.gov' <tsteed@ncdoj.gov>; Burton Craige <bcraige@pathlaw.com>; Narendra Ghosh <nghosh@pathlaw.com>; Paul Smith <psmith@pathlaw.com>; 'melias@elias.law' <melias@elias.law>; 'abranche@elias.law' <abranche@elias.law>; zzz.External.Imadduri@elias.law <Imadduri@elias.law>; zzz.External.jshelly@elias.law <jshelly@elias.law>; zzz.External.gwhite@elias.law <gwhite@elias.law>; zzz.External.akhanna@elias.law <akhanna@elias.law>; Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Callahan, Sam <Sam.Callahan@arnoldporter.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Zimmerman, Erik <EZimmerman@robinsonbradshaw.com>; 'Hirsch, Sam' <SHirsch@jenner.com>; Amunson, Jessica Ring <JAmunson@jenner.com>; Kali Bracey <KBracey@jenner.com>; Schauf, Zachary C. <ZSchauf@jenner.com>; Mittal, Urja R. <UMittal@jenner.com>  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

External E-mail

Hello all,

Based on the Supreme Court's order, dated today, December 8, 2021, the court has asked that you provide a proposed scheduling order by Friday, December 10, 2021.

Best,

**Alison J. Rossi**  
Judicial Fellow  
North Carolina Judicial Branch  
M 919-259-9917  
D 919-890-1679  
O 919-890-1670

**From:** Rossi, Alison J.

**Sent:** Monday, December 6, 2021 1:01 PM

**To:** Feldman, Stephen <[SFeldman@robinsonbradshaw.com](mailto:SFeldman@robinsonbradshaw.com)>; Myers, Kellie Z. <[Kellie.Z.Myers@nccourts.org](mailto:Kellie.Z.Myers@nccourts.org)>

**Cc:** Phillip Strach <[Phillip.Strach@nelsonmullins.com](mailto:Phillip.Strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>;  
[john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com); Alyssa Riggins <[Alyssa.Riggins@nelsonmullins.com](mailto:Alyssa.Riggins@nelsonmullins.com)>; Mark Braden  
<[MBraden@bakerlaw.com](mailto:MBraden@bakerlaw.com)>; Katherine McKnight <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Richard Raile <[rraile@bakerlaw.com](mailto:rraile@bakerlaw.com)>;  
Brennan, Stephanie <[Sbrennan@ncdoj.gov](mailto:Sbrennan@ncdoj.gov)>; Majmundar, Amar <[amajmundar@ncdoj.gov](mailto:amajmundar@ncdoj.gov)>; 'tsteed@ncdoj.gov'  
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<[psmith@pathlaw.com](mailto:psmith@pathlaw.com)>; 'melias@elias.law' <[melias@elias.law](mailto:melias@elias.law)>; 'abranh@elias.law' <[abranh@elias.law](mailto:abranh@elias.law)>;  
'lmadduri@elias.law' <[lmadduri@elias.law](mailto:lmadduri@elias.law)>; 'jshelly@elias.law' <[jshelly@elias.law](mailto:jshelly@elias.law)>; 'gwhite@elias.law'  
<[gwhite@elias.law](mailto:gwhite@elias.law)>; 'akhanna@elias.law' <[akhanna@elias.law](mailto:akhanna@elias.law)>; Theodore, Elisabeth  
<[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>; 'Jones, Stanton' <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>;  
'sam.callahan@arnoldporter.com' <[sam.callahan@arnoldporter.com](mailto:sam.callahan@arnoldporter.com)>; Doerr, Adam <[ADoerr@robinsonbradshaw.com](mailto:ADoerr@robinsonbradshaw.com)>;  
Zimmerman, Erik <[EZimmerman@robinsonbradshaw.com](mailto:EZimmerman@robinsonbradshaw.com)>; 'Hirsch, Sam' <[SHirsch@jenner.com](mailto:SHirsch@jenner.com)>; Amunson, Jessica Ring  
<[JAmunson@jenner.com](mailto:JAmunson@jenner.com)>; Kali Bracey <[KBracey@jenner.com](mailto:KBracey@jenner.com)>; Schauf, Zachary C. <[ZSchauf@jenner.com](mailto:ZSchauf@jenner.com)>; Mittal, Urja  
R. <[UMittal@jenner.com](mailto:UMittal@jenner.com)>

**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

Hello all,

The court is requesting that the parties in the above captioned case submit a proposed scheduling order by next Tuesday, December 14<sup>th</sup>, 2021.

While this case and *Harper v. Hall* (21 CVS 500085) have been consolidated, I am sending this message separately to the parties in each case.

Best,

**Alison J. Rossi**  
Judicial Fellow  
North Carolina Judicial Branch  
M 919-259-9917  
D 919-890-1679  
O 919-890-1670

**From:** Feldman, Stephen <[SFeldman@robinsonbradshaw.com](mailto:SFeldman@robinsonbradshaw.com)>

**Sent:** Friday, December 3, 2021 5:21 PM

**To:** Myers, Kellie Z. <[Kellie.Z.Myers@nccourts.org](mailto:Kellie.Z.Myers@nccourts.org)>; Rossi, Alison J. <[Alison.J.Rossi@nccourts.org](mailto:Alison.J.Rossi@nccourts.org)>

**Cc:** Phillip Strach <[Phillip.Strach@nelsonmullins.com](mailto:Phillip.Strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>;  
[john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com); Alyssa Riggins <[Alyssa.Riggins@nelsonmullins.com](mailto:Alyssa.Riggins@nelsonmullins.com)>; Mark Braden  
<[MBraden@bakerlaw.com](mailto:MBraden@bakerlaw.com)>; Katherine McKnight <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Richard Raile <[rraile@bakerlaw.com](mailto:rraile@bakerlaw.com)>;  
Brennan, Stephanie <[Sbrennan@ncdoj.gov](mailto:Sbrennan@ncdoj.gov)>; Majmundar, Amar <[amajmundar@ncdoj.gov](mailto:amajmundar@ncdoj.gov)>; 'tsteed@ncdoj.gov'  
<[tsteed@ncdoj.gov](mailto:tsteed@ncdoj.gov)>; Burton Craige <[bcraige@pathlaw.com](mailto:bcraige@pathlaw.com)>; Narendra Ghosh <[nghosh@pathlaw.com](mailto:nghosh@pathlaw.com)>; Paul Smith



<psmith@pathlaw.com>; 'melias@elias.law' <melias@elias.law>; 'abbranch@elias.law' <abbranch@elias.law>;  
'lmadduri@elias.law' <lmadduri@elias.law>; 'jshelly@elias.law' <jshelly@elias.law>; 'gwhite@elias.law'  
<gwhite@elias.law>; 'akhanna@elias.law' <akhanna@elias.law>; Theodore, Elisabeth  
<Elisabeth.Theodore@arnoldporter.com>; 'Jones, Stanton' <Stanton.Jones@arnoldporter.com>;  
'sam.callahan@arnoldporter.com' <sam.callahan@arnoldporter.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>;  
Zimmerman, Erik <EZimmerman@robinsonbradshaw.com>; 'Hirsch, Sam' <SHirsch@jenner.com>; Amunson, Jessica Ring  
<JAmunson@jenner.com>; Kali Bracey <KBracey@jenner.com>; Schauf, Zachary C. <ZSchauf@jenner.com>; Mittal, Urja  
R. <UMittal@jenner.com>

**Subject:** NCLCV v Hall (21 CVS 15426) -- Notice of Appeal

Dear Ms. Myers and Ms. Rossi:

In *NCLCV v Hall*, attached please find a notice of appeal filed this afternoon. I have copied all counsel in the coordinated cases on this email.

Thank you again for your coordination of these matters. All the best.

---

## Stephen D. Feldman

*Pronouns: He/Him/His*

### Robinson Bradshaw

t : 919.239.2603

434 Fayetteville Street, Suite 1600

Raleigh, NC 27601

[sfeldman@robinsonbradshaw.com](mailto:sfeldman@robinsonbradshaw.com) | [Bio](#)  
[robinsonbradshaw.com](http://robinsonbradshaw.com)

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# **Exhibit 3**

## Alyssa Riggins

---

**From:** McKnight, Katherine L. <kmcknight@bakerlaw.com>  
**Sent:** Monday, December 13, 2021 8:23 AM  
**To:** Theodore, Elisabeth; Alyssa Riggins; 'Feldman, Stephen'  
**Cc:** Phil Strach; Tom Farr; John Branch; Braden, E. Mark; Raile, Richard; 'Brennan, Stephanie'; 'Majmundar, Amar'; 'tsteed@ncdoj.gov'; 'Burton Craige'; 'Narendra Ghosh'; 'Paul Smith'; 'melias@elias.law'; 'abranh@elias.law'; 'lmadduri@elias.law'; 'jshelly@elias.law'; 'gwhite@elias.law'; 'akhanna@elias.law'; Jones, Stanton; Callahan, Sam; 'Doerr, Adam'; 'Zimmerman, Erik'; 'Hirsch, Sam'; 'Amunson, Jessica Ring'; 'Kali Bracey'; 'Schauf, Zachary C.'; 'Mittal, Urja R.'  
**Subject:** NCLCV v Hall (21 CVS 15426) -- source code production  
**Attachments:** 2019.3.29 Protective Order -- REDLINE.pdf

Dear Elisabeth,

Thank you for your e-mail below. Regarding the discussion below about a protective order, we believe the data underlying Plaintiffs' expert reports—including the source code, the data fed into the code, and the output—presents a matter of overriding public importance in the context of this case. We therefore cannot agree to a protective order and submit that it is Plaintiffs' obligation to disclose the data supporting their expert analysis, and Plaintiffs' burden to procure a protective order from the Court.

We are all working on an incredibly condensed schedule and propose the following solution:

1. Without waiving their position, Legislative Defendants are amenable to agreeing to the attached version of the protective order (see attached redline proposing edit to substance of the Order) pending resolution of Plaintiffs' motion for protective order so that Plaintiffs may produce today what we requested, namely:
  - a. "copies of the source code, source data, input parameters (i.e., the exact model specifications and input parameters given to the computer programs to perform the simulations analysis), and all data outputted from those simulations (including reporting as well as shapefiles or block-assignment files for the simulated plans) for the analyses that formed the basis for the expert reports of Drs. Chen and Pegden in the Harper case. We also request the data and model parameters underlying Dr. Duchin's expert report in the NCLCV matter. Finally, we request the source code, source data, input parameters (as defined above), and output data (as defined above) used to generate the three "Optimized" Maps/Plans that the NCLCV Plaintiffs asked Dr. Duchin to assess and that they produced to the Court." (Request dated Thursday, Dec. 9.)
2. Plaintiffs agree to file a motion for protective order by Wednesday, December 15, 2021, at 5pm and Legislative Defendants will file their opposition brief by Friday, December 17, 2021, at 5pm. If Plaintiffs fail to file a motion for protective order by that date, Legislative Defendants will understand that Plaintiffs have waived any protective interest in the material and the agreed protective order will no longer bind the parties.
3. If the Court denies Plaintiffs' motion for protective order, then the agreed protective order will no longer bind the parties.
4. If the Court grants Plaintiffs' motion for protective order, then the agreed protective order will continue to bind the parties.

For NCLCV counsel, we do not know where NCLCV Plaintiffs stand in this discussion (and pardon me if I missed an e-mail) but if you believe Dr. Duchin's materials require a protective order we suggest the same framework for resolution.

Finally, we understand your request regarding incumbent addresses and are working to gather residential addresses for incumbents. We hope to update you later today as to status.

We are happy to join a call today if that would aid in resolving this issue.

Thank you all,

Kate

**Katherine L. McKnight**  
Partner

---

**BakerHostetler**

Washington Square  
1050 Connecticut Ave, N.W. | Suite 1100  
Washington, DC 20036-5403  
T +1.202.861.1618

kmcknight@bakerlaw.com  
bakerlaw.com



**From:** Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>

**Sent:** Friday, December 10, 2021 1:13 PM

**To:** 'Alyssa Riggins' <alyssa.riggins@nelsonmullins.com>; 'Feldman, Stephen' <SFeldman@robinsonbradshaw.com>

**Cc:** 'Phil Strach' <phil.strach@nelsonmullins.com>; 'Tom Farr' <tom.farr@nelsonmullins.com>; 'John Branch' <john.branch@nelsonmullins.com>; Braden, E. Mark <MBraden@bakerlaw.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>; 'Brennan, Stephanie' <Sbrennan@ncdoj.gov>; 'Majmundar, Amar' <amajmundar@ncdoj.gov>; 'tsteed@ncdoj.gov' <tsteed@ncdoj.gov>; 'Burton Craige' <bcraige@pathlaw.com>; 'Narendra Ghosh' <nghosh@pathlaw.com>; 'Paul Smith' <psmith@pathlaw.com>; 'melias@elias.law' <melias@elias.law>; 'abranh@elias.law' <abranh@elias.law>; Imadduri@elias.law; jshelly@elias.law; gwhite@elias.law; akhanna@elias.law; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Callahan, Sam <Sam.Callahan@arnoldporter.com>; 'Doerr, Adam' <ADoerr@robinsonbradshaw.com>; 'Zimmerman, Erik' <EZimmerman@robinsonbradshaw.com>; 'Hirsch, Sam' <SHirsch@jenner.com>; 'Amunson, Jessica Ring' <JAmunson@jenner.com>; 'Kali Bracey' <KBracey@jenner.com>; 'Schauf, Zachary C.' <ZSchauf@jenner.com>; 'Mittal, Urja R.' <UMittal@jenner.com>

**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

[External Email: Use caution when clicking on links or opening attachments.]

Dear all:

Two updates from the Harper plaintiffs. First, in response to Kate's email yesterday requesting source code, the Harper Plaintiffs are happy to provide source code, inputs, and outputs from Dr. Chen and Dr. Pegden on Monday, on two conditions. First, will Defendants agree to enter into the attached protective order that we all agreed on in Common Cause? We'll update it for this case. Second, will defendants provide, by Monday, a list of the incumbent addresses for both congressional and state legislative districts that the Legislative Defendants used in drawing the maps? Consistent

with the experience in the Common Cause case, we will need their home addresses, not P.O. boxes or office addresses. I should note that we do intend to serve updated expert reports, but we are nonetheless happy to send you on Monday the code from the versions we served with the preliminary injunction motion.

Second, on further consideration, we'd like to propose two days for expert video depositions, with a 4 hour cap (including 1 hour for direct) for each expert. We would submit the videos (or excerpts) to the judges.

Given that the deadline is today, please let us know your thoughts on scheduling. We are happy to jump on the phone again.

Best,  
Elisabeth

**From:** Theodore, Elisabeth

**Sent:** Thursday, December 9, 2021 5:19 PM

**To:** 'Alyssa Riggins' <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>; Feldman, Stephen <[SFeldman@robinsonbradshaw.com](mailto:SFeldman@robinsonbradshaw.com)>

**Cc:** Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; John Branch <[john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com)>; Mark Braden <[MBraden@bakerlaw.com](mailto:MBraden@bakerlaw.com)>; Katherine McKnight <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Richard Raile <[rraile@bakerlaw.com](mailto:rraile@bakerlaw.com)>; Brennan, Stephanie <[Sbrennan@ncdoj.gov](mailto:Sbrennan@ncdoj.gov)>;

Majmundar, Amar <[amajmundar@ncdoj.gov](mailto:amajmundar@ncdoj.gov)>; 'tsteed@ncdoj.gov' <[tsteed@ncdoj.gov](mailto:tsteed@ncdoj.gov)>; Burton Craige <[bcraige@pathlaw.com](mailto:bcraige@pathlaw.com)>; Narendra Ghosh <[nghosh@pathlaw.com](mailto:nghosh@pathlaw.com)>; Paul Smith <[psmith@pathlaw.com](mailto:psmith@pathlaw.com)>;

'melias@elias.law' <[melias@elias.law](mailto:melias@elias.law)>; 'abranh@elias.law' <[abranh@elias.law](mailto:abranh@elias.law)>; [zzz.External.lmadduri@elias.law](mailto:zzz.External.lmadduri@elias.law) <[lmadduri@elias.law](mailto:lmadduri@elias.law)>; [zzz.External.jshelly@elias.law](mailto:zzz.External.jshelly@elias.law) <[jshelly@elias.law](mailto:jshelly@elias.law)>; [zzz.External.gwhite@elias.law](mailto:zzz.External.gwhite@elias.law) <[gwhite@elias.law](mailto:gwhite@elias.law)>; [zzz.External.akhanna@elias.law](mailto:zzz.External.akhanna@elias.law) <[akhanna@elias.law](mailto:akhanna@elias.law)>; Jones, Stanton

<[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; Callahan, Sam <[Sam.Callahan@arnoldporter.com](mailto:Sam.Callahan@arnoldporter.com)>; Doerr, Adam

<[ADoerr@robinsonbradshaw.com](mailto:ADoerr@robinsonbradshaw.com)>; Zimmerman, Erik <[EZimmerman@robinsonbradshaw.com](mailto:EZimmerman@robinsonbradshaw.com)>; 'Hirsch, Sam'

<[SHirsch@jenner.com](mailto:SHirsch@jenner.com)>; Amunson, Jessica Ring <[JAmunson@jenner.com](mailto:JAmunson@jenner.com)>; Kali Bracey <[KBracey@jenner.com](mailto:KBracey@jenner.com)>; Schauf,

Zachary C. <[ZSchauf@jenner.com](mailto:ZSchauf@jenner.com)>; Mittal, Urja R. <[UMittal@jenner.com](mailto:UMittal@jenner.com)>

**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

All:

Thanks for the discussion earlier today. As promised, our proposal is as follows, in general strokes. As we noted, our proposal is no live evidentiary hearing, and the court would make findings of fact and conclusions of law on the paper submissions. We added a few additional deadlines in addition to what we described on the call, and there may be need to be some other deadlines in there too, like for evidentiary objections. We also pushed back our proposal for a date for submission of proposed findings and conclusions to Jan. 6.

Dec. 15 - deadline to amend pleadings

Dec. 21 - deadline for defendants to answer

Dec. 21 - deadline to exchange evidence (in the form of expert reports, fact witness affidavits)

Dec. 28 - deadline to exchange rebuttal evidence (in the form of rebuttal expert reports)

Dec. 31 - deadline to submit reply expert reports

Jan. 6 - deadline to submit proposed findings of fact and conclusions of law to the Court

Jan. 10 - court could schedule argument if it chooses

Jan. 11 - deadline for court's decision on the merits

As I mentioned, we would agree to mutual foregoing of expert depositions, but reserve the right to take fact witness depositions (which we would propose to do by Zoom). We might want to agree to a deadline to exchange the names of all potential fact witnesses to speed that process along.

**From:** Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>

**Sent:** Thursday, December 9, 2021 11:41 AM

**To:** Theodore, Elisabeth <[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>; Feldman, Stephen <[SFeldman@robinsonbradshaw.com](mailto:SFeldman@robinsonbradshaw.com)>

**Cc:** Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; John Branch <[john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com)>; Mark Braden <[MBraden@bakerlaw.com](mailto:MBraden@bakerlaw.com)>; Katherine McKnight <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Richard Raile <[rraile@bakerlaw.com](mailto:rraile@bakerlaw.com)>; Brennan, Stephanie <[Sbrennan@ncdoj.gov](mailto:Sbrennan@ncdoj.gov)>; Majmundar, Amar <[amajmundar@ncdoj.gov](mailto:amajmundar@ncdoj.gov)>; 'tsteed@ncdoj.gov' <[tsteed@ncdoj.gov](mailto:tsteed@ncdoj.gov)>; Burton Craige <[bcraige@pathlaw.com](mailto:bcraige@pathlaw.com)>; Narendra Ghosh <[nghosh@pathlaw.com](mailto:nghosh@pathlaw.com)>; Paul Smith <[psmith@pathlaw.com](mailto:psmith@pathlaw.com)>; 'melias@elias.law' <[melias@elias.law](mailto:melias@elias.law)>; 'abranh@elias.law' <[abranh@elias.law](mailto:abranh@elias.law)>; zzz.External.lmadduri@elias.law <[lmadduri@elias.law](mailto:lmadduri@elias.law)>; zzz.External.jshelly@elias.law <[jshelly@elias.law](mailto:jshelly@elias.law)>; zzz.External.gwhite@elias.law <[gwhite@elias.law](mailto:gwhite@elias.law)>; zzz.External.akhanna@elias.law <[akhanna@elias.law](mailto:akhanna@elias.law)>; Jones, Stanton <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; Callahan, Sam <[Sam.Callahan@arnoldporter.com](mailto:Sam.Callahan@arnoldporter.com)>; Doerr, Adam <[ADoerr@robinsonbradshaw.com](mailto:ADoerr@robinsonbradshaw.com)>; Zimmerman, Erik <[EZimmerman@robinsonbradshaw.com](mailto:EZimmerman@robinsonbradshaw.com)>; 'Hirsch, Sam' <[SHirsch@jenner.com](mailto:SHirsch@jenner.com)>; Amunson, Jessica Ring <[JAmunson@jenner.com](mailto:JAmunson@jenner.com)>; Kali Bracey <[KBracey@jenner.com](mailto:KBracey@jenner.com)>; Schauf, Zachary C. <[ZSchauf@jenner.com](mailto:ZSchauf@jenner.com)>; Mittal, Urja R. <[UMittal@jenner.com](mailto:UMittal@jenner.com)>

**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

External E-mail

Hi Elisabeth,

Phil and Kate are available to speak with you at 3:00. Could you please circulate a meeting invitation and be sure to include them?

Best,  
Alyssa

**From:** Theodore, Elisabeth <[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>

**Sent:** Wednesday, December 8, 2021 6:10 PM

**To:** Feldman, Stephen <[SFeldman@robinsonbradshaw.com](mailto:SFeldman@robinsonbradshaw.com)>

**Cc:** Phil Strach <[Phillip.Strach@nelsonmullins.com](mailto:Phillip.Strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; John Branch <[john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com)>; Alyssa Riggins <[Alyssa.Riggins@nelsonmullins.com](mailto:Alyssa.Riggins@nelsonmullins.com)>; Mark Braden <[MBraden@bakerlaw.com](mailto:MBraden@bakerlaw.com)>; Katherine McKnight <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Richard Raile <[rraile@bakerlaw.com](mailto:rraile@bakerlaw.com)>; Brennan, Stephanie <[Sbrennan@ncdoj.gov](mailto:Sbrennan@ncdoj.gov)>; Majmundar, Amar <[amajmundar@ncdoj.gov](mailto:amajmundar@ncdoj.gov)>; 'tsteed@ncdoj.gov' <[tsteed@ncdoj.gov](mailto:tsteed@ncdoj.gov)>; Burton Craige <[bcraige@pathlaw.com](mailto:bcraige@pathlaw.com)>; Narendra Ghosh <[nghosh@pathlaw.com](mailto:nghosh@pathlaw.com)>; Paul Smith <[psmith@pathlaw.com](mailto:psmith@pathlaw.com)>; 'melias@elias.law' <[melias@elias.law](mailto:melias@elias.law)>; 'abranh@elias.law' <[abranh@elias.law](mailto:abranh@elias.law)>; lmadduri@elias.law; jshelly@elias.law; gwhite@elias.law; akhanna@elias.law; Jones, Stanton <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; Callahan, Sam <[Sam.Callahan@arnoldporter.com](mailto:Sam.Callahan@arnoldporter.com)>; Doerr, Adam <[ADoerr@robinsonbradshaw.com](mailto:ADoerr@robinsonbradshaw.com)>; Zimmerman, Erik <[EZimmerman@robinsonbradshaw.com](mailto:EZimmerman@robinsonbradshaw.com)>; 'Hirsch, Sam' <[SHirsch@jenner.com](mailto:SHirsch@jenner.com)>; Amunson, Jessica Ring <[JAmunson@jenner.com](mailto:JAmunson@jenner.com)>; Kali Bracey <[KBracey@jenner.com](mailto:KBracey@jenner.com)>; Schauf, Zachary C. <[ZSchauf@jenner.com](mailto:ZSchauf@jenner.com)>; Mittal, Urja R. <[UMittal@jenner.com](mailto:UMittal@jenner.com)>

**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

◀External Email▶ - From: [prvs=969f644b3=Elisabeth.Theodore@arnoldporter.com](mailto:prvs=969f644b3=Elisabeth.Theodore@arnoldporter.com)

Counsel:

In light of the court's order, we think it would be best to meet and confer tomorrow on the schedule. Are representatives from all parties available at 1pm or at 3pm?

Best,  
Elisabeth

**From:** Rossi, Alison J. <Alison.J.Rossi@nccourts.org>  
**Sent:** Wednesday, December 8, 2021 5:14 PM  
**To:** Feldman, Stephen <SFeldman@robinsonbradshaw.com>; Myers, Kellie Z. <Kellie.Z.Myers@nccourts.org>  
**Cc:** Phillip Strach <Phillip.Strach@nelsonmullins.com>; Tom Farr <tom.farr@nelsonmullins.com>; john.branch@nelsonmullins.com; Alyssa Riggins <Alyssa.Riggins@nelsonmullins.com>; Mark Braden <MBraden@bakerlaw.com>; Katherine McKnight <kmcknight@bakerlaw.com>; Richard Raile <rraile@bakerlaw.com>; Brennan, Stephanie <Sbrennan@ncdoj.gov>; Majmundar, Amar <amajmundar@ncdoj.gov>; 'tsteed@ncdoj.gov' <tsteed@ncdoj.gov>; Burton Craige <bcraige@pathlaw.com>; Narendra Ghosh <nghosh@pathlaw.com>; Paul Smith <psmith@pathlaw.com>; 'melias@elias.law' <melias@elias.law>; 'abranh@elias.law' <abranh@elias.law>; zzz.External.lmadduri@elias.law <lmadduri@elias.law>; zzz.External.ishelly@elias.law <ishelly@elias.law>; zzz.External.gwhite@elias.law <gwhite@elias.law>; zzz.External.akhanna@elias.law <akhanna@elias.law>; Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Callahan, Sam <Sam.Callahan@arnoldporter.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Zimmerman, Erik <EZimmerman@robinsonbradshaw.com>; 'Hirsch, Sam' <SHirsch@jenner.com>; Amunson, Jessica Ring <JAmunson@jenner.com>; Kali Bracey <KBracey@jenner.com>; Schauf, Zachary C. <ZSchauf@jenner.com>; Mittal, Urja R. <UMittal@jenner.com>  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

External E-mail

Hello all,

Based on the Supreme Court's order, dated today, December 8, 2021, the court has asked that you provide a proposed scheduling order by Friday, December 10, 2021.

Best,

Alison J. Rossi  
Judicial Fellow  
North Carolina Judicial Branch  
M 919-259-9917  
D 919-890-1679  
O 919-890-1670

**From:** Rossi, Alison J.  
**Sent:** Monday, December 6, 2021 1:01 PM  
**To:** Feldman, Stephen <SFeldman@robinsonbradshaw.com>; Myers, Kellie Z. <Kellie.Z.Myers@nccourts.org>  
**Cc:** Phillip Strach <Phillip.Strach@nelsonmullins.com>; Tom Farr <tom.farr@nelsonmullins.com>; john.branch@nelsonmullins.com; Alyssa Riggins <Alyssa.Riggins@nelsonmullins.com>; Mark Braden <MBraden@bakerlaw.com>; Katherine McKnight <kmcknight@bakerlaw.com>; Richard Raile <rraile@bakerlaw.com>; Brennan, Stephanie <Sbrennan@ncdoj.gov>; Majmundar, Amar <amajmundar@ncdoj.gov>; 'tsteed@ncdoj.gov' <tsteed@ncdoj.gov>; Burton Craige <bcraige@pathlaw.com>; Narendra Ghosh <nghosh@pathlaw.com>; Paul Smith <psmith@pathlaw.com>; 'melias@elias.law' <melias@elias.law>; 'abranh@elias.law' <abranh@elias.law>; 'lmadduri@elias.law' <lmadduri@elias.law>; 'jshelly@elias.law' <jshelly@elias.law>; 'gwhite@elias.law' <gwhite@elias.law>; 'akhanna@elias.law' <akhanna@elias.law>; Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; 'Jones, Stanton' <Stanton.Jones@arnoldporter.com>; 'sam.callahan@arnoldporter.com' <sam.callahan@arnoldporter.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Zimmerman, Erik <EZimmerman@robinsonbradshaw.com>; 'Hirsch, Sam' <SHirsch@jenner.com>; Amunson, Jessica Ring

<JAmunson@jenner.com>; Kali Bracey <KBracey@jenner.com>; Schauf, Zachary C. <ZSchauf@jenner.com>; Mittal, Urja R. <UMittal@jenner.com>

**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

Hello all,

The court is requesting that the parties in the above captioned case submit a proposed scheduling order by next Tuesday, December 14<sup>th</sup>, 2021.

While this case and *Harper v. Hall* (21 CVS 500085) have been consolidated, I am sending this message separately to the parties in each case.

Best,

Alison J. Rossi  
Judicial Fellow  
North Carolina Judicial Branch  
M 919-259-9917  
D 919-890-1679  
O 919-890-1670

**From:** Feldman, Stephen <SFeldman@robinsonbradshaw.com>

**Sent:** Friday, December 3, 2021 5:21 PM

**To:** Myers, Kellie Z. <Kellie.Z.Myers@nccourts.org>; Rossi, Alison J. <Alison.J.Rossi@nccourts.org>

**Cc:** Phillip Strach <Phillip.Strach@nelsonmullins.com>; Tom Farr <tom.farr@nelsonmullins.com>; john.branch@nelsonmullins.com; Alyssa Riggins <Alyssa.Riggins@nelsonmullins.com>; Mark Braden <MBraden@bakerlaw.com>; Katherine McKnight <kmcknight@bakerlaw.com>; Richard Raile <rRaile@bakerlaw.com>; Brennan, Stephanie <Sbrennan@ncdoj.gov>; Majmundar, Amar <amajmundar@ncdoj.gov>; 'tsteed@ncdoj.gov' <tsteed@ncdoj.gov>; Burton Craige <bcraige@pathlaw.com>; Narendra Ghosh <nghosh@pathlaw.com>; Paul Smith <psmith@pathlaw.com>; 'melias@elias.law' <melias@elias.law>; 'abranche@elias.law' <abranche@elias.law>; 'lmadduri@elias.law' <lmadduri@elias.law>; 'jshelly@elias.law' <jshelly@elias.law>; 'gwhite@elias.law' <gwhite@elias.law>; 'akhanna@elias.law' <akhanna@elias.law>; Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; 'Jones, Stanton' <Stanton.Jones@arnoldporter.com>; 'sam.callahan@arnoldporter.com' <sam.callahan@arnoldporter.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Zimmerman, Erik <EZimmerman@robinsonbradshaw.com>; 'Hirsch, Sam' <SHirsch@jenner.com>; Amunson, Jessica Ring <JAmunson@jenner.com>; Kali Bracey <KBracey@jenner.com>; Schauf, Zachary C. <ZSchauf@jenner.com>; Mittal, Urja R. <UMittal@jenner.com>

**Subject:** NCLCV v Hall (21 CVS 15426) -- Notice of Appeal

Dear Ms. Myers and Ms. Rossi:

In *NCLCV v Hall*, attached please find a notice of appeal filed this afternoon. I have copied all counsel in the coordinated cases on this email.

Thank you again for your coordination of these matters. All the best.

---

**Stephen D. Feldman**

*Pronouns: He/Him/His*

Robinson Bradshaw  
t : 919.239.2603  
434 Fayetteville Street, Suite 1600  
Raleigh, NC 27601



[sfeldman@robinsonbradshaw.com](mailto:sfeldman@robinsonbradshaw.com) | [Bio](#)  
[robinsonbradshaw.com](http://robinsonbradshaw.com)

---

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# **Exhibit 4**

## Alyssa Riggins

---

**From:** Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>  
**Sent:** Monday, December 13, 2021 12:04 PM  
**To:** 'McKnight, Katherine L.'; Alyssa Riggins; 'Feldman, Stephen'  
**Cc:** Phil Strach; Tom Farr; John Branch; Braden, E. Mark; Raile, Richard; 'Brennan, Stephanie'; 'Majmundar, Amar'; 'tsteed@ncdoj.gov'; 'Burton Craige'; 'Narendra Ghosh'; 'Paul Smith'; 'melias@elias.law'; 'abranche@elias.law'; 'lmadduri@elias.law'; 'jshelly@elias.law'; 'gwhite@elias.law'; 'akhanna@elias.law'; Jones, Stanton; Callahan, Sam; 'Doerr, Adam'; 'Zimmerman, Erik'; 'Hirsch, Sam'; 'Amunson, Jessica Ring'; 'Kali Bracey'; 'Schauf, Zachary C.'; 'Mittal, Urja R.'  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- source code production

Kate:

As you know, the Legislative Defendants agreed to the exact same protective order covering the exact same source code material in the *Common Cause* litigation, which was also litigation of “overriding public importance.” And when we raised the protective order issue on Thursday during our meet and confer in response to your request for our expert materials at the PI stage, Phil said that a protective order wouldn’t be a problem. It is standard practice to enter into protective orders covering source code, and this protective order allows you and your experts full access to and use of all relevant information for any case-related purpose. If you have any concerns about the content of the protective order, we would be happy to discuss.

We are trying to accommodate your request to receive this source code and other backup material as quickly as possible, even though the materials you’ve requested relate to PI stage reports after the PI has already been granted. Given the extreme time constraints under which we are all working, we cannot understand why you would force the parties to engage in contested briefing about a protective order that you previously agreed to in materially identical litigation. Please let us know if you will reconsider. We are happy to discuss on the phone.

Also, please let us know **what time today** you will be able to send the incumbent addresses, which we asked for on Thursday and which we are indisputably entitled to. We know from the *Common Cause* litigation that this information is readily available to the legislative leaders, and this information was also used to generate the “Statpacks” that are available on the General Assembly’s website. It is critical that we receive this information now for our opening expert reports. If we do not hear from you by 5pm, we will seek relief from the Court, as we did in *Common Cause*.

Best,  
Elisabeth

**From:** McKnight, Katherine L. <kmcknight@bakerlaw.com>  
**Sent:** Monday, December 13, 2021 8:23 AM  
**To:** Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; 'Alyssa Riggins' <alyssa.riggins@nelsonmullins.com>; 'Feldman, Stephen' <SFeldman@robinsonbradshaw.com>  
**Cc:** 'Phil Strach' <phil.strach@nelsonmullins.com>; 'Tom Farr' <tom.farr@nelsonmullins.com>; 'John Branch' <john.branch@nelsonmullins.com>; Braden, E. Mark <MBraden@bakerlaw.com>; Raile, Richard <rRaile@bakerlaw.com>; 'Brennan, Stephanie' <Sbrennan@ncdoj.gov>; 'Majmundar, Amar' <amajmundar@ncdoj.gov>; 'tsteed@ncdoj.gov' <tsteed@ncdoj.gov>; 'Burton Craige' <bcraige@pathlaw.com>; 'Narendra Ghosh' <nghosh@pathlaw.com>; 'Paul Smith' <psmith@pathlaw.com>; 'melias@elias.law' <melias@elias.law>; 'abranche@elias.law' <abranche@elias.law>; zzz.External.lmadduri@elias.law <lmadduri@elias.law>; zzz.External.jshelly@elias.law <jshelly@elias.law>; zzz.External.gwhite@elias.law <gwhite@elias.law>; zzz.External.akhanna@elias.law <akhanna@elias.law>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Callahan,

Sam <Sam.Callahan@arnoldporter.com>; 'Doerr, Adam' <ADoerr@robinsonbradshaw.com>; 'Zimmerman, Erik' <EZimmerman@robinsonbradshaw.com>; 'Hirsch, Sam' <SHirsch@jenner.com>; 'Amunson, Jessica Ring' <JAmunson@jenner.com>; 'Kali Bracey' <KBracey@jenner.com>; 'Schauf, Zachary C.' <ZSchauf@jenner.com>; 'Mittal, Urja R.' <UMittal@jenner.com>  
**Subject:** NCLCV v Hall (21 CVS 15426) -- source code production

External E-mail

Dear Elisabeth,

Thank you for your e-mail below. Regarding the discussion below about a protective order, we believe the data underlying Plaintiffs' expert reports—including the source code, the data fed into the code, and the output—presents a matter of overriding public importance in the context of this case. We therefore cannot agree to a protective order and submit that it is Plaintiffs' obligation to disclose the data supporting their expert analysis, and Plaintiffs' burden to procure a protective order from the Court.

We are all working on an incredibly condensed schedule and propose the following solution:

1. Without waiving their position, Legislative Defendants are amenable to agreeing to the attached version of the protective order (*see* attached redline proposing edit to substance of the Order) pending resolution of Plaintiffs' motion for protective order so that Plaintiffs may produce today what we requested, namely:
  - a. "copies of the source code, source data, input parameters (i.e., the exact model specifications and input parameters given to the computer programs to perform the simulations analysis), and all data outputted from those simulations (including reporting as well as shapefiles or block-assignment files for the simulated plans) for the analyses that formed the basis for the expert reports of Drs. Chen and Pegden in the Harper case. We also request the data and model parameters underlying Dr. Duchin's expert report in the NCLCV matter. Finally, we request the source code, source data, input parameters (as defined above), and output data (as defined above) used to generate the three "Optimized" Maps/Plans that the NCLCV Plaintiffs asked Dr. Duchin to assess and that they produced to the Court." (Request dated Thursday, Dec. 9.)
2. Plaintiffs agree to file a motion for protective order by Wednesday, December 15, 2021, at 5pm and Legislative Defendants will file their opposition brief by Friday, December 17, 2021, at 5pm. If Plaintiffs fail to file a motion for protective order by that date, Legislative Defendants will understand that Plaintiffs have waived any protective interest in the material and the agreed protective order will no longer bind the parties.
3. If the Court denies Plaintiffs' motion for protective order, then the agreed protective order will no longer bind the parties.
4. If the Court grants Plaintiffs' motion for protective order, then the agreed protective order will continue to bind the parties.

For NCLCV counsel, we do not know where NCLCV Plaintiffs stand in this discussion (and pardon me if I missed an e-mail) but if you believe Dr. Duchin's materials require a protective order we suggest the same framework for resolution.

Finally, we understand your request regarding incumbent addresses and are working to gather residential addresses for incumbents. We hope to update you later today as to status.

We are happy to join a call today if that would aid in resolving this issue.

Thank you all,

Kate

**Katherine L. McKnight**  
Partner

---

**BakerHostetler**

Washington Square  
1050 Connecticut Ave, N.W. | Suite 1100  
Washington, DC 20036-5403  
T +1.202.861.1618

kmcknight@bakerlaw.com  
bakerlaw.com



**From:** Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>

**Sent:** Friday, December 10, 2021 1:13 PM

**To:** 'Alyssa Riggins' <alyssa.riggins@nelsonmullins.com>; 'Feldman, Stephen' <SFeldman@robinsonbradshaw.com>

**Cc:** 'Phil Strach' <phil.strach@nelsonmullins.com>; 'Tom Farr' <tom.farr@nelsonmullins.com>; 'John Branch' <john.branch@nelsonmullins.com>; Braden, E. Mark <MBraden@bakerlaw.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Raile, Richard <rRaile@bakerlaw.com>; 'Brennan, Stephanie' <Sbrennan@ncdoj.gov>; 'Majmundar, Amar' <amajmundar@ncdoj.gov>; 'tsteed@ncdoj.gov' <tsteed@ncdoj.gov>; 'Burton Craige' <bCraige@pathlaw.com>; 'Narendra Ghosh' <nghosh@pathlaw.com>; 'Paul Smith' <psmith@pathlaw.com>; 'melias@elias.law' <melias@elias.law>; 'abranche@elias.law' <abranche@elias.law>; 'Imadduri@elias.law' <imadduri@elias.law>; 'jshelly@elias.law' <jshelly@elias.law>; 'gwhite@elias.law' <gwhite@elias.law>; 'akhanna@elias.law' <akhanna@elias.law>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Callahan, Sam <Sam.Callahan@arnoldporter.com>; 'Doerr, Adam' <ADoerr@robinsonbradshaw.com>; 'Zimmerman, Erik' <EZimmerman@robinsonbradshaw.com>; 'Hirsch, Sam' <SHirsch@jenner.com>; 'Amunson, Jessica Ring' <JAmunson@jenner.com>; 'Kali Bracey' <KBracey@jenner.com>; 'Schauf, Zachary C.' <ZSchauf@jenner.com>; 'Mittal, Urja R.' <UMittal@jenner.com>

**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

[External Email: Use caution when clicking on links or opening attachments.]

Dear all:

Two updates from the Harper plaintiffs. First, in response to Kate's email yesterday requesting source code, the Harper Plaintiffs are happy to provide source code, inputs, and outputs from Dr. Chen and Dr. Pegden on Monday, on two conditions. First, will Defendants agree to enter into the attached protective order that we all agreed on in Common Cause? We'll update it for this case. Second, will defendants provide, by Monday, a list of the incumbent addresses for both congressional and state legislative districts that the Legislative Defendants used in drawing the maps? Consistent with the experience in the Common Cause case, we will need their home addresses, not P.O. boxes or office addresses. I should note that we do intend to serve updated expert reports, but we are nonetheless happy to send you on Monday the code from the versions we served with the preliminary injunction motion.

Second, on further consideration, we'd like to propose two days for expert video depositions, with a 4 hour cap (including 1 hour for direct) for each expert. We would submit the videos (or excerpts) to the judges.

Given that the deadline is today, please let us know your thoughts on scheduling. We are happy to jump on the phone again.

Best,  
Elisabeth

**From:** Theodore, Elisabeth

**Sent:** Thursday, December 9, 2021 5:19 PM

**To:** 'Alyssa Riggins' <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>; Feldman, Stephen <[SFeldman@robinsonbradshaw.com](mailto:SFeldman@robinsonbradshaw.com)>

**Cc:** Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; John Branch <[john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com)>; Mark Braden <[MBraden@bakerlaw.com](mailto:MBraden@bakerlaw.com)>; Katherine McKnight <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Richard Raile <[rRaile@bakerlaw.com](mailto:rRaile@bakerlaw.com)>; Brennan, Stephanie <[Sbrennan@ncdoj.gov](mailto:Sbrennan@ncdoj.gov)>; Majmundar, Amar <[amajmundar@ncdoj.gov](mailto:amajmundar@ncdoj.gov)>; 'tsteed@ncdoj.gov' <[tsteed@ncdoj.gov](mailto:tsteed@ncdoj.gov)>; Burton Craige <[bcraige@pathlaw.com](mailto:bcraige@pathlaw.com)>; Narendra Ghosh <[nghosh@pathlaw.com](mailto:nghosh@pathlaw.com)>; Paul Smith <[psmith@pathlaw.com](mailto:psmith@pathlaw.com)>; 'melias@elias.law' <[melias@elias.law](mailto:melias@elias.law)>; 'abranh@elias.law' <[abranh@elias.law](mailto:abranh@elias.law)>; zzz.External.lmadduri@elias.law <[lmadduri@elias.law](mailto:lmadduri@elias.law)>; zzz.External.jshelly@elias.law <[jshelly@elias.law](mailto:jshelly@elias.law)>; zzz.External.gwhite@elias.law <[gwhite@elias.law](mailto:gwhite@elias.law)>; zzz.External.akhanna@elias.law <[akhanna@elias.law](mailto:akhanna@elias.law)>; Jones, Stanton <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; Callahan, Sam <[Sam.Callahan@arnoldporter.com](mailto:Sam.Callahan@arnoldporter.com)>; Doerr, Adam <[ADoerr@robinsonbradshaw.com](mailto:ADoerr@robinsonbradshaw.com)>; Zimmerman, Erik <[EZimmerman@robinsonbradshaw.com](mailto:EZimmerman@robinsonbradshaw.com)>; 'Hirsch, Sam' <[SHirsch@jenner.com](mailto:SHirsch@jenner.com)>; Amunson, Jessica Ring <[JAmunson@jenner.com](mailto:JAmunson@jenner.com)>; Kali Bracey <[KBracey@jenner.com](mailto:KBracey@jenner.com)>; Schauf, Zachary C. <[ZSchauf@jenner.com](mailto:ZSchauf@jenner.com)>; Mittal, Urja R. <[UMittal@jenner.com](mailto:UMittal@jenner.com)>

**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

All:

Thanks for the discussion earlier today. As promised, our proposal is as follows, in general strokes. As we noted, our proposal is no live evidentiary hearing, and the court would make findings of fact and conclusions of law on the paper submissions. We added a few additional deadlines in addition to what we described on the call, and there may be need to be some other deadlines in there too, like for evidentiary objections. We also pushed back our proposal for a date for submission of proposed findings and conclusions to Jan. 6.

Dec. 15 - deadline to amend pleadings

Dec. 21 - deadline for defendants to answer

Dec. 21 - deadline to exchange evidence (in the form of expert reports, fact witness affidavits)

Dec. 28 - deadline to exchange rebuttal evidence (in the form of rebuttal expert reports)

Dec. 31 - deadline to submit reply expert reports

Jan. 6 - deadline to submit proposed findings of fact and conclusions of law to the Court

Jan. 10 - court could schedule argument if it chooses

Jan. 11 - deadline for court's decision on the merits

As I mentioned, we would agree to mutual foregoing of expert depositions, but reserve the right to take fact witness depositions (which we would propose to do by Zoom). We might want to agree to a deadline to exchange the names of all potential fact witnesses to speed that process along.

**From:** Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>

**Sent:** Thursday, December 9, 2021 11:41 AM

**To:** Theodore, Elisabeth <[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>; Feldman, Stephen <[SFeldman@robinsonbradshaw.com](mailto:SFeldman@robinsonbradshaw.com)>

**Cc:** Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; John Branch <[john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com)>; Mark Braden <[MBraden@bakerlaw.com](mailto:MBraden@bakerlaw.com)>; Katherine McKnight <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Richard Raile <[rRaile@bakerlaw.com](mailto:rRaile@bakerlaw.com)>; Brennan, Stephanie <[Sbrennan@ncdoj.gov](mailto:Sbrennan@ncdoj.gov)>; Majmundar, Amar <[amajmundar@ncdoj.gov](mailto:amajmundar@ncdoj.gov)>; 'tsteed@ncdoj.gov' <[tsteed@ncdoj.gov](mailto:tsteed@ncdoj.gov)>; Burton Craige

<bcairage@pathlaw.com>; Narendra Ghosh <nghosh@pathlaw.com>; Paul Smith <psmith@pathlaw.com>; 'melias@elias.law' <melias@elias.law>; 'abbranch@elias.law' <abbranch@elias.law>; zzz.External.lmadduri@elias.law <lmadduri@elias.law>; zzz.External.jshelly@elias.law <jshelly@elias.law>; zzz.External.gwhite@elias.law <gwhite@elias.law>; zzz.External.akhanna@elias.law <akhanna@elias.law>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Callahan, Sam <Sam.Callahan@arnoldporter.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Zimmerman, Erik <EZimmerman@robinsonbradshaw.com>; 'Hirsch, Sam' <SHirsch@jenner.com>; Amunson, Jessica Ring <JAmunson@jenner.com>; Kali Bracey <KBracey@jenner.com>; Schauf, Zachary C. <ZSchauf@jenner.com>; Mittal, Urja R. <UMittal@jenner.com>  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

External E-mail

Hi Elisabeth,

Phil and Kate are available to speak with you at 3:00. Could you please circulate a meeting invitation and be sure to include them?

Best,  
Alyssa

**From:** Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>  
**Sent:** Wednesday, December 8, 2021 6:10 PM  
**To:** Feldman, Stephen <SFeldman@robinsonbradshaw.com>  
**Cc:** Phil Strach <Phillip.Strach@nelsonmullins.com>; Tom Farr <tom.farr@nelsonmullins.com>; John Branch <john.branch@nelsonmullins.com>; Alyssa Riggins <Alyssa.Riggins@nelsonmullins.com>; Mark Braden <MBraden@bakerlaw.com>; Katherine McKnight <kmcknight@bakerlaw.com>; Richard Raile <rraile@bakerlaw.com>; Brennan, Stephanie <Sbrennan@ncdoj.gov>; Majmundar, Amar <amajmundar@ncdoj.gov>; 'tsteed@ncdoj.gov' <tsteed@ncdoj.gov>; Burton Craige <bcairage@pathlaw.com>; Narendra Ghosh <nghosh@pathlaw.com>; Paul Smith <psmith@pathlaw.com>; 'melias@elias.law' <melias@elias.law>; 'abbranch@elias.law' <abbranch@elias.law>; lmadduri@elias.law; jshelly@elias.law; gwhite@elias.law; akhanna@elias.law; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Callahan, Sam <Sam.Callahan@arnoldporter.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Zimmerman, Erik <EZimmerman@robinsonbradshaw.com>; 'Hirsch, Sam' <SHirsch@jenner.com>; Amunson, Jessica Ring <JAmunson@jenner.com>; Kali Bracey <KBracey@jenner.com>; Schauf, Zachary C. <ZSchauf@jenner.com>; Mittal, Urja R. <UMittal@jenner.com>  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

◀External Email▶ - From: prvs=969f644b3=Elisabeth.Theodore@arnoldporter.com

Counsel:

In light of the court's order, we think it would be best to meet and confer tomorrow on the schedule. Are representatives from all parties available at 1pm or at 3pm?

Best,  
Elisabeth

**From:** Rossi, Alison J. <Alison.J.Rossi@nccourts.org>  
**Sent:** Wednesday, December 8, 2021 5:14 PM  
**To:** Feldman, Stephen <SFeldman@robinsonbradshaw.com>; Myers, Kellie Z. <Kellie.Z.Myers@nccourts.org>  
**Cc:** Phillip Strach <Phillip.Strach@nelsonmullins.com>; Tom Farr <tom.farr@nelsonmullins.com>; john.branch@nelsonmullins.com; Alyssa Riggins <Alyssa.Riggins@nelsonmullins.com>; Mark Braden <MBraden@bakerlaw.com>; Katherine McKnight <kmcknight@bakerlaw.com>; Richard Raile <rraile@bakerlaw.com>;

Brennan, Stephanie <[Sbrennan@ncdoj.gov](mailto:Sbrennan@ncdoj.gov)>; Majmundar, Amar <[amajmundar@ncdoj.gov](mailto:amajmundar@ncdoj.gov)>; 'tsteed@ncdoj.gov' <[tsteed@ncdoj.gov](mailto:tsteed@ncdoj.gov)>; Burton Craige <[bcraige@pathlaw.com](mailto:bcraige@pathlaw.com)>; Narendra Ghosh <[nghosh@pathlaw.com](mailto:nghosh@pathlaw.com)>; Paul Smith <[psmith@pathlaw.com](mailto:psmith@pathlaw.com)>; 'melias@elias.law' <[melias@elias.law](mailto:melias@elias.law)>; 'abranh@elias.law' <[abranh@elias.law](mailto:abranh@elias.law)>; [zzz.External.lmadduri@elias.law](mailto:zzz.External.lmadduri@elias.law) <[lmadduri@elias.law](mailto:lmadduri@elias.law)>; [zzz.External.jshelly@elias.law](mailto:zzz.External.jshelly@elias.law) <[jshelly@elias.law](mailto:jshelly@elias.law)>; [zzz.External.gwhite@elias.law](mailto:zzz.External.gwhite@elias.law) <[gwhite@elias.law](mailto:gwhite@elias.law)>; [zzz.External.akhanna@elias.law](mailto:zzz.External.akhanna@elias.law) <[akhanna@elias.law](mailto:akhanna@elias.law)>; Theodore, Elisabeth <[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>; Jones, Stanton <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; Callahan, Sam <[Sam.Callahan@arnoldporter.com](mailto:Sam.Callahan@arnoldporter.com)>; Doerr, Adam <[ADoerr@robinsonbradshaw.com](mailto:ADoerr@robinsonbradshaw.com)>; Zimmerman, Erik <[EZimmerman@robinsonbradshaw.com](mailto:EZimmerman@robinsonbradshaw.com)>; 'Hirsch, Sam' <[SHirsch@jenner.com](mailto:SHirsch@jenner.com)>; Amunson, Jessica Ring <[JAmunson@jenner.com](mailto:JAmunson@jenner.com)>; Kali Bracey <[KBracey@jenner.com](mailto:KBracey@jenner.com)>; Schauf, Zachary C. <[ZSchauf@jenner.com](mailto:ZSchauf@jenner.com)>; Mittal, Urja R. <[UMittal@jenner.com](mailto:UMittal@jenner.com)>

**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

External E-mail

Hello all,

Based on the Supreme Court's order, dated today, December 8, 2021, the court has asked that you provide a proposed scheduling order by Friday, December 10, 2021.

Best,

**Alison J. Rossi**  
**Judicial Fellow**  
**North Carolina Judicial Branch**  
M 919-259-9917  
D 919-890-1679  
O 919-890-1670

**From:** Rossi, Alison J.

**Sent:** Monday, December 6, 2021 1:01 PM

**To:** Feldman, Stephen <[SFeldman@robinsonbradshaw.com](mailto:SFeldman@robinsonbradshaw.com)>; Myers, Kellie Z. <[Kellie.Z.Myers@nccourts.org](mailto:Kellie.Z.Myers@nccourts.org)>

**Cc:** Phillip Strach <[Phillip.Strach@nelsonmullins.com](mailto:Phillip.Strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; [john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com); Alyssa Riggins <[Alyssa.Riggins@nelsonmullins.com](mailto:Alyssa.Riggins@nelsonmullins.com)>; Mark Braden <[MBraden@bakerlaw.com](mailto:MBraden@bakerlaw.com)>; Katherine McKnight <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Richard Raile <[rRaile@bakerlaw.com](mailto:rRaile@bakerlaw.com)>; Brennan, Stephanie <[Sbrennan@ncdoj.gov](mailto:Sbrennan@ncdoj.gov)>; Majmundar, Amar <[amajmundar@ncdoj.gov](mailto:amajmundar@ncdoj.gov)>; 'tsteed@ncdoj.gov' <[tsteed@ncdoj.gov](mailto:tsteed@ncdoj.gov)>; Burton Craige <[bcraige@pathlaw.com](mailto:bcraige@pathlaw.com)>; Narendra Ghosh <[nghosh@pathlaw.com](mailto:nghosh@pathlaw.com)>; Paul Smith <[psmith@pathlaw.com](mailto:psmith@pathlaw.com)>; 'melias@elias.law' <[melias@elias.law](mailto:melias@elias.law)>; 'abranh@elias.law' <[abranh@elias.law](mailto:abranh@elias.law)>; 'lmadduri@elias.law' <[lmadduri@elias.law](mailto:lmadduri@elias.law)>; 'jshelly@elias.law' <[jshelly@elias.law](mailto:jshelly@elias.law)>; 'gwhite@elias.law' <[gwhite@elias.law](mailto:gwhite@elias.law)>; 'akhanna@elias.law' <[akhanna@elias.law](mailto:akhanna@elias.law)>; Theodore, Elisabeth <[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>; 'Jones, Stanton' <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; 'sam.callahan@arnoldporter.com' <[sam.callahan@arnoldporter.com](mailto:sam.callahan@arnoldporter.com)>; Doerr, Adam <[ADoerr@robinsonbradshaw.com](mailto:ADoerr@robinsonbradshaw.com)>; Zimmerman, Erik <[EZimmerman@robinsonbradshaw.com](mailto:EZimmerman@robinsonbradshaw.com)>; 'Hirsch, Sam' <[SHirsch@jenner.com](mailto:SHirsch@jenner.com)>; Amunson, Jessica Ring <[JAmunson@jenner.com](mailto:JAmunson@jenner.com)>; Kali Bracey <[KBracey@jenner.com](mailto:KBracey@jenner.com)>; Schauf, Zachary C. <[ZSchauf@jenner.com](mailto:ZSchauf@jenner.com)>; Mittal, Urja R. <[UMittal@jenner.com](mailto:UMittal@jenner.com)>

**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

Hello all,

The court is requesting that the parties in the above captioned case submit a proposed scheduling order by next Tuesday, December 14<sup>th</sup>, 2021.



While this case and *Harper v. Hall* (21 CVS 500085) have been consolidated, I am sending this message separately to the parties in each case.

Best,

**Alison J. Rossi**  
Judicial Fellow  
North Carolina Judicial Branch  
M 919-259-9917  
D 919-890-1679  
O 919-890-1670

**From:** Feldman, Stephen <[SFeldman@robinsonbradshaw.com](mailto:SFeldman@robinsonbradshaw.com)>  
**Sent:** Friday, December 3, 2021 5:21 PM  
**To:** Myers, Kellie Z. <[Kellie.Z.Myers@nccourts.org](mailto:Kellie.Z.Myers@nccourts.org)>; Rossi, Alison J. <[Alison.J.Rossi@nccourts.org](mailto:Alison.J.Rossi@nccourts.org)>  
**Cc:** Phillip Strach <[Phillip.Strach@nelsonmullins.com](mailto:Phillip.Strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; [john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com); Alyssa Riggins <[Alyssa.Riggins@nelsonmullins.com](mailto:Alyssa.Riggins@nelsonmullins.com)>; Mark Braden <[MBrad@bakerlaw.com](mailto:MBrad@bakerlaw.com)>; Katherine McKnight <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Richard Raile <[rraile@bakerlaw.com](mailto:rraile@bakerlaw.com)>; Brennan, Stephanie <[Sbrennan@ncdoj.gov](mailto:Sbrennan@ncdoj.gov)>; Majmundar, Amar <[amajmundar@ncdoj.gov](mailto:amajmundar@ncdoj.gov)>; 'tsteed@ncdoj.gov' <[tsteed@ncdoj.gov](mailto:tsteed@ncdoj.gov)>; Burton Craige <[bcraige@pathlaw.com](mailto:bcraige@pathlaw.com)>; Narendra Ghosh <[nghosh@pathlaw.com](mailto:nghosh@pathlaw.com)>; Paul Smith <[psmith@pathlaw.com](mailto:psmith@pathlaw.com)>; 'melias@elias.law' <[melias@elias.law](mailto:melias@elias.law)>; 'abran@elias.law' <[abran@elias.law](mailto:abran@elias.law)>; 'lmadduri@elias.law' <[lmadduri@elias.law](mailto:lmadduri@elias.law)>; 'jshelly@elias.law' <[jshelly@elias.law](mailto:jshelly@elias.law)>; 'gwhite@elias.law' <[gwhite@elias.law](mailto:gwhite@elias.law)>; 'akhanna@elias.law' <[akhanna@elias.law](mailto:akhanna@elias.law)>; Theodore, Elisabeth <[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>; 'Jones, Stanton' <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; 'sam.callahan@arnoldporter.com' <[sam.callahan@arnoldporter.com](mailto:sam.callahan@arnoldporter.com)>; Doerr, Adam <[ADOerr@robinsonbradshaw.com](mailto:ADOerr@robinsonbradshaw.com)>; Zimmerman, Erik <[EZimmerman@robinsonbradshaw.com](mailto:EZimmerman@robinsonbradshaw.com)>; 'Hirsch, Sam' <[SHirsch@jenner.com](mailto:SHirsch@jenner.com)>; Amunson, Jessica Ring <[JAmunson@jenner.com](mailto:JAmunson@jenner.com)>; Kali Bracey <[KBracey@jenner.com](mailto:KBracey@jenner.com)>; Schauf, Zachary C. <[ZSchauf@jenner.com](mailto:ZSchauf@jenner.com)>; Mittal, Urja R. <[UMittal@jenner.com](mailto:UMittal@jenner.com)>  
**Subject:** NCLCV v Hall (21 CVS 15426) -- Notice of Appeal

Dear Ms. Myers and Ms. Rossi:

In *NCLCV v Hall*, attached please find a notice of appeal filed this afternoon. I have copied all counsel in the coordinated cases on this email.

Thank you again for your coordination of these matters. All the best.

---

**Stephen D. Feldman**

*Pronouns: He/Him/His*

Robinson Bradshaw  
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---

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# **Exhibit 5**

## Alyssa Riggins

---

**From:** Schauf, Zachary C. <ZSchauf@jenner.com>  
**Sent:** Monday, December 13, 2021 11:43 AM  
**To:** McKnight, Katherine L.; Theodore, Elisabeth; Alyssa Riggins; 'Feldman, Stephen'  
**Cc:** Phil Strach; Tom Farr; John Branch; Braden, E. Mark; Raile, Richard; 'Brennan, Stephanie'; 'Majmundar, Amar'; 'tsteed@ncdoj.gov'; 'Burton Craige'; 'Narendra Ghosh'; 'Paul Smith'; 'melias@elias.law'; 'abbranch@elias.law'; 'lmadduri@elias.law'; 'jshelly@elias.law'; 'gwhite@elias.law'; 'akhanna@elias.law'; Jones, Stanton; Callahan, Sam; 'Doerr, Adam'; 'Zimmerman, Erik'; Hirsch, Sam; Amunson, Jessica Ring; Bracey, Kali N.; Mittal, Urja R.  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- source code production

Kate,

The *NCLCV* Plaintiffs' position is that these requests are premature until the Court has resolved the scheduling issues that have been placed before it. In particular, as you know, the *NCLCV* Plaintiffs' position is that appropriate disclosures should be made when the parties submit their respective expert reports. For avoidance of doubt, the *NCLCV* Petitioners do not agree to produce the materials you describe below today and reserve all rights.

Regards,

Zach

**From:** McKnight, Katherine L. <kmcknight@bakerlaw.com>  
**Sent:** Monday, December 13, 2021 8:23 AM  
**To:** Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; 'Alyssa Riggins' <alyssa.riggins@nelsonmullins.com>; 'Feldman, Stephen' <SFeldman@robinsonbradshaw.com>  
**Cc:** 'Phil Strach' <phil.strach@nelsonmullins.com>; 'Tom Farr' <tom.farr@nelsonmullins.com>; 'John Branch' <john.branch@nelsonmullins.com>; Braden, E. Mark <MBraden@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>; 'Brennan, Stephanie' <Sbrennan@ncdoj.gov>; 'Majmundar, Amar' <amajmundar@ncdoj.gov>; 'tsteed@ncdoj.gov' <tsteed@ncdoj.gov>; 'Burton Craige' <bcraige@pathlaw.com>; 'Narendra Ghosh' <nghosh@pathlaw.com>; 'Paul Smith' <psmith@pathlaw.com>; 'melias@elias.law' <melias@elias.law>; 'abbranch@elias.law' <abbranch@elias.law>; 'lmadduri@elias.law'; 'jshelly@elias.law'; 'gwhite@elias.law'; 'akhanna@elias.law'; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Callahan, Sam <Sam.Callahan@arnoldporter.com>; 'Doerr, Adam' <ADoerr@robinsonbradshaw.com>; 'Zimmerman, Erik' <EZimmerman@robinsonbradshaw.com>; Hirsch, Sam <SHirsch@jenner.com>; Amunson, Jessica Ring <JAmunson@jenner.com>; Bracey, Kali N. <KBracey@jenner.com>; Schauf, Zachary C. <ZSchauf@jenner.com>; Mittal, Urja R. <UMittal@jenner.com>  
**Subject:** NCLCV v Hall (21 CVS 15426) -- source code production

External Email – Exercise Caution

Dear Elisabeth,

Thank you for your e-mail below. Regarding the discussion below about a protective order, we believe the data underlying Plaintiffs' expert reports—including the source code, the data fed into the code, and the output—presents a matter of overriding public importance in the context of this case. We therefore cannot agree to a protective order and submit that it is Plaintiffs' obligation to disclose the data supporting their expert analysis, and Plaintiffs' burden to procure a protective order from the Court.

We are all working on an incredibly condensed schedule and propose the following solution:

1. Without waiving their position, Legislative Defendants are amenable to agreeing to the attached version of the protective order (*see* attached redline proposing edit to substance of the Order) pending resolution of Plaintiffs' motion for protective order so that Plaintiffs may produce today what we requested, namely:
  - a. "copies of the source code, source data, input parameters (i.e., the exact model specifications and input parameters given to the computer programs to perform the simulations analysis), and all data outputted from those simulations (including reporting as well as shapefiles or block-assignment files for the simulated plans) for the analyses that formed the basis for the expert reports of Drs. Chen and Pegden in the Harper case. We also request the data and model parameters underlying Dr. Duchin's expert report in the NCLCV matter. Finally, we request the source code, source data, input parameters (as defined above), and output data (as defined above) used to generate the three "Optimized" Maps/Plans that the NCLCV Plaintiffs asked Dr. Duchin to assess and that they produced to the Court." (Request dated Thursday, Dec. 9.)
2. Plaintiffs agree to file a motion for protective order by Wednesday, December 15, 2021, at 5pm and Legislative Defendants will file their opposition brief by Friday, December 17, 2021, at 5pm. If Plaintiffs fail to file a motion for protective order by that date, Legislative Defendants will understand that Plaintiffs have waived any protective interest in the material and the agreed protective order will no longer bind the parties.
3. If the Court denies Plaintiffs' motion for protective order, then the agreed protective order will no longer bind the parties.
4. If the Court grants Plaintiffs' motion for protective order, then the agreed protective order will continue to bind the parties.

For NCLCV counsel, we do not know where NCLCV Plaintiffs stand in this discussion (and pardon me if I missed an e-mail) but if you believe Dr. Duchin's materials require a protective order we suggest the same framework for resolution.

Finally, we understand your request regarding incumbent addresses and are working to gather residential addresses for incumbents. We hope to update you later today as to status.

We are happy to join a call today if that would aid in resolving this issue.

Thank you all,

Kate

**Katherine L. McKnight**  
Partner

---

**BakerHostetler**

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Washington, DC 20036-5403  
T +1.202.861.1618

kmcknight@bakerlaw.com  
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**From:** Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>

**Sent:** Friday, December 10, 2021 1:13 PM

**To:** 'Alyssa Riggins' <alyssa.riggins@nelsonmullins.com>; 'Feldman, Stephen' <SFeldman@robinsonbradshaw.com>

**Cc:** 'Phil Strach' <phil.strach@nelsonmullins.com>; 'Tom Farr' <tom.farr@nelsonmullins.com>; 'John Branch' <john.branch@nelsonmullins.com>; Braden, E. Mark <MBraden@bakerlaw.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>; 'Brennan, Stephanie' <Sbrennan@ncdoj.gov>; 'Majmundar, Amar' <amajmundar@ncdoj.gov>; 'tsteed@ncdoj.gov' <tsteed@ncdoj.gov>; 'Burton Craige' <bcraige@pathlaw.com>; 'Narendra Ghosh' <nghosh@pathlaw.com>; 'Paul Smith' <psmith@pathlaw.com>; 'melias@elias.law' <melias@elias.law>; 'abranche@elias.law' <abranche@elias.law>; 'lmadduri@elias.law' <lmadduri@elias.law>; 'jshelly@elias.law' <jshelly@elias.law>; 'gwhite@elias.law' <gwhite@elias.law>; 'akhanna@elias.law' <akhanna@elias.law>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Callahan, Sam <Sam.Callahan@arnoldporter.com>; 'Doerr, Adam' <ADoerr@robinsonbradshaw.com>; 'Zimmerman, Erik' <EZimmerman@robinsonbradshaw.com>; 'Hirsch, Sam' <SHirsch@jenner.com>; 'Amunson, Jessica Ring' <JAmunson@jenner.com>; 'Kali Bracey' <KBracey@jenner.com>; 'Schauf, Zachary C.' <ZSchauf@jenner.com>; 'Mittal, Urja R.' <UMittal@jenner.com>

**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

[External Email: Use caution when clicking on links or opening attachments.]

Dear all:

Two updates from the Harper plaintiffs. First, in response to Kate's email yesterday requesting source code, the Harper Plaintiffs are happy to provide source code, inputs, and outputs from Dr. Chen and Dr. Pegden on Monday, on two conditions. First, will Defendants agree to enter into the attached protective order that we all agreed on in Common Cause? We'll update it for this case. Second, will defendants provide, by Monday, a list of the incumbent addresses for both congressional and state legislative districts that the Legislative Defendants used in drawing the maps? Consistent with the experience in the Common Cause case, we will need their home addresses, not P.O. boxes or office addresses. I should note that we do intend to serve updated expert reports, but we are nonetheless happy to send you on Monday the code from the versions we served with the preliminary injunction motion.

Second, on further consideration, we'd like to propose two days for expert video depositions, with a 4 hour cap (including 1 hour for direct) for each expert. We would submit the videos (or excerpts) to the judges.

Given that the deadline is today, please let us know your thoughts on scheduling. We are happy to jump on the phone again.

Best,  
Elisabeth

**From:** Theodore, Elisabeth

**Sent:** Thursday, December 9, 2021 5:19 PM

**To:** 'Alyssa Riggins' <alyssa.riggins@nelsonmullins.com>; Feldman, Stephen <SFeldman@robinsonbradshaw.com>

**Cc:** Phil Strach <phil.strach@nelsonmullins.com>; Tom Farr <tom.farr@nelsonmullins.com>; John Branch <john.branch@nelsonmullins.com>; Mark Braden <MBraden@bakerlaw.com>; Katherine McKnight <kmcknight@bakerlaw.com>; Richard Raile <rraile@bakerlaw.com>; Brennan, Stephanie <Sbrennan@ncdoj.gov>; Majmundar, Amar <amajmundar@ncdoj.gov>; 'tsteed@ncdoj.gov' <tsteed@ncdoj.gov>; Burton Craige <bcraige@pathlaw.com>; Narendra Ghosh <nghosh@pathlaw.com>; Paul Smith <psmith@pathlaw.com>; 'melias@elias.law' <melias@elias.law>; 'abranche@elias.law' <abranche@elias.law>; zzz.External.lmadduri@elias.law <lmadduri@elias.law>; zzz.External.jshelly@elias.law <jshelly@elias.law>; zzz.External.gwhite@elias.law <gwhite@elias.law>; zzz.External.akhanna@elias.law <akhanna@elias.law>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Callahan, Sam <Sam.Callahan@arnoldporter.com>; Doerr, Adam

<ADoerr@robinsonbradshaw.com>; Zimmerman, Erik <EZimmerman@robinsonbradshaw.com>; 'Hirsch, Sam'  
<SHirsch@jenner.com>; Amunson, Jessica Ring <JAmunson@jenner.com>; Kali Bracey <KBracey@jenner.com>; Schauf,  
Zachary C. <ZSchauf@jenner.com>; Mittal, Urja R. <UMittal@jenner.com>  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

All:

Thanks for the discussion earlier today. As promised, our proposal is as follows, in general strokes. As we noted, our proposal is no live evidentiary hearing, and the court would make findings of fact and conclusions of law on the paper submissions. We added a few additional deadlines in addition to what we described on the call, and there may be need to be some other deadlines in there too, like for evidentiary objections. We also pushed back our proposal for a date for submission of proposed findings and conclusions to Jan. 6.

Dec. 15 - deadline to amend pleadings  
Dec. 21 - deadline for defendants to answer  
Dec. 21 - deadline to exchange evidence (in the form of expert reports, fact witness affidavits)  
Dec. 28 - deadline to exchange rebuttal evidence (in the form of rebuttal expert reports)  
Dec. 31 - deadline to submit reply expert reports  
Jan. 6 - deadline to submit proposed findings of fact and conclusions of law to the Court  
Jan. 10 - court could schedule argument if it chooses  
Jan. 11 - deadline for court's decision on the merits

As I mentioned, we would agree to mutual foregoing of expert depositions, but reserve the right to take fact witness depositions (which we would propose to do by Zoom). We might want to agree to a deadline to exchange the names of all potential fact witnesses to speed that process along.

**From:** Alyssa Riggins <alyssa.riggins@nelsonmullins.com>  
**Sent:** Thursday, December 9, 2021 11:41 AM  
**To:** Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Feldman, Stephen  
<SFeldman@robinsonbradshaw.com>  
**Cc:** Phil Strach <phil.strach@nelsonmullins.com>; Tom Farr <tom.farr@nelsonmullins.com>; John Branch  
<john.branch@nelsonmullins.com>; Mark Braden <MBraden@bakerlaw.com>; Katherine McKnight  
<kmcknight@bakerlaw.com>; Richard Raile <rRaile@bakerlaw.com>; Brennan, Stephanie <Sbrennan@ncdoj.gov>;  
Majmundar, Amar <amajmundar@ncdoj.gov>; 'tsteed@ncdoj.gov' <tsteed@ncdoj.gov>; Burton Craige  
<bcraige@pathlaw.com>; Narendra Ghosh <nghosh@pathlaw.com>; Paul Smith <psmith@pathlaw.com>;  
'melias@elias.law' <melias@elias.law>; 'abranh@elias.law' <abranh@elias.law>; zzz.External.lmadduri@elias.law  
<lmadduri@elias.law>; zzz.External.jshelly@elias.law <jshelly@elias.law>; zzz.External.gwhite@elias.law  
<gwhite@elias.law>; zzz.External.akhanna@elias.law <akhanna@elias.law>; Jones, Stanton  
<Stanton.Jones@arnoldporter.com>; Callahan, Sam <Sam.Callahan@arnoldporter.com>; Doerr, Adam  
<ADoerr@robinsonbradshaw.com>; Zimmerman, Erik <EZimmerman@robinsonbradshaw.com>; 'Hirsch, Sam'  
<SHirsch@jenner.com>; Amunson, Jessica Ring <JAmunson@jenner.com>; Kali Bracey <KBracey@jenner.com>; Schauf,  
Zachary C. <ZSchauf@jenner.com>; Mittal, Urja R. <UMittal@jenner.com>  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

External E-mail

Hi Elisabeth,

Phil and Kate are available to speak with you at 3:00. Could you please circulate a meeting invitation and be sure to include them?

Best,  
Alyssa

**From:** Theodore, Elisabeth <[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>  
**Sent:** Wednesday, December 8, 2021 6:10 PM  
**To:** Feldman, Stephen <[SFeldman@robinsonbradshaw.com](mailto:SFeldman@robinsonbradshaw.com)>  
**Cc:** Phil Strach <[Phillip.Strach@nelsonmullins.com](mailto:Phillip.Strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; John Branch <[john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com)>; Alyssa Riggins <[Alyssa.Riggins@nelsonmullins.com](mailto:Alyssa.Riggins@nelsonmullins.com)>; Mark Braden <[MBraden@bakerlaw.com](mailto:MBraden@bakerlaw.com)>; Katherine McKnight <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Richard Raile <[rraile@bakerlaw.com](mailto:rraile@bakerlaw.com)>; Brennan, Stephanie <[Sbrennan@ncdoj.gov](mailto:Sbrennan@ncdoj.gov)>; Majmundar, Amar <[amajmundar@ncdoj.gov](mailto:amajmundar@ncdoj.gov)>; 'tsteed@ncdoj.gov' <[tsteed@ncdoj.gov](mailto:tsteed@ncdoj.gov)>; Burton Craige <[bcraige@pathlaw.com](mailto:bcraige@pathlaw.com)>; Narendra Ghosh <[nghosh@pathlaw.com](mailto:nghosh@pathlaw.com)>; Paul Smith <[psmith@pathlaw.com](mailto:psmith@pathlaw.com)>; 'melias@elias.law' <[melias@elias.law](mailto:melias@elias.law)>; 'abranh@elias.law' <[abranh@elias.law](mailto:abranh@elias.law)>; Imadduri@elias.law; jshelly@elias.law; gwhite@elias.law; akhanna@elias.law; Jones, Stanton <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; Callahan, Sam <[Sam.Callahan@arnoldporter.com](mailto:Sam.Callahan@arnoldporter.com)>; Doerr, Adam <[ADoerr@robinsonbradshaw.com](mailto:ADoerr@robinsonbradshaw.com)>; Zimmerman, Erik <[EZimmerman@robinsonbradshaw.com](mailto:EZimmerman@robinsonbradshaw.com)>; 'Hirsch, Sam' <[SHirsch@jenner.com](mailto:SHirsch@jenner.com)>; Amunson, Jessica Ring <[JAmunson@jenner.com](mailto:JAmunson@jenner.com)>; Kali Bracey <[KBracey@jenner.com](mailto:KBracey@jenner.com)>; Schauf, Zachary C. <[ZSchauf@jenner.com](mailto:ZSchauf@jenner.com)>; Mittal, Urja R. <[UMittal@jenner.com](mailto:UMittal@jenner.com)>  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

◀External Email▶ - From: prvs=969f644b3=Elisabeth.Theodore@arnoldporter.com

Counsel:

In light of the court's order, we think it would be best to meet and confer tomorrow on the schedule. Are representatives from all parties available at 1pm or at 3pm?

Best,  
Elisabeth

**From:** Rossi, Alison J. <[Alison.J.Rossi@nccourts.org](mailto:Alison.J.Rossi@nccourts.org)>  
**Sent:** Wednesday, December 8, 2021 5:14 PM  
**To:** Feldman, Stephen <[SFeldman@robinsonbradshaw.com](mailto:SFeldman@robinsonbradshaw.com)>; Myers, Kellie Z. <[Kellie.Z.Myers@nccourts.org](mailto:Kellie.Z.Myers@nccourts.org)>  
**Cc:** Phillip Strach <[Phillip.Strach@nelsonmullins.com](mailto:Phillip.Strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; john.branch@nelsonmullins.com; Alyssa Riggins <[Alyssa.Riggins@nelsonmullins.com](mailto:Alyssa.Riggins@nelsonmullins.com)>; Mark Braden <[MBraden@bakerlaw.com](mailto:MBraden@bakerlaw.com)>; Katherine McKnight <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Richard Raile <[rraile@bakerlaw.com](mailto:rraile@bakerlaw.com)>; Brennan, Stephanie <[Sbrennan@ncdoj.gov](mailto:Sbrennan@ncdoj.gov)>; Majmundar, Amar <[amajmundar@ncdoj.gov](mailto:amajmundar@ncdoj.gov)>; 'tsteed@ncdoj.gov' <[tsteed@ncdoj.gov](mailto:tsteed@ncdoj.gov)>; Burton Craige <[bcraige@pathlaw.com](mailto:bcraige@pathlaw.com)>; Narendra Ghosh <[nghosh@pathlaw.com](mailto:nghosh@pathlaw.com)>; Paul Smith <[psmith@pathlaw.com](mailto:psmith@pathlaw.com)>; 'melias@elias.law' <[melias@elias.law](mailto:melias@elias.law)>; 'abranh@elias.law' <[abranh@elias.law](mailto:abranh@elias.law)>; zzz.External.Imadduri@elias.law <[Imadduri@elias.law](mailto:Imadduri@elias.law)>; zzz.External.jshelly@elias.law <[jshelly@elias.law](mailto:jshelly@elias.law)>; zzz.External.gwhite@elias.law <[gwhite@elias.law](mailto:gwhite@elias.law)>; zzz.External.akhanna@elias.law <[akhanna@elias.law](mailto:akhanna@elias.law)>; Theodore, Elisabeth <[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>; Jones, Stanton <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; Callahan, Sam <[Sam.Callahan@arnoldporter.com](mailto:Sam.Callahan@arnoldporter.com)>; Doerr, Adam <[ADoerr@robinsonbradshaw.com](mailto:ADoerr@robinsonbradshaw.com)>; Zimmerman, Erik <[EZimmerman@robinsonbradshaw.com](mailto:EZimmerman@robinsonbradshaw.com)>; 'Hirsch, Sam' <[SHirsch@jenner.com](mailto:SHirsch@jenner.com)>; Amunson, Jessica Ring <[JAmunson@jenner.com](mailto:JAmunson@jenner.com)>; Kali Bracey <[KBracey@jenner.com](mailto:KBracey@jenner.com)>; Schauf, Zachary C. <[ZSchauf@jenner.com](mailto:ZSchauf@jenner.com)>; Mittal, Urja R. <[UMittal@jenner.com](mailto:UMittal@jenner.com)>  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

External E-mail

Hello all,



Based on the Supreme Court's order, dated today, December 8, 2021, the court has asked that you provide a proposed scheduling order by Friday, December 10, 2021.

Best,

**Alison J. Rossi**  
Judicial Fellow  
North Carolina Judicial Branch  
M 919-259-9917  
D 919-890-1679  
O 919-890-1670

**From:** Rossi, Alison J.  
**Sent:** Monday, December 6, 2021 1:01 PM  
**To:** Feldman, Stephen <[SFeldman@robinsonbradshaw.com](mailto:SFeldman@robinsonbradshaw.com)>; Myers, Kellie Z. <[Kellie.Z.Myers@nccourts.org](mailto:Kellie.Z.Myers@nccourts.org)>  
**Cc:** Phillip Strach <[Phillip.Strach@nelsonmullins.com](mailto:Phillip.Strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; [john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com); Alyssa Riggins <[Alyssa.Riggins@nelsonmullins.com](mailto:Alyssa.Riggins@nelsonmullins.com)>; Mark Braden <[MBraden@bakerlaw.com](mailto:MBraden@bakerlaw.com)>; Katherine McKnight <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Richard Raile <[rraile@bakerlaw.com](mailto:rraile@bakerlaw.com)>; Brennan, Stephanie <[Sbrennan@ncdoj.gov](mailto:Sbrennan@ncdoj.gov)>; Majmundar, Amar <[amajmundar@ncdoj.gov](mailto:amajmundar@ncdoj.gov)>; 'tsteed@ncdoj.gov' <[tsteed@ncdoj.gov](mailto:tsteed@ncdoj.gov)>; Burton Craige <[bcraige@pathlaw.com](mailto:bcraige@pathlaw.com)>; Narendra Ghosh <[nghosh@pathlaw.com](mailto:nghosh@pathlaw.com)>; Paul Smith <[psmith@pathlaw.com](mailto:psmith@pathlaw.com)>; 'melias@elias.law' <[melias@elias.law](mailto:melias@elias.law)>; 'abranh@elias.law' <[abranh@elias.law](mailto:abranh@elias.law)>; 'lmadduri@elias.law' <[lmadduri@elias.law](mailto:lmadduri@elias.law)>; 'jshelly@elias.law' <[jshelly@elias.law](mailto:jshelly@elias.law)>; 'gwhite@elias.law' <[gwhite@elias.law](mailto:gwhite@elias.law)>; 'akhanna@elias.law' <[akhanna@elias.law](mailto:akhanna@elias.law)>; Theodore, Elisabeth <[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>; 'Jones, Stanton' <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; 'sam.callahan@arnoldporter.com' <[sam.callahan@arnoldporter.com](mailto:sam.callahan@arnoldporter.com)>; Doerr, Adam <[ADoerr@robinsonbradshaw.com](mailto:ADoerr@robinsonbradshaw.com)>; Zimmerman, Erik <[EZimmerman@robinsonbradshaw.com](mailto:EZimmerman@robinsonbradshaw.com)>; 'Hirsch, Sam' <[SHirsch@jenner.com](mailto:SHirsch@jenner.com)>; Amunson, Jessica Ring <[JAmunson@jenner.com](mailto:JAmunson@jenner.com)>; Kali Bracey <[KBracey@jenner.com](mailto:KBracey@jenner.com)>; Schauf, Zachary C. <[ZSchauf@jenner.com](mailto:ZSchauf@jenner.com)>; Mittal, Urja R. <[UMittal@jenner.com](mailto:UMittal@jenner.com)>  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

Hello all,

The court is requesting that the parties in the above captioned case submit a proposed scheduling order by next Tuesday, December 14<sup>th</sup>, 2021.

While this case and *Harper v. Hall* (21 CVS 500085) have been consolidated, I am sending this message separately to the parties in each case.

Best,

**Alison J. Rossi**  
Judicial Fellow  
North Carolina Judicial Branch  
M 919-259-9917  
D 919-890-1679  
O 919-890-1670

**From:** Feldman, Stephen <[SFeldman@robinsonbradshaw.com](mailto:SFeldman@robinsonbradshaw.com)>  
**Sent:** Friday, December 3, 2021 5:21 PM  
**To:** Myers, Kellie Z. <[Kellie.Z.Myers@nccourts.org](mailto:Kellie.Z.Myers@nccourts.org)>; Rossi, Alison J. <[Alison.J.Rossi@nccourts.org](mailto:Alison.J.Rossi@nccourts.org)>  
**Cc:** Phillip Strach <[Phillip.Strach@nelsonmullins.com](mailto:Phillip.Strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; [john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com); Alyssa Riggins <[Alyssa.Riggins@nelsonmullins.com](mailto:Alyssa.Riggins@nelsonmullins.com)>; Mark Braden

<MBraden@bakerlaw.com>; Katherine McKnight <kmcknight@bakerlaw.com>; Richard Raile <rraile@bakerlaw.com>; Brennan, Stephanie <Sbrennan@ncdoj.gov>; Majmundar, Amar <amajmundar@ncdoj.gov>; 'tsteed@ncdoj.gov' <tsteed@ncdoj.gov>; Burton Craige <bcraige@pathlaw.com>; Narendra Ghosh <nghosh@pathlaw.com>; Paul Smith <psmith@pathlaw.com>; 'melias@elias.law' <melias@elias.law>; 'abbranch@elias.law' <abbranch@elias.law>; 'lmadduri@elias.law' <lmadduri@elias.law>; 'jshelly@elias.law' <jshelly@elias.law>; 'gwhite@elias.law' <gwhite@elias.law>; 'akhanna@elias.law' <akhanna@elias.law>; Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; 'Jones, Stanton' <Stanton.Jones@arnoldporter.com>; 'sam.callahan@arnoldporter.com' <sam.callahan@arnoldporter.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Zimmerman, Erik <EZimmerman@robinsonbradshaw.com>; 'Hirsch, Sam' <SHirsch@jenner.com>; Amunson, Jessica Ring <JAmunson@jenner.com>; Kali Bracey <KBracey@jenner.com>; Schauf, Zachary C. <ZSchauf@jenner.com>; Mittal, Urja R. <UMittal@jenner.com>

**Subject:** NCLCV v Hall (21 CVS 15426) -- Notice of Appeal

Dear Ms. Myers and Ms. Rossi:

In *NCLCV v Hall*, attached please find a notice of appeal filed this afternoon. I have copied all counsel in the coordinated cases on this email.

Thank you again for your coordination of these matters. All the best.

---

## Stephen D. Feldman

*Pronouns: He/Him/His*

### Robinson Bradshaw

t : 919.239.2603  
434 Fayetteville Street, Suite 1600  
Raleigh, NC 27601

[sfeldman@robinsonbradshaw.com](mailto:sfeldman@robinsonbradshaw.com) | [Bio](#)  
[robinsonbradshaw.com](http://robinsonbradshaw.com)

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## Zachary C. Schauf

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+1 202 637 6379 | TEL  
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# **Exhibit 6**

## Alyssa Riggins

---

**From:** McKnight, Katherine L. <kmcknight@bakerlaw.com>  
**Sent:** Tuesday, December 14, 2021 9:57 AM  
**To:** Theodore, Elisabeth; Alyssa Riggins; 'Feldman, Stephen'  
**Cc:** Phil Strach; Tom Farr; John Branch; Braden, E. Mark; Raile, Richard; 'Brennan, Stephanie'; 'Majmundar, Amar'; 'tsteed@ncdoj.gov'; 'Burton Craige'; 'Narendra Ghosh'; 'Paul Smith'; 'melias@elias.law'; 'abranche@elias.law'; 'lmadduri@elias.law'; 'jshelly@elias.law'; 'gwhite@elias.law'; 'akhanna@elias.law'; Jones, Stanton; Callahan, Sam; 'Doerr, Adam'; 'Zimmerman, Erik'; 'Hirsch, Sam'; 'Amunson, Jessica Ring'; 'Kali Bracey'; 'Schauf, Zachary C.'; 'Mittal, Urja R.'  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- source code production  
**Attachments:** MemberResidenceAddressCombined.xlsx

Thanks for your e-mail, Elisabeth. Last Thursday we asked for Plaintiffs' source code data for Plaintiffs' PI expert reports and were told that Harper Plaintiffs would produce it with a protective order. We asked that it be produced by yesterday and Harper Plaintiffs agreed. Yesterday morning, we agreed to Plaintiffs' protective order with minor revision, and the requirement that Harper Plaintiffs seek a Court-ordered protective order after production, but Harper Plaintiffs have not yet produced their experts' PI source code. We ask for the courtesy of notice if Harper Plaintiffs have changed their position and no longer intend to produce their experts' PI source code. If we do not hear from you by 2pm today, we will need to seek Court assistance in resolving this dispute.

Zach, for NCLCV Plaintiffs, we understood you were waiting to see the Court's scheduling order to produce. Now that you have the scheduling order and see the Court's requirement for the production of expert source code, will you agree to produce Dr. Duchin's PI source code today? We ask that you confirm NCLCV Plaintiffs' position on producing Dr. Duchin's PI source code by 2pm today. We hope to come to an agreement on this issue but may need to seek Court assistance in resolving this dispute.

As for incumbent addresses, unlike Harper Plaintiffs' agreement to produce information by yesterday, we never promised production by Monday. We received Harper Plaintiffs' written request on Friday afternoon and relayed it that afternoon to Central Staff in the General Assembly. It bears noting that Central Staff are non-partisan staff of the legislative body. Central Staff let us know yesterday morning that your Friday afternoon request would be fulfilled within a few hours and we relayed that information to you noting that this was our belief of timing but that we could not estimate with further certainty. Regardless, attached please find the incumbent address list.

We look forward to your responses.

Kate

**Katherine L. McKnight**  
Partner

---

### BakerHostetler

Washington Square  
1050 Connecticut Ave, N.W. | Suite 1100  
Washington, DC 20036-5403  
T +1.202.861.1618

kmcknight@bakerlaw.com  
bakerlaw.com



**From:** Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>  
**Sent:** Monday, December 13, 2021 11:59 PM  
**To:** McKnight, Katherine L. <kmcknight@bakerlaw.com>; Alyssa Riggins' <alyssa.riggins@nelsonmullins.com>; 'Feldman, Stephen' <SFeldman@robinsonbradshaw.com>  
**Cc:** 'Phil Strach' <phil.strach@nelsonmullins.com>; 'Tom Farr' <tom.farr@nelsonmullins.com>; 'John Branch' <john.branch@nelsonmullins.com>; Braden, E. Mark <MBraden@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>; 'Brennan, Stephanie' <Sbrennan@ncdoj.gov>; 'Majmundar, Amar' <amajmundar@ncdoj.gov>; 'tsteed@ncdoj.gov' <tsteed@ncdoj.gov>; 'Burton Craige' <bcraige@pathlaw.com>; 'Narendra Ghosh' <nghosh@pathlaw.com>; 'Paul Smith' <psmith@pathlaw.com>; 'melias@elias.law' <melias@elias.law>; 'abranche@elias.law' <abranche@elias.law>; Imadduri@elias.law; jshelly@elias.law; gwhite@elias.law; akhanna@elias.law; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Callahan, Sam <Sam.Callahan@arnoldporter.com>; 'Doerr, Adam' <ADoerr@robinsonbradshaw.com>; 'Zimmerman, Erik' <EZimmerman@robinsonbradshaw.com>; 'Hirsch, Sam' <SHirsch@jenner.com>; 'Amunson, Jessica Ring' <JAmunson@jenner.com>; 'Kali Bracey' <KBracey@jenner.com>; 'Schauf, Zachary C.' <ZSchauf@jenner.com>; 'Mittal, Urja R.' <UMittal@jenner.com>  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- source code production

Kate:

Thanks for your response. We too hope to avoid motion practice on the issue of the incumbent addresses, but it has now been 10 hours since you advised us that you hoped to send the addresses in "a few hours," and 4 days since we requested these addresses. As you know, these addresses are essential to our expert analysis, and time is short. Please see the attached first set of interrogatories from the Harper plaintiffs to the legislative defendants, which formally request the incumbent addresses by 3pm tomorrow. We will move at that time if we do not hear from you sooner.

I note that we know that this information has already been compiled by the General Assembly based on public documents. The StatPack for the enacted Senate plan ([https://www.ncleg.gov/Files/GIS/Plans\\_Main/Senate\\_2021/SL%202021-173%20Senate%20-%20StatPack%20Report.pdf](https://www.ncleg.gov/Files/GIS/Plans_Main/Senate_2021/SL%202021-173%20Senate%20-%20StatPack%20Report.pdf)) contains an "Incumbent District Report" analysis based on a file entitled "Residence Set: NC Senate - 9/20/2021." The StatPack for the enacted House plan ([https://www.ncleg.gov/Files/GIS/Plans\\_Main/House\\_2021/SL%202021-175%20House%20-%20StatPack%20Report.pdf](https://www.ncleg.gov/Files/GIS/Plans_Main/House_2021/SL%202021-175%20House%20-%20StatPack%20Report.pdf)) contains an "Incumbent District Report" analysis based on a file entitled "Residence Set: NC House - 10/01/2021." And the StatPack for the congressional plan ([https://www.ncleg.gov/Files/GIS/Plans\\_Main/Congress\\_2021/SL%202021-174%20Congress%20-%20StatPack%20Report.pdf](https://www.ncleg.gov/Files/GIS/Plans_Main/Congress_2021/SL%202021-174%20Congress%20-%20StatPack%20Report.pdf)) contains an "Incumbent District Report" analysis based on a file entitled "Residence Set: Congress - 9/22/2021."

Thanks,  
Elisabeth

Thank you,  
Elisabeth

**From:** McKnight, Katherine L. <kmcknight@bakerlaw.com>  
**Sent:** Monday, December 13, 2021 1:58 PM  
**To:** Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Alyssa Riggins' <alyssa.riggins@nelsonmullins.com>; 'Feldman, Stephen' <SFeldman@robinsonbradshaw.com>  
**Cc:** 'Phil Strach' <phil.strach@nelsonmullins.com>; 'Tom Farr' <tom.farr@nelsonmullins.com>; 'John Branch' <john.branch@nelsonmullins.com>; Braden, E. Mark <MBraden@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>; 'Brennan, Stephanie' <Sbrennan@ncdoj.gov>; 'Majmundar, Amar' <amajmundar@ncdoj.gov>; 'tsteed@ncdoj.gov' <tsteed@ncdoj.gov>; 'Burton Craige' <bcraige@pathlaw.com>; 'Narendra Ghosh'

<nghosh@pathlaw.com>; 'Paul Smith' <psmith@pathlaw.com>; 'melias@elias.law' <melias@elias.law>;  
'abbranch@elias.law' <abbranch@elias.law>; zzz.External.lmadduri@elias.law <lmadduri@elias.law>;  
zzz.External.jshelly@elias.law <jshelly@elias.law>; zzz.External.gwhite@elias.law <gwhite@elias.law>;  
zzz.External.akhanna@elias.law <akhanna@elias.law>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Callahan,  
Sam <Sam.Callahan@arnoldporter.com>; 'Doerr, Adam' <ADoerr@robinsonbradshaw.com>; 'Zimmerman, Erik'  
<EZimmerman@robinsonbradshaw.com>; 'Hirsch, Sam' <SHirsch@jenner.com>; 'Amunson, Jessica Ring'  
<JAmunson@jenner.com>; 'Kali Bracey' <KBracey@jenner.com>; 'Schauf, Zachary C.' <ZSchauf@jenner.com>; 'Mittal,  
Urja R.' <UMittal@jenner.com>

**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- source code production

External E-mail

Thanks for your e-mails, Elisabeth and Zach.

Legislative Defendants cannot agree to a protective order other than under the arrangement described below. Do Plaintiffs need an additional day or two to file a motion for protective order? We can work with Plaintiffs on that point.

Elisabeth, thank you for working to accommodate our request for backup material today. If the Court allows Plaintiffs to amend their expert reports, which, to be clear, we do not think is appropriate, we would expect to receive backup materials for those amended reports on the same date as those reports are served.

On incumbent addresses, I believe we will be able to send those in a few hours but I cannot estimate with any more certainty. Unfortunately, such a list is not "readily available," as I understand, for the very reason you anticipated; we are trying to gather in list form all residential addresses as opposed to a list that includes P.O. box numbers and the like. Plaintiffs appear ready to "force the parties to engage in contested briefing" but we can assure you there is no dispute on these addresses. We are just waiting for them to be collected and put into list form for production.

Kate

**Katherine L. McKnight**  
Partner

---

**BakerHostetler**  
Washington Square  
1050 Connecticut Ave, N.W. | Suite 1100  
Washington, DC 20036-5403  
T +1.202.861.1618

kmcknight@bakerlaw.com  
bakerlaw.com



**From:** Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>

**Sent:** Monday, December 13, 2021 12:04 PM

**To:** McKnight, Katherine L. <kmcknight@bakerlaw.com>; 'Alyssa Riggins' <alyssa.riggins@nelsonmullins.com>; 'Feldman, Stephen' <SFeldman@robinsonbradshaw.com>

**Cc:** 'Phil Strach' <phil.strach@nelsonmullins.com>; 'Tom Farr' <tom.farr@nelsonmullins.com>; 'John Branch' <john.branch@nelsonmullins.com>; Braden, E. Mark <MBraden@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>; 'Brennan, Stephanie' <Sbrennan@ncdoj.gov>; 'Majmundar, Amar' <amajmundar@ncdoj.gov>; 'tsteed@ncdoj.gov' <tsteed@ncdoj.gov>; 'Burton Craige' <bcraige@pathlaw.com>; 'Narendra Ghosh' <nghosh@pathlaw.com>; 'Paul Smith' <psmith@pathlaw.com>; 'melias@elias.law' <melias@elias.law>;

'abbranch@elias.law' <abbranch@elias.law>; Imadduri@elias.law; jshelly@elias.law; gwhite@elias.law; akhanna@elias.law; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Callahan, Sam <Sam.Callahan@arnoldporter.com>; 'Doerr, Adam' <ADoerr@robinsonbradshaw.com>; 'Zimmerman, Erik' <EZimmerman@robinsonbradshaw.com>; 'Hirsch, Sam' <SHirsch@jenner.com>; 'Amunson, Jessica Ring' <JAmunson@jenner.com>; 'Kali Bracey' <KBracey@jenner.com>; 'Schauf, Zachary C.' <ZSchauf@jenner.com>; 'Mittal, Urja R.' <UMittal@jenner.com>  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- source code production

Kate:

As you know, the Legislative Defendants agreed to the exact same protective order covering the exact same source code material in the *Common Cause* litigation, which was also litigation of “overriding public importance.” And when we raised the protective order issue on Thursday during our meet and confer in response to your request for our expert materials at the PI stage, Phil said that a protective order wouldn’t be a problem. It is standard practice to enter into protective orders covering source code, and this protective order allows you and your experts full access to and use of all relevant information for any case-related purpose. If you have any concerns about the content of the protective order, we would be happy to discuss.

We are trying to accommodate your request to receive this source code and other backup material as quickly as possible, even though the materials you’ve requested relate to PI stage reports after the PI has already been granted. Given the extreme time constraints under which we are all working, we cannot understand why you would force the parties to engage in contested briefing about a protective order that you previously agreed to in materially identical litigation. Please let us know if you will reconsider. We are happy to discuss on the phone.

Also, please let us know **what time today** you will be able to send the incumbent addresses, which we asked for on Thursday and which we are indisputably entitled to. We know from the *Common Cause* litigation that this information is readily available to the legislative leaders, and this information was also used to generate the “Statpacks” that are available on the General Assembly’s website. It is critical that we receive this information now for our opening expert reports. If we do not hear from you by 5pm, we will seek relief from the Court, as we did in *Common Cause*.

Best,  
Elisabeth

**From:** McKnight, Katherine L. <kmcknight@bakerlaw.com>  
**Sent:** Monday, December 13, 2021 8:23 AM  
**To:** Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; 'Alyssa Riggins' <alyssa.riggins@nelsonmullins.com>; 'Feldman, Stephen' <SFeldman@robinsonbradshaw.com>  
**Cc:** 'Phil Strach' <phil.strach@nelsonmullins.com>; 'Tom Farr' <tom.farr@nelsonmullins.com>; 'John Branch' <john.branch@nelsonmullins.com>; Braden, E. Mark <MBraden@bakerlaw.com>; Raile, Richard <rRaile@bakerlaw.com>; 'Brennan, Stephanie' <Sbrennan@ncdoj.gov>; 'Majmundar, Amar' <amajmundar@ncdoj.gov>; 'tsteed@ncdoj.gov' <tsteed@ncdoj.gov>; 'Burton Craige' <bcraige@pathlaw.com>; 'Narendra Ghosh' <nghosh@pathlaw.com>; 'Paul Smith' <psmith@pathlaw.com>; 'melias@elias.law' <melias@elias.law>; 'abbranch@elias.law' <abbranch@elias.law>; zzz.External.Imadduri@elias.law <Imadduri@elias.law>; zzz.External.jshelly@elias.law <jshelly@elias.law>; zzz.External.gwhite@elias.law <gwhite@elias.law>; zzz.External.akhanna@elias.law <akhanna@elias.law>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Callahan, Sam <Sam.Callahan@arnoldporter.com>; 'Doerr, Adam' <ADoerr@robinsonbradshaw.com>; 'Zimmerman, Erik' <EZimmerman@robinsonbradshaw.com>; 'Hirsch, Sam' <SHirsch@jenner.com>; 'Amunson, Jessica Ring' <JAmunson@jenner.com>; 'Kali Bracey' <KBracey@jenner.com>; 'Schauf, Zachary C.' <ZSchauf@jenner.com>; 'Mittal, Urja R.' <UMittal@jenner.com>  
**Subject:** NCLCV v Hall (21 CVS 15426) -- source code production

External E-mail



Dear Elisabeth,

Thank you for your e-mail below. Regarding the discussion below about a protective order, we believe the data underlying Plaintiffs' expert reports—including the source code, the data fed into the code, and the output—presents a matter of overriding public importance in the context of this case. We therefore cannot agree to a protective order and submit that it is Plaintiffs' obligation to disclose the data supporting their expert analysis, and Plaintiffs' burden to procure a protective order from the Court.

We are all working on an incredibly condensed schedule and propose the following solution:

1. Without waiving their position, Legislative Defendants are amenable to agreeing to the attached version of the protective order (*see* attached redline proposing edit to substance of the Order) pending resolution of Plaintiffs' motion for protective order so that Plaintiffs may produce today what we requested, namely:
  - a. "copies of the source code, source data, input parameters (i.e., the exact model specifications and input parameters given to the computer programs to perform the simulations analysis), and all data outputted from those simulations (including reporting as well as shapefiles or block-assignment files for the simulated plans) for the analyses that formed the basis for the expert reports of Drs. Chen and Pegden in the Harper case. We also request the data and model parameters underlying Dr. Duchin's expert report in the NCLCV matter. Finally, we request the source code, source data, input parameters (as defined above), and output data (as defined above) used to generate the three "Optimized" Maps/Plans that the NCLCV Plaintiffs asked Dr. Duchin to assess and that they produced to the Court." (Request dated Thursday, Dec. 9.)
2. Plaintiffs agree to file a motion for protective order by Wednesday, December 15, 2021, at 5pm and Legislative Defendants will file their opposition brief by Friday, December 17, 2021, at 5pm. If Plaintiffs fail to file a motion for protective order by that date, Legislative Defendants will understand that Plaintiffs have waived any protective interest in the material and the agreed protective order will no longer bind the parties.
3. If the Court denies Plaintiffs' motion for protective order, then the agreed protective order will no longer bind the parties.
4. If the Court grants Plaintiffs' motion for protective order, then the agreed protective order will continue to bind the parties.

For NCLCV counsel, we do not know where NCLCV Plaintiffs stand in this discussion (and pardon me if I missed an e-mail) but if you believe Dr. Duchin's materials require a protective order we suggest the same framework for resolution.

Finally, we understand your request regarding incumbent addresses and are working to gather residential addresses for incumbents. We hope to update you later today as to status.

We are happy to join a call today if that would aid in resolving this issue.

Thank you all,

Kate

**Katherine L. McKnight**  
Partner

---

**BakerHostetler**  
Washington Square  
1050 Connecticut Ave, N.W. | Suite 1100

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T +1.202.861.1618

kmcknight@bakerlaw.com  
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**From:** Theodore, Elisabeth <[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>  
**Sent:** Friday, December 10, 2021 1:13 PM  
**To:** 'Alyssa Riggins' <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>; 'Feldman, Stephen' <[SFeldman@robinsonbradshaw.com](mailto:SFeldman@robinsonbradshaw.com)>  
**Cc:** 'Phil Strach' <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; 'Tom Farr' <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; 'John Branch' <[john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com)>; Braden, E. Mark <[MBraden@bakerlaw.com](mailto:MBraden@bakerlaw.com)>; McKnight, Katherine L. <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Raile, Richard <[rRaile@bakerlaw.com](mailto:rRaile@bakerlaw.com)>; 'Brennan, Stephanie' <[Sbrennan@ncdoj.gov](mailto:Sbrennan@ncdoj.gov)>; 'Majmundar, Amar' <[amajmundar@ncdoj.gov](mailto:amajmundar@ncdoj.gov)>; 'tsteed@ncdoj.gov' <[tsteed@ncdoj.gov](mailto:tsteed@ncdoj.gov)>; 'Burton Craige' <[bcraige@pathlaw.com](mailto:bcraige@pathlaw.com)>; 'Narendra Ghosh' <[nghosh@pathlaw.com](mailto:nghosh@pathlaw.com)>; 'Paul Smith' <[psmith@pathlaw.com](mailto:psmith@pathlaw.com)>; 'melias@elias.law' <[melias@elias.law](mailto:melias@elias.law)>; 'abranh@elias.law' <[abranh@elias.law](mailto:abranh@elias.law)>; 'Imadduri@elias.law' <[imadduri@elias.law](mailto:imadduri@elias.law)>; 'jshelly@elias.law' <[jshelly@elias.law](mailto:jshelly@elias.law)>; 'gwhite@elias.law' <[gwhite@elias.law](mailto:gwhite@elias.law)>; 'akhanna@elias.law' <[akhanna@elias.law](mailto:akhanna@elias.law)>; Jones, Stanton <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; Callahan, Sam <[Sam.Callahan@arnoldporter.com](mailto:Sam.Callahan@arnoldporter.com)>; 'Doerr, Adam' <[ADoerr@robinsonbradshaw.com](mailto:ADoerr@robinsonbradshaw.com)>; 'Zimmerman, Erik' <[EZimmerman@robinsonbradshaw.com](mailto:EZimmerman@robinsonbradshaw.com)>; 'Hirsch, Sam' <[SHirsch@jenner.com](mailto:SHirsch@jenner.com)>; 'Amunson, Jessica Ring' <[JAmunson@jenner.com](mailto:JAmunson@jenner.com)>; 'Kali Bracey' <[KBracey@jenner.com](mailto:KBracey@jenner.com)>; 'Schauf, Zachary C.' <[ZSchauf@jenner.com](mailto:ZSchauf@jenner.com)>; 'Mittal, Urja R.' <[UMittal@jenner.com](mailto:UMittal@jenner.com)>  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

[External Email: Use caution when clicking on links or opening attachments.]

Dear all:

Two updates from the Harper plaintiffs. First, in response to Kate's email yesterday requesting source code, the Harper Plaintiffs are happy to provide source code, inputs, and outputs from Dr. Chen and Dr. Pegden on Monday, on two conditions. First, will Defendants agree to enter into the attached protective order that we all agreed on in Common Cause? We'll update it for this case. Second, will defendants provide, by Monday, a list of the incumbent addresses for both congressional and state legislative districts that the Legislative Defendants used in drawing the maps? Consistent with the experience in the Common Cause case, we will need their home addresses, not P.O. boxes or office addresses. I should note that we do intend to serve updated expert reports, but we are nonetheless happy to send you on Monday the code from the versions we served with the preliminary injunction motion.

Second, on further consideration, we'd like to propose two days for expert video depositions, with a 4 hour cap (including 1 hour for direct) for each expert. We would submit the videos (or excerpts) to the judges.

Given that the deadline is today, please let us know your thoughts on scheduling. We are happy to jump on the phone again.

Best,  
Elisabeth

**From:** Theodore, Elisabeth  
**Sent:** Thursday, December 9, 2021 5:19 PM  
**To:** 'Alyssa Riggins' <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>; Feldman, Stephen <[SFeldman@robinsonbradshaw.com](mailto:SFeldman@robinsonbradshaw.com)>

**Cc:** Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; John Branch <[john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com)>; Mark Braden <[MBraden@bakerlaw.com](mailto:MBraden@bakerlaw.com)>; Katherine McKnight <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Richard Raile <[rRaile@bakerlaw.com](mailto:rRaile@bakerlaw.com)>; Brennan, Stephanie <[Sbrennan@ncdoj.gov](mailto:Sbrennan@ncdoj.gov)>; Majmundar, Amar <[amajmundar@ncdoj.gov](mailto:amajmundar@ncdoj.gov)>; 'tsteed@ncdoj.gov' <[tsteed@ncdoj.gov](mailto:tsteed@ncdoj.gov)>; Burton Craige <[bcraige@pathlaw.com](mailto:bcraige@pathlaw.com)>; Narendra Ghosh <[nghosh@pathlaw.com](mailto:nghosh@pathlaw.com)>; Paul Smith <[psmith@pathlaw.com](mailto:psmith@pathlaw.com)>; 'melias@elias.law' <[melias@elias.law](mailto:melias@elias.law)>; 'abranche@elias.law' <[abranche@elias.law](mailto:abranche@elias.law)>; zzz.External.lmadduri@elias.law <[lmadduri@elias.law](mailto:lmadduri@elias.law)>; zzz.External.jshelly@elias.law <[jshelly@elias.law](mailto:jshelly@elias.law)>; zzz.External.gwhite@elias.law <[gwhite@elias.law](mailto:gwhite@elias.law)>; zzz.External.akhanna@elias.law <[akhanna@elias.law](mailto:akhanna@elias.law)>; Jones, Stanton <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; Callahan, Sam <[Sam.Callahan@arnoldporter.com](mailto:Sam.Callahan@arnoldporter.com)>; Doerr, Adam <[ADoerr@robinsonbradshaw.com](mailto:ADoerr@robinsonbradshaw.com)>; Zimmerman, Erik <[EZimmerman@robinsonbradshaw.com](mailto:EZimmerman@robinsonbradshaw.com)>; 'Hirsch, Sam' <[SHirsch@jenner.com](mailto:SHirsch@jenner.com)>; Amunson, Jessica Ring <[JAmunson@jenner.com](mailto:JAmunson@jenner.com)>; Kali Bracey <[KBracey@jenner.com](mailto:KBracey@jenner.com)>; Schauf, Zachary C. <[ZSchauf@jenner.com](mailto:ZSchauf@jenner.com)>; Mittal, Urja R. <[UMittal@jenner.com](mailto:UMittal@jenner.com)>  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

All:

Thanks for the discussion earlier today. As promised, our proposal is as follows, in general strokes. As we noted, our proposal is no live evidentiary hearing, and the court would make findings of fact and conclusions of law on the paper submissions. We added a few additional deadlines in addition to what we described on the call, and there may be need to be some other deadlines in there too, like for evidentiary objections. We also pushed back our proposal for a date for submission of proposed findings and conclusions to Jan. 6.

Dec. 15 - deadline to amend pleadings  
Dec. 21 - deadline for defendants to answer  
Dec. 21 - deadline to exchange evidence (in the form of expert reports, fact witness affidavits)  
Dec. 28 - deadline to exchange rebuttal evidence (in the form of rebuttal expert reports)  
Dec. 31 - deadline to submit reply expert reports  
Jan. 6 - deadline to submit proposed findings of fact and conclusions of law to the Court  
Jan. 10 - court could schedule argument if it chooses  
Jan. 11 - deadline for court's decision on the merits

As I mentioned, we would agree to mutual foregoing of expert depositions, but reserve the right to take fact witness depositions (which we would propose to do by Zoom). We might want to agree to a deadline to exchange the names of all potential fact witnesses to speed that process along.

**From:** Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>

**Sent:** Thursday, December 9, 2021 11:41 AM

**To:** Theodore, Elisabeth <[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>; Feldman, Stephen <[SFeldman@robinsonbradshaw.com](mailto:SFeldman@robinsonbradshaw.com)>

**Cc:** Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; John Branch <[john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com)>; Mark Braden <[MBraden@bakerlaw.com](mailto:MBraden@bakerlaw.com)>; Katherine McKnight <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Richard Raile <[rRaile@bakerlaw.com](mailto:rRaile@bakerlaw.com)>; Brennan, Stephanie <[Sbrennan@ncdoj.gov](mailto:Sbrennan@ncdoj.gov)>; Majmundar, Amar <[amajmundar@ncdoj.gov](mailto:amajmundar@ncdoj.gov)>; 'tsteed@ncdoj.gov' <[tsteed@ncdoj.gov](mailto:tsteed@ncdoj.gov)>; Burton Craige <[bcraige@pathlaw.com](mailto:bcraige@pathlaw.com)>; Narendra Ghosh <[nghosh@pathlaw.com](mailto:nghosh@pathlaw.com)>; Paul Smith <[psmith@pathlaw.com](mailto:psmith@pathlaw.com)>; 'melias@elias.law' <[melias@elias.law](mailto:melias@elias.law)>; 'abranche@elias.law' <[abranche@elias.law](mailto:abranche@elias.law)>; zzz.External.lmadduri@elias.law <[lmadduri@elias.law](mailto:lmadduri@elias.law)>; zzz.External.jshelly@elias.law <[jshelly@elias.law](mailto:jshelly@elias.law)>; zzz.External.gwhite@elias.law <[gwhite@elias.law](mailto:gwhite@elias.law)>; zzz.External.akhanna@elias.law <[akhanna@elias.law](mailto:akhanna@elias.law)>; Jones, Stanton <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; Callahan, Sam <[Sam.Callahan@arnoldporter.com](mailto:Sam.Callahan@arnoldporter.com)>; Doerr, Adam <[ADoerr@robinsonbradshaw.com](mailto:ADoerr@robinsonbradshaw.com)>; Zimmerman, Erik <[EZimmerman@robinsonbradshaw.com](mailto:EZimmerman@robinsonbradshaw.com)>; 'Hirsch, Sam' <[SHirsch@jenner.com](mailto:SHirsch@jenner.com)>; Amunson, Jessica Ring <[JAmunson@jenner.com](mailto:JAmunson@jenner.com)>; Kali Bracey <[KBracey@jenner.com](mailto:KBracey@jenner.com)>; Schauf,

Zachary C. <[ZSchauf@jenner.com](mailto:ZSchauf@jenner.com)>; Mittal, Urja R. <[UMittal@jenner.com](mailto:UMittal@jenner.com)>

**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

External E-mail

Hi Elisabeth,

Phil and Kate are available to speak with you at 3:00. Could you please circulate a meeting invitation and be sure to include them?

Best,  
Alyssa

**From:** Theodore, Elisabeth <[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>

**Sent:** Wednesday, December 8, 2021 6:10 PM

**To:** Feldman, Stephen <[SFeldman@robinsonbradshaw.com](mailto:SFeldman@robinsonbradshaw.com)>

**Cc:** Phil Strach <[Phillip.Strach@nelsonmullins.com](mailto:Phillip.Strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; John Branch <[john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com)>; Alyssa Riggins <[Alyssa.Riggins@nelsonmullins.com](mailto:Alyssa.Riggins@nelsonmullins.com)>; Mark Braden <[MBraden@bakerlaw.com](mailto:MBraden@bakerlaw.com)>; Katherine McKnight <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Richard Raile <[rraile@bakerlaw.com](mailto:rraile@bakerlaw.com)>; Brennan, Stephanie <[Sbrennan@ncdoj.gov](mailto:Sbrennan@ncdoj.gov)>; Majmundar, Amar <[amajmundar@ncdoj.gov](mailto:amajmundar@ncdoj.gov)>; 'tsteed@ncdoj.gov' <[tsteed@ncdoj.gov](mailto:tsteed@ncdoj.gov)>; Burton Craige <[bcraige@pathlaw.com](mailto:bcraige@pathlaw.com)>; Narendra Ghosh <[nghosh@pathlaw.com](mailto:nghosh@pathlaw.com)>; Paul Smith <[psmith@pathlaw.com](mailto:psmith@pathlaw.com)>; 'melias@elias.law' <[melias@elias.law](mailto:melias@elias.law)>; 'abranche@elias.law' <[abranche@elias.law](mailto:abranche@elias.law)>; Imadduri@elias.law; jshelly@elias.law; gwhite@elias.law; akhanna@elias.law; Jones, Stanton <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; Callahan, Sam <[Sam.Callahan@arnoldporter.com](mailto:Sam.Callahan@arnoldporter.com)>; Doerr, Adam <[ADoerr@robinsonbradshaw.com](mailto:ADoerr@robinsonbradshaw.com)>; Zimmerman, Erik <[EZimmerman@robinsonbradshaw.com](mailto:EZimmerman@robinsonbradshaw.com)>; 'Hirsch, Sam' <[SHirsch@jenner.com](mailto:SHirsch@jenner.com)>; Amunson, Jessica Ring <[JAmunson@jenner.com](mailto:JAmunson@jenner.com)>; Kali Bracey <[KBracey@jenner.com](mailto:KBracey@jenner.com)>; Schauf, Zachary C. <[ZSchauf@jenner.com](mailto:ZSchauf@jenner.com)>; Mittal, Urja R. <[UMittal@jenner.com](mailto:UMittal@jenner.com)>

**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

◀External Email▶ - From: [prvs=969f644b3=Elisabeth.Theodore@arnoldporter.com](mailto:prvs=969f644b3=Elisabeth.Theodore@arnoldporter.com)

Counsel:

In light of the court's order, we think it would be best to meet and confer tomorrow on the schedule. Are representatives from all parties available at 1pm or at 3pm?

Best,  
Elisabeth

**From:** Rossi, Alison J. <[Alison.J.Rossi@nccourts.org](mailto:Alison.J.Rossi@nccourts.org)>

**Sent:** Wednesday, December 8, 2021 5:14 PM

**To:** Feldman, Stephen <[SFeldman@robinsonbradshaw.com](mailto:SFeldman@robinsonbradshaw.com)>; Myers, Kellie Z. <[Kellie.Z.Myers@nccourts.org](mailto:Kellie.Z.Myers@nccourts.org)>

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<EZimmerman@robinsonbradshaw.com>; 'Hirsch, Sam' <SHirsch@jenner.com>; Amunson, Jessica Ring  
<JAmunson@jenner.com>; Kali Bracey <KBracey@jenner.com>; Schauf, Zachary C. <ZSchauf@jenner.com>; Mittal, Urja  
R. <UMittal@jenner.com>  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

External E-mail

Hello all,

Based on the Supreme Court's order, dated today, December 8, 2021, the court has asked that you provide a proposed scheduling order by Friday, December 10, 2021.

Best,

Alison J. Rossi  
Judicial Fellow  
North Carolina Judicial Branch  
M 919-259-9917  
D 919-890-1679  
O 919-890-1670

**From:** Rossi, Alison J.  
**Sent:** Monday, December 6, 2021 1:01 PM  
**To:** Feldman, Stephen <SFeldman@robinsonbradshaw.com>; Myers, Kellie Z. <Kellie.Z.Myers@nccourts.org>  
**Cc:** Phillip Strach <Phillip.Strach@nelsonmullins.com>; Tom Farr <tom.farr@nelsonmullins.com>;  
john.branch@nelsonmullins.com; Alyssa Riggins <Alyssa.Riggins@nelsonmullins.com>; Mark Braden  
<MBraden@bakerlaw.com>; Katherine McKnight <kmcknight@bakerlaw.com>; Richard Raile <rraile@bakerlaw.com>;  
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<psmith@pathlaw.com>; 'melias@elias.law' <melias@elias.law>; 'abranche@elias.law' <abranche@elias.law>;  
'lmadduri@elias.law' <lmadduri@elias.law>; 'jshelly@elias.law' <jshelly@elias.law>; 'gwhite@elias.law'  
<gwhite@elias.law>; 'akhanna@elias.law' <akhanna@elias.law>; Theodore, Elisabeth  
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<JAmunson@jenner.com>; Kali Bracey <KBracey@jenner.com>; Schauf, Zachary C. <ZSchauf@jenner.com>; Mittal, Urja  
R. <UMittal@jenner.com>  
**Subject:** RE: NCLCV v Hall (21 CVS 15426) -- Scheduling order

Hello all,

The court is requesting that the parties in the above captioned case submit a proposed scheduling order by next Tuesday, December 14<sup>th</sup>, 2021.

While this case and *Harper v. Hall* (21 CVS 500085) have been consolidated, I am sending this message separately to the parties in each case.

Best,

Alison J. Rossi  
Judicial Fellow  
North Carolina Judicial Branch

M 919-259-9917  
D 919-890-1679  
O 919-890-1670

**From:** Feldman, Stephen <[SFeldman@robinsonbradshaw.com](mailto:SFeldman@robinsonbradshaw.com)>  
**Sent:** Friday, December 3, 2021 5:21 PM  
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**Subject:** NCLCV v Hall (21 CVS 15426) -- Notice of Appeal

Dear Ms. Myers and Ms. Rossi:

In *NCLCV v Hall*, attached please find a notice of appeal filed this afternoon. I have copied all counsel in the coordinated cases on this email.

Thank you again for your coordination of these matters. All the best.

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## Stephen D. Feldman

*Pronouns: He/Him/His*

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