

FILED

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
2021 DEC 20 SUPERIOR COURT DIVISION
21 CVS 15426

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

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, in his
official capacity as Chair of the House Standing
Committee on Redistricting, et al.

Defendants.

WAKE CO. C.S.C.
BY 

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
21 CVS 500085

REBECCA HARPER. et al.,

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, in his
official capacity as Senior Chair of the House
Standing Committee on Redistricting, et al.

Defendants.

**STATE DEFENDANTS'
ANSWER
TO AMENDED COMPLAINT
FILED IN
HARPER v HALL, ET AL.**

NOW COME the Defendants, the North Carolina State Board of Elections, and its members ("State Defendants"), by and through undersigned counsel, and hereby answer Plaintiffs' Amended Complaint as follows:

INTRODUCTION

1. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and constitute legal conclusions.

2. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and constitute legal conclusions.

3. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and constitute legal conclusions.

4. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument.

5. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument.

6. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent a response is required, State Defendants lack sufficient information to admit or deny the allegation.

7. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent a response is required, State Defendants lack sufficient information to admit or deny the allegation.

8. Neither admitted nor denied to the extent that the allegation cites cases that are matters of public record, speak for themselves, are the best evidence of their contents, and constitute legal conclusions. As to remainder of the allegation, State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent a response is required, State Defendants lack sufficient information to admit or deny the allegation.

PARTIES

A. Plaintiffs

9. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

10. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

11. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

12. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

13. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

14. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

15. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

16. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

17. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

18. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

19. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

20. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

21. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

22. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

23. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

24. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

25. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

26. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

27. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

28. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

29. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

30. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

31. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

32. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

33. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

B. Defendants

34. Admitted upon information and belief.

35. Admitted upon information and belief.

36. Admitted upon information and belief.

37. Admitted upon information and belief.

38. Admitted.

39. Admitted.

40. Admitted.

41. Admitted.

42. Admitted.

43. Admitted.

44. Admitted.

45. Admitted.

JURISDICTION AND VENUE

46. Admitted.

47. Admitted.

48. Admitted.

FACTUAL ALLEGATIONS

A. North Carolina voters are divided politically.

49. State Defendants admit that since 2008, Democrats have won three out of four gubernatorial elections, while Republican presidential and U.S. Senate candidates have each won their respective races three out of four times. Due to the vague nature of the remaining allegations in this paragraph, State Defendants are unable to admit or deny them.

50. State Defendants admit, upon information and belief, that in 2020, the Republican nominee for President defeated the Democratic nominee by a margin of 49.9% to 48.6%. State Defendants admit, upon information and belief, that in the 2020 race for governor, the Democratic nominee defeated the Republican nominee by a margin of 51.5% to 47.0%. State Defendants admit, upon information and belief, that in the 2020 race for Attorney General, the Democratic nominee defeated the Republican nominee by a margin of 50.1% to 49.9%. Due to the vague nature of the remaining allegations in this paragraph, State Defendants are unable to admit or deny them.

51. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

B. National Republican party officials target North Carolina for partisan gerrymandering prior to the 2010 elections.

52. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent a response is required, State Defendants lack sufficient information to admit or deny the allegation.

53. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent a response is required, State Defendants lack sufficient information to admit or deny the allegation.

54. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent a response is required, State Defendants lack sufficient information to admit or deny the allegation.

55. State Defendants admit that Republicans gained control of both the House and Senate for the first time since 1870. State Defendants lack sufficient information and knowledge to admit the remaining allegations.

C. Republican mapmakers create the 2011 congressional and legislative plans from party headquarters with the intent to advantage Republicans and disadvantage Democrats.

56. Admitted on information and belief.

57. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent a response is required, State Defendants lack sufficient information to admit or deny the allegation.

58. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent a response is required, State Defendants lack sufficient information to admit or deny the allegation.

59. Neither admitted nor denied to the extent that the case cited is a matter of public

record, speaks for itself, is the best evidence of its contents, and constitutes legal conclusions. As to the remainder, State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent a response is required, State Defendants lack sufficient information to admit or deny the allegation.

D. Federal courts strike down the 2011 congressional and legislative plans as illegal racial gerrymanders.

60. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and constitute legal conclusions.

E. The General Assembly illegally gerrymanders the remedial congressional and legislative plans.

61. Admitted upon information and belief.

62. Neither admitted nor denied to the extent that the records cited are matters of public record, speak for themselves, and are the best evidence of their contents. State Defendants lack sufficient information to admit or deny the remaining allegations of this paragraph.

63. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent a response is required, State Defendants lack sufficient information to admit or deny the allegation.

64. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent a response is required, State Defendants lack sufficient information to admit or deny the allegation.

65. Neither admitted nor denied to the extent that the records cited are matters of

public record, speak for themselves, and are the best evidence of their contents. State

66. Neither admitted nor denied to the extent that the records cited are matters of public record, speak for themselves, and are the best evidence of their contents.

67. Neither admitted nor denied to the extent that the records cited are matters of public record, speak for themselves, and are the best evidence of their contents.

68. Neither admitted nor denied to the extent that the records cited are matters of public record, speak for themselves, and are the best evidence of their contents.

69. Neither admitted nor denied to the extent that the records cited are matters of public record, speak for themselves, and are the best evidence of their contents.

70. Neither admitted nor denied to the extent that the records cited are matters of public record, speak for themselves, and are the best evidence of their contents.

71. Neither admitted nor denied to the extent that the records cited are matters of public record, speak for themselves, and are the best evidence of their contents.

72. Admitted.

73. Neither admitted nor denied to the extent that the records cited are matters of public record, speak for themselves, and are the best evidence of their contents.

74. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent a response is required, State Defendants lack sufficient information to admit or deny the allegation.

75. To the extent that this paragraph states a legal conclusion, no response is necessary. Otherwise, State Defendants are without sufficient information to admit or deny the allegation.

76. Neither admitted nor denied to the extent that the records cited are matters of

public record, speak for themselves, and are the best evidence of their contents. Otherwise, State defendants are without sufficient information to admit or deny the allegations.

77. Neither admitted nor denied to the extent that the records cited are matters of public record, speak for themselves, and are the best evidence of their contents.

78. Neither admitted nor denied to the extent that the records cited are matters of public record, speak for themselves, are the best evidence of their contents, and constitute legal conclusions.

79. Neither admitted nor denied to the extent that the records cited are matters of public record, speak for themselves, are the best evidence of their contents, and constitute legal conclusions.

80. Neither admitted nor denied to the extent that the records cited are matters of public record, speak for themselves, and are the best evidence of their contents.

81. Neither admitted nor denied to the extent that the records cited are matters of public record, speak for themselves, and are the best evidence of their contents.

82. Admitted as to the passage of the legislation. As for the remainder, neither admitted nor denied to the extent that the records cited are matters of public record, speak for themselves, and are the best evidence of their contents.

83. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent a response is required, State Defendants lack sufficient information to admit or deny the allegation.

F. Three-judge panels of this Court enjoin the remedial congressional and legislative plans as unlawful partisan gerrymanders.

84. Neither admitted nor denied to the extent that the cases alluded to are matters of public record, speak for themselves, are the best evidence of their contents, and constitute legal

conclusions.

85. Because the case referenced is a matter of public record, and the records in the case speak for themselves, no response is required.

86. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its contents, and constitutes legal conclusions.

87. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its contents, and constitutes legal conclusions.

88. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, and is the best evidence of its contents.

89. Because the case referenced is a matter of public record, and the records in the case speak for themselves, no response is required.

90. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, and is the best evidence of its contents.

91. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and constitute legal conclusions.

92. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and constitute legal conclusions.

93. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. This paragraph references legislative actions, the records of which speak for themselves. To the extent that a response is required, State Defendants are without sufficient information to admit or deny the allegations.

94. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, and is the best evidence of its contents.

95. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, and is the best evidence of its contents.

96. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, and is the best evidence of its contents.

G. Legislative Defendants create the 2021 Plans with the goal of entrenching an overwhelming Republican advantage in congressional and legislative seats.

97. To the extent that this paragraph contains argument or conclusory allegations, no response is required. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and constitute legal conclusions. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

98. Neither admitted nor denied to the extent that the records cited are matters of public record, speak for themselves, and are the best evidence of their contents.

99. This paragraph references legislative action, the records for which speak for themselves. To the extent that a response is required, State Defendants lack sufficient information to admit or deny the allegations regarding the legislative action or any other allegations in this paragraph.

100. This paragraph references legislative action, the records for which speak for themselves, and related documents, which speak for themselves. To the extent that a response is required, State Defendants lack sufficient information to admit or deny the allegations regarding the legislative action or the content of the referenced document or any other allegations in this paragraph.

101. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent a response is required, State Defendants lack sufficient information to admit or deny the allegation, and therefore deny them.

102. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent that a response is required, State Defendants are without sufficient information to admit or deny the allegation.

103. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent that a response is required, State Defendants are without sufficient knowledge to admit or deny the allegations.

104. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent that a response is required, State Defendants lack sufficient information to admit or deny the allegations, and therefore deny the allegations.

105. This paragraph references legislative action, which speaks for itself. To the extent that a response is required, State Defendants are without sufficient information to admit or deny the allegations.

106. This paragraph references legislation actions, which speak for themselves. To the extent that a response is required, State Defendants are without sufficient information to admit or deny the allegations.

107. This paragraph references legislative actions, the records of which speak for themselves. To the extent that a response is required, State Defendants are without sufficient information to admit or deny the allegations.

108. This paragraph references records, which speak for themselves. To the extent that a response is required, State Defendants are without sufficient information to admit or deny the allegations.

109. To the extent this allegation constitutes argument and is conclusory, no response is needed. To the extent a response is needed, State Defendants are without sufficient information to admit or deny this allegation.

110. Admitted.

111. Admitted as to the passage of the legislation. As for the remainder, neither admitted nor denied to the extent that the records cited are matters of public record, speak for themselves, and are the best evidence of their contents.

112. Admitted as to the passage of the legislation. As for the remainder, neither admitted nor denied to the extent that the records cited are matters of public record, speak for themselves, and are the best evidence of their contents.

113. Admitted as to the passage of the legislation. As for the remainder, neither admitted nor denied to the extent that the records cited are matters of public record, speak for themselves, and are the best evidence of their contents.

H. The 2021 Congressional plan packs and cracks Democratic voters in every district.

114. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent a response is required, State Defendants lack sufficient information to admit or deny the allegation.

115. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent a response is required, State Defendants lack sufficient information to admit or deny the allegation.

116. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent a response is required, State Defendants lack sufficient information to admit or deny the allegation.

117. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. This paragraph references purported expert opinions, which speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the allegation.

118. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent a response is required, State Defendants lack sufficient information to admit or deny the allegations of this paragraph and therefore deny them.

Congressional District 1

119. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2016, 2019, and 2021 Congressional Plans, the plans speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the allegations.

120. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Congressional Plan, those records speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

121. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Congressional Plan and the results of the 2020 presidential election, the plan and those results

speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

Congressional District 2

122. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2016, 2019, and 2021 Congressional Plans, the plans speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

123. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the results of the 2020 presidential election and the 2019 and 2021 Congressional Plans, those results and plans speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

Congressional District 3

124. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Congressional Plan, the plan speaks for itself. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

125. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Congressional Plan and the results of the 2020 presidential election, the plan and those results

speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

Congressional District 4

126. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Congressional Plan, the plan speaks for itself. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

127. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Congressional Plan and the results of the 2020 presidential election, the plan and those results speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

Congressional District 5

128. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Congressional Plan, the plan speaks for itself. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

129. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Congressional Plan and the results of the 2020 presidential election, the plan and those results

speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

Congressional District 6

130. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2016 and 2021 Congressional Plans, the plans speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2016 and 2021 Congressional Plans, or any remaining allegations.

131. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Congressional Plan and the results of the 2020 presidential election, the plan and those results speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the results of the 2020 presidential election, allegations regarding the 2021 Congressional Plan, or any remaining allegations.

Congressional District 7

132. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Congressional Plan, the plan speaks for itself. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2021 Congressional Plan, or any remaining allegations.

133. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Congressional Plan and the results of the 2020 presidential election, the plan and those results speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the results of the 2020 presidential election, allegations regarding the 2021 Congressional Plan, or any remaining allegations.

Congressional District 8

134. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Congressional Plan, the plan speaks for itself. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2021 Congressional Plan, or any remaining allegations.

135. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Congressional Plan and the results of the 2020 presidential election, the plan and those results speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the results of the 2020 presidential election, allegations regarding the 2021 Congressional Plan, or any remaining allegations.

Congressional District 9

136. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021

Congressional Plan, the plan speaks for itself. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2021 Congressional Plan, or any remaining allegations.

137. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2019 and 2021 Congressional Plans and the results of the 2020 presidential election, the plans and those results speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the results of the 2020 presidential election, allegations regarding the 2019 and 2021 Congressional Plans, or any remaining allegations.

Congressional District 10

138. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2016 and 2021 Congressional Plans, the plans speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2016 and 2021 Congressional Plans, or any remaining allegations.

139. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Congressional Plan and the results of the 2020 presidential election, the plan and those results speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the results

of the 2020 presidential election, allegations regarding the 2021 Congressional Plan, or any remaining allegations.

Congressional District 11

140. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2016 and 2021 Congressional Plans, the plans speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2016 and 2021 Congressional Plans, or any remaining allegations.

141. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Congressional Plan and the results of the 2020 presidential election, the plan and those results speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the results of the 2020 presidential election, allegations regarding the 2021 Congressional Plan, or any remaining allegations.

Congressional District 12

142. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Congressional Plan, the plan speaks for itself. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2021 Congressional Plan, or any remaining allegations.

143. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Congressional Plan and the results of the 2020 presidential election, the plan and those results speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the results of the 2020 presidential election, allegations regarding the 2021 Congressional Plan, or any remaining allegations.

Congressional District 13

144. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2016 and 2021 Congressional Plans, the plans speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2016 and 2021 Congressional Plans, or any remaining allegations.

145. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Congressional Plan and the results of the 2020 presidential election, the plan and those results speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the results of the 2020 presidential election, allegations regarding the 2021 Congressional Plan, or any remaining allegations.

Congressional District 14

146. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2016 and 2021 Congressional Plans, the plans speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2016 and 2021 Congressional Plans, or any remaining allegations.

147. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Congressional Plan and the results of the 2020 presidential election, the plan and those results speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the results of the 2020 presidential election, allegations regarding the 2021 Congressional Plan, or any remaining allegations.

I. The 2021 Senate and House Plans pack and crack plaintiffs and other democratic voters to dilute their votes.

148. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Senate and House Plans, the plans speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2021 Senate and House Plans, or any remaining allegations.

1. The 2021 Senate Plan packs and cracks Democratic voters.

Granville-Wake Grouping (Senate Districts 13, 14, 15, 16, 17, and 18)

149. This paragraph references a legal conclusion contained in a document which is a matter of public record and which speaks for itself, and therefore, that legal conclusion does not require a response. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Congressional Plan and the 2017 and 2021 Senate Plans, the plans speak for themselves. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2021 Congressional Plan and the 2017 and 2021 Senate Plans, or any remaining allegations.

Guilford-Rockingham Grouping (Senate Districts 26, 27, and 28)

150. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Senate Plan, the plan speaks for itself. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2021 Senate Plan, or any remaining allegations.

Iredell-Mecklenburg Grouping (Senate Districts 37 38, 39, 40, 41, and 42)

151. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Senate Plan, the plan speaks for itself. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2021 Senate Plan, or any remaining allegations.

Buncombe-McDowell-Burke Grouping (Senate Districts 43, 44, 46, 48, 49)

152. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Senate Plan, the plan speaks for itself. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2021 Senate Plan, or any remaining allegations.

Cumberland-Moore Grouping (Senate Districts 19 and 21)

153. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Senate Plan, the plan speaks for itself. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2021 Senate Plan, or any remaining allegations.

Forsyth-Stokes Grouping (Senate Districts 31, 32, and 36)

154. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Senate Plan, the plan speaks for itself. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2021 Senate and House Plans, or any remaining allegations.

Northeast Grouping (Senate Districts 1 and 2)

155. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 Senate Plan, the plan speaks for itself. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2021 Senate and House Plans, or any remaining allegations.

156. State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

2. The 2021 House Plan packs and cracks Democratic voters.

Mecklenburg County (House Districts 88, 92, 98, 99 100, 101, 102, 103, 104, 105, 106, 107, 112)

157. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 House Plan, the plan speaks for itself. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2021 Senate and House Plans, or any remaining allegations.

Wake County (House Districts 11, 21, 33, 34, 35, 36, 37, 38, 39, 40, 41, 49)

158. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 House Plan, the plan speaks for itself. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2021 Senate and House Plans, or any remaining allegations.

Forsyth-Stokes Grouping (House Districts 71, 72, 74, 75, 91)

159. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 House Plan, the plan speaks for itself. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2021 Senate and House Plans, or any remaining allegations.

Guilford County (House Districts 57, 58, 59, 60, 61, 62)

160. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 House Plan, the plan speaks for itself. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2021 Senate and House Plans, or any remaining allegations.

Buncombe County (House Districts 114, 115, 116)

161. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 House Plan, the plan speaks for itself. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2021 Senate and House Plans, or any remaining allegations.

Pitt County (House Districts 8 and 9)

162. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 House Plan, the plan speaks for itself. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2021 Senate and House Plans, or any remaining allegations.

Durham-Person Grouping (House Districts 2, 29, 30, and 31)

163. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 House Plan, the plan speaks for itself. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2021 Senate and House Plans, or any remaining allegations.

Duplin-Wayne Grouping (House Districts 4, 10, 14, 15, 16, and 22)

164. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that this paragraph contains allegations regarding the 2021 House Plan, the plan speaks for itself. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, the allegations about the 2021 Senate and House Plans, or any remaining allegations.

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

165. State Defendants incorporate their previous responses.

166. State Defendants admit that the North Carolina Constitution speaks for itself concerning its content, and that the U.S. Constitution has no counterpart to the Free Elections Clause.

167. This paragraph references a written documents, which speak for themselves. Therefore, this paragraph does not require a response. To the extent that a response is required, Defendants lack sufficient information to admit or deny the statements in the referenced document or any allegations in this paragraph.

168. This paragraph references written documents, which speak for themselves. Therefore, this paragraph does not require a response. To the extent that a response is required, Defendants lack sufficient information to admit or deny the statements in the referenced document or any allegations in this paragraph.

169. This paragraph contains argument and references legal conclusions in written documents, which speak for themselves. Therefore, this paragraph does not require a response. To the extent that a response is required, Defendants lack sufficient information to admit or deny the

argument, the legal conclusions from the referenced documents, or any allegations in this paragraph.

170. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and constitute legal conclusions.

171. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and constitute legal conclusions.

172. This paragraph contains argument and conclusory allegations about the 2021 Plans, to which no response is required. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and constitute legal conclusions. To the extent that a response is required to the argument, conclusory allegations, and quotations, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, and quotations, or any of the other allegations in this paragraph.

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

173. State Defendants incorporate their previous responses.

174. State Defendants admit that the North Carolina Constitution speaks for itself concerning its content.

175. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and constitute legal conclusions.

176. Neither admitted nor denied to the extent that the cases cited are matters of public

record, speak for themselves, are the best evidence of their contents, and constitute legal conclusions.

177. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and constitute legal conclusions.

178. This paragraph contains argument and conclusory allegations about the 2021 Congressional Plan, to which no response is required. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and constitute legal conclusions. To the extent that a response is required to the argument, conclusory allegations, and quotations, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, and quotations, or any of the other allegations in this paragraph.

179. This paragraph contains argument and conclusory allegations about the 2021 Congressional Plan, to which no response is required. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and constitute legal conclusions. To the extent that a response is required to the argument, conclusory allegations, and the quotations, State Defendants lack sufficient information to admit or deny the allegations relaying that argument and quoting the above-noted decision, or any of the other allegations in this paragraph.

COUNT THREE

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

180. State Defendants incorporate their previous responses.

181. State Defendants admit that the North Carolina Constitution speaks for itself

concerning its content.

182. State Defendants admit that the North Carolina Constitution speaks for itself concerning its content.

183. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and constitute legal conclusions.

184. To the extent this paragraph contains argument and conclusory allegations about the 2021 Congressional Plan, no response is required. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and constitute legal conclusions. To the extent that a response is required to the argument, conclusory allegations, and quotations, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, and quotations, or any of the other allegations in this paragraph.

185. To the extent this paragraph contains argument and conclusory allegations about the 2021 Congressional Plan, no response is required. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and constitute legal conclusions. To the extent that a response is required to the argument, conclusory allegations, and quotations, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, and quotations, or any of the other allegations in this paragraph.

186. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent that this paragraph contains argument or conclusory allegations, no

response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

187. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

**ANY AND ALL OTHER ALLEGATIONS MADE IN PLAINTIFFS' COMPLAINT,
INCLUDING THE RELIEF REQUESTED, EXCEPT AS SPECIFICALLY ADMITTED
ABOVE, ARE HEREBY DENIED.**

This the 17th day of December, 2021.

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DEPARTMENT OF JUSTICE



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CERTIFICATE OF SERVICE

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This the 17th day of December, 2021.

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