

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Civil Action No. 1:23-cv-00862-TDS-JEP

DEMOCRATIC NATIONAL  
COMMITTEE, et al.

Plaintiffs,

v.

NORTH CAROLINA STATE BOARD  
OF ELECTIONS, et al.,

Defendants,

And

PHILIP E. BERGER, et al.

Intervenor-Defendants.

**UNOPPOSED  
MOTION FOR STATUS  
CONFERENCE**

**NOW COME** Defendants North Carolina State Board of Elections, Karen Brinson Bell, Alan Hirsch, Jeff Carmon, Stacy Eggers, IV, Kevin N. Lewis, and Siobhan O’Duffy Millen (collectively, the “State Board Defendants”), pursuant to the Court’s inherent authority to manage its docket, to move this Court for an order scheduling a status conference at which all parties must appear. *See Dietz v. Bouldin*, 579 U.S. 40, 47 (2016) (“[D]istrict courts have the inherent authority to manage their dockets and courtrooms with a view toward the efficient and expedient resolutions of cases.”).

In support of this Motion, the State Board Defendants state the following:

1. Plaintiffs in *Democratic National Committee, et al v. North Carolina State Board of Elections, et al.*, Case No. 1:23-cv-862-TDS-JEP (“DNC Plaintiffs”), filed their

Complaint and Motion for Preliminary Injunction simultaneously on October 10, 2023. [D.E. 1, 6].

2. Plaintiffs in *Voto Latino, et al v. Hirsch, et al.*, Case No. 1:23-cv-861-TDS-JEP (“Voto Latino Plaintiffs”), filed their Complaint on October 10, 2023. *See Voto Latino, et al v. Hirsch, et al.*, Case No. 1:23-cv-861-TDS-JEP, Dkt. No. 1 (Oct. 10, 2023).

3. Plaintiffs in *Democracy North Carolina, et al. v. Hirsch, et al.*, Case No. 1:23-cv-878-TDS-JEP (“Democracy NC Plaintiffs”), filed their Complaint on October 17, 2023. *See Democracy North Carolina, et al. v. Hirsch, et al.*, Case No. 1:23-cv-878-TDS-JEP, Dkt. No. 1 (Oct. 17, 2023).

4. In each of these three cases, the plaintiffs challenge the same amendments to North Carolina’s same-day registration process under newly enacted 2023 N.C. Session Law 140. (“SB 747”). The challenged provisions in SB 747 will be put into practice on February 15, 2024 when early voting starts for the March 2024 primary.

5. On November 1, 2023, Voto Latino Plaintiffs organized a conference call involving all parties and the proposed intervenors in that action. During the call, the parties and proposed intervenors discussed a briefing schedule for Voto Latino Plaintiffs’ forthcoming Motion for Preliminary Injunction, as well as potential consolidation and the utility of a single uniform briefing schedule for all three cases.

6. On November 3, 2023, Democracy NC Plaintiffs organized a conference call involving all parties and the proposed intervenors in that action. During the call, the Democracy NC Plaintiffs discussed the case schedule for expedited discovery, a trial on

the merits, and the potential of seeking a status conference. Defendants raised the potential for consolidation, the utility of a single uniform briefing schedule for preliminary relief, and a joint status conference for all three cases. The Democracy NC Plaintiffs subsequently clarified that they are seeking a trial and final judgment on the merits with time to administer the Court's ruling in advance of the November 2024 general election.

7. Following the calls, it was the understanding of undersigned counsel that the Voto Latino Plaintiffs would consult with the various plaintiffs in all three related cases regarding the issues of consolidation and a single uniform briefing schedule for motions for preliminary injunction. Democracy NC Plaintiffs also agreed to consult the various plaintiffs regarding a joint status conference with all parties in all three cases.

8. Pursuant to an order of the Court, the State Board Defendants' responses to the DNC Plaintiffs' Complaint and Motion for Preliminary Injunction is due on November 16, 2023. [D.E. 43]. That deadline remains operative and, absent an order from the Court, State Board Defendants intend to comply with it. State Board Defendants response to the Democracy NC Plaintiffs' Complaint is also due November 16, 2023. State Board Defendants response to the Voto Latino Plaintiffs' Complaint is due December 7, 2023.

9. State Board Defendants are the only parties involved in each of the three cases. Accordingly, State Board Defendants seek with this motion a status conference to discuss and possibly resolve certain issues at this early stage in an effort to conserve the resources of the parties and the Court, and to ensure an orderly, coordinated, and efficient

timeline for resolution of any requests for preliminary relief. Such issues include the possibility of consolidation and a single uniform schedule for any and all requests for preliminary relief in all three cases.

10. It is respectfully submitted that early coordination between the parties in all three cases and the Court would be beneficial and will conserve resources. It is further respectfully submitted that the most efficient means to accomplish this task is a status conference with all parties and proposed intervenors in all three cases to discuss with the Court the issues of consolidation, a single uniform schedule for preliminary relief, and any other issues the Court deems necessary to manage its dockets and to resolve the above cases in an efficient and expedient fashion. *See Dietz*, 579 U.S. at 47.

11. State Board Defendants believe this is a reasonable request given the obvious interrelated nature of the three actions, the upcoming deadlines to respond to the various filings in the three cases, the indication from Voto Latino Plaintiffs that they intend to file a Motion for Preliminary Injunction, the indication from Democracy NC Plaintiffs that they intend to seek an expedited final judgment, and the need to resolve any preliminary motions in an expedient manner given the proximity of the March 2024 primary.

12. Undersigned counsel consulted all parties, intervenors, and proposed intervenors in each of the three related cases.

13. DNC Plaintiffs do not oppose a status conference to the extent it does not delay resolution of their motion for preliminary injunction because they would like clarity as to the rules that will apply for the March 2024 primary as soon as possible.

14. Democracy NC Plaintiffs provided the following response and requested that it be relayed to the Court in this filing: “Plaintiffs are in agreement that a status conference at this time would be beneficial, especially given the time constraints of the fast-approaching 2024 General Election and the benefit of a robust evidentiary record to the Court in resolving Plaintiffs’ claims. We therefore consent to the request.”

15. Voto Latino Plaintiffs do not oppose the request for a conference with the Court.

16. All intervenors and proposed intervenors consent to this request for a status conference.

17. A proposed order granting State Board Defendants’ request for a status conference is attached hereto.

WHEREFORE, State Board Defendants respectfully request that the Court issue an order scheduling a status conference at which all parties and proposed intervenors from all three actions will be prepared to discuss consolidation and a single uniform schedule for the resolution of Motions for Preliminary Injunction, or any other issues the Court deems necessary to manage its dockets and to resolve the above cases in an efficient and expedient fashion. State Board Defendants further respectfully request that the status conference be scheduled prior to the date on which responses are due in these cases, Thursday, November 16, 2023.

Respectfully submitted this the 12th day of November, 2023.

NORTH CAROLINA  
DEPARTMENT OF JUSTICE

/s/ Terence Steed

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**CERTIFICATE OF COMPLIANCE WITH RULE 7.3(d)**

Undersigned counsel certifies that the present filing is in compliance with Local Rule 7.3(d) of the Rules of Practice and Procedure of the United States District Court for the Middle District of North Carolina including the body of the brief, heading and footnotes, and contains no more than 6,250 words as indicated by Word, the program used to prepare the brief.

Respectfully submitted this the 12th day of November, 2023.

/s Terence Steed  
Terence Steed  
Special Deputy Attorney General