

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA**

BILLY JOE BREWSTER, JR., LARRY E.
NORMAN, and THOMAS L. HILL, on behalf
of themselves and others similarly situated,

Plaintiffs,

v.

PHILLIP E. BERGER, in his official capacity
as Speaker Pro Tempore of the North Carolina
Senate; TIMOTHY K. MOORE, in his official
capacity as Speaker of the North Carolina
House of Representatives, DAMON
CIRCOSTA, STELLA ANDERSON, JEFF
CARMON III, DAVID C. BLACK , KEN
RAYMOND AND KAREN BRINSON BELL,
in their official capacities as officers or
members of the North Carolina State Board
of Elections,

Defendants,

and

REBECCA HARPER; AMY CLARE
OSEROFF; DONALD RUMPH; JOHN
BALLA; RICHARD R. CREWS; LILY
NICOLE QUICK; GETTYS COHEN JR.;
SHAWN RUSH; JACKSON THOMAS
DUNN, JR.; MARK S. PETERS; JOSEPH
THOMAS GATES; KATHLEEN BARNES;
VIRGINIA WALTERS BRIEN; DAVID
DWIGHT BROWN,

(Proposed)
Intervenor-Defendants.

**MOTION TO INTERVENE AS
DEFENDANTS**

Civil Action No. 2:19-cv-37-D

Rebecca Harper, Amy Clare Oseroff, Donald Rumph, John Balla, Richard R. Crews, Lily Nicole Quick, Gettys Cohen Jr., Shawn Rush, Jackson Thomas Dunn, Jr., Mark S. Peters, Joseph Thomas Gates, Kathleen Barnes, Virginia Walters Brien, and David Dwight Brown (the “Harper Intervenors”) seek to participate as intervening defendants in the above-captioned lawsuit to defend the validity of the North Carolina Superior Court Order granting injunctive relief. *See* Order on Injunctive Relief, *Harper v. Lewis*, No. 19-CVS-012667 (N.C. Super. Oct. 28, 2019).

For the reasons discussed in the memorandum in support, filed concurrently herewith, the Harper Intervenors are entitled to intervene in this case as a matter of right under Federal Rule of Civil Procedure 24(a)(2). In the alternative, the Harper Intervenors request permissive intervention pursuant to Rule 24(b). In accordance with Rule 24(c), the Harper Intervenor’s Proposed Answer is attached as Exhibit 1.

Counsel for the Harper Intervenors has consulted with Plaintiffs’ and Defendants’ counsel regarding this Motion. Counsel for Defendants indicated that they consent to the Motion. Counsel for Plaintiffs have not indicated that they take no position on the Motion.

WHEREFORE, the Harper Intervenors request that the Court grant them leave to intervene in the above-captioned matter and to file its proposed Answer.

Dated: November 1, 2019

By: /s/ Narendra K. Ghosh
Narendra K. Ghosh, NC Bar No. 37649
Burton Craige, NC Bar No. 9180
Paul E. Smith, NC Bar No. 45014
PATTERSON HARKAVY LLP
100 Europa Dr., Suite 420
Chapel Hill, NC 27517
(919) 942-5200
nghosh@pathlaw.com
bcraige@pathlaw.com
psmith@pathlaw.com

Marc Erik Elias*
Uzoma Nkwonta*
Aria Branch*
PERKINS COIE LLP
700 Thirteenth Street, N.W., Suite 600
Washington, D.C. 20005-3960
Telephone: 202.654.6200
Facsimile: 202.654.6211
melias@perkinscoie.com
unkwonta@perkinscoie.com
abbranch@perkinscoie.com

Abha Khanna*
Perkins Coie, LLP
1201 Third Avenue, Ste. 4900
Seattle, WA 98101-3099
Phone: (206) 359-8000
Fax: (206) 359-9000
Email: AKhanna@perkinscoie.com

R. Stanton Jones
Elisabeth S. Theodore
Daniel F. Jacobson
ARNOLD AND PORTER KAYE
SCHOLER LLP
601 Massachusetts Ave. NW
Washington, DC 20001-3743
(202) 954-5000
stanton.jones@arnoldporter.com
elisabeth.theodore@arnoldporter.com
daniel.jacobson@arnoldporter.com

*Attorneys for Proposed Intervenor-
Defendants*

**Pro Hac Vice Application Forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that on this date, November 1, 2019, I caused the foregoing document to be filed and served on all counsel of record by operation of the CM/ECF system for the United States District Court for the Eastern District of North Carolina.

DATED: November 1, 2019

/s/ Narendra K. Ghosh
Narendra K. Ghosh