

**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 President 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,

Intervenors-Defendants.

**INTERVENORS' MOTION TO DISMISS
AMENDED COMPLAINT UNDER
FED. R. CIV. P. 12(B)(1)**

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

Pursuant to Federal Rule of Civil Procedure 12(b)(1), Intervenor 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* Intervenor”) move to dismiss Plaintiffs’ Amended Complaint in its entirety and with prejudice for lack of subject matter jurisdiction. The reasons for dismissal are set out more fully in the supporting memorandum, filed contemporaneously herewith.

WHEREFORE, Intervenor respectfully request that this Court dismiss Plaintiffs’ Amended Complaint with prejudice and grant Intervenor such other and further relief as the Court deems just and proper.

Dated: November 22, 2019

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***Pro Hac Vice Application Forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that on this date, November 22, 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 22, 2019

/s/ Uzoma Nkwonta

Uzoma Nkwonta