

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No. 1:16-cv-1274-LCB-JLW

N.C. STATE CONFERENCE OF THE)
NAACP, *et al.*,)
)
Plaintiffs,)
)
v.)
)
N.C. STATE BD. OF ELECTIONS, *et al.*,)
)
Defendants.)
_____)

JOINT MOTION TO EXTEND TIME

On December 18, 2017, the Parties filed a Joint Status Report informing the Court that Plaintiffs intend to move for early partial summary judgment on their NVRA claims (Counts I and II) based on stipulated facts. The Joint Status Report also explained that, if the Parties were able to reach agreement on stipulated facts, the Parties proposed a stay of discovery on Plaintiffs' remaining claims pending disposition of their early motion for partial summary judgment, provided the Court grants Plaintiffs leave to pursue discovery and to seek summary judgment on all claims in the event Plaintiffs do not prevail on their motion or on appeal.

The Parties agreed in the Joint Status Report to submit a supplemental report to the Court by January 5, 2018, informing the Court whether the Parties had reached agreement on stipulated facts.

The Parties wish to inform the Court that Plaintiffs and each of the Defendant groups¹ are very close to reaching agreement on the stipulated facts, but because of the inclement winter weather and unforeseen office closures have not yet been able to finalize their agreements.

Thus, the Parties submit this joint request for an extension of time until January 12, 2018, to permit the Parties to come to agreement on stipulated facts. If Plaintiffs and all Defendant groups are able to reach agreement on stipulated facts by January 12, 2018, then Plaintiffs are prepared to move for partial summary judgment on their NVRA claims by no later than February 2, 2018. The Parties agree to submit a Supplemental Joint Report to the Court by no later than January 12, 2018, informing the Court whether the Parties have reached agreement on stipulated facts.

The Parties incorporate and agree to the remaining terms laid out in the December 18, 2017 Joint Status Report, including that if any Parties are unable to reach agreement on stipulated facts by January 12, 2018, then those Parties will proceed with a period of limited expedited discovery solely as to the two NVRA claims, and solely between those Parties, and any relevant third parties, who cannot reach agreement on stipulated facts.

During any limited expedited discovery period, the Parties agree that the deadlines for responding to all discovery requests will be shortened to 7 days. To accommodate the extension of time for reaching agreement on stipulated facts, the limited expedited discovery will be completed by February 12, 2018, after which Plaintiffs will be prepared

¹ The four Defendant groups are (1) the North Carolina Board of Elections, its members and directors, (2) the Beaufort County Board of Elections, its members and directors, (3) the Cumberland County Board of Elections, its members and directors, and (4) the Moore County Board of Elections, its members and directors.

to file their partial summary judgment motion no later than March 5, 2018. The Parties do not anticipate the need for any expert discovery during the limited discovery period. The Parties agree that discovery concerning all non-NVRA claims will be stayed, unless and until Plaintiffs' motion for partial summary judgment on the NVRA claims is denied in whole or in part, at which time the stay of discovery shall be lifted and discovery shall proceed as set forth in the December 18, 2017 Joint Status Report.

Respectfully submitted, this 5th day of January 2018,

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Local Civil Rule 83.1(d)

CERTIFICATE OF SERVICE

I, Leah Kang, hereby certify that on January 5, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and have verified that such filing was sent electronically using the CM/ECF.

/s/ Leah Kang

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