

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

NORTH CAROLINA STATE CONFERENCE
OF THE NAACP, *et al.*,

Plaintiffs,

v.

The NORTH CAROLINA STATE BOARD OF
ELECTIONS, *et al.*,

Defendants.

No. 1:16-cv-01274-LCB-JLW

JOINT MOTION FOR AN ORDER GRANTING FINAL JUDGMENT

Plaintiffs North Carolina State Conference of the NAACP, *et al.* (“Plaintiffs”),¹ through undersigned counsel, and Defendants North Carolina State Board of Elections, *et al.* (“Defendants”),² through undersigned counsel (collectively, the “Parties”) jointly move the Court for an entry of the [Proposed] Order Granting Final Judgment, attached hereto as Exhibit A. As grounds for this Joint Motion, the Parties state as follows:

¹ Plaintiffs refers to James Michael Brower, Grace Bell Hardison, James L. Cox, James Edward Arthur, Sr., the North Carolina Conference of the NAACP, and the Moore County Branch of the NAACP.

² Defendants refers to the North Carolina State Board of Elections and its Board members Robert Cordle, Stella Anderson, Kenneth Raymond, Jeff Carmon III and David C. Black; the Beaufort County Board of Elections and its Board members John B. Tate III, Rance Singleton, Thomas S. Payne III, Watsi Sutton and Jason Williams; the Moore County Board of Elections and its Board members Susan T. Adams, Elizabeth F. Mangrum, Sheldon Rappaport, Richard W. Aston and R. Craig Kennedy; the Cumberland County Board of Elections and its Board members Floyd Johnson, Linda Devore, Irene Grimes, Helen Nelson and Bobby Swilley. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, the current board members are substituted automatically for the former board members as parties.

1. The Parties now desire to resolve this action without further litigation and expense and to avoid the further delay, inconvenience, burden and uncertainty of continued litigation in this matter.

2. After engaging in settlement discussions, the Parties have executed a Settlement Agreement (attached hereto as Exhibit B).

3. The Settlement Agreement finally resolves this action as to all Parties. Accordingly, the Parties respectfully request that this Court enter the [Proposed] Order in the form attached hereto as Exhibit A.

4. Pursuant to the Settlement Agreement, the parties stipulate and request that the Court order that Defendant North Carolina State Board of Elections pay to Plaintiffs \$619,000 for attorneys' fees and litigation expenses, as specified in the Settlement Agreement, as the total amount of attorneys' fees and litigation expenses to be paid to Plaintiffs in this matter.

5. Pursuant to the Settlement Agreement, the parties stipulate and request that the Court enter final judgment in favor of Plaintiffs as to Counts I and II of the Complaint and dismiss with prejudice the remainder of the claims in the case, including Counts III and IV of Plaintiffs' Complaint, the cross-claim asserted by the Cumberland County Defendants, and all other claims that could have been asserted based upon the factual allegations contained in the pleadings in this Action that were not resolved in the Court's August 7, 2018 Order granting partial summary judgment against Defendants as to Counts I and II of

the Complaint. The Parties also request that the Court vacate all pending deadlines and hearing dates in this matter.

For the above reasons, the Parties jointly move the Court to enter a [Proposed] Order Granting Final Judgment, in the form attached as Exhibit A.

Dated: December 13, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Penda D. Hair, hereby certify that on December 13, 2019, 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.

This the 13th day of December, 2019.

/s/ Penda D. Hair

Penda D. Hair

Attorney for Plaintiffs