

FILED
02-13-2024
CLERK OF WISCONSIN
SUPREME COURT

IN THE SUPREME COURT OF WISCONSIN

No. 2023AP1399

REBECCA CLARKE, RUBEN ANTHONY, TERRY DAWSON, DANA GLASSTEIN, ANN GROVES-LLOYD, CARL HUJET, JERRY IVERSON, TIA JOHNSON, ANGIE KIRST, SELIKA LAWTON, FABIAN MALDONADO, ANNEMARIE MCCLELLAN, JAMES MCNETT, BRITTANY MURIELLO, ELA JOOSTEN (PARI) SCHILS, NATHANIEL SLACK, MARY SMITH-JOHNSON, DENISE (DEE) SWEET, AND GABRIELLE YOUNG,

Petitioners,

GOVERNOR TONY EVERS, IN HIS OFFICIAL CAPACITY; NATHAN ATKINSON, STEPHEN JOSEPH WRIGHT, GARY KRENZ, SARAH J. HAMILTON, JEAN-LUC THIFFEAULT, SOMESH JHA, JOANNE KANE, AND LEAH DUDLEY,

Intervenors-Petitioners

v.

WISCONSIN ELECTIONS COMMISSION; DON MILLIS, ROBERT F. SPINDELL, JR., MARK L. THOMSEN, ANN S. JACOBS, MARGE BOSTELMANN, AND CARRIE RIEPL, IN THEIR OFFICIAL CAPACITIES AS MEMBERS OF THE WISCONSIN ELECTIONS COMMISSION; MEAGAN WOLFE, IN HER OFFICIAL CAPACITY AS THE ADMINISTRATOR OF THE WISCONSIN ELECTIONS COMMISSION; SENATOR ANDRÉ JACQUE, SENATOR TIM CARPENTER, SENATOR ROB HUTTON, SENATOR CHRIS LARSON, SENATOR DEVIN LEMAHIEU, SENATOR STEPHEN L. NASS, SENATOR JOHN JAGLER, SENATOR MARK SPREITZER, SENATOR HOWARD L. MARKLEIN, SENATOR RACHAEL CABRAL-GUEVARA, SENATOR VAN H. WANGGAARD, SENATOR JESSE L. JAMES, SENATOR ROMAINE ROBERT QUINN, SENATOR DIANNE H. HESSELBEIN, SENATOR CORY TOMCZYK, SENATOR JEFF SMITH, AND SENATOR CHRIS KAPENGA, IN THEIR OFFICIAL CAPACITIES AS MEMBERS OF THE WISCONSIN SENATE,

Respondents,

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Intervenors-Respondents.

APPENDIX IN SUPPORT OF JOINT RESPONSE OF PETITIONERS, GOVERNOR TONY EVERS, SENATORS CARPENTER *ET AL.*, AND WRIGHT INTERVENORS TO MOTION FOR LEAVE TO SUBPOENA CONSULTANTS OR, ALTERNATIVELY, TO STRIKE

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CERTIFICATION BY ATTORNEY

I hereby certify that filed with this brief is an appendix that complies with s. 809.19(2) (a) and that contains, at a minimum: (1) a table of contents; (2) the findings or opinion of the circuit court; (3) a copy of any unpublished opinion cited under s. 809.23 (3) (a) or (b); and (4) portions the record essential to an understanding of the issues raised, including oral or written rulings or decisions showing the circuit court's reasoning regarding those issues.

I further certify that if this appeal is taken from a circuit court order or judgment entered in a judicial review of an administrative decision, the appendix contains the findings of fact and conclusions of law, if any, and final decision of the administrative agency.

I further certify that if the record is required by law to be confidential, the portions of the record included in the appendix are reproduced using one or more initials or other appropriate pseudonym or designation instead of full names of persons, specifically including juveniles and parents of juveniles, with a notation that the portions of the record have been so reproduced to preserve confidentiality and with appropriate references to the record.

Electronically signed by Daniel S. Lenz
Daniel S. Lenz

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
18 CVS 014001

COMMON CAUSE, *et al.*
Plaintiffs,

v.

Representative DAVID R. LEWIS,
in his official capacity as Senior
Chairman of the House Select
Committee on Redistricting, et al.,
Defendants.

ORDER

FILED
2019 SEP 13 PM 12:14
COURT REPORTER

THIS MATTER is presently in the remedy phase of the litigation following the Court's September 3, 2019, entry of Judgment wherein the Court declared the 2017 House and Senate plans unconstitutional and permanently enjoined Legislative Defendants and State Defendants, and their respective agents, officers, and employees, from preparing for or administering the 2020 primary and general elections for House and Senate districts in certain county groupings. As ordered in its entry of Judgment, the General Assembly has until September 18, 2019, to enact Remedial Maps for the House and Senate legislative districts for the 2020 election (hereinafter "Remedial Maps") in conformity with the Court's Judgment.

The Court, in its discretion and in furtherance of its review of any Remedial Maps enacted by the General Assembly, hereby ORDERS the following:

1. Legislative Defendants shall file with the Court by 5:00 p.m. on September 19, 2019, the newly enacted House and Senate Remedial Maps, including:
 - a. block equivalency files in .CSV format for each district and the plan as a whole;
 - b. Environmental Systems Research Institute, Inc. (ESRI) shapefiles for each district and the plans as a whole;
 - c. color maps in .PDF format of the Statewide Remedial Maps and each redrawn county grouping; and,

- d. population totals and deviations for each district based on the 2010 Census P.L. 94-171 dataset.
2. Legislative Defendants shall thereafter file with the Court by 5:00 p.m. on September 23, 2019:
 - a. Transcripts of all Senate Committee on Redistricting and Elections hearings, House Committee on Redistricting hearings, and General Assembly floor debates;
 - b. The “stat pack” for the State legislative plans in place prior to 2017, the 2017 enacted State legislative plans, and the newly-enacted Remedial Maps;
 - c. The criteria the Senate Committee on Redistricting and Elections, House Committee on Redistricting, and General Assembly applied in drawing the districts in the Remedial Maps;
 - d. The process followed by the Senate Committee on Redistricting and Elections, House Committee on Redistricting, and General Assembly in drawing and enacting the Remedial Maps, including a description of and explanation for:
 - i. the choice of a base map to begin the redrawing process in the Senate Committee on Redistricting and Elections and the House Committee on Redistricting;
 - ii. any amendments considered, whether adopted or not, and made thereto;
 - iii. the manner in which, within a redrawn county grouping, any traversal of county lines is authorized by *Stephenson I*, *Stephenson II*, *Dickson I*, and *Dickson II*;
 - iv. the efforts undertaken to draw legislative districts in the Remedial Maps that improve the compactness of the districts when compared to districts in place prior to the 2017 enacted maps, as well as the values used as to the criteria of compactness;
 - v. the efforts undertaken to draw legislative districts in the Remedial Maps that split fewer precincts, or voting districts (VTDs), when compared to districts in place prior to the 2017 enacted maps;
 - vi. the manner in which municipal boundaries were considered when drawing the districts in the Remedial Maps;
 - vii. the extent to which incumbency protection was a factor in the redrawing of a district, including the identity of the incumbent(s) for whom the base map was altered to avoid pairing incumbents in the same district, why a specific incumbent was protected, and what efforts were taken to not pair incumbents unduly in the same district;
 - viii. the extent to which partisan considerations and election results data were a factor in the drawing of the Remedial Maps;

- e. The identity of all participants involved in the process of drawing and enacting the Remedial Maps; and,
 - f. Any alternative maps considered by the Senate Committee on Redistricting and Elections, House Committee on Redistricting, or the General Assembly.
3. Any party in this case objecting to the Remedial Maps may inform the Court of its objections by filing with the Court by 5:00 p.m. on September 27, 2019, a response brief explaining the party's objections to any newly-enacted remedial district or county grouping. An objecting party may include with its response brief an alternative remedial map, subject to the same submission requirements described above for submission of the enacted Remedial Maps.
 4. Any party in this case may file with the Court by 5:00 p.m. on October 4, 2019, a reply brief to an objecting party's response brief and alternative remedial map.

In its September 3, 2019, Judgment, the Court also notified the parties of the Court's intent to appoint a referee. The parties have since provided the Court with names and qualifications of suggested referees, and the Court has communicated with and reviewed the qualifications of each of the referees suggested by the parties in this case. After a careful and thorough consideration of each candidate, the Court HEREBY NOTIFIES the parties that the Court will retain Professor Nathaniel Persily as the Referee in this matter to (1) assist the Court in reviewing any Remedial Maps enacted by the General Assembly, and (2) to develop remedial maps for the Court should the General Assembly fail to enact lawful Remedial Maps within the time allowed.

The Court is satisfied that Professor Persily has the requisite qualifications and experience to serve as the Referee in this matter. Professor Persily has beneficial experience, having served as the Special Master in the *Covington* litigation, as well as extensive and impressive practical and academic experience in the field. Professor Persily has also consulted about election matters on a bipartisan basis, has no apparent conflicts of interest, and has time available to complete the work required by his appointment as Referee in this matter.

The Court will enter a subsequent Order appointing Professor Persily as the Referee, providing instructions for his work in this matter, addressing other matters set forth in Rule 53 of the North Carolina Rules of Civil Procedure, and addressing any other outstanding scheduling and housekeeping matters.

So ORDERED, this the 13th day of September, 2019.

/s/ Paul C. Ridgeway

Paul C. Ridgeway, Superior Court Judge

/s/ Joseph N. Crosswhite

Joseph N. Crosswhite, Superior Court Judge

/s/ Alma L. Hinton

Alma L. Hinton, Superior Court Judge

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CLOSED,3JUDGE,MAGAPP

U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:11-cv-05632-DLI-RR-GEL

Favors et al v. Cuomo et al
Panel: Judge Dora Lizette Irizarry
Visiting Judge VJ-Reena Raggi
Visiting Judge VJ-Gerard E. Lynch
Referred to: Magistrate Judge Roanne L. Mann
Cause: 28:1331 Fed. Question

Date Filed: 11/17/2011
Date Terminated: 09/11/2014
Jury Demand: Plaintiff
Nature of Suit: 400 State Reapportionment
Jurisdiction: Federal Question

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Intervenor Plaintiff

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V.

Defendant

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Defendant

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TERMINATED: 01/10/2012

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Defendant

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Defendant

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Defendant

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Reapportionment**
(LATFOR)

Defendant

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Cross Defendant

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Cross Defendant

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Date Filed	#	Docket Text
11/17/2011	<u>1</u>	COMPLAINT against All Defendants Disclosure Statement on Civil Cover Sheet completed -yes,, filed by Edward A. Mulraine, Mark A. Favors, Lillie H. Galan, Weyman A. Carey, Warren Schreiber, Howard Leib. (Attachments: # <u>1</u> Civil Cover Sheet) (Bowens, Priscilla) (Entered: 11/23/2011)

11/17/2011		Summons Issued as to All Defendants. (Bowens, Priscilla) (Entered: 11/23/2011)
11/17/2011		FILING FEE: \$ 350, receipt number 4653036563 (Bowens, Priscilla) (Entered: 11/23/2011)
12/02/2011	2	Letter to Judge Irizarry by Weyman A. Carey, Mark A. Favors, Lillie H. Galan, Howard Leib, Edward A. Mulraine, Warren Schreiber (Mancino, Richard) (Entered: 12/02/2011)
12/05/2011	3	SUMMONS Returned Executed by Edward A. Mulraine, Mark A. Favors, Lillie H. Galan, Weyman A. Carey, Warren Schreiber, Howard Leib. Andrew M. Cuomo served on 11/21/2011, answer due 12/12/2011; Martin Malave Dilan served on 11/21/2011, answer due 12/12/2011; Robert J. Duffy served on 11/21/2011, answer due 12/12/2011; Roman Hedges served on 11/21/2011, answer due 12/12/2011; Brian M. Kolb served on 11/21/2011, answer due 12/12/2011; Welquis R. Lopez served on 11/21/2011, answer due 12/12/2011; John J. McEneny served on 11/21/2011, answer due 12/12/2011; New York State Legislative Task Force on Demographic Research and Reapportionment served on 11/21/2011, answer due 12/12/2011; Michael F. Nozzolio served on 11/21/2011, answer due 12/12/2011; Robert Oaks served on 11/21/2011, answer due 12/12/2011; John L. Sampson served on 11/21/2011, answer due 12/12/2011; Eric T. Schneiderman served on 11/21/2011, answer due 12/12/2011; Sheldon Silver served on 11/21/2011, answer due 12/12/2011; Dean G. Skelos served on 11/21/2011, answer due 12/12/2011. (Mancino, Richard) (Entered: 12/05/2011)
12/06/2011		ORDER TO SHOW CAUSE re 2 Letter filed by Warren Schreiber, Howard Leib, Mark A. Favors, Lillie H. Galan, Weyman A. Carey, Edward A. Mulraine -- By letter dated December 2, 2011, plaintiffs requested, pursuant to 28 U.S.C. §2284(a), that the court convene a three-judge panel to preside over this case that alleges violations of voting rights as a result of unconstitutional methods of apportionment of NY State congressional and state legislative districts. Defendants are hereby ORDERED TO SHOW CAUSE AT A HEARING TO BE HELD ON MONDAY, DECEMBER 12, 2011, AT NOON, IN COURTROOM 4A SOUTH OF THE BROOKLYN FEDERAL COURTHOUSE, 225 CADMAN PLAZA EAST, AS TO WHY THE COURT SHOULD NOT CONVENE SUCH A PANEL. Defendants are further directed to electronically file and serve a written response to plaintiffs' December 2nd Letter NO LATER THAN DECEMBER 9, 2011. The Clerk of the Court is directed to serve a copy of this Electronic Order forthwith on the Attorney General of the State of New York, the Governor of the State of New York, and the rest of the named defendants by certified mail with return receipt. The Clerk of the Court is directed further to send a copy of this Electronic Order to the Chief Judge of the Second Circuit Court of Appeals forthwith as well. Show Cause Hearing set for 12/12/2011 12:00 PM in Courtroom 4 A South before Judge Dora Lizette Irizarry. Show Cause Response due by 12/9/2011. SO ORDERED by Judge Dora Lizette Irizarry on 12/6/2011. (Irizarry, Dora) (Entered: 12/06/2011)
12/07/2011	4	NOTICE of Appearance by Joshua Benjamin Pepper on behalf of Andrew M. Cuomo, Robert J. Duffy, Eric T. Schneiderman (aty to be noticed) (Pepper, Joshua) (Entered: 12/07/2011)
12/08/2011	5	NOTICE of Appearance by David L. Lewis on behalf of Welquis R. Lopez, Michael F. Nozzolio, Dean G. Skelos (aty to be noticed) (Lewis, David) (Entered: 12/08/2011)
12/08/2011	6	MOTION for Extension of Time to File Answer by Andrew M. Cuomo, Robert J. Duffy, Eric T. Schneiderman. (Attachments: # 1 Stipulation) (Pepper, Joshua) (Entered: 12/08/2011)
12/08/2011	7	NOTICE of Appearance by Todd R. Geremia on behalf of Welquis R. Lopez, Michael F. Nozzolio, Dean G. Skelos (aty to be noticed) (Geremia, Todd) (Entered: 12/08/2011)

12/08/2011	8	NOTICE of Appearance by Michael A. Carvin on behalf of Welquis R. Lopez, Michael F. Nozzolio, Dean G. Skelos (aty to be noticed) (Carvin, Michael) (Entered: 12/08/2011)
12/08/2011	9	RESPONSE TO ORDER TO SHOW CAUSE by Roman Hedges, Welquis R. Lopez, John J. McEneny, Michael F. Nozzolio, Sheldon Silver, Dean G. Skelos (Carvin, Michael) (Entered: 12/08/2011)
12/08/2011	10	NOTICE of Appearance by Leonard Moshe Kohen on behalf of Martin Malave Dilan, John L. Sampson (aty to be noticed) (Kohen, Leonard) (Entered: 12/08/2011)
12/08/2011	11	MOTION for Extension of Time to File Answer by Martin Malave Dilan, John L. Sampson. (Kohen, Leonard) (Entered: 12/08/2011)
12/09/2011	12	NOTICE of Appearance by C. Daniel Chill on behalf of Roman Hedges, John J. McEneny, Sheldon Silver (aty to be noticed) (Chill, C.) (Entered: 12/09/2011)
12/09/2011	13	RESPONSE TO ORDER TO SHOW CAUSE by Andrew M. Cuomo, Robert J. Duffy, Eric T. Schneiderman (Pepper, Joshua) (Entered: 12/09/2011)
12/09/2011		ORDER Cancelling Hearing re 9 : As the only issue to be addressed at the conference presently scheduled for December 12, 2011 at noon is whether Defendants oppose Plaintiffs request for a three-judge panel be convened, and Defendants do not oppose the request, the application to cancel the December 12th conference is granted. So Ordered by Judge Dora Lizette Irizarry on 12/9/2011. (Irizarry, Dora) (Entered: 12/09/2011)
12/09/2011	14	ORDER granting 11 Motion for Extension of Time to Answer. Martin Malave Dilan and John L. Sampson answer due is extended to 12/30/2011. Ordered by Magistrate Judge Roanne L. Mann on 12/9/2011. (Maynard, Pat) (Entered: 12/09/2011)
12/09/2011	15	NOTICE of Appearance by Harold D. Gordon on behalf of Brian M. Kolb (aty to be noticed) (Gordon, Harold) (Entered: 12/09/2011)
12/09/2011	16	RESPONSE TO ORDER TO SHOW CAUSE by Brian M. Kolb (Gordon, Harold) (Entered: 12/09/2011)
12/09/2011	17	MOTION for Extension of Time to File Answer re 1 Complaint, , MOTION for Extension of Time to File by Brian M. Kolb. (Attachments: # 1 Exhibit Stipulation) (Gordon, Harold) (Entered: 12/09/2011)
12/09/2011	18	NOTICE of Appearance by Jonathan Halsby Sinnreich on behalf of Robert Oaks (aty to be noticed) (Sinnreich, Jonathan) (Entered: 12/09/2011)
12/09/2011	19	NOTICE of Appearance by Timothy F. Hill on behalf of Robert Oaks (aty to be noticed) (Hill, Timothy) (Entered: 12/09/2011)
12/09/2011	20	RESPONSE TO ORDER TO SHOW CAUSE by Robert Oaks (Sinnreich, Jonathan) (Entered: 12/09/2011)
12/12/2011	21	ORDER TO ANSWER re 17 MOTION for Extension of Time to File Answer re 1 Complaint filed by Brian M. Kolb. Answer due is extended to 12/28/11. Ordered by Magistrate Judge Roanne L. Mann on 12/12/2011. (Maynard, Pat) (Entered: 12/12/2011)
12/12/2011	22	MOTION to Dismiss <i>Plaintiffs' Complaint Or, In The Alternative, To Stay This Case</i> by Roman Hedges, Welquis R. Lopez, John J. McEneny, Michael F. Nozzolio, Sheldon Silver, Dean G. Skelos. Responses due by 12/27/2011 (Attachments: # 1 Memorandum in Support) (Carvin, Michael) (Entered: 12/12/2011)
12/12/2011	23	Letter MOTION for Extension of Time to File Answer by Robert Oaks. (Hill, Timothy) (Entered: 12/12/2011)

12/13/2011	24	ENDORSED ORDER granting 23 Motion for Extension of Time to Answer. Robert Oaks answer due is extended to 12/28/2011. Ordered by Magistrate Judge Roanne L. Mann on 12/13/2011. (Maynard, Pat) (Entered: 12/13/2011)
12/14/2011	25	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 25, receipt number 0207-5196014. by Martin Malave Dilan, John L. Sampson. (Kohen, Leonard) (Entered: 12/14/2011)
12/14/2011	26	CERTIFICATE OF SERVICE via Certified Mail w/Return Receipt upon Andrew M. Cuomo, Governor of the State of New York, re: Judge Irizarry's Electronic Order to Show Cause, dated 12/6/11. Tracking # 7006 2150 0003 6212 8184. (Latka-Mucha, Wieslawa) (Entered: 12/15/2011)
12/14/2011	27	CERTIFICATE OF SERVICE via Certified Mail w/Return Receipt upon Brian M. Kolb, re: Judge Irizarry's Electronic Order to Show Cause, dated 12/6/11. Tracking # 7006 2150 0003 06212 8153. (Latka-Mucha, Wieslawa) (Entered: 12/15/2011)
12/19/2011	28	MOTION to Intervene by Donna Kaye Drayton Edwin Ellis, Aida Forrest, Gene A. Johnson, Joy Woolley and Shelia Wright (Attachments: # 1 Certificate of Service, # 2 Affidavit, # 3 Memorandum in Support, # 4 Exhibit) (Gibbs, Joan) Modified on 2/29/2012 to correct docket text by adding additional parties noted in the document but not correctly added to the text. (Marziliano, August). (Entered: 12/19/2011)
12/20/2011	29	ORDER, granting on consent 25 Motion for Leave to Appear Pro Hac Vice. The admitted atty. Jeffrey M. Wise is permitted to argue or try this particular case in whole or in part as counsel or advocate for defts. John L. Sampson and Martin Malave Dilan. Ordered by Magistrate Judge Roanne L. Mann on 12/19/2011. (Layne, Monique) (Entered: 12/20/2011)
12/20/2011		ORDER TO SHOW CAUSE re 16 Response to Order to Show Cause filed by Brian M. Kolb, 9 Response to Order to Show Cause filed by Dean G. Skelos, Welquis R. Lopez, John J. McEneny, Sheldon Silver, Roman Hedges, Michael F. Nozzolio, 20 Response to Order to Show Cause filed by Robert Oaks - ORDER TO SHOW CAUSE -- Several Defendants have indicated that, while they do not oppose the convening of a three-judge panel to preside over this matter, they believe the request should not be made to the Chief Judge until the motions to dismiss now before the court have been decided. As Plaintiffs have not indicated their position as to staying the request to the Chief Judge, Plaintiffs are hereby directed to respond via letter NO LATER THAN DECEMBER 28, 2011 as to whether they object to this court contacting the Chief Judge of the Second Circuit ONLY after briefing on the motion to dismiss is complete, and this court has determined that the claims are in fact substantial and the suit is otherwise justiciable in this court. The parties are further directed to file any opposition to the Motion to Intervene filed December 19, 2011, (see Docket Entry No. 28), NO LATER THAN JANUARY 6, 2011. IF THE PARTIES FAIL TO FILE AN OPPOSITION, THE MOTION TO INTERVENE WILL BE DEEMED UNOPPOSED. If any opposition is filed, the purported intervenors' reply shall be filed NO LATER THAN JANUARY 13. SO ORDERED by Judge Dora Lizette Irizarry on 12/20/2011. (Irizarry, Dora) (Entered: 12/20/2011)
12/21/2011		Email Notification Test for Kevin M. Lang - DO NOT REPLY. (Barrett, C) (Entered: 12/21/2011)
12/21/2011	30	CERTIFICATE OF SERVICE via Certified Mail w/Return Receipt upon the New York State Legislative Task Force on Demographic Research and Reapportionment, re: Judge Irizarry's Electronic Order to Show Cause, dated 12/6/11. Receipt # 7006 2150 0003 6212 7514. (Latka-Mucha, Wieslawa) (Entered: 12/27/2011)

12/21/2011	31	CERTIFICATE OF SERVICE via Certified Mail w/Return Receipt upon John J. McEneny, New York State Legislative Task Force on Demographic Research and Reapportionment, re: Judge Irizarry's Electronic Order to Show Cause, dated 12/6/11. Receipt # 7006 2150 0003 6212 7521. (Latka-Mucha, Wieslawa) (Entered: 12/27/2011)
12/21/2011	32	CERTIFICATE OF SERVICE via Certified Mail w/Return Receipt upon Robert Oaks, New York State Legislative Task Force on Demographic Research and Reapportionment, re: Judge Irizarry's Electronic Order to Show Cause, dated 12/6/11. Receipt # 7006 2150 0003 6212 7538. (Latka-Mucha, Wieslawa) (Entered: 12/27/2011)
12/21/2011	33	CERTIFICATE OF SERVICE via Certified Mail w/Return Receipt upon Michael F. Nozzolio, New York State Legislative Task Force on Demographic Research and Reapportionment, re: Judge Irizarry's Electronic Order to Show Cause, dated 12/6/11. Receipt # 7011 2000 0000 4074 5540. (Latka-Mucha, Wieslawa) (Entered: 12/27/2011)
12/21/2011	34	CERTIFICATE OF SERVICE via Certified Mail w/Return Receipt upon Martin Malave Dilan, New York State Legislative Task Force on Demographic Research and Reapportionment; Re: Judge Irizarry's Electronic Order to Show Cause, dated 12/6/11. Receipt # 7011 2000 0000 4074 5557. (Latka-Mucha, Wieslawa) (Entered: 12/27/2011)
12/21/2011	35	CERTIFICATE OF SERVICE via Certified Mail w/Return Receipt upon Welquis R. Lopez, New York State Legislative Task Force on Demographic Research and Reapportionment; Re: Judge Irizarry's Electronic Order to Show Cause, dated 12/6/11. Receipt # 7011 2000 0000 4074 5564. (Latka-Mucha, Wieslawa) (Entered: 12/27/2011)
12/21/2011	55	ACKNOWLEDGMENT OF SERVICE re: Judge Irizarry's Electronic Order to Show Cause, dated 12/6/11, sent Chief Judge Dennis Jacobs of U.S. Court of Appeals-Second Circuit via Certified Mail w/Return Receipt. Tracking # 7011 2000 0000 4074 4727. (Latka-Mucha, Wieslawa) (Entered: 01/10/2012)
12/23/2011	56	ACKNOWLEDGMENT OF SERVICE re: Judge Irizarry's Electronic Order to Show Cause, dated 12/6/11, sent to Sheldon Silver, Speaker - Assembly District 64 via Certified Mail w/Return Receipt. Tracking # 7006 2150 0003 6212 8559. (Latka-Mucha, Wieslawa) (Entered: 01/10/2012)
12/23/2011	57	ACKNOWLEDGMENT OF SERVICE re: Judge Irizarry's Electronic Order to Show Cause, dated 12/6/11, sent to Roman Hedges, New York State Legislative Task Force on Demographic Research and Reapportionment - via Certified Mail w/Return Receipt. Tracking # 7011 2000 0000 4074 5533. (Latka-Mucha, Wieslawa) (Entered: 01/10/2012)
12/27/2011	36	Letter to Judge Irizarry by Weyman A. Carey, Mark A. Favors, Lillie H. Galan, Howard Leib, Edward A. Mulraine, Warren Schreiber (Mancino, Richard) (Entered: 12/27/2011)
12/27/2011	37	Notice of MOTION to Intervene for Plaintiff-Intervenors by Jackson Chin. (Attachments: # 1 Memorandum in Support, # 2 Notice of Motion, # 3 Affidavit, # 4 Affidavit) (Chin, Jackson) (Entered: 12/27/2011)
12/28/2011	40	NOTICE of Voluntary Dismissal by Weyman A. Carey, Mark A. Favors, Lillie H. Galan, Howard Leib, Edward A. Mulraine, Warren Schreiber of Defendant Eric T. Schneiderman (Mancino, Richard) (Entered: 12/28/2011)
12/28/2011	38	MOTION to Intervene by Shing Chor Chung, Linda Lee, Julia Yang, Jung Ho Hong. (Attachments: # 1 Declaration of Linda Lee, # 2 Declaration of Julia Yang, # 3 Declaration of Shing Chor Chung, # 4 Declaration of Jung Ho Hong, # 5 Exhibit A: Complaint-In-Intervention) (Marziliano, August) Modified on 12/28/2011 to re-docket correctly. Filer improperly docketed the Law firm as the party. (Marziliano, August). (Entered: 12/28/2011)

12/28/2011	39	MEMORANDUM in Support re 38 MOTION to Intervene filed by Shing Chor Chung, Jung Ho Hong, Linda Lee, Julia Yang. (Marziliano, August) Modified on 12/28/2011 to re-docket correctly. Filer improperly docketed the Law firm as the party. (Marziliano, August). (Entered: 12/28/2011)
12/28/2011	41	Notice of MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND PURSUANT TO FRCP 12 (b)(1)</i> by Brian M. Kolb. (Attachments: # 1 Memorandum in Support) (Lang, Kevin) (Entered: 12/28/2011)
12/28/2011	42	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and pursuant to Rule 12(b)(1)</i> by Robert Oaks. (Attachments: # 1 Declaration in Support, # 2 Memorandum in Support) (Hill, Timothy) (Entered: 12/28/2011)
12/29/2011	43	MEMORANDUM in Opposition re 22 MOTION to Dismiss <i>Plaintiffs' Complaint Or, In The Alternative, To Stay This Case</i> filed by Weyman A. Carey, Mark A. Favors, Lillie H. Galan, Howard Leib, Edward A. Mulraine, Warren Schreiber. (Mancino, Richard) (Entered: 12/29/2011)
12/29/2011	44	DECLARATION re 43 Memorandum in Opposition, <i>Declaration of Daniel M. Burstein</i> by Weyman A. Carey, Mark A. Favors, Lillie H. Galan, Howard Leib, Edward A. Mulraine, Warren Schreiber (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H) (Mancino, Richard) (Entered: 12/29/2011)
12/29/2011	45	MEMORANDUM in Opposition <i>to the Motion to Dismiss or, in the Alternative, to Stay This Case, by Defendants Dean G. Skelos, Sheldon Silver, John J. Mceneny, Roman Hedges, Michael F. Nozzolio And Welquis R. Lopez</i> filed by Martin Malave Dilan, John L. Sampson. (Kohen, Leonard) (Entered: 12/29/2011)
12/29/2011	46	AFFIDAVIT/DECLARATION in Opposition re 22 MOTION to Dismiss <i>Plaintiffs' Complaint Or, In The Alternative, To Stay This Case</i> filed by Martin Malave Dilan, John L. Sampson. (Kohen, Leonard) (Entered: 12/29/2011)
12/30/2011	47	Letter MOTION for Extension of Time to File Answer by Andrew M. Cuomo, Robert J. Duffy, Eric T. Schneiderman. (Attachments: # 1 Stipulation) (Pepper, Joshua) (Entered: 12/30/2011)
12/30/2011	48	Second MOTION for Extension of Time to File Answer by Martin Malave Dilan, John L. Sampson. (Kohen, Leonard) (Entered: 12/30/2011)
12/30/2011		Email Notification Test for James D. Herschlein - DO NOT REPLY. (Barrett, C) (Entered: 12/30/2011)
12/30/2011		Second Email Notification Test for James D. Herschlein - DO NOT REPLY. (Barrett, C) (Entered: 12/30/2011)
12/30/2011	49	ORDER granting 47 Motion for Extension of Time to Answer for Defendants Cuomo and Duffy. The stipulation is SO ORDERED. Ordered by Magistrate Judge Roanne L. Mann on 12/30/2011. (Williams, Jennifer) (Entered: 12/30/2011)
12/30/2011	50	ORDER granting 48 Motion for Extension of Time to Answer for Defendants Sampson and Dilan. The Stipulation is SO ORDERED. Ordered by Magistrate Judge Roanne L. Mann on 12/30/2011. (Williams, Jennifer) (Entered: 12/30/2011)
01/06/2012	51	Letter <i>to Judge Irizarry</i> by Weyman A. Carey, Mark A. Favors, Lillie H. Galan, Howard Leib, Edward A. Mulraine, Warren Schreiber (Mancino, Richard) (Entered: 01/06/2012)
01/06/2012	52	RESPONSE to Motion re 28 MOTION to Intervene filed by Roman Hedges, Welquis R. Lopez, John J. McEneny, Michael F. Nozzolio, Sheldon Silver, Dean G. Skelos. (Carvin,

		Michael) (Entered: 01/06/2012)
01/09/2012	53	REPLY in Support re 22 MOTION to Dismiss <i>Plaintiffs' Complaint Or, In The Alternative, To Stay This Case</i> filed by Roman Hedges, Welquis R. Lopez, John J. McEneny, Michael F. Nozzolio, Sheldon Silver, Dean G. Skelos. (Carvin, Michael) (Entered: 01/09/2012)
01/09/2012	54	DECLARATION re 53 Reply in Support, <i>Declaration of John M. Gore</i> by Roman Hedges, Welquis R. Lopez, John J. McEneny, Michael F. Nozzolio, Sheldon Silver, Dean G. Skelos (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D) (Carvin, Michael) (Entered: 01/09/2012)
01/10/2012		ORDER re 40 Notice of Voluntary Dismissal filed by Warren Schreiber, Howard Leib, Mark A. Favors, Lillie H. Galan, Weyman A. Carey, Edward A. Mulraine - The Notice of Voluntary Dismissal as to Defendant Eric T. Schneiderman ONLY is SO ORDERED. Accordingly, this action is DISMISSED AS TO <i>Defendant Eric T. Schneiderman</i> ONLY. The Clerk of the Court shall note the termination of this defendant on the docket sheet. SO ORDERED by Judge Dora Lizette Irizarry on 1/10/2012. (Irizarry, Dora) (Entered: 01/10/2012)
01/13/2012	58	RESPONSE to Motion re 37 Notice of MOTION to Intervene <i>for Plaintiff-Intervenors</i> filed by Roman Hedges, Welquis R. Lopez, John J. McEneny, Michael F. Nozzolio, Sheldon Silver, Dean G. Skelos. (Carvin, Michael) (Entered: 01/13/2012)
01/13/2012	59	RESPONSE to Motion re 38 MOTION to Intervene filed by Roman Hedges, Welquis R. Lopez, John J. McEneny, Michael F. Nozzolio, Sheldon Silver, Dean G. Skelos. (Carvin, Michael) (Entered: 01/13/2012)
01/17/2012	60	NOTICE of Voluntary Dismissal by Weyman A. Carey, Mark A. Favors, Lillie H. Galan, Howard Leib, Edward A. Mulraine, Warren Schreiber <i>of Counts V and VI</i> (Mancino, Richard) (Entered: 01/17/2012)
01/17/2012	61	MEMORANDUM in Opposition re 42 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and pursuant to Rule 12(b)(1)</i> , 41 Notice of MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND PURSUANT TO FRCP 12 (b)(1)</i> filed by Weyman A. Carey, Mark A. Favors, Lillie H. Galan, Howard Leib, Edward A. Mulraine, Warren Schreiber. (Mancino, Richard) (Entered: 01/17/2012)
01/17/2012	62	Letter to Judge Irizarry by Weyman A. Carey, Mark A. Favors, Lillie H. Galan, Howard Leib, Edward A. Mulraine, Warren Schreiber (Mancino, Richard) (Entered: 01/17/2012)
01/17/2012	63	MEMORANDUM in Opposition to the Motions to Dismiss by Defendants Brian M. Kolb and Robert Oaks filed by Martin Malave Dilan, John L. Sampson. (Kohen, Leonard) (Entered: 01/17/2012)
01/17/2012	64	AFFIDAVIT/DECLARATION in Opposition re 42 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and pursuant to Rule 12(b)(1)</i> , 41 Notice of MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND PURSUANT TO FRCP 12 (b)(1)</i> filed by Martin Malave Dilan, John L. Sampson. (Kohen, Leonard) (Entered: 01/17/2012)
01/24/2012		ORDER DECLINING TO APPROVE re 60 Notice of Voluntary Dismissal filed by Warren Schreiber, Howard Leib, Mark A. Favors, Lillie H. Galan, Weyman A. Carey, Edward A. Mulraine - Upon a review of the Notice of Voluntary Dismissal of Counts V and VI of the complaint filed by plaintiffs, the court declines to "SO ORDER" or approve such dismissal. The court declines to do so because, on page two of the Notice of Voluntary Dismissal, specifically, paragraph 2, it inaccurately states that "... no Defendant has served either an answer or a motion for summary judgment." The defendants in this

		case have filed a motion to dismiss the complaint in lieu of an answer. Certainly, plaintiffs may voluntarily dismiss any counts in the complaint they no longer wish to pursue. As such, plaintiffs may resubmit a corrected Voluntary Notice of Dismissal as to Counts V and VI. If plaintiffs wish to dismiss those counts, they must file a corrected Voluntary Notice of Dismissal NO LATER THAN February 3, 2012, as the court will soon need to address the motion to dismiss. SO ORDERED by Judge Dora Lizette Irizarry on 01/24/12. (Irizarry, Dora) (Entered: 01/24/2012)
01/27/2012		ORDER re 62 Letter filed by Warren Schreiber, Howard Leib, Mark A. Favors, Lillie H. Galan, Weyman A. Carey, Edward A. Mulraine - In connection with the motion to dismiss filed by Defendant Brian M. Kolb (the "Kolb Motion"), in which Defendant Robert Oaks joined (DE #42), Defendants Kolb and Oaks are hereby directed to respond NO LATER THAN FEBRUARY 3, 2012 to plaintiffs' letter suggesting that the motion be decided by a three-judge panel since the motion goes beyond procedural issues of ripeness, justiciability or standing, seeking dismissal on constitutional grounds as well. In the alternative, plaintiffs suggest that the court decide the Skelos motion or those portions of the two motions that overlap first. SO ORDERED by Judge Dora Lizette Irizarry on 1/27/2012. (Irizarry, Dora) (Entered: 01/27/2012)
01/30/2012	65	Letter to Judge Irizarry by Weyman A. Carey, Mark A. Favors, Lillie H. Galan, Howard Leib, Edward A. Mulraine, Warren Schreiber (Mancino, Richard) (Entered: 01/30/2012)
01/30/2012	66	NOTICE of Voluntary Dismissal by Weyman A. Carey, Mark A. Favors, Lillie H. Galan, Howard Leib, Edward A. Mulraine, Warren Schreiber <i>Amended Notice of Counts V and VI</i> (Mancino, Richard) (Entered: 01/30/2012)
01/31/2012	67	Letter by Roman Hedges, Welquis R. Lopez, John J. McEneny, Michael F. Nozzolio, Sheldon Silver, Dean G. Skelos (Carvin, Michael) (Entered: 01/31/2012)
02/01/2012		ORDER re 66 Amended Notice of Voluntary Dismissal filed by Warren Schreiber, Howard Leib, Mark A. Favors, Lillie H. Galan, Weyman A. Carey, Edward A. Mulraine - The Amended Notice of Voluntary Dismissal of Counts V and VI of the Complaint is SO ORDERED. Accordingly, Counts V and VI of the Complaint, ONLY, are dismissed. Case shall proceed as to all other claims. SO ORDERED by Judge Dora Lizette Irizarry on 2/1/2012. (Irizarry, Dora) (Entered: 02/01/2012)
02/03/2012	68	REPLY to Response to Motion re 41 Notice of MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM AND PURSUANT TO FRCP 12 (b)(1) filed by Brian M. Kolb. (Lang, Kevin) (Entered: 02/03/2012)
02/03/2012	69	NOTICE by Brian M. Kolb re 41 Notice of MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM AND PURSUANT TO FRCP 12 (b)(1) <i>Notice of Partial Withdrawal</i> (Lang, Kevin) (Entered: 02/03/2012)
02/03/2012	70	Letter to Judge Irizarry by Weyman A. Carey, Mark A. Favors, Lillie H. Galan, Howard Leib, Edward A. Mulraine, Warren Schreiber (Mancino, Richard) (Entered: 02/03/2012)
02/03/2012	71	MOTION to Withdraw 69 Notice(Other) (<i>corrected entry</i>) by Brian M. Kolb, Robert Oaks. (Carosella, Christy) (Entered: 02/06/2012)
02/09/2012		ORDER granting 71 Motion to Withdraw - Defendants Kolb's and Oaks' motion for partial withdrawal of those portions of the motion to dismiss that were based on Constitutional Due Process and Equal Protection grounds is granted without prejudice to renew at a later time. SO ORDERED by Judge Dora Lizette Irizarry on 2/9/2012. (Irizarry, Dora) (Entered: 02/09/2012)
02/09/2012		ORDER terminating as moot 6 Motion for Extension of Time to Answer -- See Docket Entry #49 by Hon. Roanne L. Mann, U.S.M.J., granting second request for an extension

		of the time to answer (on plaintiffs' consent). (See Docket Entry #47). Ordered by Judge Dora Lizette Irizarry on 2/9/2012. (Irizarry, Dora) (Entered: 02/09/2012)
02/10/2012	72	Letter <i>to Judge Irizarry</i> by Weyman A. Carey, Mark A. Favors, Lillie H. Galan, Howard Leib, Edward A. Mulraine, Warren Schreiber (Mancino, Richard) (Entered: 02/10/2012)
02/13/2012	73	NOTICE: DISTRICT COURT'S REQUEST TO CHIEF JUDGE OF THE SECOND CIRCUIT COURT OF APPEALS PURSUANT TO 28 U.S.C. §2284(b) - The parties are hereby on notice that, on this date, the undersigned did forward to the Chief Judge of the Second Circuit Court of Appeals a formal request for the appointment of a three-judge panel and Special Master pursuant to 28 U.S.C. §2284(b). For the convenience of the parties, a copy of the request is attached to this Electronic Order. SO ORDERED by Judge Dora Lizette Irizarry on 2/13/2012. (Irizarry, Dora) (Entered: 02/13/2012)
02/14/2012	74	DESIGNATION OF THREE-JUDGE PANEL PURSUANT TO 28 U.S.C. §2284(b), Ordered by Chief Judge Dennis Jacobs on 2/14/2012. (Marziliano, August) (Entered: 02/14/2012)
02/14/2012		ORDER re 74 Notice (Other) - The Chief Judge of the Second Circuit Court of Appeals today has designated the Hon. Reena Raggi and the Hon. Gerard E. Lynch, Circuit Judges, to sit with me on the three-judge panel ("panel") for this case. Accordingly, the parties are hereby directed to forward, FORTHWITH, to Judges Raggi and Lynch hard courtesy copies of all of their respective filings in this case (e.g. correspondence with the court, motions, etc.). This includes, for plaintiffs, a copy of the complaint. The parties shall include with the materials for the convenience of the panel judges, an index of the documents forwarded to them. The documents shall be forwarded to the judges NO LATER THAN FEBRUARY 16, 2012. The parties are to confirm by letter filed via ECF NO LATER THAN FEBRUARY 16, 2012, that they have complied with this Order. SO ORDERED by Judge Dora Lizette Irizarry on 2/14/2012. (Irizarry, Dora) (Entered: 02/14/2012)
02/14/2012	75	Letter <i>To Court Regarding Pending Motion To Intervene</i> by Nick Chavarria, Graciela Heymann, Sandra Martinez, Juan Ramos, Edwin Roldan, Manolin Tirado (Chin, Jackson) (Entered: 02/14/2012)
02/14/2012		ORDER terminating 17 Motion for Extension of Time to File - See Docket Entry 2/13/12. Ordered by Judge Dora Lizette Irizarry on 2/14/2012. (Irizarry, Dora) (Entered: 02/14/2012)
02/14/2012		ORDER granting 28 Motion to Intervene; granting 37 Motion to Intervene; granting 38 Motion to Intervene -- The various motions to intervene as plaintiffs in this action are GRANTED. Plaintiffs do not oppose the motions. (See Docket Entry #51). Defendants Skelos, Silver, McEneny, Hedges, Nozzolio and Lopez ("Skelos Defendants") do not object to the intervention provided that the Intervenor coordinate with Plaintiffs to avoid any undue delay or duplicative discovery. (See Docket Entries # 52, 58, 59). The court finds the request by the Skelos Defendants to be reasonable and the Intervenor Plaintiffs are directed to coordinate their actions in this matter with the original Plaintiffs. As to the remaining defendants, by Electronic Order dated December 20, 2011, the court directed the parties to file any opposition to the motions to intervene no later than January 6, 2012 and admonished that failure to do so would result in the motions being deemed unopposed. As the remaining defendants have filed no opposition to the motions, the motions are deemed unopposed by said defendants. The court notes further that the Clerk of the Court added the Intervenor Plaintiffs as parties in the caption before the court ruled on the motions. In doing so the Clerk of the Court omitted the names of Intervenor Plaintiffs Edwin Ellis, Aida Forrest, Gene A. Johnson, Joy Woolley and Sheila Wright who, along with Donna Kaye Drayton are represented by Joan P. Gibbs, Esq. of the Center for Law and Social Justice. The Clerk of the Court is directed to amend the

		caption to add the names of the above-mentioned Intervenor Plaintiffs directly under the name of Ms. Drayton. SO ORDERED by Judge Dora Lizette Irizarry on 2/14/2012. (Irizarry, Dora) (Entered: 02/14/2012)
02/15/2012		ORDER TO SHOW CAUSE - The parties are hereby directed to show cause NO LATER THAN FEBRUARY 17, 2012, why the three-judge court, at this time, should not appoint a Special Master to begin the process of creating a new redistricting plan. The parties are directed to provide each of the undersigned judges a hard courtesy copy of their responses to this Order. Show Cause Response due by 2/17/2012. SO ORDERED by Circuit Judge Reena Raggi, Circuit Judge Gerard E. Lynch, and District Judge Dora Lizette Irizarry on 2/15/2012.(Irizarry, Dora) (Entered: 02/15/2012)
02/15/2012	76	Letter to Judge Irizarry Confirming Compliance with Court Order by Intervenor-Plaintiffs by Shing Chor Chung, Jung Ho Hong, Linda Lee, Julia Yang (Herschlein, James) (Entered: 02/15/2012)
02/15/2012	77	NOTICE of Appearance by Eric Jason Hecker on behalf of Martin Malave Dilan, John L. Sampson (aty to be noticed) (Hecker, Eric) (Entered: 02/15/2012)
02/15/2012	78	NOTICE of Appearance by John R Cuti on behalf of Martin Malave Dilan, John L. Sampson (aty to be noticed) (Cuti, John) (Entered: 02/15/2012)
02/15/2012	79	Letter to Judges Raggi and Lynch by Brian M. Kolb (Lang, Kevin) (Entered: 02/15/2012)
02/15/2012	80	NOTICE of Appearance by Julie Ehrlich on behalf of Martin Malave Dilan, John L. Sampson (aty to be noticed) (Ehrlich, Julie) (Entered: 02/15/2012)
02/15/2012	81	MOTION to Intervene by Linda Rose, Everet Mills, Anthony Hoffman, Kim Thompson-Werekoh, Carlotta Bishop, Carol Rinzler, George Stamatiades, Josephine Rodriguez, Scott Auster. (Attachments: # 1 Memorandum in Support, # 2 Exhibit A: [Proposed] Complaint) (Vanacore, Jeffrey) (Entered: 02/15/2012)
02/15/2012	82	Letter to Judge Irizarry Confirming Compliance With Court Order by Roman Hedges, Welquis R. Lopez, John J. McEneny, Michael F. Nozzolio, Sheldon Silver, Dean G. Skelos (Carvin, Michael) (Entered: 02/15/2012)
02/16/2012	83	NOTICE of Appearance by Alexander G.P. Goldenberg on behalf of Martin Malave Dilan, John L. Sampson (aty to be noticed) (Goldenberg, Alexander) (Entered: 02/16/2012)
02/16/2012	84	Letter confirming that courtesy copies of all filings have been forwarded to Judges Lynch and Raggi by Robert Oaks (Hill, Timothy) (Entered: 02/16/2012)
02/16/2012	85	Letter regarding compliance with the Court's Order by Donna Kaye Drayton (Gibbs, Joan) (Entered: 02/16/2012)
02/16/2012	86	USCA Mandate: Designation of Three-Judge Panel pursuant to 28 U.S.C. 2284(b) Issued as Mandate: 2/16/12. Modified on 2/22/2012 (McGee, Mary Ann). (Main Document 86 replaced on 2/22/2012) (McGee, Mary Ann). (Entered: 02/16/2012)
02/16/2012	87	Letter confirming compliance with order by Andrew M. Cuomo, Robert J. Duffy (Pepper, Joshua) (Entered: 02/16/2012)
02/16/2012	88	Letter Letter to Confirm Compliance with EDNY Order by Nick Chavarria, Graciela Heymann, Sandra Martinez, Juan Ramos, Edwin Roldan, Manolin Tirado (Chin, Jackson) (Entered: 02/16/2012)
02/16/2012	89	Letter of Compliance with Judge Irizarry's Order (2/14/12) by Martin Malave Dilan, John L. Sampson (Kohen, Leonard) (Entered: 02/16/2012)

02/16/2012	90	Letter to Judge Irizarry Confirming Compliance With Court Order by Brian M. Kolb (Lang, Kevin) (Entered: 02/16/2012)
02/16/2012	91	Letter to Confirm Compliance with Court's Order by Weyman A. Carey, Mark A. Favors, Lillie H. Galan, Howard Leib, Edward A. Mulraine, Warren Schreiber (Mancino, Richard) (Entered: 02/16/2012)
02/16/2012	92	NOTICE of Appearance by Jose Luis Perez on behalf of Nick Chavarria, Graciela Heymann, Sandra Martinez, Juan Ramos, Edwin Roldan, Manolin Tirado (aty to be noticed) (Perez, Jose) (Entered: 02/16/2012)
02/16/2012	93	Letter of Supplemental Compliance of Judge Irizarry's Order (2/14/12) by Martin Malave Dilan, John L. Sampson (Kohen, Leonard) (Entered: 02/16/2012)
02/16/2012		SCHEDULING ORDER - REQUEST FOR RESPONSE re 81 MOTION to Intervene filed by Kim Thompson-Werekoh, Linda Rose, George Stamatiades, Josephine Rodriguez, Everet Mills, Carol Rinzler, Scott Auster, Carlotta Bishop, Anthony Hoffman - The Proposed Intervenors have represented to the court that the Original Plaintiffs, the "Drayton" Intervenors, the "Lee" Intervenors, and Defendants Governor Cuomo and Duffy have consented to their motion to intervene and they are awaiting responses from the other parties, intervenors and defendants, as to their positions on the motion. The remaining parties are hereby ORDERED to respond to this Intervenor Motion NO LATER THAN FEBRUARY 20, 2012. To the extent any party disagrees with the representations made by the Proposed Intervenors, they must file a response to the motion also NO LATER THAN FEBRUARY 20, 2012. <i>All parties are reminded that they PROMPTLY must provide hard courtesy copies of any filing to each of the undersigned judges at their respective chambers.</i> To date, no hard courtesy copy of this most recent Intervenor Motion has been received by any chambers. SO ORDERED by Circuit Judge Reena Raggi, Circuit Judge Gerard E. Lynch, District Judge Dora Lizette Irizarry on 2/16/2012 (Irizarry, Dora). (Entered: 02/16/2012)
02/17/2012	94	NOTICE of Change of Firm, Address and E-mail by Jeffrey Dean Vanacore (Vanacore, Jeffrey) (Entered: 02/17/2012)
02/17/2012	95	Letter regarding appointment of a Special Master by Martin Malave Dilan, John L. Sampson (Hecker, Eric) (Entered: 02/17/2012)
02/17/2012	96	RESPONSE TO ORDER TO SHOW CAUSE by Andrew M. Cuomo, Robert J. Duffy (Pepper, Joshua) (Entered: 02/17/2012)
02/17/2012	97	RESPONSE TO ORDER TO SHOW CAUSE by Brian M. Kolb (Lang, Kevin) (Entered: 02/17/2012)
02/17/2012	98	RESPONSE TO ORDER TO SHOW CAUSE by Robert Oaks (Hill, Timothy) (Entered: 02/17/2012)
02/17/2012	99	MEMORANDUM in Support re Order to Show Cause,, filed by Weyman A. Carey, Mark A. Favors, Lillie H. Galan, Howard Leib, Edward A. Mulraine, Warren Schreiber. (Mancino, Richard) (Entered: 02/17/2012)
02/17/2012	100	DECLARATION re Order,,,, of Daniel M. Burstein by Weyman A. Carey, Mark A. Favors, Lillie H. Galan, Howard Leib, Edward A. Mulraine, Warren Schreiber (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K) (Mancino, Richard) (Entered: 02/17/2012)
02/17/2012	101	RESPONSE to Motion re 81 MOTION to Intervene , filed by Brian M. Kolb. (Lang, Kevin) (Entered: 02/17/2012)

02/17/2012	102	Letter of <i>Non-Objection to New Proposed Intervenors</i> by Nick Chavarria, Graciela Heymann, Sandra Martinez, Juan Ramos, Edwin Roldan, Manolin Tirado (Chin, Jackson) (Entered: 02/17/2012)
02/17/2012	103	RESPONSE to Motion re 81 MOTION to Intervene filed by Roman Hedges, Welquis R. Lopez, John J. McEneny, Michael F. Nozzolio, Sheldon Silver, Dean G. Skelos. (Carvin, Michael) (Entered: 02/17/2012)
02/17/2012	104	RESPONSE TO ORDER TO SHOW CAUSE by Roman Hedges, Welquis R. Lopez, John J. McEneny, Michael F. Nozzolio, Sheldon Silver, Dean G. Skelos (Carvin, Michael) (Entered: 02/17/2012)
02/20/2012	105	Letter <i>Confirming No Opposition to Motion to Intervene</i> by Martin Malave Dilan, John L. Sampson (Hecker, Eric) (Entered: 02/20/2012)
02/21/2012	106	Letter <i>stating position with respect to motion to intervene</i> by Robert Oaks (Hill, Timothy) (Entered: 02/21/2012)
02/21/2012		ORDER re 48 Second MOTION for Extension of Time to File Answer filed by Martin Malave Dilan, John L. Sampson --- Document unsealed; there is no basis for this document to be filed under seal or exparte. All documents shall be filed on the public docket absent an express order from this Court permitting filing under seal/exparte. The parties shall familiarize themselves with the procedures for filing documents under seal/exparte in this court. So Ordered by Judge Dora Lizette Irizarry on 2/21/2012. (Carosella, Christy) (Entered: 02/21/2012)
02/21/2012		ORDER DENYING 22 Motion to Dismiss; DENYING 41 Motion to Dismiss for Failure to State a Claim; DENYING 42 Motion to Dismiss for Failure to State a Claim; GRANTING 81 Motion to Intervene; AND REFERRING TO MAGISTRATE JUDGE; AND SCHEDULING ORDER: The motions to dismiss the complaint filed by defendants Roman Hedges, Welquis R. Lopez, John J. McEneny, Michael F. Nozzolio, Sheldon Silver, Dean G. Skelos, Brian M. Kolb, and Robert Oaks are hereby DENIED. A written opinion will follow in due course. On the consent of all the parties, the motion to intervene filed by Linda Rose, Everet Mills, Anthony Hoffman, Kim Thompson-Werekoh, Carlotta Bishop, Carol Rinzler, George Stamatiades, Josephine Rodriguez, and Scott Auster is GRANTED. The Clerk of the Court is directed to AMEND the caption to include the names of the new Intervenor Plaintiffs. REFERRAL ORDER: It is hereby ORDERED, that the creation of a redistricting plan and all issues relating thereto are REFERRED to the Hon. Roanne L. Mann, U.S. Magistrate Judge, for the preparation of a Report and Recommendation to this 3-Judge Court. SCHEDULING ORDER: It is further hereby ORDERED, that counsel for ALL PARTIES, are to appear before the 3-Judge Court and Magistrate Judge Mann PROMPTLY at 2:00 P.M. at the 2d Floor Ceremonial Courtroom of the Brooklyn Federal Courthouse located at 225 Cadman Plaza East. GIVEN THE URGENCY OF THE ISSUES IN THIS CASE, COUNSEL FOR ALL PARTIES ARE DIRECTED TO APPEAR. At this conference, the Court requests that the parties be prepared to discuss, <i>inter alia</i> , special directives or suggestions, if any, this Court should give to the Magistrate Judge to assist her in preparing a redistricting plan, deadlines, and the appointment of experts. After the conference, the parties should be prepared to participate in a conference with Magistrate Judge Mann to discuss these issues. SO ORDERED Circuit Judge Reena Raggi, Circuit Judge Gerard E. Lynch, District Judge Dora Lizette Irizarry on 2/21/2012. (Irizarry, Dora) (Entered: 02/21/2012)
02/21/2012		AMENDED SCHEDULING ORDER: -- The portion of the Omnibus Order that was issued this date relating to scheduling a conference is hereby AMENDED ONLY TO CLARIFY THAT COUNSEL FOR ALL PARTIES, are to appear before the 3-Judge Court and Magistrate Judge Mann ON MONDAY, FEBRUARY 27, 2012, PROMPTLY

		at 2:00 P.M., at the 2d Floor Ceremonial Courtroom of the Brooklyn Federal Courthouse located at 225 Cadman Plaza East. GIVEN THE URGENCY OF THE ISSUES IN THIS CASE, COUNSEL FOR ALL PARTIES ARE DIRECTED TO APPEAR. At this conference, the Court requests that the parties be prepared to discuss, inter alia, special directives or suggestions, if any, this Court should give to the Magistrate Judge to assist her in preparing a redistricting plan, deadlines, and the appointment of experts. After the conference, the parties should be prepared to participate in a conference with Magistrate Judge Mann to discuss these issues. SO ORDERED Circuit Judge Reena Raggi, Circuit Judge Gerard E. Lynch, District Judge Dora Lizette Irizarry on 2/21/2012.. Ordered by Judge Dora Lizette Irizarry on 2/21/2012. (Irizarry, Dora) (Entered: 02/21/2012)
02/22/2012	107	ORDER Counsel for the parties are each directed to develop a list of at least three or four independent experts to assist the assigned Magistrate Judge in the development of a redistricting plan for the State of New York. Each list shall be filed via ECF, by 4:00 p.m. on February 24, 2012. Ordered by Magistrate Judge Roanne L. Mann on 2/22/2012. (Maynard, Pat) (Entered: 02/22/2012)
02/22/2012	108	Notice of MOTION for Leave to Appear Pro Hac Vice <i>for Marc Erik Elias</i> Filing fee \$ 25, receipt number 0207-5322775. by Scott Auster, Carlotta Bishop, Anthony Hoffman, Everet Mills, Carol Rinzler, Josephine Rodriguez, Linda Rose, George Stamatiades, Kim Thompson-Werekoh. (Attachments: # 1 Declaration of Marc Erik Elias in Support, # 2 Proposed Order Admission to Practice Pro Hac Vice) (Elias, Marc) (Entered: 02/22/2012)
02/23/2012	109	Notice of MOTION for Leave to Appear Pro Hac Vice <i>for John M. Devaney</i> Filing fee \$ 25, receipt number 0207-5324604. by Scott Auster, Carlotta Bishop, Anthony Hoffman, Everet Mills, Carol Rinzler, Josephine Rodriguez, Linda Rose, George Stamatiades, Kim Thompson-Werekoh. (Attachments: # 1 Declaration of John M. Delaney in Support of Notice of Motion to Admit Counsel Pro Hac Vice, # 2 Proposed Order Admission to Practice Pro Hac Vice) (Devaney, John) (Entered: 02/23/2012)
02/23/2012	110	ORDER, granting 108 Motion for admitted atty Marc E. Elias Leave to Appear Pro Hac Vice in whole or part as counsel for Pltff-Intervenors Linda Rose, Everet Mills, Anthony Hoffmann, Kim Thompson-Werekoh, Carlotta Bishop, Carol Rinzler, George Stamatiades, Josephine Rodriguez, and Scott Auster.This Order becomes effective upon the Court's receipt of the required \$25.00 fee and confirms your appearance as counsel in this case. Ordered by Magistrate Judge Roanne L. Mann on 2/23/2012. (Layne, Monique) (Entered: 02/23/2012)
02/23/2012	111	NOTICE of Appearance by Donald J. Hillmann on behalf of Brian M. Kolb (aty to be noticed) (Hillmann, Donald) (Entered: 02/23/2012)
02/23/2012	112	NOTICE of Appearance by Jennifer K. Harvey on behalf of Brian M. Kolb (aty to be noticed) (Harvey, Jennifer) (Entered: 02/23/2012)
02/23/2012	113	Notice of MOTION for Leave to Appear Pro Hac Vice <i>for Kevin J. Hamilton</i> Filing fee \$ 25, receipt number 0207-5324925. by Scott Auster, Carlotta Bishop, Anthony Hoffman, Everet Mills, Carol Rinzler, Josephine Rodriguez, Linda Rose, George Stamatiades, Kim Thompson-Werekoh. (Attachments: # 1 Declaration of Kevin J. Hamilton in Support of Notice of Motion to Appear Pro Hac Vice, # 2 Proposed Order Admissiion to Practice Pro Hac Vice) (Hamilton, Kevin) (Entered: 02/23/2012)
02/24/2012	114	NOTICE of Appearance by Marc E. Elias on behalf of Scott Auster, Carlotta Bishop, Anthony Hoffman, Everet Mills, Carol Rinzler, Josephine Rodriguez, Linda Rose, George Stamatiades, Kim Thompson-Werekoh (notification declined or already on case) (Elias, Marc) (Entered: 02/24/2012)

02/24/2012	115	Letter <i>in compliance with February 22, 2012 Order</i> by Donna Kaye Drayton (Gibbs, Joan) (Entered: 02/24/2012)
02/24/2012	116	ORDER, granting 113 Motion permitting admitted attorney Kevin J. Hamilton Leave to Appear Pro Hac Vice to argue or try this particular case in whole or in part as counsel or advocate for Plaintiff-Intervenors Linda Rose, Everet Mills, Anthony Hoffmann, Kim Thompson-Werekoh, Carlotta Bishop, Carol Rinzler, George Stamatiades, Josephine Rodriguez, and Scott Auster. So Ordered by Magistrate Judge Roanne L. Mann on 2/24/2012. (Layne, Monique) (Entered: 02/24/2012)
02/24/2012	117	Letter <i>regarding experts in compliance with February 22, 2012 order</i> by Roman Hedges, John J. McEneny, Sheldon Silver (Chill, C.) (Entered: 02/24/2012)
02/24/2012	118	NOTICE by Scott Auster, Carlotta Bishop, Anthony Hoffman, Everet Mills, Carol Rinzler, Josephine Rodriguez, Linda Rose, George Stamatiades, Kim Thompson-Werekoh <i>List of Proposed Experts in compliance with February 22, 2012 order</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C) (Elias, Marc) (Entered: 02/24/2012)
02/24/2012	119	Letter <i>Regarding Experts in Compliance with Order</i> by Brian M. Kolb (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit) (Lang, Kevin) (Entered: 02/24/2012)
02/24/2012	120	NOTICE of Appearance by Kevin J Hamilton on behalf of Scott Auster, Carlotta Bishop, Anthony Hoffman, Everet Mills, Carol Rinzler, Josephine Rodriguez, Linda Rose, George Stamatiades, Kim Thompson-Werekoh (notification declined or already on case) (Hamilton, Kevin) (Entered: 02/24/2012)
02/24/2012	121	Letter <i>to Magistrate Mann</i> by Weyman A. Carey, Mark A. Favors, Lillie H. Galan, Howard Leib, Edward A. Mulraine, Warren Schreiber (Mancino, Richard) (Entered: 02/24/2012)
02/24/2012	122	Letter <i>in compliance with February 22, 2012 Order</i> by Welquis R. Lopez, Michael F. Nozzolio, Dean G. Skelos (Carvin, Michael) (Entered: 02/24/2012)
02/24/2012	123	Letter <i>regarding recommendations for experts</i> by Martin Malave Dilan, John L. Sampson (Hecker, Eric) (Entered: 02/24/2012)
02/24/2012	124	Letter <i>to Judge Mann recommending experts</i> by Shing Chor Chung, Jung Ho Hong, Linda Lee, Julia Yang (Herschlein, James) (Entered: 02/24/2012)
02/24/2012	125	Letter <i>recommending experts</i> by Andrew M. Cuomo, Robert J. Duffy (Pepper, Joshua) (Entered: 02/24/2012)
02/24/2012	126	Letter <i>to Magistrate Roseanne Mann regarding Possible Redx Experts For Consideration</i> by Nick Chavarria, Graciela Heymann, Sandra Martinez, Juan Ramos, Edwin Roldan, Manolin Tirado (Chin, Jackson) (Entered: 02/24/2012)
02/25/2012	127	Letter <i>Addendum to February 24, 2012 Letter in response to the Court's February 22, 2012 Order</i> by Donna Kaye Drayton (Gibbs, Joan) (Entered: 02/25/2012)
02/27/2012	128	NOTICE of Change of Address by Eric Jason Hecker (Hecker, Eric) (Entered: 02/27/2012)
02/27/2012	129	Minute Entry for proceedings held before Magistrate Judge Roanne L. Mann: Scheduling Conference held on 2/27/2012. FOR PLAINTIFFS: Daniel Max Burstein, Jeffrey Williams, Richard Mancino. FOR INTERVENOR-PLAINTIFFS: Joan Gibbs, Esmeralda Simmons, James Herschlein, Noah Peters, Juan Cartagena, Jackson Chin, Marc Elias. FOR DEFENDANTS: Joshua Pepper, Todd Geremia, David Lewis, Daniel Chill, Eric Hecker, Kevin Lang, Donald Hillmann, Jonathan Sinnreich. RULINGS: By Wednesday, February 29, 2012, all parties shall serve and file their proposed Congressional

		redistricting plans for New York State, along with detailed explanations of how those plans comport with applicable law and the Court's mandate. Responses and objections to the parties' proposed plans, as well as to the proposed Common Cause Congressional redistricting plan, shall be filed by Friday, March 2, 2012. Additionally, by Wednesday, March 7, 2012, defendants shall file paragraph-by-paragraph answers to plaintiffs' Complaint and general denials of the four intervenor-plaintiffs' complaints, including any affirmative defenses. Finally, as agreed by the parties, LATFOR shall make available all data requested by Professor Persily. (Court Reporter:Charlene Heading) (Dempsey, Jameson) Modified on 2/28/2012 (Rocco, Christine). (Entered: 02/27/2012)
02/27/2012		Minute Entry for proceedings held before Circuit Judge Reena Raggi, Circuit Judge Gerard E. Lynch, District Judge Dora L. Irizarry, and Magistrate Judge Roanne L. Mann - Three Judge Hearing held on 2/27/2012. <i>Appearances: For Plaintiffs - Richard Mancino and Daniel Burstein; For "Drayton" Intervenor Plaintiffs - Joan P. Gibbs and Esmeralda Simmons; For "Lee" Intervenor Plaintiffs - James Herschlein and Noah Peters; For "Ramos" Intervenor Plaintiffs - Juan Cartagena, Jackson Chin, and Jose Luis Perez; For "Mills" Intervenor Plaintiffs - Marc E. Elias; For Defendants - Joshua Pepper, David L. Lewis, Todd R. Geramia, Eric Hecker, C. Daniel Hill, Kevin M. Lang, Daniel J. Hillman, Jonathan Sinnreich.</i> The Court addresses case status, next steps to be taken, and procedures to be followed. Arguments of counsel heard. The Court will entertain further motions to intervene only reluctantly, as stated on the record by Judge Raggi. The Court sets forth the powers of Magistrate Judge Mann as both magistrate judge and special master. A formal referral order will be entered. Parties must keep the Court apprised of any legislative developments that may affect this case. All parties consent to process to be followed by Judge Mann as detailed on the record by Judge Raggi. Parties must be prepared to provide all necessary documents and/or comments to Judge Mann in preparation of her Report and Recommendations. The three-judge panel will hold hearing(s) on any objections to the R&R and/or citizens' comments. Judge Mann will immediately retain expert Nathaniel Persily; no objection from any party; parties may obtain their own experts as stated by Judge Raggi. Petition process set to begin March 20, 2012 requires an expedited schedule in this case. Scope of mag. judge's referral is limited to congressional redistricting for now; parties shall submit a status report to the Court by March 15, 2012 as to what, if any, action has been taken concerning redistricting of state Assembly and Senate. The issue of incumbancy, vis-a-vis redistricting, should be addressed in briefing to Judge Mann. Report and Recommendations of Judge Mann due by <u>March 12, 2012</u> ; objections to the R&R are due by <u>NOON on March 14, 2012</u> and must be made in writing. The three-judge panel will hold a hearing on R&R objections on <u>March 15, 2012 at 2:00 PM</u> ; parties should be prepared to stay as long as necessary to conclude this hearing. (Court Reporter Charleane Heading.) (Carosella, Christy) Modified on 2/28/2012 (Carosella, Christy). (Court Reporter Charleane Heading.) (Carosella, Christy) Modified on 4/20/2012 (Carosella, Christy). (Entered: 02/28/2012)
02/28/2012	130	NOTICE of Change of Firm/Address/Email by Grace Yang (Yang, Grace) (Entered: 02/28/2012)
02/28/2012	131	NOTICE of Appearance by Randolph M. McLaughlin on behalf of Donna Kaye Drayton (aty to be noticed) (McLaughlin, Randolph) (Entered: 02/28/2012)
02/28/2012	132	NOTICE of Appearance by Jeffrey M Norton on behalf of Donna Kaye Drayton, Edwin Ellis, Aida Forrest, Gene A. Johnson, Joy Woolley, Sheila Wright (aty to be noticed) (Norton, Jeffrey) (Entered: 02/28/2012)
02/28/2012	133	ORDER OF REFERRAL TO MAGISTRATE JUDGE -- The task of creating a new congressional redistricting plan for the State of New York is hereby referred to the Honorable Roanne L. Mann, U. S. Magistrate Judge of the Eastern District of New York who shall be empowered and charged with the duty to prepare a Report and

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 21 CVS 015426

NORTH CAROLINA LEAGUE, OF
CONSERVATION VOTERS, INC., *et al.*,
Plaintiffs,

COMMON CAUSE,
Plaintiff-Intervenor,

v.

REPRESENTATIVE DESTIN HALL, in
his official capacity as Chair of the House
Standing Committee on Redistricting, *et
al.*,
Defendants.

FILED
2022 FEB -8 PM 1:22
WAKE CO., C.S.C.
RYAN D. HARRIS, Clerk

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 21 CVS 500085

REBECCA HARPER, *et al.*,
Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, in
his official capacity as Chair of the House
Standing Committee on Redistricting, *et
al.*,
Defendants.

ORDER ON SUBMISSION OF REMEDIAL PLANS FOR COURT REVIEW

THIS MATTER is presently in the remedy phase of the litigation following the Order entered by the Supreme Court of North Carolina on February 4, 2022.

On January 11, 2022, this Court entered a Final Judgment wherein this Court upheld the constitutionality of the 2021 Enacted State Legislative and Congressional redistricting plans (hereinafter "Enacted Plans") and ordered that the candidate filing period for the 2022

primary and municipal elections be set to resume at 8:00 A.M. on February 24, 2022, and continue through 12:00 noon on March 4, 2022.

Thereafter, Harper Plaintiffs, North Carolina League of Conservation Voters Plaintiffs, and Plaintiff-Intervenor Common Cause (hereinafter collectively referred to as "Plaintiffs") appealed this Court's Judgment directly to the Supreme Court of North Carolina. On February 4, 2022, the Supreme Court of North Carolina entered an Order, with opinion to follow, adopting in full this Court's findings of fact in the January 11, 2022, Judgment; however, the Supreme Court concluded that the Enacted Plans are unconstitutional under N.C. Const., art. I, §§ 10, 12, 14, and 19 and remanded the action to this Court for remedial proceedings.

The Supreme Court's Order requires the submission to this Court of remedial state legislative and congressional redistricting plans that "satisfy all provisions of the North Carolina Constitution" (hereinafter referred to as "Proposed Remedial Plans"); both the General Assembly, and any parties to this action who choose to submit Proposed Remedial Plans for this Court's consideration, must submit such Proposed Remedial Plans on or before February 18, 2022, at 5:00 p.m. SCONC Order ¶ 9. Following an expedited review and comment period in which parties may file and submit to this Court comments on any submitted plans by February 21, 2022, this Court must approve or adopt constitutionally-compliant remedial plans by noon on February 23, 2022.

In order to comport with the timelines established by the Supreme Court of North Carolina, and ensure that the conditions of the Supreme Court's Order are met, this Court, in its discretion and in furtherance of its review of any Proposed Remedial Plans enacted by the General Assembly or submitted to this Court for selection, hereby ORDERS the following:

1. Notwithstanding the General Assembly having the opportunity to draw Remedial Plans in the first instance and due to the expedited timeline for the Court's review

of any Proposed Remedial Plans, the Court, by subsequent Order, will promptly appoint a Special Master.

- a. The purpose of the appointed Special Master will be to 1) assist the Court in reviewing any Proposed Remedial Plans enacted and submitted by the General Assembly or otherwise submitted to the Court by a party to these consolidated cases; and 2) assist the Court in fulfilling the Supreme Court's directive to this Court to develop remedial maps based upon the findings in this Court's Judgment should the General Assembly fail to enact Proposed Remedial Plans compliant with the Supreme Court's Order within the time allowed.
- b. No later than 5:00 P.M. on February 9, 2022, the parties may submit to the Court names and qualifications of suggested Special Masters.
- c. The Court will thereafter appoint a Special Master by subsequent order of this Court. Such order will provide further instruction on, among other things, the data sets and files for the Proposed Remedial Plans to be submitted to the Court that will be necessary for the Special Master to assist the Court.
- d. All materials submitted to the Court pertaining to any Proposed Remedial Maps will be required to be served upon the Special Master contemporaneously when submitting the materials to the Court.

2. On February 18, 2022, in addition to submitting Proposed Remedial Plans to the Court as ordered by the Supreme Court, the General Assembly, and any party to this action submitting a Proposed Remedial Plan that it wishes for this Court to consider for selection, shall contemporaneously include in writing with its submission of Proposed Remedial Plans the information the Supreme Court has set forth in its Order pertaining to redistricting plans in general and the ordered Proposed Remedial Plans specifically. This written submission shall provide an explanation of the data and other considerations the mapmaker relied upon to create the submitted Proposed Remedial Plan and to determine that the Proposed Remedial Plans are constitutional (*i.e.*, compliant with the Supreme Court's Order), including but not limited to the following information:


- a. The results of the required initial assessment of whether a racially polarized voting analysis requires the drawing of a district in an area of the state to comply with Section 2 of the Voting Rights Act. SCONC Order ¶ 8.

- b. Whether the mapmaker adhered to traditional neutral districting criteria—specifically including the “drawing of single-member districts which are as nearly equal in population as practicable, which consist of contiguous territory, which are geographically compact, and which maintain whole counties”—and an explanation as to how the mapmaker did so without “subordinat[ing] them to partisan criteria. SCONC Order ¶¶ 6, 8. Such information may include the manner in which, within a redrawn state legislative county grouping, any traversal of county lines is authorized by *Stephenson I*, *Stephenson II*, *Dickson I*, and *Dickson II*; the efforts, if any, undertaken to draw districts in the Proposed Remedial Plans that improve the compactness of the districts as well as the values used as to the criteria of compactness; the efforts undertaken, if any, to draw state legislative districts in the Proposed Remedial Plans that split fewer precincts, or voting districts (VTDs); the manner in which municipal boundaries were considered when drawing the districts in the Proposed Remedial Plans.
 - c. Whether the mapmaker considered incumbency protection and, if so, an explanation as to how “it is applied even handedly, is not perpetuating a prior unconstitutional redistricting plan, and is consistent with the equal voting power requirements of the state constitution.” SCONC Order ¶ 7. Such information may include the identity of the incumbent(s) for whom the plan was altered to avoid pairing incumbents in the same district, why a specific incumbent was protected, and what efforts were taken to not pair incumbents unduly in the same district.
 - d. Whether there is a meaningful partisan skew that necessarily results from North Carolina’s unique political geography. SCONC Order ¶ 6.
 - e. What methods were employed in evaluating the partisan fairness of the plan—*e.g.*, “mean-median difference analysis, efficiency gap analysis, close-votes, close seats analysis, and partisan symmetry analysis”—as partisan fairness is defined in Paragraph 5 of the Order. SCONC Order ¶ 6.
 - f. Whether the statistical metrics indicate a “significant likelihood that the districting plan will give the voters of all political parties substantially equal opportunity to translate votes into seats across the plan.” SCONC Order ¶ 6.
3. The General Assembly through Legislative Defendants, and any party to this action submitting a Proposed Remedial Plan for the Court’s possible selection, shall also contemporaneously provide the following information with the submitted Proposed Remedial Plan and the required written submission detailed above:
- a. A description of and explanation for the choice of a base map to begin the redrawing process for the Proposed Remedial Plans, as well as any

amendments or changes considered, whether adopted or not, and made thereto, and any alternative maps considered by the mapmakers. For the General Assembly, this shall also include any alternative maps considered by the Senate Committee on Redistricting and Elections, House Committee on Redistricting, or the General Assembly as a whole.

- b. In addition to the partisan analysis required by the Supreme Court's Order or this Order, the extent to which partisan considerations and election results data were a factor in the drawing of the Proposed Remedial Plans.
 - c. The identity of all participants involved in the process of drawing the Proposed Remedial Plans submitted to the Court.
4. All materials required to be submitted to this Court by the Supreme Court's Order or this Order shall be submitted as provided in paragraph 3 of the December 13, 2021, Case Scheduling Order.
5. This Order is subject to supplementation through further Orders of the Court.

SO ORDERED, this the 8 day of February, 2022.


A. Graham Shirley, Superior Court Judge

/s/ Nathaniel J. Poovey

Nathaniel J. Poovey, Superior Court Judge

/s/ Dawn M. Layton

Dawn M. Layton, Superior Court Judge

[J-1-2018]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

LEAGUE OF WOMEN VOTERS OF : No. 159 MM 2017
PENNSYLVANIA, CARMEN FEBO SAN :
MIGUEL, JAMES SOLOMON, JOHN :
GREINER, JOHN CAPOWSKI, :
GRETCHEN BRANDT, THOMAS :
RENTSCHLER, MARY ELIZABETH :
LAWN, LISA ISAACS, DON LANCASTER, :
JORDI COMAS, ROBERT SMITH, :
WILLIAM MARX, RICHARD MANTELL, :
PRISCILLA MCNULTY, THOMAS :
ULRICH, ROBERT MCKINSTRY, MARK :
LICHTY, LORRAINE PETROSKY, :

Petitioners

v.

THE COMMONWEALTH OF :
PENNSYLVANIA; THE PENNSYLVANIA :
GENERAL ASSEMBLY; THOMAS W. :
WOLF, IN HIS CAPACITY AS :
GOVERNOR OF PENNSYLVANIA; :
MICHAEL J. STACK III, IN HIS CAPACITY :
AS LIEUTENANT GOVERNOR OF :
PENNSYLVANIA AND PRESIDENT OF :
THE PENNSYLVANIA SENATE; :
MICHAEL C. TURZAI, IN HIS CAPACITY :
AS SPEAKER OF THE PENNSYLVANIA :
HOUSE OF REPRESENTATIVES; :
JOSEPH B. SCARNATI III, IN HIS :
CAPACITY AS PENNSYLVANIA SENATE :
PRESIDENT PRO TEMPORE; ROBERT :
TORRES, IN HIS CAPACITY AS ACTING :
SECRETARY OF THE :
COMMONWEALTH OF PENNSYLVANIA; :
JONATHAN M. MARKS, IN HIS :
CAPACITY AS COMMISSIONER OF THE :
BUREAU OF COMMISSIONS, :
ELECTIONS, AND LEGISLATION OF :

THE PENNSYLVANIA DEPARTMENT OF :
 STATE, :
 :
 Respondents :

ORDER

PER CURIAM

AND NOW, this 26th day of January, 2018, in furtherance of this Court’s Order of January 22, 2018, and in anticipation of the possible eventuality that the General Assembly and the Governor do not enact a remedial congressional districting plan by the time periods specified in that Order, the Court orders as follows.

Pursuant to Paragraph “Third” of our Order of January 22, 2018:

First, this Court appoints Professor Nathaniel Persily as an advisor to assist the Court in adopting, if necessary, a remedial congressional redistricting plan.

Second, the Pennsylvania General Assembly shall submit to the Court, or direct the Legislative Data Processing Center to submit to the Court, no later than **January 31, 2018 at noon**, ESRI shape files that contain the current boundaries of all Pennsylvania municipalities and precincts.

Third, any redistricting plan the parties or intervenors choose to submit to the Court for its consideration shall include the following:

a. A 2010 Census block equivalency and ESRI shape file expressing the plan.

b. A report detailing the compactness of the districts according to each of the following measures: Reock; Schwartzberg; Polsby-Popper; Population Polygon; and Minimum Convex Polygon.

c. A report detailing the number of counties split by each district and split in the plan as a whole.

d. A report detailing the number of municipalities split by each district and the plan as a whole.

e. A report detailing the number of precincts split by each district and the plan as a whole.

f. A statement explaining the proposed plan's compliance with this Court's Order of January 22, 2018.

Fourth, the parties and intervenors shall submit to the Court, no later than **January 31, 2018 at noon**, a 2010 Census block equivalency and ESRI shape file for the maps which formed the basis for the expert testimony and reports offered into evidence in the proceedings before the Commonwealth Court. All such maps shall be labeled consistently with the parties' or intervenors' exhibits and descriptions therein.

Justice Baer files a Concurring and Dissenting Statement.

Chief Justice Saylor and Justice Mundy dissent.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

GLORIA PERSONHUBALLAH, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.: 3:13-cv-678
)	
JAMES B. ALCORN, et al.,)	
)	
Defendants.)	

ORDER

The Court hereby appoints Dr. Bernard Grofman as special master to assist and advise the Court with regard to the redistricting remedy. The Special Master’s appointment is governed by the following provisions:

1. The Special Master will review the redistricting plans and briefs submitted in response to the Court’s orders and recommend to the Court a proposed plan, a modified version of a proposed plan, or a plan devised by the Special Master, that remedies the deficiencies identified in the Court’s June 5, 2015 opinion (ECF 170).

2. The following deadlines are established for the purpose of enabling the Court to adopt a redistricting plan at the earliest practical opportunity after November 17, 2015:

- a. The Special Master shall submit his report and recommendation to the Court by no later than October 30, 2015;
- b. Any non-parties wishing to comment on the Special Master’s report and recommendation shall do so by no later than November 10, 2015, by submitting their comments electronically through the Court’s CM/ECF filing system;

- c. Parties may file comments or exceptions to the Special Master’s report and recommendation by no later than November 10, 2015, and may reply to any exceptions filed by no later than November 17, 2015.
3. The Special Master’s report and recommendation shall contain:
 - a. a color map showing the proposed remedial plan;
 - b. Shapefiles and Block Equivalency Files compatible with Maptitude For Redistricting software for the proposed remedial plan; and
 - c. analysis explaining the basis for the proposed remedial plan and the recommendation of that plan over any of the other proposals previously submitted by parties and non-parties.
4. Upon request from the Special Master, the parties shall promptly make available to the Special Master electronic copies of the trial exhibits and trial transcript. Such a request shall be communicated by way of an email message addressed to counsel of record for plaintiffs, the Commonwealth of Virginia, and for Intervenor-Defendants:

Stuart A. Raphael (sraphael@oag.state.va.us)

Trevor S. Cox (tcox@oag.state.va.us)

Michael A. Carvin (macarvin@jonesday.com)

John M. Gore (jmgore@JonesDay.com)

Kevin J. Hamilton (khamilton@perkinscoie.com)

Marc Elias (MElias@perkinscoie.com)

5. The Virginia Division of Legislative Services shall promptly respond to the best of its ability to any reasonable request by the Special Master for supporting data or information reasonably necessary to carry out his assignment.


6. The Special Master shall file his report electronically on the Court's CM/ECF system. The Shapefiles and Block Equivalency Files shall be delivered electronically to the parties via FTP, Dropbox, or equivalent method ensuring timely delivery. The Virginia Division of Legislative Services shall promptly post the Special Master's report and supporting electronic files to its redistricting website (<http://redistricting.dls.virginia.gov/>).

7. Parties and non-parties may not engage in any ex parte communication with the Special Master regarding the subject matter of this litigation. The Special Master may communicate ex parte with the Court, provided he promptly advises the parties that the communication has occurred and discloses any material guidance he has received.

8. The Special Master will be compensated in the amount of \$400 per hour for his time and will be reimbursed for reasonable expenses. He is also authorized to employ assistants (and to determine their reasonable compensation) as necessary to carry out his duties under this appointment. The Special Master must submit any motion for reimbursement of fees and expenses through the Court's CM/ECF system. Upon the disposition of the motion by the Court, and in accordance with the Order of September 3, 2015 (ECF No. 207), the Commonwealth of Virginia shall be responsible to pay the fees of the Special Master except as the Court may otherwise direct.

9. The parties may seek to modify this order for good cause shown.

It is SO ORDERED.



Liam O'Forthe
United States District Judge

Date: September 25, 2015

THE STATE OF NEW HAMPSHIRE
SUPREME COURT

In Case No. 2022-0184, Theresa Norelli & a. v. Secretary of State & a., the court on May 12, 2022, issued the following order:

In furtherance of our opinion issued today, the court hereby appoints Professor Nathaniel Persily to serve as special master in this case. See RSA 490:8 (2010). A special master is a judicial officer with the attendant obligation of impartiality. See Tuftonboro v. Willard, 89 N.H. 253, 260-61 (1938) (stating that the impartiality obligation of Part I, Article 35 of the New Hampshire Constitution applies to court-appointed masters, referees, and auditors); see also N.H. Sup. Ct. R. 38 (definition of “judge” in the Code of Judicial Conduct includes “a referee or other master”). Accordingly, ex parte communications with the special master are prohibited. See N.H. Sup. Ct. R. 38 (Rule 2.9 of the Code); N.H. R. Prof. Cond. 3.5. As a judicial officer, neither the special master nor staff members acting at his direction may be subjected to cross-examination, and all confidential computer and other confidential files prepared by or for the special master in connection with this case are entitled to the same level of protection from production or disclosure as are the confidential materials of the court itself.

The special master shall prepare and issue to the court, no earlier than May 27, 2022, a report and a recommended congressional redistricting plan for New Hampshire pursuant to the criteria set forth in our opinion and this order. The special master’s appointment, although effective immediately, does not preclude the legislature from enacting a congressional redistricting plan on or before May 26, 2022 — the date identified to us as the last date for legislative action in this session on a congressional redistricting plan, unless the legislature were to suspend its rules or to meet in special session.

In developing a recommended congressional redistricting plan, the special master shall use 2020 federal census data, P.L. 94-171, and shall modify the existing congressional districts, as established by RSA 662:1 (2016), only to the extent required to comply with the following criteria and “least change” standards:

1. **Districts shall be as equal in population as practicable, in accordance with Article I, Section 2 of the United States Constitution;**

2. The redistricting plan shall comply with the Voting Rights Act of 1965, as amended, 52 U.S.C. § 10101 et seq., and any other applicable federal law;
3. Districts shall be made of contiguous territory;
4. To the greatest extent practicable, each district shall contain roughly the same constituents as it does under the current congressional district statute, such that the core of each district is maintained, with contiguous populations added or subtracted as necessary to correct the population deviations, see *Below v. Secretary of State*, 148 N.H. 1, 13-14, 28 (2002);
5. The plan shall not divide towns, city wards, or unincorporated places, unless they have previously requested by referendum to be divided, or unless the division is necessary to achieve compliance with the population equality required by Article I, Section 2 of the United States Constitution; and
6. The special master shall not consider political data or partisan factors, such as party registration statistics, prior election results, or future election prospects.

The New Hampshire Senate Minority Leader and the New Hampshire House of Representatives Minority Leader (the legislative *amici curiae*) previously submitted, with their memorandum of law on the preliminary questions, a proposed congressional redistricting plan that they contend is a “least change” plan. By 5:00 p.m. on May 16, 2022, interested parties, intervenors, and any other person participating or seeking to participate as an *amicus curiae* may submit, through the court’s electronic filing (e-filing) system, their proposed redistricting plan, accompanied by such supporting data, documentation, or memoranda that they deem helpful to the special master’s evaluation of their proposed plan’s compliance with our opinion and this order.

By 1:00 p.m. on May 18, 2022, interested parties, intervenors, and any person participating or seeking to participate as an *amicus curiae* may submit, through the court’s e-filing system, a response to any proposed redistricting plan, including the proposed plan previously submitted by the legislative *amici curiae*.

An in-person hearing before the special master will be held at the court on May 19, 2022, at 1:00 p.m., to provide an opportunity for plan proponents to present arguments in favor of their plans and for opponents of particular plans to respond. Following the hearing, the special master shall select a proposed redistricting plan — or shall formulate one on his own — that he recommends for adoption by the court. The special master’s report and recommended

congressional redistricting plan shall be issued to the court no earlier than May 27, 2022, and then promptly distributed by the clerk's office to persons who have appeared in this case.

If necessary, oral argument on the special master's report and recommendation will be held before the justices of the supreme court on May 31, 2022, at 9:00 a.m.

As stated in our orders of April 11 and May 5, 2022, the court will terminate this proceeding if a congressional redistricting plan is validly enacted by the legislature at any time prior to the close of this case.

MacDonald, C.J., and Hicks, Bassett, Hantz Marconi, and Donovan, J.J., concurred.

**Timothy A. Gudas,
Clerk**

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