

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

JOAQUÍN CARCAÑO, *et al.*  
*Plaintiffs,*

v.

ROY A. COOPER, *et al.*  
*Defendants,*

v.

PHIL BERGER, *et al.*,  
*Intervenor-Defendants.*

Case No. 1:16-cv-00236-TDS-JEP

**PLAINTIFFS' UNOPPOSED MOTION TO FILE  
CONSOLIDATED RESPONSIVE BRIEF**

NOW COME Plaintiffs Joaquín Carcaño, Payton Grey McGarry, Hunter Schafer, Quinton Harper, Angela Gilmore, Madeline Goss, and American Civil Liberties Union of North Carolina (collectively, "Plaintiffs"), by and through their attorneys, and move the Court pursuant to Local Rule 7.3 to file a single consolidated brief of 10,000 words in response to UNC Defendants' and Intervenor-Defendants' supplemental briefs seeking dismissal of Plaintiffs' nominal damages claims (D.E. 254 & 255). In support thereof Plaintiffs state as follows:

1. On September 30, 2018, the Court issued a Memorandum Opinion and Order granting in part and denying in part Intervenor-Defendants' and UNC Defendants' motions to dismiss. (D.E. 248). With respect to Plaintiffs' "nominal damages claims for the period

of time when HB2 was in effect against Plaintiffs,” the Court found “[t]he briefing on these claims [to be] wholly inadequate for proper resolution.” (D.E. 248 at 62). The Court directed that “[a]ny party wishing to submit additional briefing . . . must do so within 30 days of the issuance of this order.” (D.E. 248 at 63).

2. On October 23, 2018, pursuant to the parties’ joint motion, the Court ordered the following briefing schedule on the motions to dismiss Plaintiffs’ nominal damages claims: “the UNC Defendants and Legislative Intervenor-Defendants shall file opening supplemental briefs in support of their Motions to Dismiss on November 16, 2018, Plaintiffs shall file an answering brief on November 30, 2018, and the UNC Defendants and Legislative Defendants shall file reply briefs on December 7, 2018.” (D.E. 253 at 1-2).

3. On November 16, 2018, UNC and Intervenor-Defendants filed their opening supplemental briefs in support of their motions to dismiss. (D.E. 254 & 255).

4. Because UNC Defendants and Intervenor-Defendants have raised certain similar and/or overlapping arguments, Plaintiffs seek leave to file a single consolidated brief, in lieu of filing a separate brief in response to each motion.

5. Pursuant to Local Rule 7.3(d)(1), a responsive brief shall not exceed 6,250 words. Plaintiffs respectfully seek leave to file a single consolidated responsive brief of no more than 10,000 words.

6. A consolidated brief will provide an efficient presentation of Plaintiffs’ responses to the Court and avoid duplicative briefing.

7. No party will be prejudiced by the relief sought in this motion.
8. No separate brief is required for these requests pursuant to Local Rule 7.3(j)(2).
9. No party opposes this motion and the relief it seeks.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully move that the Court enter an order granting Plaintiffs' leave to file a single consolidated responsive brief not to exceed 10,000 words in response to UNC Defendants' and Intervenor-Defendants' supplemental briefs seeking dismissal of Plaintiffs' nominal damages claims (D.E. 254 & 255).

/s/ Christopher A. Brook

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pursuant to L.R. 83.1(d).

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**PROPOSED ORDER**

On consideration of Plaintiffs' Unopposed Motion to File Consolidated Responsive Brief, and for good cause shown, it is hereby ORDERED that Plaintiffs may file a single consolidated responsive brief not to exceed 10,000 words.

Dated: \_\_\_\_\_, 2018

\_\_\_\_\_  
Thomas D. Schroeder, U.S. District Judge