

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

JOAQUÍN CARCAÑO, *et al.*,

*Plaintiffs,*

v.

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

*Defendants,*

and

PHIL BERGER, *et al.*,

*Intervenor-Defendants.*

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

**JOINT MOTION TO PROPOSE A BRIEFING SCHEDULE ON PLAINTIFFS’  
AND EXECUTIVE BRANCH DEFENDANTS’ PROPOSED CONSENT DECREE**

NOW COME Plaintiffs Joaquín Carcaño, Payton Grey McGarry, Hunter Schafer, Quinton Harper, Angela Gilmore, Madeline Goss, and American Civil Liberties Union of North Carolina (“Plaintiffs”); Defendants Roy A. Cooper III, Joshua Stein, Machel Sanders, Mandy K. Cohen, and James H. Trogdon III (“Executive Branch Defendants”); Defendants Margaret Spellings and the University of North Carolina (“UNC Defendants”); and Intervenor-Defendants Senator Phil Berger and Speaker Tim Moore (“Intervenor- Defendants”), by and through their attorneys, and move the Court pursuant to the Court’s October 23, 2018 Order (D.E. 253) for entry of the following briefing

schedule regarding Plaintiffs' and Executive Branch Defendants' proposed consent decree:

1. On or before December 21, 2018, Plaintiffs and Executive Branch Defendants shall file a proposed revised consent decree and supplemental briefing in support thereof.

2. On or before February 1, 2019, any party opposing the proposed revised consent decree shall file a responsive brief.

3. On or before February 15, 2019, Plaintiffs and Executive Branch Defendants shall file reply briefs (if any).

\* \* \*

Dated: November 30, 2018

Respectfully Submitted,

/s/ Christopher A. Brook

Christopher A. Brook (NC Bar No. 33838)

Irena Como\*

AMERICAN CIVIL LIBERTIES UNION OF  
NORTH CAROLINA LEGAL  
FOUNDATION

Post Office Box 28004

Raleigh, North Carolina 27611

Telephone: 919-834-3466

Facsimile: 866-511-1344

cbrook@acluofnc.org

icomo@acluofnc.org

James D. Esseks\*

Leslie Cooper\*

Elizabeth O. Gill\*

Chase B. Strangio\*

Tara L. Borelli\*

Peter C. Renn\*

LAMBDA LEGAL DEFENSE AND  
EDUCATION FUND, INC.

730 Peachtree Street NE, Suite 1070

Atlanta, GA 30308-1210

Telephone: 404-897-1880

Facsimile: 404-897-1884

tborelli@lambdalegal.org

prenn@lambdalegal.org

Scott B. Wilkens\*

Luke C. Platzer\*

JENNER & BLOCK LLP

1099 New York Avenue, NW Suite 900

Washington, DC 20001-4412

Telephone: 202-639-6000

Facsimile: 202-639-6066

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

125 Broad St., 18th Fl.  
New York, NY 10004  
Telephone: 212-549-2627  
Facsimile: 212-549-2650

jesseks@aclu.org  
lcooper@aclu.org  
egill@aclunc.org  
cstrangio@aclu.org

swilkens@jenner.com  
lplatzer@jenner.com

\*Appearing by special appearance  
pursuant to L.R. 83.1(d).

*Counsel for Plaintiffs*

/s/ Amar Majmundar

Amar Majmundar  
NC Bar No. 24668  
SPECIAL DEPUTY ATTORNEY GENERAL  
NORTH CAROLINA DEPARTMENT OF  
JUSTICE  
Post Office Box 629  
Raleigh, NC 27602  
Telephone: (919) 716-6821  
Facsimile: (919) 716-6759  
amajmundar@ncdoj.gov

/s/ Olga E. Vysotskaya de Brito

Olga E. Vysotskaya de Brito  
NC Bar No. 31846  
SPECIAL DEPUTY ATTORNEY GENERAL  
NORTH CAROLINA DEPARTMENT OF  
JUSTICE  
Post Office Box 629  
Raleigh, NC 27602  
Telephone: (919) 716-0185  
Facsimile: (919) 716-6759  
ovysotskaya@ncdoj.gov

*Counsel for Defendants GOV. ROY A. COOPER, III, in his Official Capacity as Governor of North Carolina, JOSHUA H. STEIN, in his official capacity as Attorney General of North Carolina; MACHELLE SANDERS, in her official capacity as Secretary of the North Carolina Department of Administration; MANDY K. COHEN, in her official capacity as Secretary of the North Carolina Department of Health and Human Services; and JAMES H. TROGDON III, in his official capacity as Secretary of the North Carolina Department of Transportation.*

/s/ Thomas C. Shanahan

Thomas C. Shanahan (NC Bar No. 42381)  
Carolyn C. Pratt (NC Bar No. 38438)  
THE UNIVERSITY OF NORTH CAROLINA  
P.O. Box 2688  
Chapel Hill, NC 27515  
Telephone: (919) 962-4588  
Facsimile: (919) 962-0477  
tshanahan@northcarolina.edu  
ccpratt@northcarolina.edu

/s/ Glen D. Nager

Glen D. Nager\*  
Kristen A. Lejnieks\*  
Vivek Suri\*  
JONES DAY  
51 Louisiana Avenue, NW  
Washington, DC 20001  
Telephone: (202) 879-3939  
Facsimile: (202) 626-1700  
gdnager@jonesday.com  
klejnieks@jonesday.com  
vsuri@jonesday.com

\* Appearing by special appearance  
pursuant to L.R. 83.1(d)

*Counsel for Defendants the University of North Carolina and  
Margaret Spellings, in her Official Capacity as President of  
the University of North Carolina*

/s/ Stephen S. Schwartz

Gene C. Schaerr\* (DC Bar No. 416638)  
Stephen S. Schwartz\* (DC Bar No.  
477947)  
SCHAERR | JAFFE LLP  
1717 K Street NW, Suite 900  
Washington, DC 20006  
Telephone: (202) 787-1060  
gschaerr@schaerr-jaffe.com  
sschwartz@schaerr-jaffe.com

/s/ Robert D. Potter, Jr.

Robert D. Potter, Jr. (NC Bar No. 17553)  
ATTORNEY AT LAW  
2820 Selwyn Avenue, #840  
Charlotte, NC 28209  
Telephone : (704) 552-7742  
rdpotter@rdpotterlaw.com

\* Appearing by special appearance  
pursuant to L.R. 83.1(d)

*Counsel for Intervenor-Defendants Phil Berger and Tim  
Moore in their Official Capacities*

## CERTIFICATE OF SERVICE

I, Christopher A. Brook, hereby certify that on November 30, 2018, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participating attorneys.

/s/ Christopher A. Brook  
*Counsel for Plaintiffs*

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

JOAQUÍN CARCAÑO, *et al.*,

*Plaintiffs,*

v.

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

*Defendants,*

and

PHIL BERGER, *et al.*,

*Intervenor-Defendants.*

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

**PROPOSED ORDER**

On consideration of the Parties' Joint Motion to Propose a Briefing Schedule on Plaintiffs' and Executive Branch Defendants' Proposed Consent Decree, and for good cause shown, IT IS ORDERED:

1. On or before December 21, 2018, Plaintiffs and Executive Branch Defendants shall file a proposed revised consent decree and supplemental briefing in support thereof.
2. On or before February 1, 2019, any party opposing the proposed revised consent decree shall file a responsive brief.

3. On or before February 15, 2019, Plaintiffs and Executive Branch Defendants shall file reply briefs (if any).

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

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