

No. 21-1271

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IN THE  
**Supreme Court of the United States**

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TIMOTHY K. MOORE, in His Official Capacity as Speaker of the North Carolina House of Representatives, ET AL.,

*Petitioners,*

v.

REBECCA HARPER, ET AL.,

*Respondents.*

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**NON-STATE RESPONDENTS' UNOPPOSED APPLICATION TO EXCEED WORD LIMIT**

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September 30, 2022

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## **RULE 29.6 DISCLOSURE STATEMENT**

Respondent Common Cause has no parent company nor does any public company have a 10 percent or greater ownership in it.

Respondent North Carolina League of Conservation Voters, Inc. (“NCLCV”) has no parent company, and no public company has a 10 percent or greater ownership in it.

Pursuant to Rules 22 and 33.1(d), Respondents Rebecca Harper, et al. (“Harper Respondents”); North Carolina League of Conservation Voters, Inc., et al. (“NCLCV Respondents”); and Common Cause (collectively, the “non-State Respondents”) respectfully request leave to file a joint brief on the merits in excess of the word limit, not to exceed 20,000 words.

1. On February 25, 2022, Petitioners filed an emergency application for a stay pending a petition for writ of certiorari arising from two cases consolidated in the North Carolina Superior Court, *Harper v. Hall*, No. 21 CVS 500085, and *North Carolina League of Conservation Voters, Inc. v. Hall*, No. 21 CVS 015426. Those suits were brought by two different groups of plaintiffs challenging the North Carolina General Assembly’s new map for the 2021 congressional elections. Respondent Common Cause, which had previously filed a separate lawsuit in North Carolina state court challenging Petitioners’ delay in approving a new congressional map, intervened in both suits in the North Carolina Superior Court.

2. The Supreme Court denied the application for a stay on March 7. Petitioners filed their petition for writ of certiorari on March 17, which was granted on June 30. Petitioners filed their opening brief on August 29. The Court has not yet set a date for oral argument.

3. The non-State Respondents request leave to file a joint brief on the merits in excess of the word limit, not to exceed 20,000 words. A 20,000-word limit would allow the non-State Respondents to file a joint brief that fully addresses Petitioners’ arguments, fairly and fully characterizes the record, and provides the Court with all of the critical and extensive historical underpinnings pertinent to the issue presented. This enlargement of the word limit is also necessary given the number of parties involved (three non-State Respondents) and the varied interests of each of the Respondents (including several North Carolinians and

two separate non-profit nonpartisan organizations). Granting this application would enable the non-State Respondents to eliminate unnecessary duplication across three separate briefs by filing a combined statement and by consolidating the important historical, record, and precedent discussions.

4. If the three non-State Respondents filed separate briefs, each brief would have a 13,000 word limit for a total of 39,000 words. By granting this application for a combined brief of 20,000 words, the Court will cut the total word count for the non-State Respondents' briefing nearly in half. The Court has granted comparable requests when parties have sought to file one consolidated brief in excess of the word limit rather than filing multiple separate briefs on the same issue. *See, e.g., Merrill v. Milligan*, No. 21-1086 (Mar. 14, 2022). Given the important issues at stake and the extensive historical analysis required to address the question presented, if the Court does not grant this Application, non-State Respondents plan to each file a separate brief on the merits not to exceed 13,000 words pursuant to Rule 33.1(g).

5. The non-State Respondents have conferred with the State Respondents, who plan to file a separate brief, and who consent to the non-State Respondents' request.

6. The non-State Respondents have also conferred with Petitioners, who do not oppose Respondents' request provided that Petitioners receive 11,000 words to file an omnibus reply brief. The non-State Respondents consent to that request, and the State Respondents do not object to it.

Respectfully submitted,

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