

In the Supreme Court of the United States

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KEVIN M. GUSKIEWICZ,

in his official capacity as chancellor of the University of North Carolina at Chapel
Hill, et al.,

Petitioners,

v.

DTH MEDIA CORPORATION et al.,

Respondents.

—————
*ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF
NORTH CAROLINA*

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**RESPONDENTS' OPPOSITION TO MOTION FOR LEAVE
TO FILE AMICUS BRIEF**

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Hugh Stevens
Stevens Martin Vaughn & Tadych, PLLC
The Historic Pilot Mill
1101 Haynes Street, Suite 100
Raleigh, North Carolina 27604
(919) 582-2300
hugh@smvt.com

The Court should deny the Motion for Leave to File Amicus Brief filed on behalf of the Victim Rights Law Center and the North Carolina Coalition Against Domestic Violence because the movants' proposed brief addresses speculative and irrelevant issues that were neither considered nor ruled upon by the North Carolina courts, and thus does not comply with Rule 37.1. To the contrary, by resting their argument on materials outside the record that the state courts unanimously declined to review, *amici's* brief would mislead the Court and divert its attention from the record.

As explained in detail in Section V of Respondents' Brief in Opposition to the Petition for Writ of Certiorari (pp. 21-24), Petitioners have attempted at every stage of this litigation to turn it from a case about the *perpetrators* of campus sexual assaults into a case about the *victims* of sexual assault, which it is not. To that end, they repeatedly have attempted to modify the actual record, which rests on *stipulated* facts, by submitting the incompetent and irrelevant material at App. 90a-141a. Regardless of whether they ruled in favor of the Petitioners or the Respondents below, North Carolina's courts uniformly rejected these materials. *Id.* By drawing on these same materials, *amici* merely duplicate an irrelevant argument already brought to the Court's attention by the Petitioners.

Moreover, as *amici* grudgingly acknowledge (Amici's Proposed Brief, at 8-9), the speculative concern that motivated their filing — i.e., that the public identification of campus sexual predators will result in the identification of their victims — simply has not come to pass, despite the fact that several, but not all, of North Carolina's public universities already have complied with the state court's

ruling. *See, e.g., Cullen Browder, Records show scores of students found responsible for sex offenses at UNC schools, WRAL.COM (Nov. 9, 2020 7:18 PM), <https://www.wral.com/records-show-scores-of-students-found-responsible-for-sex-offenses-at-unc-schools/19377924/>.*

Respectfully submitted this the 24th day of November, 2020.

STEVENS MARTIN VAUGHN & TADYCH, PLLC

/s/ Hugh Stevens

Hugh Stevens

STEVENS MARTIN VAUGHN & TADYCH, PLLC

The Historic Pilot Mill

1101 Haynes Street, Suite 100

Raleigh, NC 27604-1455

919.582.2300 (telephone)

866.593.7695 (facsimile)