

In the
Supreme Court of the United States

STATE OF SOUTH CAROLINA,
Plaintiff,

v.

STATE OF NORTH CAROLINA,
Defendant.

Before the Special Master
Hon. Kristin L. Myles

STATE OF NORTH CAROLINA'S RESPONSE IN SUPPORT OF
CITY OF CHARLOTTE'S MOTION FOR PERMISSION
TO PARTICIPATE AS AN AMICUS CURIAE

Defendant State of North Carolina hereby files its Response in Support of the City of Charlotte's Motion for Permission to Participate as an Amicus Curiae submitted February 19, 2010 ("Motion"). In its Motion, Charlotte specifically requests 1) that it be allowed to participate in the periodic conferences with the Special Master; 2) that it be served with all filings and other documents, notices and correspondence served on, or provided to the Parties by any Party or the Special Master; and 3) that it be granted permission to be present at all hearings and depositions. Charlotte further requests the right to petition the Special Master for permission to participate more fully in the litigation at some future time. North Carolina supports Charlotte's motion and the specific types of participation requested therein.

North Carolina agrees that Charlotte has a keen interest in this litigation as has been detailed exhaustively in the pleadings filed and arguments presented to the Special Master and the Court. Furthermore, the Court has suggested that Charlotte's participation as amicus may be appropriate. Thus, it makes sense that Charlotte be kept informed in a timely manner of the proceedings in this case.

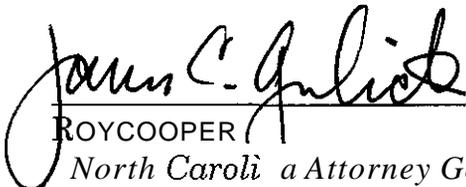
In South Carolina's Partial Opposition to Charlotte's Motion to Participate as an Amicus Curiae submitted March 12, 2010 ("Opposition"), South Carolina suggests that North Carolina be responsible for providing non-confidential filings, correspondence, transcripts of the telephone conferences with the Special Master, and deposition transcripts to Charlotte. North Carolina objects to this suggestion as it would create an extra burden for North Carolina. To the extent that transcripts are available directly from the court reporter or the Special Master's website, it makes little sense to require North Carolina to forward material that can be obtained directly from the source.

As for pleadings and correspondence, the Parties have already established a service list that includes counsel for the City of Charlotte. Given that materials are forwarded electronically, there is little additional cost or effort that will be incurred by the parties if they continue to provide Charlotte with copies of the correspondence and pleadings as they have done in the case up to now. South Carolina objects to continuing to serve Charlotte on the ground that doing so would create an administrative burden because of the need to maintain multiple service lists for confidential and non-confidential materials. North Carolina is not aware of

any pleadings that have been filed confidentially up to this point in the litigation and does not expect that this case will involve any substantial amount of confidential filings. Moreover, even if it did the parties would only have two (not multiple) service lists which could be easily accommodated.

The other complaints included in South Carolina's Opposition are likewise based on hyperbole and speculation. For example, South Carolina several times contends that the alleged administrative burdens will be compounded as other *amici* seek to join the case, *see* Opposition at 1, 3, 4, 5, 7, 9, 11, but there simply are no other entities that have the same status and level of interest in the matter as Charlotte. North Carolina is confident that the Special Master is fully capable of dealing with specific issues effectively as they arise.

Insofar as Charlotte's suggestions for participation in the litigation seem reasonable and impose very little burden on the parties, North Carolina supports Charlotte's Motion that it be allowed to participate as an *amicus curiae* in this case.



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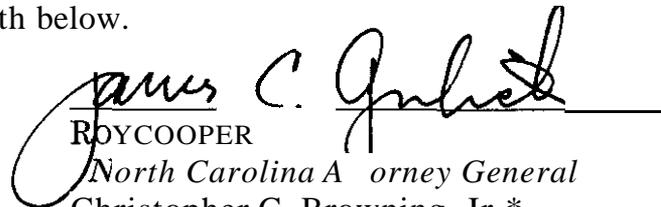
Counsel for the State of North Carolina

March 29, 2010

*Counsel of Record

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served, upon all counsel required to be served, the STATE OF NORTH CAROLINA'S RESPONSE IN SUPPORT OF CITY OF CHARLOTTE'S MOTION FOR PERMISSION TO PARTICIPATE AS AN AMICUS CURIAE by-mailing and depositing the number of copies itemized below, first class postage pre-paid, in the United States Mail properly addressed as set forth below.


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