

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Civil Action No. 5:18-CV-589

COMMON CAUSE et. al.	)
	)
	)
Plaintiffs,	)
	)
v.	)
	)
REPRESENTATIVE DAVID R. LEWIS, IN HIS	)
OFFICIAL CAPACITY AS SENIOR CHAIRMAN	)
OF THE HOUSE SELECT COMMITTEE ON	)
REDISTRICTING; et al.	)
	)
Defendants.	)

**MOTION FOR ORDER CONFIRMING APPLICABILITY OF STAY OF JUDGMENT**  
**UNDER RULE 62(a)**

Defendants Representative David R. Lewis, Senator Ralph E. Hise, Jr., Speaker of the North Carolina House Timothy K. Moore, and President Pro Tem of the North Carolina Senate, Philp E. Berger (“Legislative Defendants”) and the State of North Carolina<sup>1</sup> (collectively “Defendants”) respectfully move the Court for an order affirming that the 30-day post-judgment stay period of Rule 62(a) applies to the Court’s remand order and ensuring that the Clerk of Court does not mail the remand order pursuant to 28 U.S.C. § 1447(d) to the clerk of the North Carolina Superior Court during that 30-day window, i.e., at the earliest, February 4, 2019. The bases of this motion are set forth in the accompanying memorandum of law in support of this motion.

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<sup>1</sup> As stated in the Notice of Removal filed on December 14, 2018 (D.E. 1), pursuant to N.C. Gen. Stat. § 1-72.2, the legislative branch of North Carolina state government is considered the “State of North Carolina” in actions challenging statutes enacted by the North Carolina General Assembly along with the executive branch of state government.

Respectfully submitted this 3rd day of January, 2019

OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.

By: /s/ Phillip J. Strach

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\*Notice of Appearance under Local Rule 83.1  
forthcoming

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically serve all counsel of record for all parties in this matter.

This the 3rd day of January, 2019.

By: /s/ Phillip J. Strach  
Phillip J. Strach