
No. 16-2193

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

LOUIS M. DUKE, *et al.*,

Plaintiffs-Appellants,

v.

STATE OF NORTH CAROLINA, *et al.*,

Defendants-Appellees.

On Appeal from the United States District Court
for the Middle District of North Carolina, Case No. 1:13-CV-00660
(Thomas D. Schroeder, District Judge)

**PLAINTIFFS-APPELLANTS' UNOPPOSED MOTION TO INCREASE
PAGE LIMIT**

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Appellants Louis M. Duke, Josue E. Berduo, Nancy J. Lund, Brian M. Miller, Becky Hurley Mock, Lynne M. Walter, and Ebony N. West (“Duke Appellants”) move the Court to submit an Emergency Motion for Injunction Pending Appeal of no more than 28 pages. The Duke Appellants seek to exceed the 20 page limit established by Rule 27(d)(2) of the Federal Rules of Appellate Procedure for the reasons set forth below.

In support of this motion, the Duke Appellants show the following:

1. The Duke Appellants’ emergency motion addresses the early vote plans of five North Carolina counties—Nash, New Hanover, Mecklenburg, Guilford, and Forsyth—and their refusal to comply with this Court’s opinion in *N. Carolina State Conference of NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016) as well as the District Court’s corresponding permanent injunction. As such, the motion is highly fact intensive and, in many instances, these facts do not overlap. To supply this Court with a sufficient accounting of the facts and the law in this area more than the standard 20 pages are needed.

2. Although the Duke Appellants are filing an emergency motion for injunction pending appeal, given that early voting begins on October 20, 2016, the resolution of this motion will be case dispositive. And, accordingly, it is critical that the Court have all the facts it needs at its disposal to fully evaluate this case. Nevertheless, the requested enlargement of just 8 pages is still far less than would

typically be presented in a full merits brief and demonstrates a concerted effort by the Duke Appellants to address these important issues as efficiently, but also as thoroughly, as possible.

3. Most importantly, with the early voting period beginning just days from today, time is of the essence. Additional time spent trying to whittle away pages which contain crucial facts for this Court would not only delay filing, but it would also ensure that thousands of North Carolina are left without relief in the upcoming November 2016 General Election.

4. The Duke Appellants have conferred with counsel for Appellees regarding this request to increase the page limit. Counsel for Appellees *does not* object to this request.

WHEREFORE, the Duke Appellants respectfully request leave to submit a motion for preliminary injunction pending appeal of no more than 28 pages.

Respectfully submitted, this the 17th day of October, 2016.

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on October 17, 2016, I served a copy of the foregoing Motion, with service to be made by electronic filing with the Clerk of the Court using the CM/ECF System, which will send a Notice of Electronic Filing to all parties with an e-mail address of record, who have appeared and consent to electronic service in this action, namely:

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