

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

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MARCIE FISHER-BORNE, *et al.*,  
*Plaintiffs*,

v.

JOHN W. SMITH, *et al.*, *Defendants*,

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Case No.: 1:12-cv-00589

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ELLEN W. GERBER, *et al.*, *Plaintiffs*,

v.

ROY COOPER, *et al.*, *Defendants*,

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Case No.: 1:14-cv-00299

and

THOM TILLIS, North Carolina Speaker of  
the House of Representatives and PHIL  
BERGER, President Pro Tempore of the  
North Carolina Senate,

*Proposed Intervenor-Defendants.*

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**PROPOSED DEFENDANT-INTERVENORS’  
MOTION FOR INTERVENTION PURSUANT TO FED. R. CIV. P. 24**

Proposed defendant-intervenors Thom Tillis, North Carolina Speaker of the House of Representatives, and Phil Berger, President Pro Tempore of the North Carolina Senate, on behalf of themselves, and their members and constituents (“Movants”), pursuant to N.C.G.S. § 1-72.2, and further pursuant to Fed. R. Civ. P. 24(a)(2) or, alternatively, Fed. R. Civ. P. 24(b)(2), and on the factual and legal grounds set forth in the accompanying memorandum of law, hereby move for leave to intervene as party Defendants in the above-captioned cases.

Intervenors' counsel contacted counsel for the plaintiffs in both cases on October 9, 2014, and both sets of Plaintiffs oppose intervention. Intervenors' counsel also contacted counsel for defendants on October 9, 2014. The Defendant Attorney General has not responded to a request for his position. Counsel for the Durham County Register of Deeds takes no position on the motion. Counsel for the Guilford County Register of Deeds does not consent to or oppose the motion.

Pursuant to FED. R. CIV. P. 24(c), through the Court's CM/ECF filing system, Movants have served electronically their motion to intervene on the parties.

Proposed Defendant-Intervenors are contemporaneously with this Motion also filing a Motion for an Extension of Time to File a Responsive Pleading as required by Fed. R. Civ. P. 24(c).

Respectfully submitted, this the 9th day of October, 2014.

/s/ Robert D. Potter, Jr.

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*Attorneys for Proposed Defendant-Intervenors*

*\* Notice of Special Appearance to be filed.*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 9, 2014, I electronically filed the foregoing MOTION FOR INTEVENTION, in the cases of *Fisher-Borne v. Smith*, No. 1:12-cv-00589, and *Gerber v. Cooper*, No. 1:14-cv-00299, with the clerk of the Court for the United States District Court for the Middle District of North Carolina Circuit by using the CM/ECF system.

All participants in the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

Dated: October 9, 2014

/s/ Robert D. Potter, Jr.  
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*On Behalf of Counsel for  
Proposed Defendant-Intervenors*