

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

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MARCIE FISHER-BORNE, *et al.*, :
 Plaintiffs, :
 v. :
JOHN W. SMITH, *et al.*, : CIVIL ACTION NO. 1:12-cv-00589
 Defendants. :
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 :
 :
----- X

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ELLEN W. GERBER, *et al.*, :
 Plaintiffs, :
 v. :
ROY COOPER, *et al.*, : CIVIL ACTION NO. 1:14-cv-00299
 Defendants. :
 :
 :
 :
----- X

**NOTICE OF STIPULATION AND SETTLEMENT AGREEMENT
AS TO COSTS, ATTORNEYS’ FEES AND COSTS**

Plaintiffs in the above captioned cases and Intervenor-Defendants Tim Moore speaker of the North Carolina House of Representatives (automatically substituted as defendant for original intervenor-defendant Thom Tillis, former Speaker of the North Carolina House of Representatives), and Phil Berger, President Pro Tempore of the North Carolina Senate (“Intervenors”), by and through undersigned counsel, provide notice that the parties have reached agreement to resolve Plaintiffs’ claims for attorneys’ fees and other related costs as prevailing parties in the litigations from Intervenors.

On October 13, 2015, Plaintiffs' attorneys filed a Motion for Attorneys' Fees and Costs with this Court requesting a total award of \$56,476.00 from Intervenors.¹ However, by mutual agreement and to bring full and final resolution to Plaintiffs' claims of fees and expenses from Intervenors without the necessity of further litigation, Plaintiffs agree to accept from Intervenors the lesser amount of \$44,501.36 as full and final resolution of any and all remaining claims for attorneys' fees and expenses they may have, or may be entitled to against Intervenors.

With this Notice, the parties file a Full Stipulation and Settlement Agreement. This Notice does not cover Plaintiffs' claims for attorneys' fees and other associated costs from the remaining Defendants in the above captioned actions.

¹ Plaintiffs also seek \$254,720.00 in attorneys' fees and associated expenses from the remaining Defendants, the North Carolina Department of Justice. This Stipulation and Settlement Agreement does not resolve or otherwise waive Plaintiffs' claims as to the remaining Defendants.

Dated: October 21st, 2015

Signatures

Attorneys for Plaintiffs

/s/ Amy E. Richardson

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/s/ Robert D. Potter, Jr.

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Plaintiffs,	:	
v.	:	
ROY COOPER, <i>et al.</i> ,	:	CIVIL ACTION NO. 1:14-cv-00299
Defendants.	:	
	:	
	:	

**STIPULATION AND SETTLEMENT AGREEMENT
AS TO COSTS, ATTORNEYS’ FEES AND COSTS**

Plaintiffs in the above captioned cases and Intervenor-Defendants Tim Moore speaker of the North Carolina House of Representatives (automatically substituted as defendant for original intervenor-defendant Thom Tillis, former Speaker of the North Carolina House of Representatives), and Phil Berger, President Pro Tempore of the North Carolina Senate (“Intervenors”), by and through undersigned counsel, jointly stipulate and agree as follows:

1. The Plaintiffs and Intervenors enter into this agreement to resolve Plaintiffs’ claims for attorneys’ fees and other related costs as prevailing parties in the litigations from Intervenors.
2. Plaintiffs are deemed the prevailing parties for purposes of an award of attorneys’ fees and expenses under 42 U.S.C. § 1988 and statutory costs pursuant to Federal Rule of Civil Procedure 54 following the denial by the United States Supreme Court of Intervenors’ Petition for

Writ of Certiorari and resulting Mandate from the Fourth Circuit on August 12, 2015. Said denial left intact the judgment in favor of Plaintiffs rendered on October 8, 2014.

2. On October 13, 2015, Plaintiffs' attorneys filed a Motion for Attorneys' Fees and Costs with this Court requesting a total award of \$56,476.00 from Intervenors.¹

3. However, by mutual agreement and to bring full and final resolution to Plaintiffs' claims of fees and expenses from Intervenors without the necessity of further litigation, Plaintiffs agree to accept from Intervenors the lesser amount of \$44,501.36 as full and final resolution of any and all remaining claims for attorneys' fees and expenses they may have, or may be entitled to against Intervenors.

4. Plaintiffs further agree to release and unconditionally discharge Intervenors from all claims, actual, doubtful or disputed for attorneys' fees and costs recoverable under applicable law in this case through the date of the stipulation and agreement. No attorneys' fees, costs or any monies other than attorneys' fees, described in paragraph 3, will be paid in connection with this case, except that this stipulation and agreement does not prevent Plaintiffs from seeking attorneys' fees and costs in the event of future litigation to enforce this Court's judgment for work related to such enforcement.

5. It is hereby agreed and stipulated among the parties that all parties are fully competent to agree and subscribe hereto and no person not a party to this agreement has an interest in the subject matter. Each of the attorneys executing this document on behalf of their respective clients further warrants and represents that they have full and binding authority to enter into this agreement and to all terms set forth herein.

¹ Plaintiffs also seek \$254,720.00 in attorneys' fees and associated expenses from the remaining Defendants, the North Carolina Department of Justice. This Stipulation and Settlement Agreement does not resolve or otherwise waive Plaintiffs' claims as to the remaining Defendants.

6. Intervenor hereby agree to pay and distribute to Plaintiffs' undersigned counsel the total sum of \$44,501.36 no later than thirty (30) days after the parties' full execution of this agreement.

7. The parties further agree that this Court shall retain jurisdiction in this case in order to enforce this agreement in the event of non-payment of the full sum within the specific time period.

Dated: October 21st, 2015

Signatures

Attorneys for Plaintiffs

/s/ Amy E. Richardson

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