

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

THE SOUTH CAROLINA STATE  
CONFERENCE OF THE NAACP, and

TAIWAN SCOTT, on behalf of himself and  
all other similarly situated persons,

Plaintiffs,

v.

THOMAS C. ALEXANDER, in his official  
capacity as President of the Senate; LUKE A.  
RANKIN, in his official capacity as Chairman  
of the Senate Judiciary Committee; JAMES H.  
LUCAS, in his official capacity as Speaker of  
the House of Representatives; CHRIS  
MURPHY, in his official capacity as Chairman  
of the House of Representatives Judiciary  
Committee; WALLACE H. JORDAN, in his  
official capacity as Chairman of the House of  
Representatives Elections Law Subcommittee;  
HOWARD KNAPP, in his official capacity as  
interim Executive Director of the South  
Carolina State Election Commission; JOHN  
WELLS, Chair, JOANNE DAY, CLIFFORD  
J. EDLER, LINDA MCCALL, and SCOTT  
MOSELEY, in their official capacities as  
members of the South Carolina Election  
Commission,

Defendants.

Civil Action No. 3:21-cv-03302-MBS-TJH-  
RMG

**STIPULATION PURSUANT TO  
FEDERAL RULE OF CIVIL  
PROCEDURE 15(a)(2) REGARDING  
AMENDMENT OF SECOND  
AMENDED COMPLAINT TO REMOVE  
COUNT ONE AND COUNT TWO**

Plaintiff The South Carolina State Conference of the NAACP (“Plaintiff SC NAACP”), by  
and through its undersigned counsel and pursuant to Rule 15(a)(2) of the Federal Rules of Civil  
Procedure, hereby stipulates and agrees, with the consent of all Defendants,<sup>1</sup> to amend the Second

---

<sup>1</sup> “[A] party may amend its pleading . . . with the opposing party’s written consent . . .” Fed.  
R. Civ. P. 15(a)(2). *See also Skinner v. First Am. Bank of Virginia*, 64 F.3d 659 (4th Cir. 1995)  
 (“Because Rule 41 provides for the dismissal of *actions*, rather than *claims*, Rule 15 is technically

Amended Complaint for the purpose of removing Counts One and Two. (See ECF No. 154 at ¶¶ 247-260). The basis for this Stipulation is that Plaintiff SC NAACP<sup>2</sup> and House Defendants have executed the Settlement Agreement and Release attached as *Exhibit A*, which resolves Count One and Count Two and obviates the need for a trial on Plaintiff SC NAACP's claims challenging certain House districts enacted in Act No. 117, Acts and Joint Resolutions, 2021-2022. A true and correct copy of Plaintiffs' Third Amended Complaint is attached to this Stipulation as *Exhibit B*. All Parties agree that upon the filing of the Third Amended Complaint, the only Complaint properly before the Court is the Third Amended Complaint.

House Defendants and Plaintiff SC NAACP further stipulate that if enactment of the Settlement Maps does not occur as provided for by *Exhibit A*, Plaintiff SC NAACP will have good cause to further amend their Complaint under Fed. R. Civ. P. 15 in order to reallege Count One and Count Two, provided, however, that Plaintiff SC NAACP complies with its obligation under the Settlement Agreement (see *Ex. A* at ¶ 5) to engage in good faith negotiations with House Defendants regarding the enactment of the Settlement Maps through a separate legislative vehicle prior to any such further amendment.

[SIGNATURE BLOCKS TO FOLLOW]

---

the proper vehicle to accomplish a partial dismissal.”).

<sup>2</sup> Plaintiff Taiwan Scott challenges only the Congressional Plan, not the House Plan, and therefore is not a party to this Agreement resolving his co-plaintiff's claims against the House Plan.

Allen Chaney, Fed. ID 13181  
AMERICAN CIVIL LIBERTIES UNION  
OF SOUTH CAROLINA  
Columbia, SC 29202  
Tel.: (843) 282-7953  
achaney@aclusc.org

Leah C. Aden\*\*  
Stuart Naifeh\*\*  
Raymond Audain\*\*  
John S. Cusick\*\*  
NAACP LEGAL DEFENSE &  
EDUCATIONAL FUND, INC.  
40 Rector St, 5th Fl.  
NY, NY 10006  
Tel.: (212) 965-7715  
laden@naacpldf.org

Antonio L. Ingram II\*\*  
NAACP LEGAL DEFENSE &  
EDUCATIONAL FUND, INC.  
700 14th St, Ste. 600  
Washington, D.C. 20005  
Tel.: (202) 682-1300  
aingram@naacpldf.org

Adriel I. Cepeda Derieux\*\*  
Samantha Osaki\*\*  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
125 Broad Street, 18th Floor  
New York, NY 10004  
Tel.: (212) 549-2500  
acepedaderieux@aclu.org

John A. Freedman\*\*  
Elisabeth S. Theodore\*  
Gina M. Colarusso\*\*  
John M. Hindley\*\*  
ARNOLD & PORTER KAYE SCHOLER LLP  
601 Massachusetts Ave., N.W.  
Washington, D.C. 20001  
Tel: (202) 942-5000  
john.freedman@arnoldporter.com

*s/Christopher J. Bryant*  
Christopher J. Bryant, Fed. ID 12538  
BOROUGHES BRYANT, LLC  
1122 Lady St., Ste. 208  
Columbia, SC 29201  
Tel.: (843) 779-5444  
chris@boroughsbryant.com

Somil B. Trivedi\*\*  
Patricia Yan\*\*  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
915 15th St., NW  
Washington, DC 20005  
Tel.: (202) 457-0800  
strivedi@aclu.org

Jeffrey A. Fuisz\*\*  
Paula Ramer\*\*  
ARNOLD & PORTER KAYE SCHOLER LLP  
250 West 55th Street  
New York, NY 10019  
Tel: (212) 836-8000  
jeffrey.fuisz@arnoldporter.com

Sarah Gryll\*\*  
ARNOLD & PORTER KAYE SCHOLER LLP  
70 West Madison Street, Suite 4200  
Chicago, IL 60602-4231  
Tel: (312) 583-2300  
sarah.gryll@arnoldporter.com

Janette M. Louard\*  
Anthony P. Ashton\*  
Anna Kathryn Barnes\*\*  
NAACP OFFICE OF THE GENERAL  
COUNSEL  
4805 Mount Hope Drive  
Baltimore, MD 21215  
Tel: (410) 580-5777  
jlouard@naacpnet.org

*Counsel for Plaintiff SC NAACP*  
\* Motion for admission Pro Hac Vice  
forthcoming

\*\* Admitted Pro Hac Vice

/s/ Mark C. Moore

Mark C. Moore (Fed. ID No. 4956)  
Jennifer J. Hollingsworth (Fed. ID No. 11704)  
Erica H. Wells (Fed. ID No. 13206)  
Hamilton B. Barber (Fed. ID No. 13306)  
Michael A. Parente (Fed. ID No. 13358)  
NEXSEN PRUET, LLC  
1230 Main Street, Suite 700  
Columbia, SC 29201  
Telephone: 803.771.8900  
MMoore@nexsenpruet.com  
JHollingsworth@nexsenpruet.com  
EWells@nexsenpruet.com  
HBarber@nexsenpruet.com  
MParente@nexsenpruet.com

William W. Wilkins (Fed. ID No. 4662)  
Andrew A. Mathias (Fed. ID No. 10166)  
Konstantine P. Diamaduros (Fed. ID No. 12368)  
NEXSEN PRUET, LLC  
104 S. Main Street, Suite 900  
Greenville, SC 29601  
Telephone: 864.370.2211  
BWilkins@nexsenpruet.com  
AMathias@nexsenpruet.com  
KDiamaduros@nexsenpruet.com

Rhett D. Ricard (Fed. ID No. 13549)  
NEXSEN PRUET, LLC  
205 King Street, Suite 400  
Charleston, SC 29401  
Telephone: 843.720.1707  
RRicard@nexsenpruet.com  
*Attorneys for James H. Lucas, Chris Murphy, and Wallace H. Jordan*

/s/ Robert E. Tyson, Jr.

Robert E. Tyson, Jr. (7815)  
Vordman Carlisle Traywick, III (12483)  
La'Jessica Stringfellow (13006)  
ROBINSON GRAY STEPP & LAFFITTE, LLC  
1310 Gadsden Street  
Post Office Box 11449 (29211)  
Columbia, South Carolina 29201  
(803) 929-1400  
rtyson@robinsongray.com  
ltraywick@robinsongray.com  
lstringfellow@robinsongray.com

John M. Gore (admitted *pro hac vice*)  
Stephen J. Kenny (admitted *pro hac vice*)  
JONES DAY  
51 Louisiana Avenue, N.W.  
Washington, D.C. 20001  
Phone: (202) 879-3939  
Fax: (202) 626-1700  
jmgore@jonesday.com  
skenny@jonesday.com

*Counsel for Senate Defendants*

/s/ M. Elizabeth Crum

M. Elizabeth Crum (Fed. Bar #372)  
Jane Trinkley (Fed. Bar #4143)  
Michael R. Burchstead (Fed. Bar #102967)  
BURR & FORMAN LLP  
Post Office Box 11390  
Columbia, SC 29211  
Telephone: (803) 799-9800  
Facsimile: (803) 753-3278  
Thomas Wells Nicholson (Fed. Bar #12086)

SOUTH CAROLINA ELECTION COMMISSION  
P.O. Box 5987  
Columbia, South Carolina 29250-5987  
Telephone: 803-734-9063  
Facsimile: 803-734-9366  
tnicholson@elections.sc.gov

*Counsel for South Carolina Election Commission Defendants*