

State of North Carolina

ROY COOPER
GOVERNOR

JOSH STEIN
ATTORNEY GENERAL

February 21, 2017

Mr. Kyle Duncan, Esq.
Schaerr Duncan, LLP
1717 K Street NW, Ste. 900
Washington, D.C. 20006

Mr. Tom Farr, Esq
Ogletree, Deakins, Nash,
Smoak & Stewart, P.C.
4208 Six Forks Road, Ste. 1100
Raleigh, NC 27609

Re: *NC NAACP, et al v. McCrory, et al* (No. 16-468) (4th
Cir., 2016)

Dear Messrs. Duncan and Farr,

As you all are aware, the above-referenced case is currently before the United States Supreme Court on a petition for a Writ of Certiorari. The Petition was filed on 27 December 2016 on behalf of the State of North Carolina, the Office of the Governor, the North Carolina State Board of Elections ("NCSBE"), the NCSBE executive director, and individuals NCSBE members in their official capacity.

Under North Carolina law, representation of the State and its institutions is generally the responsibility of the Attorney General, and decisions regarding employment of outside counsel are the responsibility of the Governor, in consultation with the Attorney General.

After reviewing the available files regarding this case, it appears that the Office of the Governor has been represented to date by counsel other than your respective firms, that your firms were not authorized by the Governor to represent the State

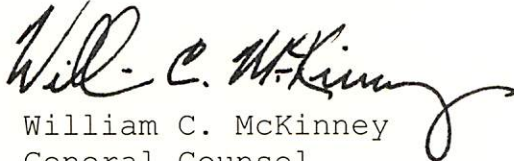
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or the Governor's Office, and that there has been no finding of impracticability by the Attorney General pursuant to N.C.G.S. § 147-17.

Accordingly, please be advised that the Governor has directed that, effective immediately, the Petitioners in this matter shall be represented exclusively by the Department of Justice, and your respective firms do not represent the State of North Carolina or the Office of the Governor. Further, we are unaware of the findings required by N.C.G.S. §147-17 having been made in regards to securing the representation of the NCSBE, its executive director and the individual members of the NCBSE sued in their official capacity.

We thank you for your service to the State, and appreciate your working with counsel at the Department of Justice to ensure a smooth and expeditious transition of the representation.

Sincerely,



William C. McKinney
General Counsel
Office of the Governor



Grayson Kelley
Chief Deputy Attorney General
North Carolina Department of
Justice

Cc: Kim Westbrook Strach
A. Grant Whitney, Jr.
Joshua Malcolm
James Baker
Maja Kricker
Rhonda Amoroso