No. 19-2273

In the
United States Court of Appeals
for the Fourth Circuit

NORTH CAROLINA STATE CONFERENCE OF THE NAACP, CHAPEL HILL – CARRBORO NAACP, GREENSBORO NAACP, HIGH POINT NAACP, MOORE COUNTY NAACP, STOKES COUNTY BRANCH OF THE NAACP, WINSTON SALEM – FORSYTH COUNTY NAACP,

Plaintiffs-Appellees,

v.

PHILIP E. BERGER, in his official capacity as President Pro Tempore of the North Carolina Senate, and TIMOTHY K. MOORE, in his official capacity as Speaker of the North Carolina House of Representatives,

Appellants,

&

DAMON CIRCOSTA, in his official capacity as Chair of the North Carolina State Board of Elections; STELLA E. ANDERSON, in her official capacity as Secretary of the North Carolina State Board of Elections; DAVID C. BLACK, KEN RAYMOND, and JEFFERSON CARMON III, in their official capacities as members of the North Carolina State Board of Elections,

Defendants- Appellees.

On Appeal from the United States District Court
for the Middle District of North Carolina

BRIEF OF THE STATE BOARD DEFENDANTS

Dated: February 11, 2019 (Counsel listed on reverse)

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CORPORATE DISCLOSURE STATEMENT

I certify, pursuant to Federal Rule of Appellate Procedure 26.1 and Local Rule 26.1, that defendants-appellees Damon Circosta, Stella E. Anderson, David C. Black, Ken Raymond, and Jefferson Carmon III are not in any part a publicly held corporation, a publicly held entity, or a trade association, and that no publicly held corporation or other publicly held entity has a direct financial interest in the outcome of this litigation.

/s/ Olga E. Vysotskaya de Brito
Olga E. Vysotskaya de Brito
Special Deputy Attorney General

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ISSUE PRESENTED

Did the district court abuse its discretion when it denied the motion to intervene of legislators Philip E. Berger and Timothy K. Moore?

INTRODUCTION

In this appeal, two state legislators, Philip E. Berger and Timothy K. Moore (the "Legislative Intervenors"), challenge the denial of their motion to intervene in a lawsuit that seeks to stop enforcement of a state statute. The lawsuit specifically seeks to enjoin the enforcement of Senate Bill 824 ("S.B. 824"), which requires North Carolinians to show photo identification when they vote.

This lawsuit is being defended by Damon Circosta, Stella E. Anderson, David C. Black, Ken Raymond, and Jefferson Carmon III, who are responsible for enforcing S.B. 824 as members of the North Carolina State Board of Elections (the "State Board").

The arguments that the Legislative Intervenors have advanced in support of intervention lack merit. Nevertheless, the State Board takes no position on whether the Legislative Intervenors should be allowed to intervene in the proceedings before the district court.

The Legislative Intervenors claim that intervention is needed because the State Board is not adequately defending this lawsuit. That is not correct. The district court correctly held below that the State Board is adequately defending this lawsuit.

The Legislative Intervenors also claim that they have interests on behalf of the State of North Carolina, including its executive branch, in this lawsuit that are distinct from those of the State Board. But the Legislative Intervenors, as members of the legislative branch, do not and cannot constitutionally represent the interests of the executive branch or of the entire State. Moreover, the Legislative Intervenors' stated interests on behalf of the State's executive branch are not unique—their interest in ensuring that the State's election laws are enforced is the same as the State Board's interest in enforcing election laws.

STATEMENT OF THE CASE

In November 2018, the people of North Carolina voted to amend the North Carolina constitution to require voters to show photo identification

when they vote.[1] J.A. 1927-28. Later that year, the North Carolina General Assembly enacted Senate Bill 824, which implements the amendment. Act of Dec. 19, 2018, S.L. 2018-144, 2018-5 N.C. Adv. Legis. Serv. 84, 84-103; *see* J.A. 1752-68.

A day after S.B. 824 was enacted, the plaintiffs in this lawsuit sued the Governor and the State Board. J.A. 27. They alleged that S.B. 824 was enacted with discriminatory intent against African-American and Latino voters and therefore violates the Fourteenth and Fifteenth Amendments to the U.S. Constitution. J.A. 59-62. They also alleged that S.B. 824 disparately burdens African-American and Latino voters and therefore violates section 2 of the Voting Rights Act. J.A. 55-58.

Soon thereafter, the Legislative Intervenors moved to intervene in this lawsuit. J.A. 64. They claimed that intervention was necessary because the Governor and the State Board would not defend S.B. 824. J.A. 122.

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[1] A North Carolina superior court later held that the constitution had not been properly amended because the General Assembly that proposed the amendment was elected from unconstitutionally gerrymandered districts. That decision has been appealed to the North Carolina Court of Appeals, which has stayed the decision pending resolution of the appeal. *See N.C. State Conference of the NAACP v. Moore*, No. 19-384 (N.C. Ct. App.).

A month later, the Governor and the State Board moved to dismiss this lawsuit. The Governor argued that he should be dismissed from the lawsuit because he is not responsible for enforcing S.B. 824 and therefore is not a proper party under *Ex Parte Young*, 209 U.S. 123, 157 (1908); *see* J.A. 249-72.

Separately, the State Board argued that the district court should abstain from hearing this lawsuit based on federalism principles and *Railroad Commission of Texas v. Pullman Co.*, 312 U.S. 496 (1941). The State Board pointed out that another lawsuit in state court that challenged S.B. 824 under the state constitution— *Holmes v. Moore*, No. 18-cv-15292 (N.C. Super. Ct.)—could obviate any need for the federal courts to assess the validity of the legislation under federal law. J.A. 230-48.

While these motions were pending, the district court denied without prejudice the Legislative Intervenors' motion to intervene. J.A. 368-90.

The court held that the Legislative Intervenors were not entitled to intervention by right under Fed. R. Civ. P. 24(a) because, among other reasons, the Governor and the State Board had not "abdicated their responsibility to defend the instant lawsuit," as the Legislative Intervenors had argued. J.A. 382.

The court also denied permissive intervention under Fed. R. Civ. P. 24(b). It held that intervention would result in "dueling defendants" in this lawsuit, all purporting to "represent the interest of the State." J.A. 389. The participation of multiple defendants in the lawsuit, the court held, would delay the lawsuit's resolution and burden the court. J.A. 389.

Although the court denied intervention, the court held that it would consider a renewed motion to intervene if the current defendants ceased defending the lawsuit. J.A. 390. The Legislative Intervenors chose not to appeal the court's denial of their motion to intervene.

Shortly after resolving the motion to intervene, the district court granted the Governor's motion to dismiss. However, it declined to stay or abstain from hearing this lawsuit in deference to the parallel state proceedings in *Holmes v. Moore*, which the State Board had advocated for. J.A. 391-413.

The State Board then answered the complaint. J.A. 414-31.

Three days later, the Legislative Intervenors once again moved to intervene, less than two months after their first motion was denied. J.A. 432-96. They claimed that the State Board's litigation strategy in the parallel

proceedings in *Holmes* revealed that intervention was needed.

Specifically, the Legislative Intervenors faulted the State Board for only moving to dismiss five of the six claims in that lawsuit. J.A. 479-81. They argued that the State Board should have moved to dismiss an intentional-discrimination claim, despite the fact that the complaint's allegations of intentional discrimination had to be accepted as true on a motion to dismiss. *See* N.C. Gen. Stat. § 1A-1, Rule 12(b)(6).[2] The Legislative Intervenors also argued the State Board should not have allowed the Legislative Intervenors—who are defendants in *Holmes*—to take the lead in contesting plaintiffs' motion for a preliminary injunction, which both the Legislative Intervenors and State Board opposed. J.A. 481-83.[3]

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[2] *See also Turner v. Thomas*, 369 N.C. 419, 794 S.E.2d 439 (2016) (holding that "plaintiff's allegations ... of ... intent [were] sufficient to survive a Rule 12(b)(6) motion to dismiss").

[3] In the *Holmes* lawsuit, the superior court granted the State Board's motion to dismiss five of plaintiffs' six claims. Although the court did not dismiss the intentional-discrimination claim, the court agreed with the State Board that the *Holmes* plaintiffs were not entitled to a preliminary injunction on that claim. J.A. 726-35. The *Holmes* plaintiffs have appealed the denial of the preliminary injunction to the North Carolina Court of Appeals, where the State Board has argued for affirmance of the superior court's decision. *See Holmes v. Moore*, No. 19-762 (N.C. Ct. App.).

The Legislative Intervenors also set a deadline for the district court to rule on their renewed motion. They warned the court that, if it did not meet this deadline, they would seek relief in this Court. J.A. 777-78. When the district court did not issue an order by that deadline, the Legislative Intervenors tried to appeal from the district court's "de facto" denial of their motion. J.A. 19. They also filed a petition for mandamus, asking this Court to compel the district court to grant intervention. J.A. 794. This Court summarily dismissed the appeal and denied the petition for mandamus. J.A. 21.

In the meantime, the plaintiffs in this lawsuit had moved for a preliminary injunction. J.A. 797-842. The State Board deposed experts that the plaintiffs had offered in support of the injunction, J.A. 2202-34, 3159-85, and then filed a brief in opposition to the injunction, arguing that it should be denied. J.A. 1705-3230.

After the State Board filed that brief, the district court denied the renewed motion to intervene. J.A. 3238. The court held again that the Legislative Intervenors were not entitled to intervention as of right, because the State Board had adequately defended this lawsuit.

The court observed that since the initial motion to intervene, the State Board had "moved to dismiss the suit on federalism grounds," and that if that motion had been granted, the motion "would have brought this case to a temporary or complete halt." J.A. 3242. The court further noted that the State Board had just "filed an expansive brief opposing Plaintiffs' motion for preliminary injunction on the merits." J.A. 3242.

The court also rejected the argument that the State Board had failed to defend S.B. 824 in the state-court proceedings in *Holmes*. J.A. 3242-45. The court held that the State Board had reasonably declined to move to dismiss the intentional-discrimination claim, because such a motion "was unlikely to succeed." J.A. 3243. The court also observed that the State Board had not acceded to entry of a preliminary injunction in the *Holmes* lawsuit, but had rather "filed a written brief and participated in oral argument in opposition to the plaintiffs' motion for a preliminary injunction." J.A. 3244.

The district court also declined once again to grant permissive intervention. It noted that the Legislative Intervenors' disruptive conduct since the denial of their first motion to intervene had only heightened the court's concern that intervention "would only distract from the pressing

issues in this case." J.A. 3246.

The Legislative Intervenors then appealed the denial of their renewed motion to intervene to this Court. J.A. 3247-49.

After the Legislative Intervenors filed this appeal, the district court held a day-long hearing on plaintiffs' motion for preliminary injunction. During the hearing, the State Board presented detailed arguments in opposition to the motion. *See* Tr. of Proceedings on Dec. 3, 2019, No. 18-cv-01034, Doc. 119 (Dec. 9, 2019).

The district court then ruled on plaintiffs' motion for a preliminary injunction. Though the court agreed with the State Board that plaintiffs were not likely to succeed on the merits of their Voting Rights Act claim, *see* Mem. Op. & Order at 52-53, No. 18-cv-01034, Doc. 120 (Dec. 31, 2019), the court held that plaintiffs were likely to show that S.B. 824 was enacted with discriminatory intent. *Id.* at 46-47. The court therefore granted plaintiffs' motion for a preliminary injunction with respect to their claims under the Fourteenth and Fifteenth Amendments. *Id.* at 59.[4]

[4] The State Board did not seek to stay the district court's preliminary injunction due to the disruptive effect such relief would have had on the

The State Board has since appealed that decision to this Court. Notice of Appeal, No. 18-cv-01034, Doc. 123 (Jan. 24, 2020).[5] The Legislative Intervenors have now also separately moved to intervene in that appeal, in addition to appealing the denial of the motion to intervene that is at issue here. Motion to Intervene, No. 20-1092, Doc. 4 (Feb. 4, 2020).

SUMMARY OF THE ARGUMENT

While the State Board does not take a position on the Legislative Intervenors' attempt to intervene in this lawsuit, the State Board notes that the arguments that the Legislative Intervenors have advanced in support of intervention as of right lack merit.

First, the Legislative Intervenors claim that they need to intervene because the State Board has not adequately defended this lawsuit or the parallel challenge to S.B. 824 that is pending in state court. But the State Board has adequately defended both lawsuits. Like the district court

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primary election scheduled for March 7, 2020. Response to Motion for a Stay, No. 18-cv-01034, Doc. 127 (Jan. 31, 2020).

[5] That appeal is docketed in this Court as *N.C. State Conference of the NAACP v. Moore*, No. 20-1092.

observed, the State Board sought to stay this lawsuit, opposed plaintiffs' motion for a preliminary injunction, and has appealed the district court's order that enjoins the State Board from enforcing S.B. 824. The State Board has defended S.B. 824 in state court as well. Thus, the State Board's defense of S.B. 824 provides no basis for intervention.

Second, the Legislative Intervenors claim that they need to intervene to represent the interests of the entire State of North Carolina, including its executive branch, in this lawsuit. But the Legislative Intervenors, who serve as two of the 170 members of the North Carolina General Assembly, do not and cannot represent the interests of the executive branch or of the entire State of North Carolina. The statutes that they claim grant them this power do not do so. Moreover, if these statutes did purport to grant such power, they would violate the North Carolina constitution's express guarantee of separation of powers. Accordingly, the Legislative Intervenors need not intervene to vindicate an interest that is not their own.

Finally, though the State Board takes no position on intervention, the district court appears to have reasonably exercised its discretion to deny permissive intervention. The district court's prediction that intervention

would hinder, not enhance, judicial economy has been proven true by the many appeals and motions the Legislative Intervenors have filed which are not directed to the merits of the case.

ARGUMENT

Standard of Review

This Court reviews a district court's rulings on motions to intervene for abuse of discretion. *Stuart v. Huff*, 706 F.3d 345, 349 (4th Cir. 2013).

Discussion

I. The Legislative Intervenors Are Not Entitled to Intervention-as-of-Right.

The Legislative Intervenors' arguments supporting intervention as-of-right are unfounded.

To intervene by right under Rule 24(a), an intervenor must (1) make a timely motion to intervene, (2) show an interest in the subject matter of the lawsuit, (3) show that its interest would be impaired by the lawsuit, and (4) show that its interest is not adequately represented by existing parties. *See* Fed. R. Civ. P. 24(a).

To try to show that their interest in this lawsuit is not adequately

represented, the Legislative Intervenors claim that the State Board has not adequately defended this lawsuit. Br. 36-43. Also, to buttress their asserted interest in this lawsuit, the Legislative Intervenors claim to represent the interests of the entire State of North Carolina. Br. 26-32.

Both of these claims are meritless. The State Board is adequately defending this lawsuit, and the Legislative Intervenors do not represent the interests of the entire State of North Carolina.

A. The State Board is adequately defending Senate Bill 824.

First, the district court correctly held that the State Board is adequately defending both this lawsuit and *Holmes v. Moore*, the parallel lawsuit that challenges S.B. 824 in state court.

As stated above, in this lawsuit, the State Board has already:

- moved to dismiss plaintiffs' complaint on federalism grounds, which if successful, "would have brought this case to a temporary or complete halt," J.A. 3242; *see also* J.A. 230-48,
- answered plaintiffs' complaint and denied all allegations of liability, J.A. 414-31,
- deposed certain experts that plaintiffs offered in support of their motion for preliminary injunction, J.A. 2202-34, 3159-85,

- filed "an expansive brief opposing Plaintiffs' motion for preliminary injunction on the merits," J.A. 3242; *see also* J.A. 1705-3230,
- presented lengthy arguments in opposition to the motion for preliminary injunction at a hearing before the district court, *see* Tr. of Proceedings on Dec. 3, 2019, Doc. 119 (Dec. 9, 2019), and
- appealed the order of the district court that has enjoined the State Board from enforcing S.B. 842.

Furthermore, in *Holmes v. Moore*, as already noted above, the State Board has also:

- successfully moved to dismiss five of the six claims asserted by the *Holmes* plaintiffs, J.A. 508-35, 730-31,
- filed a "brief and participated in oral argument in opposition to plaintiffs' motion for a preliminary injunction," which was denied, J.A. 3244; *see also* J.A. 577-91, 731, and
- argued for affirmance on appeal of the denial of the motion for a

preliminary injunction.[6]

Thus, as the district court correctly held, the State Board is adequately defending both this lawsuit and the parallel challenge to S.B. 824 that is pending in state court.

The Legislative Intervenors' objections to the State Board's defense center on disagreements about the Board's litigation strategy. *See, e.g.* Br. 37-39. But differences in "reasonable litigation decisions . . . with which [the parties] disagree" are insufficient to reverse the district court's denial of intervention as of right. *Stuart*, 706 F.3d at 355 (holding that a district court did not abuse its discretion when it denied intervention in a case where the North Carolina Attorney General was defending a statute). Because the State Board is adequately defending this lawsuit, the district court's decision to deny intervention by right under Rule 24(a) should be affirmed. *Id.* Any assertion that the Legislative Intervenors need to intervene in this lawsuit because the State Board's defense of S.B. 824 has been inadequate is meritless.

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[6] *See* Defs.-Appellees the State of North Carolina and the N.C. State Bd. of Elections' Brief, *Holmes v. Moore*, No. 19-762 (N.C. Ct. App. Nov. 12, 2019), https://www.ncappellatecourts.org/show-file.php?document_id=257043.

B. The Court should decline to address Legislative Intervenors' argument that state law entitles them to represent the interests of the State and its executive branch in this lawsuit.

The Legislative Intervenors also argue that intervention is needed so that they can vindicate the interest of the State of North Carolina and its executive branch of government in this lawsuit. But the Legislative Intervenors—who serve as two of the 170 members of the North Carolina General Assembly—do not and cannot constitutionally represent the interests of the entire State or its executive branch of government in litigation.

To try to show that they act for the State as a whole, including the executive branch, they selectively quote from several state statutes. Br. 26-32. While the Legislative Intervenors' argument is meritless under North Carolina statutory and constitutional law, this Court need not address those weighty state law issues in order to resolve this appeal. The State Board is adequately representing the Legislative Intervenors' interest in defending the challenged law. Issues of state constitutional law that affect the structure of state government are most appropriately left for state courts to decide.

The State Board and the Attorney General reserve the right to

challenge more comprehensively the Legislative Intervenors' interpretation of N.C. Gen. Stat. §§ 1-72.2, 120-32.6, and 114-2(10). As an initial matter, however, the State Board notes that, taken together, the statutes that the Legislative Intervenors cite, at most, give them authority to act as agents on behalf of the General Assembly and control the litigating positions of the General Assembly. Under the statute, the authority of the Legislative Intervenors to act as "agents of the State" in constitutional challenges is expressly limited to their function as "the *legislative branch* of the State of North Carolina." N.C. Gen. Stat. § 1-72.2(a) (emphasis added). Indeed, section 1-72.2(b) itself likewise provides that the Legislative Intervenors may only intervene "on behalf of the General Assembly." *Id.* § 1-72.2(b). At most, section 1-72.2 allows the Legislative Intervenors to act as agents for the General Assembly, not for the State as whole. It is within this context, where the Legislative Intervenors serve as agents for the General Assembly, that they are authorized to direct representation of that body. N.C. Gen. Stat. § 120-32.6(c) (granting private counsel for Legislative Intervenors authority over "representation [of] *the General Assembly*," not over representation of the State or the executive branch) (emphasis added).

Moreover, if these statutory provisions were construed as the Legislative Intervenors suggest to give them authority to act on behalf of the executive branch of the State, they would violate the North Carolina constitution's separation-of-powers guarantee, in addition to other provisions.

The North Carolina constitution includes an express separation of powers clause that mandates that executive and legislative power must be kept "forever separate and distinct." N.C. Const. art. I, § 6. The constitution, moreover, vests responsibility for the enforcement of state law not in the legislative branch, but in the executive branch. *See* N.C. Const. art. III; *Cooper v. Berger*, 370 N.C. 392, 407, 809 S.E.2d 98, 107 (2018); *State ex rel. Wallace v. Bone*, 304 N.C. 591, 608, 286 S.E.2d 79, 88 (1982).

Here, the interest of the State in this lawsuit is necessarily executive in nature, because this lawsuit is addressed to the State's executive branch. In this case, plaintiffs do not seek to enjoin the General Assembly from legislating. Instead, they seek to enjoin the State Board "from implementing, enforcing, or giving effect to the provisions of S.B. 824." J.A. 62.

The Legislative Intervenors cannot constitutionally represent the

State's interest in enforcing its laws. This Court has already recognized that the North Carolina "General Assembly retains no ability to enforce any of the laws it passes." *Wright v. North Carolina*, 787 F.3d 256, 262 (4th Cir. 2015).

In cases like *Virginia House of Delegates v. Bethune-Hill*, the U.S. Supreme Court has held that states may statutorily designate agents to act on their behalf in court. 139 S. Ct. 1945, 1951 (2019). But those cases only hold that when states have *properly and constitutionally* designated agents under state law, those agents have standing under federal law to appeal adverse decisions. *Id.*; *see also Karcher v. May*, 484 U.S. 72, 77 (1987). Where, as here, the North Carolina constitution does not permit the Legislative Intervenors to assume the role in litigation that they seek, they are not properly or constitutionally designated agents under state law.

For these reasons, this Court should decline to address the Legislative Intervenors' argument that they represent the interests of the State and the executive branch in this lawsuit.

II. The District Court Exercised Its Discretion To Deny The Legislative Intervenors' Motion For Permissive Intervention.

The decision as to whether to grant or deny permissive intervention pursuant to Rule 24(b) "lies within the sound discretion of the trial court."

Smith v. Pennington, 352 F.3d 884, 892 (4th Cir. 2003) (quoting *Hill v. W. Elec. Co.*, 672 F.2d 381, 386 (4th Cir. 1982)). "[A] challenge to the court's discretionary decision to deny leave to intervene must demonstrate a 'clear abuse of discretion in denying the motion.'" *McHenry v. Comm'r*, 677 F.3d 214, 219 (4th Cir. 2012) (quoting *New Orleans Pub. Serv., Inc. v. United Gas Pipe Line Co.*, 732 F.2d 452, 471 (5th Cir. 1984)).

In denying the Legislative Intervenors' motion, the district court weighed whether the intervention would unduly "delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(3). Having found that "the addition of [Legislative] Intervenors as a party in this action 'will hinder, rather than enhance, judicial economy,' and will 'unnecessarily complicate and delay' the various stages of this case," the court determined that permissive intervention should not be allowed. J.A. 388 (quoting *One Wis. Inst. v. Nichols*, 310 F.3d. 394, 399, 400 (W.D. Wis. 2015)). The court additionally concluded that there was "no benefit [in] allowing additional government actors represented by outside counsel to intervene in the case [to] defend the constitutionality of [S.B. 824]." J.A. 389 (quoting *Ansley v. Warren*, No. 1:16cv54, 2016 WL 3647979, at *3 (W.D.N.C. July 7, 2016)).

Although the State Board has taken no position on the Legislative Intervenors' motion for permissive intervention, the district court appeared to act within its discretion in denying the motion. Indeed, the court's concern that permitting intervention would hinder judicial economy has proved correct, as evidenced by the numerous appeals and motions the Legislative Intervenors have filed which are not directed to the merits of the case.[7] With the November 2020 general election approaching, the parties and the voters have an interest in advancing to trial and obtaining a final resolution to this dispute in the months ahead.

CONCLUSION

For the reasons stated above, the State Board disagrees with certain of the Legislative Defendants' arguments in support of intervention. However, the State Board takes no position on their motion to intervene.

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[7] *See* J.A. 19, 21, 794 (appealing "de facto" denial of motion to intervene and seeking mandamus relief), J.A. 3247 (appealing denial of second motion to intervene), Motion to Stay, No. 18-cv-01034, Doc. 121 (Jan 10. 2020) (filing motion to stay district court's preliminary injunction as a non-party), Motion to Intervene, No. 20-1092, Doc. 4 (Feb. 4, 2020) (moving to intervene in the State Board's appeal of the district court's preliminary injunction order).

Dated: February 11, 2019.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this day I filed the foregoing document with the Clerk of Court using the CM/ECF system, which will automatically serve electronic copies on all counsel of record.

Dated: February 11, 2019.

/s/ Olga E. Vysotskaya de Brito
Olga E. Vysotskaya de Brito
Special Deputy Attorney General

CERTIFICATE OF COMPLIANCE

I certify that this brief complies with the length requirements of Fed. R. App. P. 32(a)(7) because it contains 4,036 words, excluding the items listed in Fed. R. App. P. 32(f), as measured by Microsoft Word. This brief further complies with the typeface and type-style requirements of Fed. R. App. P. 32(a)(5) & (6) because it has been prepared in a proportionally spaced typeface: 14-point Constantia font.

/s/ Olga E. Vysotskaya de Brito
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