

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

NORTH CAROLINA STATE
CONFERENCE OF THE NAACP; *et al.*,

Plaintiffs,

v.

ALAN HIRSCH, in his official capacity as
Chair of the North Carolina State Board of
Elections; *et al.*,

Defendants,

and

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,

Legislative Defendant Intervenors.

CASE NO. 1:18-cv-1034

**LEGISLATIVE DEFENDANTS' CONDITIONAL MOTION TO
STAY PENDING APPEAL**

If the Court enters judgment against Defendants or enjoins enforcement of S.B. 824, Legislative Defendants respectfully move under Federal Rule of Civil Procedure 62 to stay pending appeal the judgment and any injunction against enforcement of S.B. 824, without requiring bond. As the Federal Rules require a party to “ordinarily move first in the district court for” a stay pending appeal, FED. R. APP. P. 8(a)(1), Legislative Defendants make this conditional request simultaneously with the filing of their proposed findings of fact and conclusions of law. Legislative Defendants believe they ought to prevail on the merits. But for the reasons explained in the memorandum in support of this motion, even if the Court

disagrees, a stay would be warranted. Furthermore, to facilitate appellate proceedings, Legislative Defendants respectfully request that a ruling on this motion, if made necessary by the Court's determination on the merits, be made simultaneously with that determination.

Dated: July 1, 2024

/s/ Nicole J. Moss

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Defendants*

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that, on July 1, 2024, I electronically filed the foregoing Motion with the Clerk of the Court using the CM/ECF system which will send notification of such to all counsel of record in this matter.

/s/ Nicole J. Moss

Nicole J. Moss

*Counsel for Legislative
Defendants*

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