

FILED

STATE OF NORTH CAROLINA 2020 AUG 10 PM 12: 52 BY THE GENERAL COURT OF JUSTICE  
WAKE COUNTY SUPERIOR COURT DIVISION

WAKE CO., C.S.C.

18 CVS 15292

JABARI HOLMES, FRED CULP, )  
DANIEL E. SMITH, BRENDON )  
JADEN PEAY, and PAUL )  
KEARNEY, SR., )

*Plaintiffs,* )

v. )

**ORDER**

TIMOTHY K. MOORE *in his official* )  
*capacity as Speaker of the North* )  
*Carolina House of Representatives;* )  
PHILIP E. BERGER *in his official* )  
*capacity as President Pro Tempore* )  
*of the North Carolina Senate;* )  
DAVID R. LEWIS *in his official* )  
*capacity as Chairman of the House* )  
*Select Committee on Elections for* )  
*the 2018 Third Extra Session;* )  
RALPH E. HISE *in his official* )  
*capacity as Chairman of the Senate* )  
*Select Committee on Elections for the* )  
*2018 Third Extra Session;* THE )  
STATE OF NORTH CAROLINA; and )  
THE NORTH CAROLINA STATE )  
BOARD OF ELECTIONS, )

*Defendants.* )

THIS CAUSE coming before the undersigned three-judge panel upon remand by the North Carolina Court of Appeals with instructions to grant Plaintiffs' Motion for Preliminary Injunction. The Court of Appeals filed its opinion on February 18, 2020, reversing this Court's July 19, 2019 order denying Plaintiffs' Motion for

Preliminary Injunction. *Holmes v. Moore*, 840 S.E.2d 244 (N.C. Ct. App. 2020). The Court of Appeals held that Plaintiffs have shown a clear likelihood of success on the merits of their discriminatory-intent claim, and absent an injunction, Plaintiffs are likely to suffer irreparable harm. On February 25, 2020, Legislative Defendants filed a Motion for Rehearing En Banc, which was denied by the Court of Appeals on March 24, 2020.

WHEREFORE, in accordance with the decision of the Court of Appeals, it is hereby ORDERED that Plaintiffs' Motion for Preliminary Injunction is GRANTED, and it is

FURTHER ORDERED that Defendants are enjoined from implementing or enforcing the voter-ID provisions of Session Law 2018-144, specifically including Parts I and IV, until Plaintiffs' facial challenge has been ruled upon on the merits.

This the 10<sup>th</sup> day of August, 2020.



Nathaniel J. Poovey, Superior Court Judge

/s/ Michael J. O'Foghludha

Michael J. O'Foghludha, Superior Court Judge

/s/ Vince M. Rozier, Jr.

Vince M. Rozier, Jr., Superior Court Judge

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on the persons indicated below

via e-mail transmission addressed as follows:

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*Counsel for the State and State Board Defendants*

This the 10<sup>th</sup> day of August 2020.



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