

STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF WAKE

21 CVS _____

7/1/21 P 3:25

NORTH CAROLINA STATE CONFERENCE
OF NAACP, COMMON CAUSE, MARILYN
HARRIS, GARY GRANT, JOYAH BULLUCK,
and THOMASINA WILLIAMS,

Plaintiffs,

v.

PHILLIP E. BERGER *in his official capacity as President Pro Tempore of the North Carolina Senate*; TIMOTHY K. MOORE *in his official capacity as Speaker of the North Carolina House of Representatives*; RALPH E. HISE, JR., WARREN DANIEL, PAUL NEWTON, *in their official capacities as Co-Chairmen of the Senate Committee on Redistricting and Elections*; DESTIN HALL, *in his official capacity as Chairman of the House Standing Committee on Redistricting*; THE STATE OF NORTH CAROLINA; THE NORTH CAROLINA STATE BOARD OF ELECTIONS; DAMON CIRCOSTA, *in his official capacity as Chair of the State Board of Elections*; STELLA ANDERSON, *in her official capacity as Secretary of the State Board of Elections*; STACY EGGERS IV, *in his official capacity as Member of the State Board of Elections*; JEFF CARMON III, *in his official capacity as Member of the State Board of Elections*; TOMMY TUCKER, *in his official capacity as Member of the State Board of Elections*; KAREN BRINSON BELL, *in her official capacity as Executive Director of the State Board of Elections*

Defendants.

**MOTION FOR PRELIMINARY
INJUNCTION**

NOW COME Plaintiffs, by and through counsel, and respectfully move this Court, pursuant to Rule 7(b) and Rule 65 of the North Carolina Rules of Civil Procedure, for entry of an order granting a Preliminary Injunction. Plaintiffs show the Court as follows:

1. This is an action for declaratory and injunctive relief to prevent Defendants Berger, Moore, Hise, Daniel, Newton, and Hall (the “Legislative Defendants”) from undertaking a redistricting process that violates express provisions of the North Carolina Constitution and contravenes clear direction from the North Carolina Supreme Court on how to draw constitutional maps for the State Senate and House of Representatives, as set forth in *Stephenson v. Bartlett*, 355 N.C. 354 (2002) and *Stephenson v. Bartlett*, 357 N.C. 301 (2003). Absent such a prohibitory injunction, the process being followed by Legislative Defendants now will result in discriminatory and unlawful harm to voters of color in North Carolina, including the Individual Plaintiffs and the members and voters served by Plaintiffs North Carolina State Conference of the NAACP and Common Cause.
2. The Verified Complaint in this action has been filed contemporaneously with this Motion on this day, October 29, 2021.
3. Plaintiffs have standing to bring this action and to assert the legal claims therein.
4. Plaintiffs seek an injunction prohibiting the Legislative Defendants from undertaking a redistricting process that departs from the requirements of the North Carolina Constitution for State Senate and State House of Representatives, including an injunction prohibiting the use of redistricting criteria that violate the requirements of the North Carolina Constitution, as set forth by the North Carolina Supreme Court in the *Stephenson* cases.
5. It is further feasible and necessary, in order to prevent irreparable harm to Plaintiffs during the pendency of this litigation, for the Court to enjoin the SBE Defendants from

administering the scheduled March 8, 2022 primaries for the 2022 general elections before May, 3, 2022, and from administering the corresponding period of candidate filing before February 1 through 11, 2022, to allow for new State Legislative districts to be enacted under a constitutional process.

6. Plaintiffs are likely to succeed in demonstrating that Plaintiffs are entitled to declaratory relief under the Declaratory Judgment Act, N.C. Gen. Stat. § 1-253 et seq., for a declaratory ruling that Legislative Defendants have administered a redistricting process in violation of Article II, Sections 3 and 5 of the North Carolina Constitution, as set forth in *Stephenson v. Bartlett*, 355 N.C. 354 (2002) and *Stephenson v. Bartlett*, 357 N.C. 301 (2003), and that Plaintiffs are entitled to a redistricting process that adheres these requirements of the North Carolina Constitution.
7. Plaintiffs are also likely to succeed in demonstrating that Defendants' actions will impede Plaintiffs' ability to affiliate with and support their candidates of choice in violation of the Plaintiffs' right to assembly and association under the Freedom of Assembly Clause, Article I, Section 12 of the North Carolina Constitution.
8. Absent a preliminary injunction, Plaintiffs are likely to suffer irreparable harm as a result of Defendants' constitutional violations – violations that will infringe on their rights and the rights of thousands of similarly situated North Carolina voters to a redistricting process that adheres to the North Carolina Constitution and to affiliate with and support their candidates of choice.
9. Pursuant to N.C. Gen. Stat. § 1A-1, Rule 57, Plaintiffs request a prompt hearing on this motion.

WHEREFORE Plaintiffs respectfully request that this Court grant their motion for Preliminary Injunction.

Respectfully submitted this the 29th day of October, 2021.

/s/
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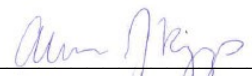
CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day submitted a copy of the foregoing Motion for Preliminary Injunction in the above titled action with the Clerk of Superior Court in Wake County, and has served the document by mail and electronic mail to the following parties:

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Special Deputy Attorney General
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Katelyn Love
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This the 29th day of October, 2021.


Allison J. Riggs