

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Case No.: 1:20-cv-00876

NORTH CAROLINA A. PHILIP RANDOLPH)
INSTITUTE and ACTION NC,)
)
Plaintiffs,)
)
v.)
)
THE NORTH CAROLINA STATE BOARD)
OF ELECTIONS, et al.)
)
Defendants)

**DA DEFENDANTS' MOTION
TO STAY**

NOW COME Defendants Asbell, Banks, Locke Bell, Ted Bell, Boone, Bowman Clodfelter, Cook, Crump, Benjamin R. David, Jonathan M. David, Deberry, Delbridge, Dixon, Doyle, Edwards, Evans, Frank, Freeman, Gregson, Hardin, Horner, Kirkman, Lee, Matthews, Merriweather, Miller, Newman, O'Neill, Ramey, Reilly, Robison, Saunders, Scott, Thomas, Vaneekhoven, Waters, Welch, West, Williams, Womble, Woodall, all in their official capacities (hereinafter referred to collectively as the "District Attorney Defendants"), by and through their undersigned counsel, and respectfully move the Court to exercise its discretion and stay proceedings in this matter pending resolution of the state court action *Community Success Initiative v. Moore, et al* (hereinafter "CSI") in the North Carolina appellate courts. *See Community Success Initiative, et al. v. Moore, et al.*, 19 CVS 15941, now 331 P 21. The issues in CSI bear directly upon the instant case. This Court's resolution of this matter is dependent upon the interpretation of N.C.G.S. § 13-1, which is incorporated by the challenged statute in this case,

N.C.G.S. § 163-275(5), it would be prudent for this Court to stay this matter pending the outcome of the appellate process that is currently proceeding in the North Carolina state courts.

WHEREFORE, DA Defendants ask this Court stay this action pending review of the constitutionality and interpretation of N.C.G.S. § 13-1 by the North Carolina appellate courts.

Respectfully submitted, this the 22nd day of April, 2022.

JOSHUA H. STEIN
Attorney General

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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day electronically filed the foregoing DA DEFENDANTS MEMORANDUM IN SUPPORT OF MOTION TO STAY using the CM/ECF system, which will send notification of such filing to all the counsel of record for the parties who participate in the CM/ECF system.

This the 22nd day of April, 2022.

/s/ Elizabeth Curran O'Brien
Elizabeth Curran O'Brien
Special Deputy Attorney General
N.C. Department of Justice

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