

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
23CV029308-910

ROY A. COOPER, III, in his official
capacity as GOVERNOR OF THE
STATE OF NORTH CAROLINA,

Plaintiff,

v.

PHILIP 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; and THE
STATE OF NORTH CAROLINA.

Defendants.

**PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

Plaintiff Roy Cooper, in his official capacity as Governor of the State of North Carolina, pursuant to N.C. Gen. Stat. § 1A-1, Rule 56, moves for summary judgment in his favor on all claims he has asserted in this action (Count 1) because, viewing the evidence in the light most favorable to Defendants, there is no genuine issue as to any material fact and Plaintiff is entitled to judgment as a matter of law.

In support of this Motion, Plaintiff relies on the pleadings, including the Verified Complaint, all written discovery responses and depositions, all affidavits submitted in this action, and any other evidence of record.

WHEREFORE, Plaintiff respectfully requests that the Court enter an order granting this Motion and granting such other relief as the Court deems appropriate.

Respectfully submitted this the 9th day of February, 2024.

/s/ Amanda S. Hawkins

Jim W. Phillips, Jr.

N.C. State Bar No. 12516

jphillips@brookspierce.com

Eric M. David

N.C. State Bar No. 38118

edavid@brookspierce.com

Daniel F. E. Smith

N.C. State Bar No. 41601

dsmith@brookspierce.com

Amanda S. Hawkins

N.C. State Bar No. 50763

ahawkins@brookspierce.com

*Attorneys for Plaintiff Roy Cooper,
Governor of the State of North Carolina*

OF COUNSEL:

**BROOKS, PIERCE, MCLENDON,
HUMPHREY & LEONARD, L.L.P.**

Suite 2000 Renaissance Plaza

230 North Elm Street

Greensboro, NC 27401

(336) 373-8850

(336) 378-1001 (fax)

RETRIEVED FROM DEMOCRACY DOCKET

CERTIFICATE OF SERVICE

I hereby certify that on this day a copy of the foregoing document was served on the following parties via email as follows:

NELSON MULLINS RILEY & SCARBOROUGH LLP
D. Martin Warf
Martin.warf@nelsonmullins.com
Noah Huffstetler
Noah.huffstetler@nelsonmullins.com
Attorneys for Legislative Defendants

NC DEPARTMENT OF JUSTICE
Stephanie Brennan
Sbrennan@ncdoj.gov
Amar Majmundar
Amajmundar@ncdoj.gov
Attorneys for The State of North Carolina

WAKE COUNTY SUPERIOR COURT
Kellie Myers
kellie.z.myers@nccourts.org
Lisa Tucker
Lisa.R.Tucker@nccourts.org
Aaron Davison
Aaron.D.Davison@nccourts.org
Byron Frazelle
Samuel.B.Frazelle@nccourts.org

This the 9th day of February, 2024.

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.

By: /s/ Amanda S. Hawkins
Amanda S. Hawkins