

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:25-cv-00003-M**

TELIA KIVETT, et al.,

Plaintiffs,

v.

NORTH CAROLINA STATE BOARD OF
ELECTIONS, et al.,

Defendants.

**DEFENDANTS' MOTION TO
MODIFY FINAL ORDER
AND REQUEST FOR
INDICATIVE RULING
OF THAT SAME MOTION**

NOW COMES Defendants North Carolina State Board of Elections and its executive director and members in their official capacity, through undersigned counsel, to move for this Court to modify its January 6, 2025 order remanding this case to state court pursuant to Fed. R. Civ. P. 60(b) and request for indicative ruling of that same motion pursuant to Fed. R. Civ. P. 62.1

Undersigned counsel informed Plaintiffs about this motion and inquired about their position on the requested relief, including consent to dismiss the currently pending appeal in order to seek a Rule 60(b) motion without the need for an indicative ruling. Plaintiffs responded that they do not consent to any motion to this Court relating to the *Griffin* matter, including a Rule 60(b) motion.

[INTENTIONALLY LEFT BLANK]

Respectfully submitted this the 13th day of February, 2025.

NORTH CAROLINA
DEPARTMENT OF JUSTICE

/s/ Mary Carla Babb
Mary Carla Babb
Special Deputy Attorney General
N.C. State Bar No. 25731
MCBabb@ncdoj.gov

Terence Steed
Special Deputy Attorney General
N.C. State Bar No. 52809
TSteed@ncdoj.gov

North Carolina Department of Justice
Post Office Box 629
Raleigh, North Carolina 27602
Phone: 919-716-6900
Fax: 919-716-6758

Counsel for Defendants