

SUPREME COURT OF NORTH CAROLINA

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NORTH CAROLINA LEAGUE OF  
CONSERVATION VOTERS, INC.;  
HENRY M. MICHAUX, JR.; et al.,

Petitioners,

v.

REPRESENTATIVE DESTIN HALL, in  
his official capacity as Chair of the House  
Standing Committee on Redistricting, et  
al.,

Respondents.

From Wake County  
No. 21 CVS 015426

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**MOTION FOR TEMPORARY STAY**

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TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

Pursuant to Sections 1 and 12(1) of Article IV of the North Carolina State Constitution, Section 7A-32(b) of the North Carolina General Statutes, and Rules 2, 8, 22, and 23 of the North Carolina Rules of Appellate Procedure, the North Carolina League of Conservation Voters, Inc., et al. (the “NCLCV Petitioners”) respectfully request that this Court temporarily stay the candidate-filing period for the 2022 elections for all offices (or, alternatively, for Representatives in Congress, State Senators, and State Representatives) until the Court rules on the NCLCV Petitioners’ pending petition for a writ of supersedeas or prohibition.

As the Court is aware, earlier today the NCLCV Petitioners filed a petition in this Court seeking, among other things, a writ of supersedeas or prohibition to suspend the candidate-filing period for the 2022 elections. Shortly before that filing, the Court of Appeals had issued a temporary stay suspending the candidate-filing period for candidates for Congress and the General Assembly. At 5:32 p.m. this evening, however, the Court of Appeals took the extraordinary step of going *en banc* to vacate that temporary stay order. The en banc order is attached hereto as Exhibit A. The State Board of Elections has since announced that it will begin the filing period for candidates for Congress and the General Assembly tomorrow morning at 8:00 a.m. That announcement is attached as Exhibit B.

Now, the NCLCV Petitioners request a temporary stay from this Court to preserve the status quo. Candidates have never filed for candidacy under the unlawful plans enacted by the General Assembly, and the NCLCV Petitioners seek to preserve that status quo pending this Court's review. As more fully explained in the NCLCV Petitioners' petition, permitting the candidate-filing period to proceed will yield waste and inconvenience. To avoid that waste and inconvenience, the NCLCV Petitioners respectfully request that this Court grant a temporary stay pending its consideration of the petition.

WHEREFORE, for the reasons set forth above and in the Petition, the NCLCV Petitioners ask that this Court enter a temporary stay pending its ruling on their petition.

Respectfully submitted this 6th day of December, 2021.

**ROBINSON, BRADSHAW & HINSON,  
P.A.**

Electronically Submitted

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N.C. R. App. 33(b) Certification: I certify that all of the attorneys listed below have authorized me to list their names on this document as if they had personally signed it:

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*Counsel for Petitioners*

*\*Pro hac vice application forthcoming*

**CERTIFICATE OF SERVICE**

Pursuant to Rule 26 of the North Carolina Rules of Appellate Procedure, I hereby certify that the foregoing document and all attachments have been filed with the Clerk of the North Carolina Supreme Court by electronic submission. I further certify that a copy of this document has been duly served upon the following counsel of record by electronic mail:

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Jeff Carmon III, Stacy Eggers IV,  
Tommy Tucker, Karen Brinson  
Bell; and the State of North  
Carolina*

This the 6th day of December, 2021.

Electronically Submitted  
Stephen D. Feldman  
Robinson, Bradshaw & Hinson, P.A.  
*Attorney for Petitioners*

# **EXHIBIT A**



# North Carolina Court of Appeals

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( 21CVS015426 )

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No. P21-525

NORTH CAROLINA LEAGUE OF  
CONSERVATION VOTERS, INC.;  
HENRY M. MICHAUX, JR.;  
DANDRIELLE LEWIS; TIMOTHY  
CHARTIER; TALIA FERNANDEZ;  
KATHERINE NEWHALL; R. JASON  
PARSLEY; EDNA SCOTT; ROBERTA  
SCOTT; YVETTE ROBERTS;  
JEREANN KING JOHNSON;  
REVEREND REGINALD WELLS;  
YARBROUGH WILLIAMS, JR.;  
REVEREND DELORIS L. JERMAN;  
VIOLA RYALS FIGUEROA; AND  
COSMOS GEORGE,

PLAINTIFFS,

V.

REPRESENTATIVE DESTIN HALL,  
IN HIS OFFICIAL CAPACITY AS CHAIR OF THE  
HOUSE STANDING COMMITTEE ON  
REDISTRICTING; SENATOR WARREN  
DANIEL, IN HIS CAPACITY AS CO-  
CHAIR OF THE SENATE STANDING  
COMMITTEE ON REDISTRICTING AND  
ELECTIONS; SENATOR RALPH E. HISE,  
JR., IN HIS OFFICIAL CAPACITY AS CO-CHAIR  
OF THE SENATE STANDING COMMITTEE ON  
REDISTRICTING AND ELECTIONS; SENATOR  
PAUL NEWTON, IN HIS OFFICIAL  
CAPACITY AS CO-CHAIR OF THE SENATE  
STANDING COMMITTEE ON REDISTRICTING  
AND ELECTIONS; REPRESENTATIVE  
TIMOTHY K. MOORE, IN HIS OFFICIAL  
CAPACITY AS SPEAKER OF REPRESENTATIVES;  
SENATOR PHILIP E. BERGER, IN HIS  
OFFICIAL CAPACITY AS PRESIDENT PRO  
TEMPORE OF THE NORTH CAROLINA SENATE;  
THE STATE OF NORTH CAROLINA;  
THE NORTH CAROLINA STATE  
BOARD OF ELECTIONS; DAMON  
CIRCOSTA, IN HIS OFFICIAL CAPACITY AS  
CHAIRMAN OF THE NORTH CAROLINA STATE  
BOARD OF ELECTIONS; STELLA  
ANDERSON, IN HER OFFICIAL CAPACITY AS  
SECRETARY OF THE NORTH CAROLINA STATE  
BOARD OF ELECTIONS; JEFF CARMON III,  
IN HIS OFFICIAL CAPACITY AS MEMBER OF THE

NORTH CAROLINA STATE BOARD OF ELECTIONS; STACY EGGERS IV, IN HIS OFFICIAL CAPACITY AS MEMBER OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS; TOMMY TUCKER, IN HIS OFFICIAL CAPACITY AS MEMBER OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS; and KAREN BRINSON BELL, IN HER OFFICIAL CAPACITY AS EXECUTIVE DIRECTOR OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS,

DEFENDANTS.

## ORDER

The following order was entered:

IT IS HEREBY ORDERED, upon a vote of the majority of judges of the Court, that the Court will rehear the above-captioned cause en banc. The panel's order dated 6 December 2021 issuing a temporary stay is vacated and the Plaintiffs' motion for temporary stay is denied. The en banc Court shall promptly rule on the pending Petition for Writ of Supersedeas or Prohibition.

By order of the Court this the 6th of December 2021.

WITNESS my hand and official seal this the 6th day of December 2021.



Eugene H. Soar  
Clerk, North Carolina Court of Appeals

Copy to:

Mr. Stephen D. Feldman, Attorney at Law, For North Carolina League of Conservation Voters, Inc.  
Mr. Erik R. Zimmerman, Attorney at Law, For North Carolina League of Conservation Voters, Inc.  
Mr. Thomas A. Farr, Attorney at law, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al  
Mr. John E. Branch, III, Attorney at Law, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al  
Ms. Alyssa Riggins, Attorney at Law, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al  
Mr. Phillip J. Strach, Attorney at Law, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al  
Mr. Terence Steed, Assistant Attorney General, For The State of North Carolina Board of Elections  
Ms. Stephanie A. Brennan, Special Deputy Attorney General, For The State of North Carolina Board of Elections  
Mr. Amar Majmundar, Senior Deputy Attorney General, For The State of North Carolina Board of Elections  
Mark E. Braden, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al  
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Mr. Richard Raile, Attorney at Law, For Representative Destin Hall (Chair of the House standing Committee on Redistricting), et al  
Mr. Adam K. Doerr, Attorney at Law, For North Carolina League of Conservation Voters, Inc.  
Hon. Frank Blair Williams, Clerk of Superior Court



# **EXHIBIT B**

# Court Resumes Candidate Filing for US House, NC Senate and NC House

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Raleigh, N.C.

## Dec 6, 2021

Candidate filing for the U.S. House, N.C. House, and N.C. Senate will begin at 8 a.m. Tuesday, December 7, following a Monday evening reversal of an earlier order suspending filing for those offices: [Download the court order \(PDF\)](#).  
([https://s3.amazonaws.com/dl.ncsbe.gov/Press/NC Court of Appeals P21-525 \(PM\).pdf](https://s3.amazonaws.com/dl.ncsbe.gov/Press/NC Court of Appeals P21-525 (PM).pdf))

The full North Carolina Court of Appeals Monday evening vacated the temporary stay issued earlier Monday by a three-judge panel of that court. That stay had meant that candidates for U.S. House, N.C. House, and N.C. Senate could not file their candidacy paperwork on Monday.

U.S. House candidates file with the State Board of Elections at the Exposition Center on the N.C. State Fairgrounds, located at 4285 Trinity Road, Raleigh, N.C. Candidates, guests, and members of the media should enter the Fairgrounds through Gate 9 on Trinity Road; they should exit through Gate 5 onto Youth Center Road. ([See Fairgrounds map](#).  
(<https://www.ncsbe.gov/media/608>))

Candidates for N.C. Senate and N.C. House file at their respective county board of elections office.

Candidates may file daily from 8 a.m. to 5 p.m. through December 16, and from 8 a.m. to noon on the last day of filing, December 17.

Filing for all other offices continued Monday without interruption.

This announcement will be updated to reflect any further decision from the courts.

## This press release is related to:

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Laws/litigation

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<https://www.ncsbe.gov/news/press-releases/2021/12/06/court-resumes-candidate-filing-us-house-nc-senate-and-nc-house>