

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
NO. 1:15-CV-00399

SANDRA LITTLE COVINGTON, *et al.*,)
)
Plaintiffs,)
)
v.)
)
STATE OF NORTH CAROLINA, *et al.*)
)
Defendants.)
_____)

NOTICE OF FILING

The Legislative Defendants respectfully notify the Court of the North Carolina Supreme Court's recent Order in *Cooper v. Berger, et al.*, No. 52PA17-2 (N.C. July 20, 2017), a copy of which is attached to this filing as Exhibit 1.

This the 21st day of July, 2017.

OGLETREE, DEAKINS, NASH
SMOAK & STEWART, P.C.

/s/ Michael D. McKnight
Thomas A. Farr
N.C. State Bar No. 10871
Phillip J. Strach
N.C. State Bar No. 29456
Michael D. McKnight
N.C. State Bar No. 36932
thomas.farr@ogletreedeakins.com
phil.strach@ogletreedeakins.com
michael.mcknight@ogletreedeakins.com
4208 Six Forks Road, Suite 1100
Raleigh, North Carolina 27609
Telephone: (919) 787-9700
Facsimile: (919) 783-9412

Counsel for Legislative Defendants

CERTIFICATE OF SERVICE

I, Michael D. McKnight, hereby certify that I have this day electronically filed the foregoing **NOTICE OF FILING** with the Clerk of Court using the CM/ECF system which will provide electronic notification of the same to the following:

Edwin M. Speas, Jr.
John W. O'Hale
Carolina P. Mackie
Poyner Spruill LLP
P.O. Box 1801 (27602-1801)
301 Fayetteville St., Suite 1900
Raleigh, NC 27601
espeas@poynerspruill.com
johale@poynerspruill.com
cmackie@poymerspruill.com
Attorneys for Plaintiffs

Anita S. Earls
Allison J. Riggs
Southern Coalition for Social Justice
1415 Highway 54, Suite 101
Durham, NC 27707
anita@southerncoalition.org
allisonriggs@southerncoalition.org
Attorneys for Plaintiffs

Adam Stein
Tin Fulton Walker & Owen, PLLC
312 West Franklin Street
Chapel Hill, NC 27516
astein@tinfulton.com
Attorney for Plaintiffs

Alexander McC. Peters
Senior Deputy Attorney General
N.C. Department of Justice
Apeters@ncdoj.gov
P.O. Box 629
Raleigh, NC 27602

This the 21st day of July, 2017.

OGLETREE, DEAKINS, NASH
SMOAK & STEWART, P.C.

/s/ Michael D. McKnight
Michael D. McKnight
N.C. State Bar No. 36932
4208 Six Forks Road, Suite 1100
Raleigh, NC 27609
Telephone: 919.787.9700
Facsimile: 919.783.9412
michael.mcknight@ogletreedeakins.com

Counsel for Legislative Defendants

30613483.1

EXHIBIT 1



Supreme Court of North Carolina

J. BRYAN BOYD, Clerk
Justice Building, 2 E. Morgan Street
Raleigh, NC 27601
(919) 831-5700

Fax: (919) 831-5720
Web: <http://www.nccourts.org>

Mailing Address:
P. O. Box 2170
Raleigh, NC 27602

From N.C. Court of Appeals
(17-694 P17-101 P17-412)
From Wake
(16CVS15636 17CVS5084)

20 July 2017

Mr. Daniel F.E. Smith
Attorney at Law
BROOKS PIERCE MCLENDON HUMPHREY & LEONARD, LLP
2000 Renaissance Plaza
230 North Elm Street
Greensboro, NC 27401

RE: Cooper v Berger, et al. - 52PA17-2

Dear Mr. Smith:

Plaintiff-Petitioner Governor Roy A. Cooper, III's Motion for Temporary Stay is dismissed as moot. Plaintiff-Petitioner Governor Roy A. Cooper, III's Petition for Writ of Supersedeas is decided as follows:

Under the authority granted to this Court pursuant to Article IV, Sections 1 and 12 of the North Carolina Constitution, and for the purpose of preserving the status quo during the expedited consideration of this case by the Court, the Court orders that:

1. The status quo as of the date of this order is to be maintained. Therefore, until further order of this Court, the parties are prohibited from taking further action regarding the unimplemented portions of the act that establishes a new "Bipartisan State Board of Elections and Ethics Enforcement." Act of Apr. 11, 2017, ch. 6, 2017 N.C. Sess. Laws ____, ____ (the Act). Likewise, the parties should not seek further enforcement of the order entered on 1 June 2017 by the three judge panel convened pursuant to N.C.G.S. 1-267.1.

2. During the consideration of this case by this Court, the parties have no duty to take action to implement further the provisions of the Act providing for the establishment, qualification, or organization of the Bipartisan State Board of Elections and Ethics Enforcement and, furthermore, may not proceed in any manner to make any appointments to, or to provide for, the reestablishment, re-qualification, re-organization, or re-constitution of the former North Carolina State Board of Elections or the North Carolina State Ethics Commission.

3. The parties may petition the Court for the purpose of obtaining any modifications to this order that they deem necessary to preserve the status quo and to ensure the orderly and lawful conducting of local and other elections during the consideration of this case by this Court.

"Motion Spec Order by order of the Court in conference, this the 20th of July 2017."

s/ Morgan, J.
For the Court

J Bryan Boyd

J. Bryan Boyd
Clerk, Supreme Court of North Carolina

M. C. Hackney
Assistant Clerk, Supreme Court Of North Carolina

Copy to:

North Carolina Court of Appeals

Mr. D. Martin Warf, Attorney at Law, For Berger, Philip E. - (By Email)

Mr. Noah H. Huffstetler, III, Attorney at Law, For Berger, Philip E. - (By Email)

Ms. Candace S. Friel, Attorney at Law, For Berger, Philip E. - (By Email)

Mr. Jim W. Phillips, Jr., Attorney at Law, For Cooper, Roy A. (III) - (By Email)

Mr. Eric M. David, Attorney at Law, For Cooper, Roy A. (III) - (By Email)

Mr. Daniel F.E. Smith, Attorney at Law, For Cooper, Roy A. (III) - (By Email)

Mr. Grayson Kelley, Chief Deputy - (By Email)

Mr. Alexander McC. Peters, Special Deputy Attorney General - (By Email)

West Publishing - (By Email)

Lexis-Nexis - (By Email)