

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION**

RODNEY D. PIERCE and
MOSES MATTHEWS,

Plaintiffs,

v.

Case No. 4:23-cv-193-D

THE NORTH CAROLINA STATE BOARD OF ELECTIONS, ALAN HIRSCH, in his official capacity as Chair of the North Carolina State Board of Elections, JEFF CARMON III in his official capacity as Secretary of the North Carolina State Board of Elections, STACY “FOUR” EGGERS IV in his official capacity as a member of the North Carolina State Board of Elections, KEVIN N. LEWIS in his official capacity as a member of the North Carolina State Board of Elections, SIOBHAN O’DUFFY MILLEN in her official capacity as a member of the North Carolina State Board of Elections, PHILIP E. BERGER in his official capacity as President Pro Tem of the North Carolina Senate, and TIMOTHY K. MOORE in his official capacity as Speaker of the North Carolina House of Representatives,

Defendants.

PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION

For the reasons set forth in the accompanying memorandum in support, Plaintiffs Rodney D. Pierce and Moses Matthews, by and through their undersigned counsel, hereby move for a preliminary injunction against Defendants the North Carolina State Board of Elections, Alan Hirsch, Jeff Carmon III, Stacy “Four” Eggers IV, Kevin N. Lewis, Siobhan O’Duffy Millen, Philip E. Berger, and Timothy K. Moore. Plaintiffs seek an order that:

A. Enjoins Defendants, as well as their agents and successors in office, from enforcing

- or giving any effect to the boundaries of Districts 1 and 2 in the 2023 enacted Senate map (Senate Bill 758 (2023-2024 Session), Session Law 2023-146), including barring Defendants from conducting any elections using those district boundaries;
- B. Orders, for the 2024 elections, the immediate use of Plaintiffs' proposed remedial districts (labeled Demonstration Districts B-1 and B-2) instead of enacted Districts 1 and 2, and orders the use of Districts 3-50 from the 2023 enacted map;
- C. Orders the waiver of the one-year candidate residency requirement for state Senate candidates under Article II, Section 6 of the North Carolina Constitution for candidates filing in the two remedial Senate districts.

Dated: November 22, 2023

Respectfully submitted,

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**Notices of Special Appearance forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel and parties registered in said system, and that I served the foregoing via email as follows:

Paul Cox
North Carolina State Board of Elections
paul.cox@ncsbe.gov
*On behalf of Defendants The North Carolina State Board of Elections,
Alan Hirsch, Jeff Carmon III, Stacy "Four" Eggers IV, Kevin N. Lewis,
and Siobhan O'Duffy Millen*

Dated: November 22, 2023

/s/ Edwin M. Speas, Jr.
Edwin M. Speas, Jr.

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Defendants.

**ORDER ON PLAINTIFFS’
MOTION FOR PRELIMINARY INJUNCTION**

Before the Court is Plaintiffs’ Motion for Preliminary Injunction. Plaintiffs’ Motion is **GRANTED**. The Court hereby **ORDERS** as follows:

1. Defendants, and their agents and successors in office, are **ENJOINED** from enforcing or giving any effect to the boundaries of state Senate Districts 1 and 2 as

enacted by North Carolina Senate Bill 758 (2023-2024 Session), Session Law 2023-146, and **MAY NOT** conduct any elections using those district boundaries;

2. Defendants **SHALL USE**, for the 2024 elections, the remedial Senate districts that Plaintiffs have labeled Demonstration Districts B-1 and B-2 instead of enacted Districts 1 and 2, and **SHALL USE** Districts 3-50 from the 2023 enacted map;
3. The one-year candidate residency requirement for state Senate candidates under Article II, Section 6 of the North Carolina Constitution is hereby **WAIVED** for candidates filing in the two remedial Senate districts.

SO ORDERED, this the ____ day of November, 2023.

James C. Dever III
United States District Judge