



Plaintiffs' motion for preliminary injunction, Plaintiffs seek to enjoin the use of these challenged House Districts until this litigation is concluded and a remedy is imposed by the Court.

As a general rule,

a preliminary injunction is an extraordinary measure taken by a court to preserve the *status quo* of the parties during litigation. It will be issued only (1) if a plaintiff is able to show likelihood of success on the merits of his case and (2) if a plaintiff is likely to sustain irreparable loss unless the injunction is issued, or if, in the opinion of the Court, issuance is necessary for the protection of a plaintiff's rights during the course of litigation.

*A.E.P. Industries v. McClure*, 308 N.C. 393, 401 (1982)(citations omitted). The issuance of a preliminary injunction "is a matter of discretion to be exercised by the hearing judge after a careful balancing of the equities." *Id.* at 400. North Carolina appellate courts have explained that in assessing the preliminary injunction factors, the trial judge "should engage in a balancing process, weighing potential harm to the plaintiff if the injunction is not issued against the potential harm to the defendant if injunctive relief is granted. In effect, the harm alleged by the plaintiff must satisfy a standard of relative substantiality as well as irreparability."

*Williams v. Greene*, 36 N.C. App. 80, 86 (1978).

In considering the pleadings, arguments and record established thus far, the Court concludes, for the purposes of this motion, that the Plaintiffs have demonstrated a reasonable likelihood of success on the merits of their claims.

However, in considering and balancing the equities presented by the Plaintiffs' request to enjoin the use of the challenged House districts, the Court

concludes that Plaintiffs' motion must be denied. Enjoining the use of the challenged districts during the pendency of this litigation would necessarily halt ongoing Wake County House of Representative races, and more importantly, would interrupt voting by citizens already underway. In Wake County, as in every other county in North Carolina, the candidate filing period concluded February 28, 2018 and absentee voting began almost four weeks ago on March 19, 2018. One-stop early voting begins in one week on April 19, 2018. Election Day is May 8, 2018, and the ballots have been printed. Under these circumstances, the Court, in its discretion, concludes that disrupting Wake County elections already underway is not warranted and is not an appropriate exercise of the Court's equitable jurisdiction.

For the foregoing reasons, Plaintiffs' motion for a preliminary injunction enjoining the use of the challenged House Districts during the pendency of this litigation is DENIED.

So ordered, this the 13<sup>th</sup> day of April, 2018.

**/s/ Paul C. Ridgeway**

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Paul C. Ridgeway, Superior Court Judge

**/s/ Joseph N. Crosswhite**

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Joseph N. Crosswhite, Superior Court Judge

**/s/ Alma L. Hinton**

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Alma L. Hinton, Superior Court Judge

*Certificate of Service*


The undersigned certifies that the foregoing was served upon all parties by electronic mail and by depositing the same in the custody of the United States Postal Service, first class postage prepaid, addressed as follow:

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This the 13<sup>th</sup> day of April, 2018.

  
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