

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Case No. 1:22-CV-568

JULIETTE GRIMMETT, RALSTON LAPP )  
GUINN MEDIA GROUP, and the )  
JOSH STEIN FOR ATTORNEY GENERAL )  
CAMPAIGN, )

Plaintiffs, )

v. )

DAMON CIRCOSTA, in his official )  
capacity as Chair 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 N. LORRIN )  
FREEMAN in her official capacity as District )  
Attorney for the 10th Prosecutorial District )  
of the State of North Carolina, )

Defendants. )

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**EMERGENCY MOTION FOR INJUNCTION PENDING APPEAL**

Plaintiffs Juliette Grimmett, Ralston Lapp Guinn Media Group (“Ralston Lapp”), and the Josh Stein for Attorney General Campaign (“Stein Campaign,” all three collectively referred to as “Plaintiffs”), by their undersigned counsel and pursuant to Federal Rule of Civil Procedure 62(d) and Federal Rule of Appellate Procedure 8(a)(1)(C),

hereby move on an emergency basis for an injunction pending appeal prohibiting Defendant Freeman from enforcing N.C. Gen. Stat. § 163-274(a)(9) (the “Statute”) on the ground that the Statute violates the First Amendment to the U.S. Constitution by regulating core protected political speech in a manner not tailored to achieve a compelling state interest.

In seeking an injunction pending appeal, Plaintiffs do not ask the Court to find that its own decision was incorrect. A district court “may grant a stay even though its own approach may be contrary to movant’s view of the merits.” *Goldstein v. Miller*, 488 F. Supp. 156, 172 (D. Md. 1980) (quoting *Wash. Metro. Area Transit Comm’n v. Holiday Tours, Inc.*, 559 F.2d 841, 843 (D.C. Cir. 1977)). Rather, as explained more fully in Plaintiffs’ supporting memorandum, an injunction is appropriate because this case at least presents a substantial question on the merits, Plaintiffs will suffer irreparable harm absent an injunction, the balance of harms tips in Plaintiffs’ favor, and the public interest favors an injunction.<sup>1</sup>

Plaintiffs in any event respectfully seek prompt action on the motion so that they can seek any further appropriate relief from the Fourth Circuit. A supporting memorandum and proposed order are being filed with this motion.

This the 10th day of August, 2022.

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<sup>1</sup> Rule 62 provides that a “court may...grant an injunction on terms...that secure the opposing party’s rights.” In order to allay concerns regarding the statute of limitations for Defendant’s prospective prosecution, Plaintiffs and their affiliates would be willing to enter into a time-limited tolling agreement in order to allow the Fourth Circuit to rule in this matter.

By: /s/ Pressly M. Millen  
Pressly M. Millen  
State Bar No. 16178  
Raymond M. Bennett  
State Bar No. 36341

OF COUNSEL:

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Attorneys for Plaintiffs  
Juliette Grimmett, Ralston Lapp Guinn Media Group,  
and the Josh Stein for Attorney General Campaign

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**[PROPOSED] ORDER GRANTING EMERGENCY MOTION FOR  
INJUNCTION PENDING APPEAL**

THIS MATTER is before the Court on Plaintiff's Emergency Motion for an Injunction Pending Appeal. Plaintiffs' motion is hereby GRANTED. Defendants, conditioned upon Plaintiffs' agreement to enter into a tolling agreement, are hereby enjoined from enforcing N.C. Gen. Stat. § 163-274(a)(9) pending resolution of Plaintiffs'

appeal, *Grimmett, et al. v. Circosta, et al.*, No. \_\_\_\_\_ (4th Cir.), and issuance of the mandate.

It is so ORDERED.

Date: \_\_\_\_\_

\_\_\_\_\_  
United States District Judge

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**[PROPOSED] ORDER DENYING EMERGENCY MOTION FOR INJUNCTION  
PENDING APPEAL**

THIS MATTER is before the Court on Plaintiff's Emergency Motion for an  
Injunction Pending Appeal. Plaintiffs' motion is hereby DENIED.

It is so ORDERED.

Date: \_\_\_\_\_

\_\_\_\_\_  
United States District Judge