

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,)
JOSH STEIN FOR ATTORNEY GENERAL)
CAMPAIGN, JOSH STEIN,)
SETH DEARMIN, and ERIC STERN)

Plaintiffs,)

v.)

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

Defendant.)

**PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT**

Plaintiffs Juliette Grimmatt, Ralston Lapp Guinn Media Group, the Josh Stein for Attorney General Campaign, Josh Stein, Seth Dearmin, and Eric Stern, by and through their undersigned counsel and pursuant to Rule 56 of the Federal Rules of Civil Procedure, move for summary judgment on their claims on the grounds that there is no genuine issue of material fact in this action and that Plaintiffs are therefore entitled to a declaratory judgment as a matter of law that N.C.G.S. § 163-274(a)(9) is unconstitutional and violates the First Amendment of the United States Constitution and 42 U.S.C. § 1983.

In support of this Motion, Plaintiffs rely upon the pleadings in this action as well as the ruling of the United States Court of Appeals for the Fourth Circuit dated February 8, 2023, *Grimmett v. Freeman*, No. 22-1844, slip op. (4th Cir. Feb. 8, 2023) (Doc. # 52).

The grounds for this Motion are fully set forth in Plaintiffs' Memorandum in Support of Motion for Summary Judgment, filed contemporaneously herewith and incorporated by this reference.

WHEREFORE, Plaintiffs respectfully request that they be granted summary judgment in this action.

This the 2nd day of March, 2023.

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