

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
23 CV 029308-910

ROY A. COOPER, III, in his official
capacity as GOVERNOR OF THE
STATE OF NORTH CAROLINA,

Plaintiff,

v.

PHILIP E. BERGER, in his official
capacity as PRESIDENT PRO
TEMPORE OF THE NORTH
CAROLINA SENATE; TIMOTHY K.
MOORE, in his official capacity as
SPEAKER OF THE NORTH
CAROLINA HOUSE OF
REPRESENTATIVES; and THE
STATE OF NORTH CAROLINA.

Defendants.

**ORDER TRANSFERRING TO A
THREE-JUDGE PANEL**

This matter is before the Court on the Plaintiff's Verified Complaint and Request for a Three-Judge Panel Pursuant to N.C. Gen. Stat. § 1-267.1

N.C. Gen. Stat. § 1-267.1 and N.C. Gen. Stat. § 1-1A, Rule 42(b)(4) of the North Carolina Rules of Civil Procedure require that any action that is a facial challenge to the validity of an act of the General Assembly be transferred to a three-judge panel in the Superior Court of Wake County.

Plaintiff's Verified Complaint raises a facial challenge to the validity of acts of the General Assembly. There are no other pending issues in this case which can be addressed at this time without resolving the facial challenges.

It is therefore ORDERED that the portions of this action challenging such acts are transferred to a three-judge panel of the Superior Court of Wake County, to be appointed by the Chief Justice of the Supreme Court of North Carolina, pursuant to N.C. Gen. Stat. § 1-267.1 and N.C. Gen. Stat. § 1-1A, Rule 42(b)(4) of the North Carolina Rules of Civil Procedure.

This the 8 day of November, 2023.



Superior Court Judge Presiding

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Transferring to a Three-Judge Panel was served on the persons indicated below by electronic transmission via e-mail, addressed as follows:

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E-mail addresses used for attorneys are those on record with the NC State Bar.¹ Service is made upon local counsel for all attorneys who have been granted pro hac vice admission, if any, with the same effect as if personally made on a foreign attorney within this state.

This the 8th day of November 2023.



Kellie Z. Myers
Court Administrator – 10th Judicial District
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¹ See [Administrative Order In Re: Designation Of NC State Bar List As Courts Address Of Record For Court Service And Other Court Communications](#) - March 16, 2023.