

NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 23CV028505-910

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; THE STATE OF NORTH CAROLINA;  
et al.

Defendants.

**ORDER EXTENDING TEMPORARY  
RESTRAINING ORDER AND CONTINUING  
HEARING DATE**

This matter is before the Court upon its own motion and pursuant to the January 17, 2024, Order of the Chief Justice of the Supreme Court of North Carolina assigning the Honorable John M. Dunlow to this action, and hereby determines as follows:

1. On January 12, 2024, this Court granted Plaintiff's Motion for Temporary Restraining Order, enjoining Defendants in *EMC v. RRC* (23CV032096-910) and "those persons in active concert or participation with them who receive actual notice in any manner of [this] order by personal service or otherwise" from voluntarily dismissing the EMC's claims until the Court rules on Plaintiff's Motion for Preliminary Injunction.
2. A hearing on Plaintiff's Motion for Preliminary Injunction is scheduled to begin on January 18, 2024, at 2:30 PM.
3. All briefs, memoranda, and other materials for the judge's review prior to a hearing in Wake County Civil Superior Court must be submitted by email to [WakeCivSup2@nccourts.org](mailto:WakeCivSup2@nccourts.org) no later than two business days prior to the hearing, with a copy sent to opposing counsel and

self-represented parties, pursuant to Tenth Judicial District Civil Superior Court Operations which were issued on March 21, 2023.

4. On January 17, 2024, at 2:20 PM, Plaintiff's counsel submitted by email to the parties and the Court the Governor's Memorandum in Support of Motion for Preliminary Injunction and an Affidavit of Donna Davis.
5. On January 17, 2024, at 2:53 PM, Legislative Defendants' counsel submitted by email to the parties and the Court Legislative Defendants' Brief in Opposition to the Governor's Motion for Preliminary Injunction, Legislative Defendants' Brief in Support of their Motion to Transfer to a Three-Judge Panel, and File-stamped copy of Motion to Transfer to Three-Judge Panel.
6. On January 17, 2024, at 3:50 PM, Defendant Environmental Management Commission's (EMC) counsel submitted by email to the parties and the Court EMC's Memorandum in Opposition to the Plaintiff's Motion for Preliminary Injunction.
7. On January 17, 2024, at 6:01 PM, the undersigned received the Chief Justice's Order designating this matter as exceptional and officially assigning the undersigned to this matter.
8. Good cause exists to extend this Court's Temporary Restraining Order for a like period, to permit the undersigned to review the materials submitted by the parties one day prior to the January 18 hearing.

It is THEREFORE ORDERED, ADJUDGED, AND DECREED that:

1. This Court's January 12, 2024, Temporary Restraining Order is extended and remains in effect until the Court rules on Plaintiff's Motion for Preliminary Injunction.

2. The parties will be heard on Legislative Defendants' Motion to Transfer to Three-Judge Panel and on Plaintiff's Motion for Preliminary Injunction on January 25, 2024, at 10:00 AM in Courtroom 10B of the Wake County Courthouse.

SO ORDERED, this the 18<sup>th</sup> day of January 2024.



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The Honorable John M. Dunlow  
Superior Court Judge