

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
23CV029308-910

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.

**PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT**

Plaintiff Roy Cooper, in his official capacity as Governor of the State of North Carolina, pursuant to N.C. Gen. Stat. § 1A-1, Rule 56, moves for summary judgment in his favor on all claims he has asserted in this action (Count 1) because, viewing the evidence in the light most favorable to Defendants, there is no genuine issue as to any material fact and Plaintiff is entitled to judgment as a matter of law.

In support of this Motion, Plaintiff relies on the pleadings, including the Verified Complaint, all written discovery responses and depositions, all affidavits submitted in this action, and any other evidence of record.

WHEREFORE, Plaintiff respectfully requests that the Court enter an order granting this Motion and granting such other relief as the Court deems appropriate.

Respectfully submitted this the 9th day of February, 2024.

/s/ Amanda S. Hawkins

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## **CERTIFICATE OF SERVICE**

I hereby certify that on this day a copy of the foregoing document was served on the following parties via email as follows:

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This the 9th day of February, 2024.

BROOKS, PIERCE, McLENDON,  
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By: /s/ Amanda S. Hawkins  
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