

STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
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; NORTH
CAROLINA ENVIRONMENTAL
MANAGEMENT COMMISSION; and
JOHN (JD) SOLOMON, in his official
capacity as CHAIR of the North
Carolina Environmental Management
Commission; CHRISTOPHER M.
DUGGAN, in his official capacity as
VICE-CHAIR of the North Carolina
Environmental Management
Commission; and YVONNE C. BAILEY,
TIMOTHY M. BAUMGARTNER,
CHARLES S. CARTER, MARION
DEERHAKE, MICHAEL S. ELLISON,
STEVEN P. KEEN, H. KIM LYERLY,
JACQUELINE M. GIBSON, JOSEPH
REARDON, ROBIN SMITH, KEVIN L.
TWEEDY, ELIZABETH J. WEESE, and
BILL YARBOROUGH, in their official
capacities as COMMISSIONERS of the
North Carolina Environmental
Management Commission,

Defendants.

NOTICE OF APPEAL

TO THE HONORABLE NORTH CAROLINA COURT OF APPEALS:

Legislative Defendants Philip E. Berger, in his official capacity as President *Pro Tempore* of the North Carolina Senate, and Timothy K. Moore, in his official capacity as Speaker of the North Carolina House of Representatives hereby give notice of appeal to the North Carolina Court of Appeals from the Order entered in this action on 28 February 2024, by the three-judge panel “Granting in Part and Denying in Part Plaintiff’s Motion for Summary Judgment and Granting in Part and Denying in Part Legislative Defendants’ Motions for Summary Judgment.”

This, the 1st day of March, 2024.

WOMBLE BOND DICKINSON (US) LLP



Matthew F. Tilley (N.C. Bar No. 40125)
Russ Ferguson (N.C. Bar No. 39671)
Sean E. Andrussier (N.C. Bar No. 25790)
Mike Ingersoll (N.C. Bar. No.52217)
Peyton M. Poston (N.C. Bar No. 53553)
301 South College Street, Suite 3500
Charlotte, North Carolina 28202-6037
Telephone: (704) 331-4900
E-Mail: Matthew.Tilley@wbd-us.com
Russ.Ferguson@wbd-us.com
Sean.Andrussier@wbd-us.com
Mike.Ingersoll@wbd-us.com
Peyton.Poston@wbd-us.com

Attorneys for Philp E. Berger, in his official capacity as President Pro Tempore of the North Carolina Senate, and Timothy K. Moore, in his official capacity as Speaker of the North Carolina House of Representative

CERTIFICATE OF SERVICE

The undersigned certifies that on March 1, 2024, he caused a true and correct copy of the foregoing document to be served via e-mail upon the following:

Jim W. Phillips, Jr.

jphillips@brookspierce.com

Eric M. David

edavid@brookspierce.com

Daniel F.E. Smith

dsmith@brookspierce.com

Amanda S. Hawkins

ahawkins@brookspierce.com

BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD, L.L.P.

Renaissance Plaza, Suite 2000

230 North Elm Street

Greensboro, NC 27401

Attorneys for Plaintiff Roy Cooper,

Governor of the State of North Carolina

Amar Majmundar

amajmundar@ncdoj.gov

Stephanie A. Brennan

sbrennan@ncdoj.gov

NC DEPARTMENT OF JUSTICE

P.O. Box 629

Raleigh, NC 27602

Attorneys for The State of North Carolina

Phillip T. Reynolds

Email: preynolds@ncdoj.gov

Special Deputy Attorney General

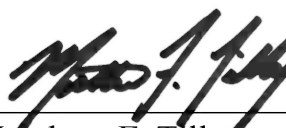
N.C. Department of Justice

Environmental Division

P.O. Box 629

Raleigh, NC 27602

Attorney for Defendant EMC



Matthew F. Tilley