

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;  
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:

Plaintiff Roy Cooper, in his official capacity as Governor of the State of North Carolina, hereby gives notice to the North Carolina Court of Appeals of his appeal from the Order entered in this the above-captioned case on 28 February 2024 by the Honorable John M. Dunlow, the Honorable Dawn M. Layton, and the Honorable Paul A. Holcombe III, acting as a 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.”

Respectfully submitted this the 11th day of March, 2024.

/s/ Amanda S. Hawkins  
Jim W. Phillips, Jr.  
N.C. State Bar No. 12516  
[jphillips@brookspierce.com](mailto:jphillips@brookspierce.com)  
Eric M. David  
N.C. State Bar No. 38118  
[edavid@brookspierce.com](mailto:edavid@brookspierce.com)  
Daniel F.E. Smith  
N.C. State Bar No. 41601  
[dsmith@brookspierce.com](mailto:dsmith@brookspierce.com)  
Amanda S. Hawkins  
N.C. State Bar No. 50763  
[ahawkins@brookspierce.com](mailto:ahawkins@brookspierce.com)

*Attorneys for Plaintiff Roy A. Cooper, III,  
Governor of the State of North Carolina*

OF COUNSEL:

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

Suite 2000 Renaissance Plaza  
230 North Elm Street  
Greensboro, NC 27401  
(336) 373-8850  
(336) 378-1001 (fax)

**CERTIFICATE OF SERVICE**

I hereby certify that on this day a copy of the foregoing document was served on the persons indicated below by electronic transmission via e-mail, addressed as follows:

WOMBLE BOND DICKINSON (US) LLP  
Matthew F. Tilley  
matthew.tilley@wbd-us.com  
Russ Ferguson  
Russ.Ferguson@wbd-us.com  
Sean E. Andrussier  
sean.andrussier@wbd-us.com  
Mike Ingersoll  
mike.ingersoll@wbd-us.com  
Peyton M. Poston  
peyton.poston@wbd-us.com  
*Attorneys for Legislative Defendants*

NC DEPARTMENT OF JUSTICE  
Stephanie Brennan  
sbrennan@ncdoj.gov  
Amar Majmundar  
amajmundar@ncdoj.gov  
*Attorneys for Defendant State of North Carolina*

ENVIRONMENTAL MANAGEMENT COMMISSION  
Phillip T. Reynolds  
preynolds@ncdoj.gov  
*Attorney for Defendant EMC*

This the 11th day of March, 2024.

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

By: /s/ Amanda S. Hawkins  
Amanda S. Hawkins