

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

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

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

Plaintiff,

vs.

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.

**LEGISLATIVE DEFENDANTS'  
NOTICE OF APPEAL**

TO THE HONORABLE NORTH CAROLINA COURT OF APPEALS:

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, hereby give notice to the North Carolina Court of Appeals from (1) the Order entered by the Honorables Edwin Wilson, Lori Hamilton, and Andrew Womble in this matter on 11 March 2024, granting Plaintiff's motion for summary judgment and denying a ruling as a matter of law in favor of Defendants pursuant to their motions under 12(b) or, alternatively, summary judgment, and (2) any and all intermediate orders involving the merits and

necessarily effecting the judgment, including but not limited to, the same trial court's order of 30 November 2023 granting Plaintiff's motion for preliminary injunction.

Respectfully submitted, this the 12th day of March, 2024.

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By: /s/ D. Martin Warf

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*ATTORNEYS FOR 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*

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Appeal was served upon the persons indicated below via electronic mail addressed as follows:

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This the 12th day of March, 2024.

By: /s/ D. Martin Warf  
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