

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

JOHNNY THOMAS ORTIZ II; *et al.*,

Plaintiffs,

v.

NORTH CAROLINA STATE BOARD OF
ELECTIONS; *et al.*,

Defendants.

Civil Action No.: 5:24-cv-420-BO

PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND COSTS

NOW COME Plaintiffs Johnny Thomas Ortiz II, Jimmie Gregory Rogers Jr., and Weldon Murphy ("Plaintiffs"), by and through undersigned counsel, and pursuant to 42 U.S.C. §1988, hereby move this Court for an award of reasonable attorneys' fees and litigation expenses following Plaintiffs' success on obtaining injunctive relief in this case, and in bringing this Motion.

Plaintiffs request that the Court approve the following fees and expenses:

- \$77,221.00 in reasonable attorneys' fees to Nelson Mullins Riley & Scarborough LLP; and
- \$405.00 in necessary expenses.

Total: \$77,626.00.

In support of this Motion Plaintiffs rely on their Memorandum in Support of their Motion for Attorneys' Fees and Costs; the Declarations of Phillip J. Strach¹, Phillip M. Gordon², and Bradley K. Overcash³; and the Court's August 12, 2024 Order granting Plaintiffs' Motion for Preliminary Injunction in part, which became final on September 12, 2024. [D.E. 55]. These

¹ The Declaration of Phillip J. Strach and exhibit thereto is attached as **Exhibit 1**.

² The Declaration of Phillip M. Gordon is attached as **Exhibit 2**.

³ The Declaration of Bradley K. Overcash is attached as **Exhibit 3**.

materials demonstrate that Plaintiffs are the prevailing parties in obtaining the full scope of injunctive relief sought and that their requested fees and litigation expenses are reasonable. Plaintiffs respectfully reserve the right to seek additional fees and expenses in bringing this Motion, which are yet to be completed.

WHEREFORE, for the foregoing reasons, and as set forth in Plaintiffs' Memorandum in Support, Plaintiffs respectfully request this Court award Plaintiffs \$77,626.00 in reasonable attorneys' fees and litigation costs, and grant such other and further relief as the Court deems just and appropriate.

Respectfully submitted, this the 28th day of October, 2024.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s/ Phillip J. Strach
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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, Phillip J. Strach, hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will provide electronic notification to counsel of record.

Dated: October 28, 2024.

By: /s/ Phillip J. Strach
Phillip J. Strach (NC Bar No. 29456)