

North Carolina Court of Appeals

Docket Sheet

Cooper, III v. Berger.,

Case Number: P17-101

As of: 04/24/2024

Case Closed: Yes

Close Date:

Case Type: Civil (Civil_othr)

Mediation: No

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; AND
TIMOTHY K. MOORE, IN HIS
OFFICIAL CAPACITY AS SPEAKER OF
THE NORTH CAROLINA HOUSE
OF REPRESENTATIVES,

DEFENDANTS.

Docket Date:		File Date:		File Time:		Acquired Date:	02-08-2017
Bond Collected:	No	Docket Fee:	No	Pauper:	No	Print Deposit:	No
						State Appeals:	No

History

Venue: Wake (10) **Heard In:** Superior Court

To SC: **From SC:**

Lower Court Number(s)

Location: Wake (10)

Judge:

Case #: 16CVS15636

Tracking/Argue

Opinion

Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
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(1) OTHER	02-07-2017	02-07-2017						
(2) M-TEMP-STAY	02-08-2017	02-07-2017			02-08-2017		Special Order	02-09-2017
(3) PWS-TMPSTA	02-08-2017	02-07-2017		02-20-2017			Special Order	02-28-2017

1 - OTHER

Filed: 02-07-2017 @ 19:15:03

FOR:

BY : Mr. Daniel Smith
BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD LLP**2 - M-TEMP-STAY (Special Order) - 02-09-2017**

Filed: 02-08-2017 @ 07:40:23

FOR: Defendant-Appellant Berger, Philip E.

BY : Mr. Martin Warf
NELSON MULLINS RILEY & SCABOROUGH LLP

The following order was entered:

The petition and motion filed in this cause by petitioners on 7 February 2017 and designated 'Petition for Writ of Supersedeas and Motion for Temporary Stay' are decided as follows: The motion for temporary stay is allowed. The 6 January 2017 'Order Allowing Motion For Preliminary Injunction' is hereby stayed pending this Court's ruling on the petition for writ of supersedeas. The Court will rule on the petition for writ of supersedeas after considering the response filed to the petition.

By order of the Court this the 9th of February 2017.

RESPONSE TO M-TEMP-STAY

Filed: 02-08-2017

BY : Mr. Daniel Smith
BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD LLP**3 - PWS-TMPSTA (Special Order) - 02-28-2017**

Filed: 02-08-2017 @ 07:40:47

FOR: Defendant-Appellant Berger, Philip E.

BY : Mr. Martin Warf
NELSON MULLINS RILEY & SCABOROUGH LLP

The following order was entered:

With respect to the petition filed in this cause by petitioners on 7 February 2017 and designated 'Petition for Writ of Supersedeas,' we rule as follows: The petition for writ of supersedeas is allowed as to the portion of the trial court's 6 January 2017 order requiring Chapters 163, 138A, and 120C of the General Statutes to remain in effect as they were prior to the passage of Senate Bill 4. See, e.g., *In re Markham*, 259 N.C. 566, 570, 131 S.E.2d 329, 333 (1963); *Reinhardt v. Yancey*, 241 N.C. 184, 188-89 84 S.E.2d 655, 658-59 (1954); *Person v. Board of State Tax Comm'rs*, 184 N.C. 499, 503, 115 S.E.2d 336, 339 (1922); *Marriott v. Chatham County*, 187 N.C. App. 491, 495, 654 S.E.2d 13, 16, rev. denied, 362 N.C. 472, 666 S.E.2d 122 (2008). The petition for writ of supersedeas is also allowed with respect to any provision of the 6 January 2017 order enjoining Part VI of Senate Bill 4 insofar as it prevents the unchallenged or severable portions of Senate Bill 4 from being enforced. The petition for writ of supersedeas is denied as to all other parts of the trial court's order. The order entered 9 February 2017 allowing the motion for temporary stay is hereby dissolved.

By order of the Court this the 28th of February 2017.

Financial Information**Receipts**

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
02-08-2017	Pre Docket Fees	20.00	10.00			R022007817	02-08-2017
02-08-2017	Balance	10.00	10.00			R022014217	02-15-2017

Exhibits**Parties**

Party Name

Role

Berger, Philip E. Defendant-Appellant

Cooper, Roy A. (III) Plaintiff-Appellee

Attorneys

Attorney for Defendant-Appellant - Berger, Philip E.

Mr. Martin Warf [Primary Attorney]

Attorney at Law

martin.warf@nelsonmullins.com

NELSON MULLINS RILEY & SCABOROUGH LLP

4140 Parklake Avenue
Glen Lake One, Suite 200
Raleigh, NC 27612
(336) 774-3300

Attorney for Defendant-Appellant - Berger, Philip E.

Mr. Noah H. Huffstetler, III [Primary Attorney]

Attorney at Law

noah.huffstetler@nelsonmullins.com

NELSON MULLINS RILEY & SCARBOROUGH, LLP

301 Hillsborough St., Suite 1400
Raleigh, NC 27603
(919) 329-3800

Attorney for Defendant-Appellant - Berger, Philip E.

Ms. Candace S. Friel [Primary Attorney]

Attorney at Law

candace.friel@nelsonmullins.com

NELSON MULLINS RILEY & SCARBOROUGH

380 Knollwood Street
Suite 530
Winston-Salem, NC 27103
(336) 774-3331

Attorney for -

Mr. Jim W. Phillips, Jr. [Primary Attorney]

Attorney at Law

jphillips@brookspierce.com

BROOKS PIERCE MCLENDON HUMPHREY & LEONARD, LLP

1700 Wells Fargo Capitol Center
150 Fayetteville Street
Raleigh, NC 27601
(336) 373-8850

Attorney for -

Mr. Eric M. David [Primary Attorney]

Attorney at Law

edavid@brookspierce.com

P.O. Box 1800

Raleigh, NC 27602

(919) 839-0300

Attorney for -

Mr. Daniel Smith [Primary Attorney]

Attorney at Law

dsmith@brookspierce.com

BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD LLP

1600 Wells Fargo Capitol Center

150 Fayetteville Street

Raleigh, NC 27601

(336) 271-3139
