

North Carolina Court of Appeals

Docket Sheet

Cooper v. Berger

Case Number: 18-978
As of: 08/04/2020
Case Closed: Yes **Close Date:** 12-23-2019 **Case Type:** Civil (Civil_othr) **Mediation:** No

ROY A. COOPER, III, individually and 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; CHARLTON
L. ALLEN, in his official capacity as CHAIR
OF THE NORTH CAROLINA INDUSTRIAL COMMISSION;
and YOLANDA K. STITH, in her official capacity
as VICE-CHAIR OF THE NORTH CAROLINA INDUSTRIAL
COMMISSION,

Defendants.

Docket Date: 09-27-2018	File Date: 09-24-2018	File Time: 10:48	Acquired Date: 09-24-2018
Bond Collected: Yes	Docket Fee: Yes	Pauper: No	Print Deposit: No State Appeals: No

History

Venue: Wake (10)	Heard In: Superior Courts
To SC:	From SC:

Lower Court Number(s)

Location: Wake (10)
Judge: Henry W. Hight Jr.
Case #: 17CVS6465

Tracking/Argue

Argue Date: 03-27-2019 #

Opinion

Opinion Date: 12-03-2019 Cert Date: 12-23-2019
Author: Honorable Lucy N. Inman
Decision: Affirmed
Opinion Notes:
Opinion Pages: 36 Opinion Cost: \$ 7.20
Cite:

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=37972>

Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	09-24-2018	09-21-2018				09-28-2018		
(2) M-EXT-BR	10-16-2018	10-16-2018					Allowed	10-17-2018
(3) M-GEN	11-01-2018	11-01-2018					Allowed	11-05-2018
(4) APPELLANT BRIEF	11-13-2018					11-27-2018		
(5) INFORM SHT	11-13-2018							
(6) APPELLEE BRIEF	12-17-2018					12-19-2018		
(7) M-EXT-BR	12-27-2018	12-27-2018					Allowed	12-28-2018
(8) REPLY	01-10-2019					01-11-2019		
(9) M-CONTIN	03-12-2019	03-12-2019					Allowed	03-14-2019
(10) COURT ORDER	09-10-2019						Other	09-10-2019
(11) M-DSSAPP	09-27-2019	09-27-2019					Allowed	10-01-2019
(12) ADD-AUTH	10-11-2019	10-11-2019						

1 - RECORD

Filed: 09-24-2018 @ 10:48:00

FOR: Appellant Cooper, Roy A. (III) (Governor), et al

BY : Mr. Daniel F.E. Smith

BROOKS PIERCE MCLENDON HUMPHREY & LEONARD, LLP

2 - M-EXT-BR (Allowed) - 10-17-2018

Filed: 10-16-2018 @ 15:42:23

FOR: Appellant Cooper, Roy A. (III) (Governor), et al

BY : Mr. Daniel F.E. Smith

BROOKS PIERCE MCLENDON HUMPHREY & LEONARD, LLP

The following order was entered:

The motion filed in this cause on the 16th of October 2018 and designated 'Plaintiff Governor Roy Cooper's Consent Motion for Extension of Time to File Appellant Brief' is allowed. Plaintiff Governor Roy Cooper's appellant brief shall be filed on or before 13 November 2018.

By order of the Court this the 17th of October 2018.

3 - MOTION UNOPPOSED MOTION TO EXCEED WORD LIMIT ON PRINCIPAL BRIEFS (Allowed) - 11-05-2018

Filed: 11-01-2018 @ 16:46:07

FOR: Appellant Cooper, Roy A. (III) (Governor), et al

BY : Mr. Daniel F.E. Smith

BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD, LLP

The following order was entered:

The motion filed in this cause on the 1st of November 2018 and designated 'Unopposed Motion to Exceed Word Limit on Principal Briefs' is allowed. Plaintiff-Appellant may file a brief not exceeding 10,750 words (proportional type) in length. Defendant-Appellees may file a brief not exceeding 10,750 words (proportional type) in length.

By order of the Court this the 5th of November 2018.

4 - APPELLANT BRIEF

Filed: 11-13-2018 @ 15:00:44

FOR: Appellant Cooper, Roy A. (III) (Governor), et al

BY : Mr. Daniel F.E. Smith

BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD, LLP

5 - AIS INFORM SHT
Filed: 11-13-2018 @ 16:58:58
FOR: Appellant Cooper, Roy A. (III) (Governor), et al
BY : Mr. Daniel F.E. Smith
BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD, LLP

6 - APPELLEE BRIEF
Filed: 12-17-2018 @ 17:22:39
FOR: Appellee Berger, Philip E. (Pres. Pro Tempore of NC Senate), et al
BY : Mr. D. Martin Warf
NELSON MULLINS RILEY & SCARBOROUGH, LLP

7 - M-EXT-BR (Allowed) - 12-28-2018
Filed: 12-27-2018 @ 11:29:57
FOR: Appellant Cooper, Roy A. (III) (Governor), et al
BY : Mr. Daniel F.E. Smith
BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD, L.L.P.

The following order was entered:

The motion filed in this cause on the 27th of December 2018 and designated 'Plaintiff-Appellant's Consent Motion for Extension of Time to File Reply Brief' is allowed. Plaintiff-Appellant's reply brief shall be filed on or before 10 January 2019.

By order of the Court this the 28th of December 2018.

8 - APPELLANT BRIEF REPLY
Filed: 01-10-2019 @ 14:09:59
FOR: Appellant Cooper, Roy A. (III) (Governor), et al
BY : Mr. Daniel F.E. Smith
BROOKS PIERCE MCLENDON HUMPHREY & LEONARD, LLP

9 - M-CONTIN (Allowed) - 03-14-2019
Filed: 03-12-2019 @ 09:29:42
FOR: Appellant Cooper, Roy A. (III) (Governor), et al
BY : Mr. Daniel F.E. Smith
BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD, L.L.P.

The following order was entered:

The motion filed in this cause on the 12th of March 2019 and designated 'Joint Motion to Continue Oral Argument of 27 March 2019' is allowed. If necessary, this Court shall enter a subsequent order at the appropriate time notifying counsel when to appear for oral argument.

By order of the Court this the 14th of March 2019.

10 - CT_ORDER COURT ORDER (Other) - 09-10-2019
Filed: 09-10-2019 @ 14:55:59
FOR:
BY : Hon. Linda M. McGee

The following Order was entered:

This case was calendared for oral argument on Wednesday, 27 March 2019, before a panel consisting of Judge Donna Stroud, Judge John M. Tyson and Judge Lucy N. Inman.

IT IS NOW ORDERED that this case shall be orally argued before the same panel on Tuesday, 15 October, at 9:30 a.m. Counsel are directed to appear for oral argument in the North Carolina Court of Appeals Building, Raleigh, North Carolina.

11 - M-DSSAPP (Allowed) - 10-01-2019
Filed: 09-27-2019 @ 11:50:35
FOR: Appellant Cooper, Roy A. (III) (Governor), et al
BY : Mr. Eric M. David
BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD, LLP

The following order was entered:

The motion filed in this cause on the 27th of September 2019 and designated 'Plaintiff-Appellant's Motion to Withdraw Appeal Relating to Volkswagen Trust Claims Only' is allowed.

By order of the Court this the 1st of October 2019.

12 - MEMOS ADD-AUTH
 Filed: 10-11-2019 @ 17:06:54
 FOR: Appellee Berger, Philip E. (Pres. Pro Tempore of NC Senate), et al
 BY : Mr. D. Martin Warf
 NELSON MULLINS RILEY & SCARBOROUGH, LLP

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
01-10-2020	Cert Fee	10.00	10.00			R012027320	01-21-2020
12-19-2018	Printing	330.75	330.75	APPELLEE BRIEF	189	R122038518	12-31-2018
09-27-2018	Docket Fee	10.00	10.00			R092038918	09-27-2018
09-27-2018	Bond	250.00	250.00			R092038918	09-27-2018
09-28-2018	Printing	570.50	570.50	RECORD	326	R102011518	10-12-2018
11-27-2018	Printing	103.25	103.25	APPELLANT BRIEF	59	R122001018	12-03-2018
01-11-2019	Printing	42.00	42.00	APPELLANT BRIEF	24	R012025219	01-23-2019
12-03-2019	Assess	89.75	89.75			R122017619	12-13-2019

Payments

Payment Date	Payment Type	Amount	Check Number
01-08-2020	Disburse	330.75	45039

Exhibits

(1 Small Box)

Rule 9(c)(4) and Rule 9(d)(2) Materials; Pgs 1-1779
 Brown Envelope - 3 Flash Drives with Index, Pgs I-II

Transcript(s) Electronically Filed

transcript-3jp-040418.pdf

Parties

Party Name	Role
Cooper, Roy A. (III) (Governor)	Plaintiff-Appellant
State of North Carolina	Plaintiff-Appellant
Berger, Philip E. (Pres. Pro Tempore of NC Senate)	Defendant-Appellee
Moore, Timothy K. (Speaker)	Defendant-Appellee
Allen, Charlton L. (Chair of NC I.C.)	Defendant-Appellee
Stith, Yolanda K. (Vice-Chair of NC I.C.)	Defendant-Appellee

Attorneys

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