

North Carolina Court of Appeals

Docket Sheet

Kivett v. N. Carolina State Bd. of Elections

Case Number: P24-735
As of: 12/14/2024
Case Closed: No **Close Date:** **Case Type:** Civil (Civil_othr) **Mediation:** No

TELIA KIVETT; WANDA NELSON FOWLER; THE REPUBLICAN NATIONAL COMMITTEE; AND THE NORTH CAROLINA REPUBLICAN PARTY

v.

NORTH CAROLINA STATE BOARD OF ELECTIONS; KAREN BRINSON BELL, IN HER OFFICIAL CAPACITY AS EXECUTIVE DIRECTOR OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS; ALAN HIRSCH, IN HIS OFFICIAL CAPACITY OF CHAIR OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS; JEFF CARMON, IN HIS OFFICIAL CAPACITY AS SECRETARY OF THE NORTH CAROLINA BOARD OF ELECTIONS; STACY EGGERS IV, KEVIN N. LEWIS, AND SIOBHAN O'DUFFY MILLEN IN THEIR OFFICIAL CAPACITIES AS MEMBERS OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS

Docket Date: 10-24-2024 **File Date:** **File Time:** **Acquired Date:** 10-23-2024
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: John W. Smith
Case #: 24CV031557-910

Tracking/Argue

Opinion

Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) PWS	10-23-2024	10-23-2024		11-11-2024	see below		Denied	10-29-2024
(2) M-TEMP-STAY	10-23-2024	10-23-2024					Dismissed as moot	10-29-2024
(3) OTHER	10-24-2024	10-24-2024						
(4) COURT ORDER	10-24-2024						Special Order	10-24-2024
(5) M-AMICUS	10-27-2024	10-27-2024					Allowed	10-29-2024
(6) M-AMICUS	10-27-2024	10-27-2024					Allowed	10-29-2024
(7) AMICUS	10-27-2024	10-27-2024						
(8) AMICUS	10-27-2024	10-27-2024						

(9) M-P-HAC-V	10-28-2024	10-28-2024					Allowed	11-05-2024
(10) M-GEN	10-29-2024	10-29-2024					Dismissed	10-29-2024

1 - PWS (Denied) - 10-29-2024

Filed: 10-23-2024 @ 18:30:49

FOR: Plaintiff-Appellant Kivett, Telia; Fowler, Wanda Nelson; Republican Nat'l Comm.

BY : Mr. Phillip J. Strach

NELSON MULLINS RILEY & SCARBOROUGH, LLP

The following order was entered:

By unanimous vote, the "Petition for Writ of Supersedeas and Motion for Temporary Stay and Temporary Injunction" filed in this cause by petitioners Telia Kivett, Wanda Nelson Fowler, the Republican National Committee, and the North Carolina Republican Party on 23 October 2024 is decided as follows: The petition for writ of supersedeas is denied. The motion for temporary stay and temporary injunction is dismissed as moot.

By order of the Court, sitting as a three-judge panel, this the 29th of October 2024.

RESPONSE TO PWS

Filed: 10-26-2024

BY : Ms. Mary Carla Babb

NC DEPARTMENT OF JUSTICE

RESPONSE TO PWS

Filed: 10-25-2024

BY : Mr. Eric M. David

2 - M-TEMP-STAY (Dismissed as moot) - 10-29-2024

Filed: 10-23-2024 @ 18:30:49

FOR: Plaintiff-Appellant Kivett, Telia; Fowler, Wanda Nelson; Republican Nat'l Comm.

BY : Mr. Phillip J. Strach

NELSON MULLINS RILEY & SCARBOROUGH, LLP

The following order was entered:

By unanimous vote, the "Petition for Writ of Supersedeas and Motion for Temporary Stay and Temporary Injunction" filed in this cause by petitioners Telia Kivett, Wanda Nelson Fowler, the Republican National Committee, and the North Carolina Republican Party on 23 October 2024 is decided as follows: The petition for writ of supersedeas is denied. The motion for temporary stay and temporary injunction is dismissed as moot.

By order of the Court, sitting as a three-judge panel, this the 29th of October 2024.

3 - OTHER

Filed: 10-24-2024 @ 08:29:33

FOR: Intervenor-Appellee Democratic National Committee

BY : Mr. Eric M. David

4 - CT_ORDER COURT ORDER (Special Order) - 10-24-2024

Filed: 10-24-2024 @ 15:36:25

FOR:

BY : N.C. Court of Appeals

The following order was entered:

This Court, ex mero motu, hereby directs respondents North Carolina State Board of Elections, et al. and intervenor Democratic National Committee to file their respective responses to petitioners' 23 October 2024 "Petition for Writ of Supersedeas and Motion for Temporary Stay" on or before 28 October 2024 at 5:00 p.m.

By order of the Court, sitting as a three-judge panel, this the 24th of October 2024.

5 - M-AMICUS (Allowed) - 10-29-2024
Filed: 10-27-2024 @ 23:07:52
FOR: Amicus
BY : Ms. Shaunesi Y. DeBerry

The following order was entered:

By unanimous vote, the motion to file an amicus brief filed in this cause by Shaunesi DeBerry on 27 October 2024 is allowed. Ms. DeBerry's motion to deny Secured Families Initiative and Count Every Hero's motion to file an amicus brief is dismissed.

By order of the Court, sitting as a three-judge panel, this the 29th of October 2024.

6 - M-AMICUS (Allowed) - 10-29-2024
Filed: 10-27-2024 @ 22:13:06
FOR: Amicus
BY : Mr. Jeffrey Loperfido
SOUTHERN COALITION FOR SOCIAL JUSTICE

The following order was entered:

By unanimous vote, the motion to file an amicus brief filed in this cause by Secured Families Initiative and Count Every Hero on 27 October 2024 is allowed.

By order of the Court, sitting as a three-judge panel, this the 29th of October 2024.

7 - OTHER BRIEF AMICUS
Filed: 10-27-2024 @ 23:07:52
FOR: Amicus
BY : Ms. Shaunesi Y. DeBerry

8 - OTHER BRIEF AMICUS
Filed: 10-27-2024 @ 22:13:06
FOR: Amicus
BY : Mr. Jeffrey Loperfido
SOUTHERN COALITION FOR SOCIAL JUSTICE

9 - M-P-HAC-V (Allowed) - 11-05-2024
Filed: 10-28-2024 @ 19:55:51
FOR: Amicus
BY : Mr. Jeffrey Loperfido
SOUTHERN COALITION FOR SOCIAL JUSTICE

The following order was entered:

The motion filed in this cause on the 28th of October 2024 and designated 'Motion of Attorneys Corey Stoughton, Elizabeth Snow, Alexandra G. Butler, Andrew L. Azorsky, Danielle Lang, and Alexandra Cooper for Leave to Appear Pro Hac Vice as Counsel for Proposed Amici Curiae Secure Families Initiative and Count Every Hero, an Unincorporated Association' is allowed. Corey Stoughton, Elizabeth Snow, Alexandra G. Butler, Andrew L. Azorsky, Danielle Lang, and Alexandra Cooper are admitted to practice pro hac vice.

By order of the Court, sitting as a three-judge panel, this the 5th of November 2024.

10 - MOTION SHAUNESI YVETTE DEBERRY'S MOTION TO DENY SECURE FAMILIES INITIATIVE AND COUNT EVERY HERO, AN UNINCORPORATED ASSOCIATION'S MOTION OF ATTORNEYS COREY STOUGHTON, ELIZABETH SNOW, ALEXANDRA G. BUTLER, ANDREW L. AZORSKY, DANIELLE LANG, AND ALEXANDRA COOPER FOR LEAVE TO APPEAR PRO HAC VICE AS COUNSEL FOR PROPOSED AMICI CURIAE SECURE FAMILIES INITIATIVE AND COUNT EVERY HERO, AN UNINCORPORATED ASSOCIATION (Dismissed) - 10-29-2024
Filed: 10-29-2024 @ 08:13:46
FOR: Amicus
BY : Ms. Shaunesi Y. DeBerry

The following order was entered:

By unanimous vote, the motion to file an amicus brief filed in this cause by Shaunesi DeBerry on 27 October 2024 is allowed. Ms. DeBerry's motion to deny Secured Families Initiative and Count Every Hero's motion to file an amicus brief is dismissed.

By order of the Court, sitting as a three-judge panel, this the 29th of October 2024.

Receipts

Date Charged	Charge Type	Amount	Amount Paid	Document	Pages	Receipt #	Date Paid
10-24-2024	Pre Docket Fees	10.00	0.00				
Invoice : V102043324							
10-24-2024	Pre Docket Fees	10.00	0.00				
Invoice : V102043424							
10-28-2024	Pre Docket Fees	10.00	10.00			R112019124	11-12-2024
Invoice : V102048824							
10-29-2024	Pre Docket Fees	10.00	10.00			R112019224	11-12-2024
Invoice : V102053524							
10-28-2024	Pre Docket Fees	10.00	0.00				
Invoice : V102048724							
10-29-2024	Pre Docket Fees	10.00	0.00				
Invoice : V102053824							

Exhibits

Parties

Party Name	Role
Kivett, Tella; Fowler, Wanda Nelson; Republican Nat'l Comm.	Plaintiff-Appellant
The North Carolina State Board of Elections	Defendant-Appellee
Democratic National Committee	Intervenor-Appellee

Attorneys

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