

## SUPREME COURT OF NORTH CAROLINA

\* \* \* \* \*

NORTH CAROLINA BOWLING  
 PROPRIETORS ASSOCIATION, INC.

v.

ROY A. COOPER, III, in his official capacity as  
 the Governor of North Carolina

From Wake County

\* \* \* \* \*

ORDER

Plaintiff has filed a lawsuit questioning the authority of defendant Governor Roy Cooper to enforce section 8(A) of Executive Order 141 against plaintiff, the North Carolina Bowling Proprietors Association, and its 75 member entertainment facilities. *See* Exec. Order 141, § 8(A) (May 20, 2020). The trial court entered an interlocutory order granting a preliminary injunction on 7 July 2020 (preliminary injunction order). Defendant sought a stay of the order and its review, and this Court allowed both the stay and review. Defendant recently issued an executive order that superseded and replaced the provisions of Executive Order 141 challenged in this case. *See* Exec. Order 163, § 6(8) (Sept. 1, 2020). Executive Order 163 allows bowling centers to resume operations under certain specified safety protocols. *See id.* § 6(8)(b)(i)–(xi). Since the challenged restriction in Executive Order 141 is no longer in effect against plaintiff, we dismiss this appeal as moot, vacate the 7 July 2020 preliminary injunction order, and remand to Superior Court, Wake County.

By order of the Court in Conference, this the 25th day of September, 2020.

s/Davis, J.  
For the Court

WITNESS my hand and the seal of the Supreme Court of North Carolina, this  
the 25th day of September, 2020.

AMY L. FUNDERBURK  
Clerk of the Supreme Court of North Carolina  
s/Amy L. Funderburk  
~~Assistant~~ Clerk