

SUPREME COURT OF NORTH CAROLINA

JABARI HOLMES, FRED CULP,
DANIEL E. SMITH, BRENDON
JADEN PEAY, and PAUL
KEARNEY, SR.

From N.C. Court of Appeals
19-762

From N.C. Court of Appeals
22-16

v.

From Wake
18CVS15292

TIMOTHY K. MOORE, in his
official capacity as Speaker of the
North Carolina House of
Representatives; PHILIP E.
BERGER, in his official capacity
as President Pro Tempore of the
North Carolina Senate; DAVID
R. LEWIS, in his official capacity
as Chairman of the House Select
Committee on Elections for the
2018 Third Extra Session;
RALPH E. HISE, in his official
capacity as Chairman of the
Senate Select Committee on
Elections for the 2018 Third
Extra Session; THE STATE OF
NORTH CAROLINA; and THE
NORTH CAROLINA STATE
BOARD OF ELECTIONS

ORDER

Pursuant to this Court’s Administrative Order of 23 December 2021, and after thorough and thoughtful deliberation, I have concluded that I can and will be fair and impartial in deciding the rehearing of *Holmes, et al. v. Moore, et al.* (No. 342PA19-3). Accordingly, the 3 March 2023 Motion for Disqualification filed therein is Dismissed

as Moot since the almost identical Motion in this same case was denied on the merits over one year ago.

In reaching this conclusion, I thoughtfully considered:

(1) the arguments presented by the parties, giving special attention to the possibility, however remote, that any material circumstances may have changed since my previous decision in this case, and it is self-evident that no facts or circumstances of my State Senate service have or even could have changed since I left that office on December 31, 2018;

(2) my ethical responsibilities as an Associate Justice of the Supreme Court of North Carolina under our Code of Judicial Conduct;

(3) my solemn oath to serve on North Carolina's Court of last resort, rather than recusing myself to avoid public scrutiny or criticism; and,

(4) my resulting judicial duty to all North Carolinians and my personal ability to fairly and impartially discharge that duty.

For the reasons summarized above, specifically including the denial on the merits of the identical Motion in this same case over a year ago, the present Motion for Disqualification is Dismissed as Moot.

This the 13th day of March 2023.

/s/ Tamara Patterson Barringer
Tamara Patterson Barringer
Associate Justice

HOLMES, ET AL. V. MOORE, ET AL.

No. 342PA19-3

WITNESS my hand and the seal of the Supreme Court of North Carolina, this
the 13th day of March 2023.



A handwritten signature in blue ink, reading "Grant E. Buckner".

Grant E. Buckner
Clerk of the Supreme Court

Copy to:

North Carolina Court of Appeals

Mr. Jeffrey Loperfido, Attorney at Law, For Holmes, Jabari, et al - (By Email)

Mr. Nathan A. Huff, Attorney at Law, For Moore, Timothy K. (Official Capacity), et al - (By Email)

Ms. Nicole J. Moss, Attorney at Law, For Moore, Timothy K. (Official Capacity), et al - (By Email)

Mr. Terence Steed, Special Deputy Attorney General, For State of North Carolina, et al - (By Email)

Ms. Laura H. McHenry, Special Deputy Attorney General, For State of North Carolina, et al - (By Email)

Ms. Mary Carla Babb, Special Deputy Attorney General, For State of North Carolina, et al - (By Email)

Ms. Hilary H. Klein, Attorney at Law, For Holmes, Jabari, et al - (By Email)

Mr. Matthew Nis Leerberg, Attorney at Law, For Professor Justin Grimmer - (By Email)

Mr. David Thompson, Attorney at Law, For Moore, Timothy K. (Official Capacity), et al - (By Email)

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Mr. Andrew D. Brown, Attorney at Law, For Lawyers Democracy Fund - (By Email)

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Mr. John E. Branch, III, Attorney at Law, For Lawyers Democracy Fund - (By Email)

Mr. Roger W. Knight, Attorney at Law, For National Republican Senatorial Committee - (By Email)

Mr. Kevin J. Cline, Attorney at Law, For North Carolina Republican Party - (By Email)

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