



North Carolina Court of Appeals

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No. P17-101

**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.

From Wake
(16CVS15636)

ORDER

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.

WITNESS my hand and the seal of the North Carolina Court of Appeals, this the 28th day of February 2017.



Daniel M. Horne Jr.
Clerk, North Carolina Court of Appeals

Copy to:

Mr. D. Martin Warf, Attorney at Law, For Berger, Philip E.
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Ms. Candace S. Friel, Attorney at Law, For Berger, Philip E.
Mr. Jim W. Phillips, Jr., Attorney at Law
Mr. Eric M. David, Attorney at Law
Mr. Daniel F.E. Smith, Attorney at Law
Hon. Jennifer Knox, Clerk of Superior Court