



# North Carolina Court of Appeals

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No. P22-460

**ROBERT THOMAS HURST, JR.,  
KARL WILLIAM MERRITT, and  
SUZANNE PENNINK,**  
Plaintiffs-Appellees,

v.

**CUMBERLAND COUNTY BOARD OF  
ELECTIONS, CITY OF FAYETTEVILLE,  
MITCH COLVIN, MAYOR, KATHY  
JENSEN, SHAKEYLA INGRAM, MARIO  
BENAVENTE, D.J. HAIRE, JOHNNY  
DAWKINS, DERRICK THOMPSON,  
BRENDA MCNAIR, COURTNEY BANKS-  
MCLAUGHLIN, DENO HONDROS, all in  
their official capacities as Council  
Members of the City of Fayetteville,  
North Carolina, and ANGIE AMARO,  
acting director and HELEN L. NELSON,  
IRENE GRIMES, JAMES H. BAKER,  
LINDA DEVORE, BILLY R. KING, in their  
official capacities as Members of the  
Cumberland County Board of Elections,  
Defendants-Appellants.**

## ORDER

The following order was entered:

By unanimous vote, the "Emergency Motion for Temporary Stay," "Motion to Shorten Time for Response," and "Motion for Leave to File Reply" filed in this cause by defendant-appellants on 6 September 2022 are allowed as follows:


The "Preliminary Injunction and Writ of Mandamus" entered by Judge James F. Ammons, Jr., on 2 September 2022 is hereby stayed pending this Court's ruling on defendant-appellants' petition for writ of supersedeas.

By 4:00 p.m. on 8 September 2022, the parties shall submit supplemental filings that (1) discuss the authority of the trial court, if any, to select the date for the special election, and (2) identify the next available dates for the special election under the provisions of N.C.G.S. Section 163-287(a)(1)-(4) (2021) or any other statute they contend applies. Plaintiff-appellees' supplement shall also respond to the merits of defendant-appellants' petition for writ of supersedeas.

In its discretion, this Court will consider defendant-appellants' reply filed on 6 September 2022.

By order of the Court this the 7th of September 2022.

WITNESS my hand and official seal this the 7th day of September 2022.



Eugene H. Soar  
Clerk, North Carolina Court of Appeals

Copy to:

Ms. Karen Musgrave McDonald, City Attorney, For City of Fayetteville, et al  
Mr. Edwin Speas, Attorney at Law, For City of Fayetteville, et al  
Ms. Caroline P. Mackie, Attorney at Law  
Mr. N. Cosmo Zinkow, Attorney at Law  
Hon. Robert Neal Hunter, Jr., Attorney at Law, For Hurst, Robert Thomas (Jr.), et al  
Mr. Robert G. McIver, Attorney at Law  
Mr. Lonnie M. Player, Jr., Attorney at Law, For Hurst, Robert Thomas (Jr.), et al  
Rick Moorefield, County Attorney, For Cumberland County Board of Elections, et al  
Hon. Lisa Scales, Clerk of Superior Court