

SUPREME COURT OF NORTH CAROLINA

LOUIS M. BOUVIER, JR.,
KAREN ANDREA NIEHANS,
SAMUEL R. NIEHANS, and
JOSEPH D. GOLDEN

From N.C. Court of Appeals
20-441

From Guilford
17CVS3273

v.

WILLIAM CLARK PORTER, IV,
HOLTZMAN VOGEL JOSEFIK
TORCHINSKY PLLC, STEVE
ROBERTS, ERIN CLARK,
GABRIELA FALLON, STEVEN
SAXE, and the PAT MCCRORY
COMMITTEE LEGAL
DEFENSE FUND

ORDER

Defendants-petitioners Holtzman Vogel Josefiak Torchinsky PLLC, Steve Roberts, Erin Clark, Gabriela Fallon, Steven Saxe, and the Pat McCrory Committee Legal Defense Fund have filed a motion respectfully requesting my recusal in this matter. Though filed in the ordinary course, the motion itself occupies a peculiar procedural posture. I already recused myself from this matter while a judge at the Court of Appeals. Moreover, in obeisance to Canons C(1)(a) and (b) of the North Carolina Code of Judicial Conduct given my recent proximity to this case and relationship with plaintiffs/parties in this matter, I informed this Court in advance of defendants-petitioners' motion (and before the disposition of any other matter in

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this case following my investiture as Associate Justice) that I have recused myself in this case to protect and maintain the dignity of this Court. And while defendants-petitioners were informed by the Court of my recusal following the filing of their motion, they have nonetheless elected to pursue the motion notwithstanding my prior decision to recuse myself from this matter.

A standing order of this Court provides that when a motion is

filed with the Court under Rule 37 of the North Carolina Rules of Appellate Procedure seeking the recusal or disqualification of a Justice from participation in the deliberation and decision of a matter pending before the Court, the Court shall assign the motion to the Justice who is the subject of the motion for their determination. That determination shall be final.

Order Concerning Recusal Motions, 379 N.C. 693 (2021). Consistent with the sole discretion afforded to me by that order, and having already recused from this matter, defendants-petitioners' motion is dismissed as moot. *Cf., e.g., Simeon v. Hardin*, 339 N.C. 358, 370 (1994) ("Whenever during the course of litigation it develops that the relief sought has been granted . . . the case should be dismissed, for courts will not entertain an action merely to determine abstract propositions of law." (citation omitted)). I am and remain recused from this matter for all other purposes notwithstanding entry of this order.

This the 4th day of March 2024.

/s/ Riggs, J.
Associate Justice

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WITNESS my hand and the seal of the Supreme Court of North Carolina, this
the 4th day of March 2024.



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. Gary S. Parsons, Attorney at Law, For Holtzman Vogel Josefiak Torchinsky PLLC, et al - (By Email)

Mr. Craig D. Schauer, Attorney at Law, For Holtzman Vogel Josefiak Torchinsky PLLC, et al - (By Email)

Ms. Jewel A. Farlow, Attorney at Law, For Porter, William Clark (IV) - (By Email)

Mr. Philip R. Isley, Attorney at Law, For Pat McCrory Committee Legal Defense Fund - (By Email)

Mr. Jeffrey Loperfido, Attorney at Law, For Bouvier, Louis M. (Jr.), et al - (By Email)

Mr. Pressly M. Millen, Attorney at Law, For Bouvier, Louis M. (Jr.), et al - (By Email)

Mr. Ripley Rand, Attorney at Law, For Bouvier, Louis M. (Jr.), et al - (By Email)

Mr. Robert Neal Hunter, Jr., Attorney at Law, For Pat McCrory Committee Legal Defense Fund - (By Email)

Mr. Greg Gaught, Attorney at Law, For Holtzman Vogel Josefiak Torchinsky PLLC, et al - (By Email)

Ms. Jeanette K. Doran, Attorney at Law, For North Carolina Institute for Constitutional Law - (By Email)

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Lexis-Nexis - (By Email)