

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

WAKE COUNTY

Civil Action No.18 CVS 9806

NORTH CAROLINA STATE )  
CONFERENCE OF THE NATIONAL )  
ASSOCIATION FOR THE )  
ADVANCEMENT OF COLORED PEOPLE )  
and CLEAN AIR CAROLINA, )

Plaintiffs, )

v. )

TIM MOORE, in his official capacity, PHILIP )  
BERGER, in his official capacity, THE )  
NORTH CAROLINA BIPARTISAN STATE )  
BOARD OF ELECTIONS AND ETHICS )  
ENFORCEMENT, ANDREW PENRY, in his )  
official capacity, JOSHUA MALCOLM, in )  
his official capacity, KEN RAYMOND, in his )  
official capacity, STELLA ANDERSON, in )  
her official capacity, DAMON CIRCOSTA, in )  
his official capacity, STACY EGGERS IV, in )  
his official capacity, JAY HEMPHILL, in his )  
official capacity, VALERIE JOHNSON, in her )  
official capacity, JOHN LEWIS, in his official )  
capacity. )

Defendants. )

FILED  
2018 NOV - 1 AM 9:48  
BY: [Signature]  
CLERK OF SUPERIOR COURT, O.S.C.

**PLAINTIFFS' MOTION FOR  
PARTIAL SUMMARY  
JUDGEMENT**

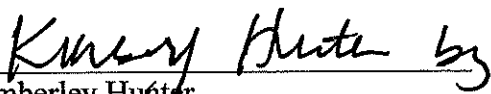

Pursuant to Rule 56(b) of the North Carolina Rules of Civil Procedure and the Rules of Practice and Procedure for the Superior and District courts, the Plaintiffs in the above-captioned civil action, North Carolina Conference of the National Association for the Advancement of Colored People and Clean Air Carolina move this Court for the entry of an order granting summary judgement in favor of Plaintiffs as to their claim that the General Assembly lacks authority to propose constitutional amendments. Plaintiffs submit that there is no genuine issue

as to any material fact and that Plaintiffs are entitled to a judgement as a matter of law on this claim.

Prior to the hearing on this Motion, Plaintiffs will submit to the Court a brief in Support of their Motion for Partial Summary Judgement as allowed by the North Carolina Rules of Civil Procedure, the Rules of Practice and Procedure for the Superior and District Courts, and the local rules.

WHEREFORE, Plaintiffs respectfully pray that this Court enter summary judgement for Plaintiffs and that the Court grant Plaintiffs such other and further relief as it may deem just and proper.

Respectfully submitted, this the 1<sup>st</sup> day of November, 2018.

  
\_\_\_\_\_  
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s/ Irving Joyner

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s/ Daryl Atkinson

s/ Leah Kang

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Forward Justice

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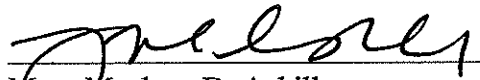
**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that she served a copy of the foregoing Motion for Partial Summary Judgement upon the parties via e-mail and by U.S. mail to the attorneys for Defendants named below:

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This the 1<sup>st</sup> day of November, 2018.



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