

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

DEMOCRACY NORTH CAROLINA, *et al.*,

Plaintiffs,

v.

THE NORTH CAROLINA STATE BOARD OF
ELECTIONS, *et al.*,

Defendants,

and

PHILIP E. BERGER, in his official
capacity as President Pro Tempore of
the North Carolina Senate, *et al.*,

Defendant-Intervenors.

Civil Action
No. 20-cv-00457

**DEFENDANT-INTERVENORS'
MOTION FOR ALL WRITS ACT
RELIEF**

Defendant-Intervenors 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 ("Legislative Defendants"), hereby move the Court to issue injunctive relief, pursuant to its authority under the All Writs Act, 28 U.S.C. § 1651(a), to stop the issuance and further enforcement of revised Numbered Memo 2020-19, dated September 22, 2020 ("September Memo"). Consistent with this Court's October 5, 2020 Order, Doc. 153, this Motion is based on grounds for relief not present in *Moore v. Circosta*, No. 1:20-CV-911 (M.D.N.C.). Legislative Defendants rely on their Memorandum of Law in Support of their Motion, filed in conjunction herewith.

WHEREFORE, Legislative Defendants respectfully request that this Court issue injunctive relief to stop the issuance and further enforcement of the September Memo, and require the North Carolina State Board of Elections to conduct the remainder of the election under the original Numbered Memo 2020-19, dated August 21, 2020, as set forth in the Memorandum of Law supporting this motion.

Dated: October 5, 2020

/s/ Nicole J. Moss
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Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on the 5th day of October, 2020, she electronically filed the foregoing Motion for All Writs Act Relief with the Clerk of the Court using the CM/ECF system, which will send notification of such to all counsel of record in this matter.

/s/ Nicole J. Moss
Nicole J. Moss