

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION**

Civil Action No. 4:20-CV-182

TIMOTHY K. MOORE, in his official capacity as Speaker of the North Carolina House of Representatives, PHILIP E. BERGER, in his official capacity as President Pro Tempore of the North Carolina Senate; BOBBY HEATH, MAXINE WHITLEY, and ALAN SWAIN,

Plaintiffs,

v.

DAMON CIRCOSTA, in his official capacity as Chair of the North Carolina State Board of Elections, STELLA ANDERSON, in her official capacity as a member of the North Carolina State Board of Elections, JEFF CARMON III, in his official capacity as a member of the North Carolina State Board of Elections, and KAREN BRINSON BELL, in her official capacity as the Executive Director of the North Carolina State Board of Elections,

Defendants.

**PLAINTIFFS' MOTION FOR A  
TEMPORARY RESTRAINING ORDER**

For the reasons set forth in the accompanying Memorandum, Plaintiffs Timothy K. Moore, Philip E. Berger, Bobby Heath, Maxine Whitley, and Alan Swain, respectfully request that this Court enter a temporary restraining order prohibiting Defendants from enforcing and distributing the Numbered Memoranda at issue in this case, in violation of the Constitution of the United States.

Immediately prior to filing this motion with the Court, Plaintiffs provided notice to Defendants of this motion by emailing the motion and accompanying memorandum to Defendants'

counsel. Plaintiffs also placed Defendants on notice of the filing of their complaint by emailing a copy of that complaint to Defendants' counsel today.

Defendants' counsel to whom Plaintiffs have emailed the complaint include:

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Dated: September 26, 2020

Respectfully submitted,

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Local Civil Rule 83.1 Counsel for  
Plaintiffs Phil Berger, Tim Moore, Bobby  
Heath, and Maxine Whitley

*\*Special Appearance Pursuant to Local  
Civil Rule 83.1 forthcoming*

## CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of September, 2020, I caused the foregoing document to be filed electronically with the Clerk of Court through the CM/ECF System for filing, and served on counsel registered to receive CM/ECF notifications in this case. I also caused the foregoing document to be e-mailed to the following counsel for Defendants:

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s/Nicole J. Moss  
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*Attorney for Plaintiffs*