

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
23CV029308-910

ROY A. COOPER, III, in his
capacity as GOVERNOR OF THE
STATE OF NORTH CAROLINA,

Plaintiff,

vs.

PHILIP E. BERGER, in his official
capacity as PRESIDENT PRO
TEMPORE OF THE NORTH
CAROLINA SENATE; TIMOTHY K.
MOORE, in his official capacity as
SPEAKER OF THE NORTH
CAROLINA HOUSE OF
REPRESENTATIVES; and THE
STATE OF NORTH CAROLINA,

Defendants.

**LEGISLATIVE DEFENDANTS'
NOTICE OF APPEAL**

TO THE HONORABLE NORTH CAROLINA COURT OF APPEALS:

Defendants 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, hereby give notice to the North Carolina Court of Appeals from (1) the Order entered by the Honorables Edwin Wilson, Lori Hamilton, and Andrew Womble in this matter on 11 March 2024, granting Plaintiff's motion for summary judgment and denying a ruling as a matter of law in favor of Defendants pursuant to their motions under 12(b) or, alternatively, summary judgment, and (2) any and all intermediate orders involving the merits and

necessarily effecting the judgment, including but not limited to, the same trial court's order of 30 November 2023 granting Plaintiff's motion for preliminary injunction.

Respectfully submitted, this the 12th day of March, 2024.

NELSON MULLINS RILEY &
SCARBOROUGH LLP

By: /s/ D. Martin Warf

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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*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Appeal was served upon the persons indicated below via electronic mail addressed as follows:

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This the 12th day of March, 2024.

By: /s/ D. Martin Warf
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