

FILED
DATE: July 22, 2024
TIME: 07/22/2024 3:29:32 PM
WAKE COUNTY
SUPERIOR COURT JUDGES OFFICE
BY: K. Myers

NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 24CV003534-910

BEVERLEY BARD, RICHARD LEVY,
SUSAN KING COPE, ALLEN
WELLONS, LINDA MINOR, THOMAS
W. ROSS, SR., MARIE GORDON,
SARAH KATHERINE SCHULTZ,
JOSEPH J. COCCIA, TIMOTHY S.
EMERY, and JAMES G. ROWE,

Plaintiffs,

v.

NORTH CAROLINA STATE BOARD
OF ELECTIONS, ALAN HIRSCH, in
his official capacity as Chair of the
North Carolina State Board of
Elections, JEFF CARMON III in his
official capacity as Secretary of the
North Carolina States Board of
Elections, STACY "FOUR" EGGERS in
his official capacity as a member of the
North Carolina State Board of
Elections, SIOBHAN O'DUFFY
MILLEN in her official capacity as a
member of the North Carolina State
Board of Elections, KEVIN N. LEWIS
in his official capacity as a member of
the North Carolina State Board of
Elections, PHILIP E. BERGER in his
official capacity as President Pro Tem
of the North Carolina Senate, and
TIMOTHY K. MOORE in his official
capacity as Speaker of the North
Carolina House of Representatives,

Defendants.

ORDER

THIS MATTER came on to be heard and was heard before the undersigned Three-Judge Panel (the “Panel”) upon Legislative Defendants’ Motion to Dismiss pursuant to Rules 12(b)(1) and 12(b)(6) of the North Carolina Rules of Civil Procedure, filed on March 6, 2024. After considering the Motion, briefs, and arguments and authorities cited by the parties therein, on June 28, 2024, the Panel granted Legislative Defendants’ Motion to Dismiss as to all claims with prejudice. The Panel’s Order did not include disposition regarding the remaining Defendants. In any event, the Panel finds that the issues raised by Plaintiffs are non-justiciable political questions, and as such these claims are not appropriate for redress by this Court as to all remaining Defendants.

THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED THAT:

1. Plaintiffs’ Complaint is DISMISSED with prejudice as to the remaining Defendants.

SO ORDERED, this the 22nd day of July, 2024.



Honorable Jeffery B. Foster



Honorable Angela B. Puckett



Honorable C. Ashley Gore