

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
Civil Action No.: 2:19-CV-37**

<b>BILLY JOE BREWSTER, JR., et</b>	)
<b>al.,</b>	)
	)
<b>Plaintiffs,</b>	)
	)
<b>v.</b>	)
	)
<b>PHILLIP E. BERGER, etc., et al.,</b>	)
	)
<b>Defendants.</b>	)

**[PROPOSED] ORDER**

Before the Court are Plaintiffs’ motion to amend their complaint. In their motion to amend, Plaintiffs sought to correct inadvertent typographical and grammatical mistakes in the original complaint and does not materially change any of the pleading. Plaintiffs filed a proposed amended complaint as an exhibit to the motion. Plaintiffs have contacted the Defendants counsel by email and Plaintiff’s counsel represents neither Defendant objects to the filing of the amended complaint. A true and correct copy of these emails have been forwarded to the court with this order. This motion is now ripe.

Federal Rules of Civil Procedure Rule 15(a)(1) of the Federal Rules of Civil Procedure allows amendments to pleadings “once as a matter of course” within “21 days after serving the pleading.” Plaintiffs filed their motion to amend less than 21 days after service of the original complaint, and thus Plaintiffs may amend as a matter of course.

Plaintiffs’ motion to amend is hereby GRANTED and Plaintiffs are ORDERED to file their amended complaint within five days of this Order.

SO ORDERED.

This the \_\_\_\_ day of November, 2019.

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**From:** Cox, Paul <[pcox@ncdoj.gov](mailto:pcox@ncdoj.gov)>  
**Sent:** Tuesday, November 5, 2019 8:13 PM  
**To:** Strach, Phillip J. <[phil.strach@ogletree.com](mailto:phil.strach@ogletree.com)>; Bob Hunter <[rnhunterjr@greensborolaw.com](mailto:rnhunterjr@greensborolaw.com)>  
**Subject:** RE: Amended Complaint

No opposition from State Defendants to your amendment under Rule 15(a)(1).

Paul

**From:** Strach, Phillip J. <[phil.strach@ogletree.com](mailto:phil.strach@ogletree.com)>  
**Sent:** Tuesday, November 5, 2019 4:49 PM  
**To:** Bob Hunter <[rnhunterjr@greensborolaw.com](mailto:rnhunterjr@greensborolaw.com)>  
**Cc:** Cox, Paul <[pcox@ncdoj.gov](mailto:pcox@ncdoj.gov)>  
**Subject:** RE: Amended Complaint

Bob: legislative defendants don't oppose the amended complaint. Thanks. Phil

**Phillip J. Strach | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.**  
4208 Six Forks Road, Suite 1100 | Raleigh, NC 27609 | Telephone: 919-789-3179 | Fax: 919-783-9412  
[phil.strach@ogletree.com](mailto:phil.strach@ogletree.com) | [www.ogletree.com](http://www.ogletree.com) | [Bio](#)

**From:** Bob Hunter <[rnhunterjr@greensborolaw.com](mailto:rnhunterjr@greensborolaw.com)>  
**Sent:** Tuesday, November 05, 2019 4:43 PM  
**To:** Strach, Phillip J. <[Phil.Strach@ogletreedekins.com](mailto:Phil.Strach@ogletreedekins.com)>  
**Cc:** Cox, Paul <[pcox@ncdoj.gov](mailto:pcox@ncdoj.gov)>  
**Subject:** Amended Complaint

Dear Paul and Phil. Please let me know if you oppose or don't contest my amended complaint filed today as a matter of course under Rule 15a1. I need to let the court know and send a proposed order simply allowing the motion. Thanks. Bob

Robert N. Hunter, Jr.  
Direct: 336-808-8016  
Main: 336-273-1600  
Fax: 336-274-4650  
Mailing Address: P.O. Box 20570, Greensboro, NC 27420-0570  
Physical Address: 301 N. Elm Street, Suite 800, Greensboro, NC 27401

**HIGGINS ]·[ BENJAMIN**

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**From:** Burton Craige <[bcraige@pathlaw.com](mailto:bcraige@pathlaw.com)>  
**Sent:** Wednesday, November 6, 2019 1:17 PM  
**To:** Bob Hunter <[rnhunterjr@greensborolaw.com](mailto:rnhunterjr@greensborolaw.com)>  
**Cc:** Uzoma Nkwonta <[unkwonta@perkinscoie.com](mailto:unkwonta@perkinscoie.com)>; Marc Elias <[MElias@perkinscoie.com](mailto:MElias@perkinscoie.com)>; Aria C. Branch <[ABranch@perkinscoie.com](mailto:ABranch@perkinscoie.com)>; Abha Khanna (Perkins Coie) <[AKhanna@perkinscoie.com](mailto:AKhanna@perkinscoie.com)>; Stanton Jones <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; Daniel Jacobson <[Daniel.Jacobson@arnoldporter.com](mailto:Daniel.Jacobson@arnoldporter.com)>; Elisabeth Theodore <[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>; Narendra Ghosh <[nghosh@pathlaw.com](mailto:nghosh@pathlaw.com)>; Paul Smith <[psmith@pathlaw.com](mailto:psmith@pathlaw.com)>  
**Subject:** Re: Brewster vs Berger

Bob - We have no objection to your motion to amend the complaint. Thanks for the courtesy.

Burton

Sent from my iPhone

On Nov 6, 2019, at 12:40 PM, Bob Hunter <[rnhunterjr@greensborolaw.com](mailto:rnhunterjr@greensborolaw.com)> wrote:

Did Burton, I have filed a motion to amend my complaint in Brewster vs Berger to correct some grammatical and typos. I realize your clients have not been admitted as intervenors yet but I wanted to let you know and see if you have objections to my doing this. I think I have an ability to file an amended complaint once as a matter of right under the rules. The current defendants interposed no objection. I am not sure I have to let you know but wanted to as a matter of professional courtesy. Please let me know by email if you or your clients have an objection. If you are not the right person on your team to send the request to please forward it to them for response.

I intend to file my motion for preliminary injunction today or tomorrow with a modest brief and will send it to you upon filing.

Best regards

Bob

Robert N. Hunter, Jr.  
Direct: 336-808-8016  
Main: 336-273-1600  
Fax: 336-274-4650  
Mailing Address: P.O. Box 20570, Greensboro, NC 27420-0570  
Physical Address: 301 N. Elm Street, Suite 800, Greensboro, NC 27401

<[image001.jpg](#)>

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