

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
No. 20 CVS 500110

NORTH CAROLINA STATE
CONFERENCE OF THE NAACP, et al.,

Plaintiff-Petitioners,

v.

ROY COOPER, et al.,

Defendant-Respondents.

JOINT MOTION FOR STAY

(Case assigned to Winston Rozier, Jr.,
Superior Court Judge, Designated
Pursuant to Tenth Judicial District
Local Rule 2.2)

NOW COME the parties jointly, by and through their undersigned counsel, and respectfully move the Court to stay the case in its entirety for a period of 180 days, including a stay of the Court's June 16, 2020 preliminary injunction and all subsequent orders (collectively, the "preliminary injunction"). In support of this joint motion, the parties state the following:

1. After nearly a year of litigation and several all-day mediation sessions facilitated by Mediator Asa L. Bell, Jr., the parties have reached a settlement agreement (the "Agreement") that will resolve all claims pending before this Court.

2. Under the terms of the Agreement, Defendants will, within 180 days from the date of the stay, effectuate the "early reentry" of 3,500 people in their custody as follows: at least 1,500 incarcerated people within 90 days of the stay, and the remaining persons within 180 days of the stay. In addition to the early reentries, Defendants will continue to release people in their custody who

reach their projected release dates.

3. As stated in the attached Agreement, the parties have come to a mutual understanding that an “early reentry” is defined as: (1) transfer of an individual to Extended Limits of Confinement who has at least 14 days remaining until their projected release date (“PRD”) as of February 15, 2021; (2) release of an individual at least 14 days before their PRD as of February 15, 2021; or (3) reinstatement or restoration of an individual to post-release supervision sooner than they would otherwise have been reinstated or restored or early release of people with Mutual Agreement Parole Program (“MAPP”) agreements.

4. At the conclusion of the 180-day stay, and upon receipt of the final report from Defendants demonstrating that they have effectuated the 3,500 early reentries within the time frames specified by the Agreement, Plaintiffs have agreed to dismiss the instant case with prejudice, with each party bearing its own costs and fees, with the exception of mediator fees and expenses, which will be paid by Defendants. The parties understand and agree that Plaintiffs’ dismissal of the case at the conclusion of the stay would automatically dissolve the preliminary injunction.

5. Defendants have agreed to seek a stay of their appeal of the Court’s Preliminary Injunction order to the North Carolina Court of Appeals and to dismiss their pending appeal at the end of the stay upon Plaintiffs’ dismissal of the case.

6. In addition to effectuating the 3,500 early reentries within the 180-day period, Defendants have agreed to take certain measures in an effort to maintain

the population level achieved by the end of the 180-day period, and to implement or maintain certain COVID-19 mitigation measures, including the current testing and transfer protocols, as specified in Parts II(B)(2) and (3) of the attached Agreement, respectively.

7. Staying the case for a 180-day period while Defendants effectuate the 3,500 early reentries is necessary to facilitate execution of the Agreement. The parties agree that, during the stay, no litigation shall be conducted, and no party shall seek relief from this Court or the court liaison. The parties request that, during the stay, the preliminary injunction shall be lifted and no party will be required to report to the trial court or court liaison, and the parties shall seek no relief from the trial court or court liaison.

8. A stay will not prejudice either party, as it will allow Defendants to concentrate their efforts and resources on effectuating the early reentries and implementing the other provisions of the Agreement, while preserving Plaintiffs' ability to continue to litigate this case if Defendants fail to achieve the early reentries to which they have agreed.

9. A stay will also serve the interests of judicial economy, as it would conserve time and resources the Court would expend reviewing Defendants' ongoing weekly reports, as well as the parties' discovery and dispositive motions that would come due during the 180-day period.

WHEREFORE, the parties respectfully request that the Court approve and enter their joint motion for stay.

Respectfully submitted, this 24th day of February, 2021,

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