

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

Civil Action No. 5:21-cv-00014-D

BETH TANNER, MELISSA BARBOUR,  
and LUCAS MILLER,

Plaintiffs,

v.

ROY COOPER, in his official capacity as  
Governor of North Carolina, 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 Beth Tanner, Melissa Barbour, and Lucas Miller, respectfully request that this Court enter a temporary restraining order prohibiting Defendants from enforcing and

distributing the Numbered Memoranda at issue in the case, in violation of the Constitution of the United States.

Plaintiffs have been in regular contact with counsel for Defendants regarding the Complaint, service of the Complaint, and this Motion. **Defense counsel has indicated they would like to respond in writing and would request seven days to make such a response.** Plaintiffs note the Wake County Bar “straw poll” which the Governor must give “due consideration” before appointing someone to the relevant seat is scheduled for January 26, 2021.

Respectfully submitted, this the 15<sup>th</sup> day of January, 2021.

/s/ Joshua Howard  
Joshua Howard  
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Counsel for Plaintiffs

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing MOTION through email and the electronic service function of the Court's electronic filing system, as follows:

Terrance Steed  
N.C. Dept. of Justice  
PO Box 629  
Raleigh, NC 27602  
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This the 15<sup>th</sup> day of January, 2021.

/s/ Joshua Howard  
Counsel for Plaintiffs