

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Civil Action No. 5:18-cv-366

JAMES ALLEN POINDEXTER, JERRY
JONES, GREGORY HOLT, and THE
CONSTITUTION PARTY OF NORTH
CAROLINA,

Plaintiffs,

v.

KIM WESTBROOK STRACH, in her official
capacity as the Executive Director of the North
Carolina State Board of Elections and Ethics
Enforcement,

Defendant.

DEFENDANT'S STATUS REPORT

NOW COMES Defendant, KIM WESTBROOK STRACH, in her official capacity as the Executive Director of the North Carolina State Board of Elections and Ethics Enforcement, by and through undersigned counsel, and pursuant to this Honorable Court's request, files the following Status Report:

1. The Complaint in this action was filed on July 20, 2018.
2. Plaintiffs filed its Motion and Memorandum of Law in Support of its Motion for Preliminary Injunction on August 7, 2018.
3. On August 9, 2018, Plaintiffs filed a Motion to Expedite its Motion for Preliminary Injunction.
4. After Plaintiffs' Motion to Expedite was filed, the Court held a Rule 16 telephonic Status Conference on August 9, 2018.
5. Since the Status Conference, on August 13, 2018, two separate motions for preliminary injunction, impacting election ballots in North Carolina, were heard by the Honorable Rebecca Holt, in Superior Court, Wake County, in two state civil matters - *Anglin v. Berger et al.*,
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18 CVS 9748 and *Edwards v. NC State Board of Elections et al.*, 18 CVS 9749. The orders filed in those two case in the afternoon of August 13, 2018 *inter alia* serve to enjoin the North Carolina State Board of Elections and Ethics Enforcement from printing election ballots that do not include the party designation of two judicial candidates. The orders are attached hereto as Def Ex A and B.

6. Two other matters filed in the North Carolina General Courts of Justice, addressing the legal status of certain proposed amendments to the North Carolina Constitution, are scheduled to be argued before a three-judge panel on August 15, 2018. Those matters may also impact when the North Carolina State Board of Elections and Ethics Enforcement may print election ballots.

Respectfully submitted this the 13th day of August, 2018.

JOSHUA H. STEIN
Attorney General

/s/ Olga E. Vysotskaya de Brito
Olga E. Vysotskaya de Brito
Special Deputy Attorney General
North Carolina State Bar No. 31846
Telephone: (919) 716-0185
Facsimile: (919) 716-6759
Email: ovysotskaya@ncdoj.gov

/s/ Amar Majmundar
Amar Majmundar
Senior Deputy Attorney General
North Carolina State Bar No. 24668
N.C. Department of Justice
Post Office Box 629
Raleigh, NC 27602
Telephone: (919) 716-6821
Facsimile: (919) 716-6759
Email: amajmundar@ncdoj.gov

/s/ James Bernier, Jr.
James Bernier, Jr.
Special Deputy Attorney General
N.C. State Bar No. 45869
Telephone: (919) 716-6900
Email: jbernier@ncdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing **DEFENDANT'S STATUS REPORT** with the clerk of Court using the CM/ECF system which will send notification of such to all counsel of record in this matter.

This the 13th day of August, 2018.

/s/ Olga E. Vysotskaya de Brito
Olga E. Vysotskaya de Brito
Special Deputy Attorney General