

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 5:16-913-D

FRANCIS X. DE LUCA,

Plaintiff,

v.

THE NORTH CAROLINA STATE
BOARD OF ELECTIONS; KIM
WESTBROOK STRACH, in her official
capacity as the Executive Director of the
State Board; and A. GRANT WHITNEY,
RHONDA K. AMOROSO, JOSHUA D.
MALCOLM; JAMES BAKER and MAJA
KRICKER, in their official capacities as
members of the State Board of Elections,

Defendants,

and

LEAGUE OF WOMEN VOTERS OF
NORTH CAROLINA, NORTH
CAROLINA A. PHILIP RANDOLPH
INSTITUTE, COMMON CAUSE
NORTH CAROLINA, KAY BRANDON,
SARA STOHLER, HUGH STOHLER,
ANTHONY MIKHAIL LOBO, ANNA
JAQUAYS, and MICHAEL T.
KUYKENDALL, NORTH CAROLINA
STATE CONFERENCE OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED
PEOPLE,

Defendant-Intervenors,

**PLAINTIFF'S MOTION TO
WITHDRAW REQUEST FOR
INJUNCTION**

NOW COMES Plaintiff, Francis X. De Luca, by and through undersigned counsel,
respectfully submits this motion to withdraw Plaintiff's Motion for Preliminary

Injunction (DE #9) and to stay the briefing schedule of this matter until further order of the Court.

In support of this Motion, Plaintiff submits that rulings of the North Carolina Board of Elections on protests, challenges, and recounts since the filing our injunction request have changed the exigencies of the harm analysis relevant to granting such swift relief. Plaintiff's desire to pursue the underlying Complaint and cause of action abides.

Plaintiff further moves to stay the briefing calendar to the extent it was relevant to the injunction effort until further scheduling Orders of this Court. Counsel notes he alerted counsel for the Defendant and Intervenors of intention to file this Motion and all three groups consent to the motion.

Wherefore Plaintiff moves the Court to grant the Motion to Withdraw his Motion for Preliminary Injunction (DE #9) and to abate the current briefing schedule in favor of a traditional docketing schedule.

This the 5th day of December, 2016.

Respectfully submitted,

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*appearing pursuant to Local Rule 83.1(d)

Attorneys for Plaintiff Francis X. De Luca

CERTIFICATE OF SERVICE

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

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This the 5th day of December, 2016.

/s/ Josh Howard
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