

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MARCIE FISHER-BORNE, for)
herself and as guardian ad)
litem for M.F.-B., a minor,)
et al.,)
)
Plaintiffs,)
)
v.) 1:12CV589
)
JOHN W. SMITH, in his official)
capacity as the Director of the)
North Carolina Administrative)
Office of the Courts, et al.,)
)
Defendants.)
)
-----)
ELLEN W. GERBER, et al.,)
)
Plaintiffs,)
)
v.) 1:14CV299
)
ROY COOPER, et al.,)
)
Defendants.)

ORDER

In light of the status reports filed by the State Defendants (Doc. 112 in 1:12CV589; Doc. 67 in 1:14CV299) and Plaintiffs (Doc. 113 in 1:12CV589; Doc. 68 in 1:14CR299), this court finds that the stay should be lifted in each of these cases. This court further finds that this court should enter the consent order reflecting the dismissal of the Attorney

General Roy Cooper and to allow the Attorney General to appear as an Intervenor on behalf of the State of North Carolina.

IT IS THEREFORE ORDERED that the stay is lifted and State Defendants shall file an Answer to Plaintiffs' First Amended Complaint in 1:12CV589 (Doc. 40) and to Plaintiffs' Complaint in 1:14CV299 (Doc. 1).

IT IS FURTHER ORDERED that pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, the consent motions of Plaintiffs and Defendant Roy Cooper to amend the caption of the First Amended Complaint to dismiss Mr. Cooper as a Party-Defendant is **GRANTED**. (Doc. 68 in 1:12CV589; Doc. 69 in 1:14CV299.) The motion for Mr. Cooper to intervene pursuant to Rule 24 of the Federal Rules of Civil Procedure is **GRANTED**, and Mr. Cooper shall appear in this matter, in a representative capacity, as an Intervenor on behalf of the State of North Carolina for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality of North Carolina's statutes and constitutional amendment challenged in this action.

IT IS FURTHER ORDERED that all prior pending motions (Docs. 63, 65, 84, and 109 in 1:12CV589; Docs. 23, 30, 37, and 64 in 1:14CV299), except the motions for preliminary injunction, in each of these cases are **DENIED AS MOOT**.

Upon the filing of an Answer in each of these cases by the State Defendants, Plaintiffs may file any motions they deem appropriate without necessity of an accompanying brief. This court will review the filed pleadings in light of the prior briefs, status reports, and orders of this court.

This the 8th day of October, 2014.

William L. Ostun, Jr.

United States District Judge