

**U.S. District Court
North Carolina Middle District (NCMD)
CIVIL DOCKET FOR CASE #: 1:14-cv-00299-WO-JEP**

GERBER et al v. COOPER, et al
Assigned to: CHIEF JUDGE WILLIAM L. OSTEEEN JR.
Referred to: MAG/JUDGE JOI ELIZABETH PEAKE
Case in other court: 14-02230
14-02279

Date Filed: 04/09/2014
Date Terminated: 10/14/2014
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Cause: 42:1983 Civil Rights Act

Plaintiff

ELLEN W. GERBER

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Plaintiff

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Plaintiff

CHRISTINA GINTER–MEJIA
for herself and as guardian ad litem for
J.G.–M., a minor

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V.

Defendant

ROY COOPER
*in his official capacity as the Attorney
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TERMINATED: 10/08/2014*

represented by **OLGA E. VYSOTSKAYA DE BRITO**
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Defendant

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Defendant

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Defendant

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LEAD ATTORNEY

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TERMINATED: 03/30/2018
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Defendant

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V.

Intervenor Defendant

THOM TILLIS
*North Carolina Speaker of the House of
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Intervenor Defendant

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*President Pro Tempore of the North
Carolina Senate*

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Intervenor

ROY COOPER

*Pursuant to Order filed 10/8/2014,
appearing in a Representative capacity
on behalf of State of North Carolina*

represented by **OLGA E. VYSOTSKAYA DE BRITO**
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Date Filed	#	Docket Text
04/09/2014	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0418-1491388.), filed by Christina Ginter-Mejia, Lyn McCoy, Pearl Berlin, Jane Blackburn, Ellen W Gerber, Esmeralda Mejia.(SASSER, JONATHAN) (Entered: 04/09/2014)
04/09/2014	<u>2</u>	Motion for Guardian Ad Litem re <u>1</u> Complaint filed by Plaintiffs Pearl Berlin, Jane Blackburn, Ellen W Gerber, Christina Ginter-Mejia, Lyn McCoy, Esmeralda Mejia. (Attachments: # <u>1</u> Text of Proposed Order)(SASSER, JONATHAN) Modified on 6/2/2014 to correct event used (Garrett, Kim). (Entered: 04/09/2014)
04/09/2014	<u>3</u>	MOTION for Preliminary Injunction by Pearl Berlin, Jane Blackburn, Ellen W Gerber, Christina Ginter-Mejia, Lyn McCoy, Esmeralda Mejia. Responses due by 5/5/2014 (SASSER, JONATHAN) (Entered: 04/09/2014)
04/09/2014	<u>4</u>	BRIEF re <u>3</u> MOTION for Preliminary Injunction by Plaintiffs Pearl Berlin, Jane Blackburn, Ellen W Gerber, Christina Ginter-Mejia, Lyn McCoy, Esmeralda Mejia filed by Pearl Berlin, Jane Blackburn, Ellen W Gerber, Christina Ginter-Mejia, Lyn McCoy, Esmeralda Mejia. (SASSER, JONATHAN) (Entered: 04/09/2014)
04/09/2014	<u>5</u>	AFFIDAVIT in Support re <u>3</u> MOTION for Preliminary Injunction filed by Ellen W Gerber. Replies due by 4/28/2014. (SASSER, JONATHAN) (Entered: 04/09/2014)
04/09/2014	<u>6</u>	AFFIDAVIT in Support re <u>3</u> MOTION for Preliminary Injunction filed by Pearl Berlin. Replies due by 4/28/2014. (SASSER, JONATHAN) (Entered: 04/09/2014)
04/09/2014	<u>7</u>	AFFIDAVIT in Support re <u>3</u> MOTION for Preliminary Injunction filed by Lyn McCoy. Replies due by 4/28/2014. (SASSER, JONATHAN) (Entered: 04/09/2014)
04/09/2014	<u>8</u>	AFFIDAVIT in Support re <u>3</u> MOTION for Preliminary Injunction filed by Jane Blackburn. Replies due by 4/28/2014. (SASSER, JONATHAN) (Entered: 04/09/2014)
04/09/2014	<u>9</u>	AFFIDAVIT in Support re <u>3</u> MOTION for Preliminary Injunction filed by Esmeralda Mejia. Replies due by 4/28/2014. (SASSER, JONATHAN) (Entered: 04/09/2014)
04/09/2014	<u>10</u>	AFFIDAVIT in Support re <u>3</u> MOTION for Preliminary Injunction filed by Christina Ginter-Mejia. Replies due by 4/28/2014. (SASSER, JONATHAN) (Entered: 04/09/2014)
04/09/2014	<u>11</u>	MOTION to Expedite by Pearl Berlin, Jane Blackburn, Ellen W Gerber, Christina Ginter-Mejia, Lyn McCoy, Esmeralda Mejia. (Attachments: # <u>1</u> Text of Proposed Order)(SASSER, JONATHAN) (Entered: 04/09/2014)
04/09/2014	<u>12</u>	BRIEF re <u>11</u> MOTION to Expedite by Plaintiffs Pearl Berlin, Jane Blackburn, Ellen W Gerber, Christina Ginter-Mejia, Lyn McCoy, Esmeralda Mejia filed by Pearl Berlin, Jane Blackburn, Ellen W Gerber, Christina Ginter-Mejia, Lyn McCoy, Esmeralda Mejia. (SASSER, JONATHAN) (Entered: 04/09/2014)
04/09/2014	<u>13</u>	NOTICE of Appearance by attorney JEREMY M. FALCONE on behalf of Plaintiffs Pearl Berlin, Jane Blackburn, Ellen W Gerber, Christina Ginter-Mejia, Lyn McCoy, Esmeralda Mejia (FALCONE, JEREMY) (Entered: 04/09/2014)
04/09/2014		CASE REFERRED to Standing Order 30 (Powell, Gloria) (Entered: 04/09/2014)
04/09/2014		Motion Referred: re: <u>11</u> MOTION to Expedite, to MAG/JUDGE JOI ELIZABETH PEAKE (Welch, Kelly) (Entered: 04/09/2014)

04/10/2014	<u>14</u>	Summons Issued as to AL JEAN BOGLE, ROY COOPER, JOHN W. SMITH, DONNA HICKS SPENCER, JEFF THIGPEN. (Attachments: # <u>1</u> Summons to Jeff Thigpen, # <u>2</u> Summons to Donna Hicks Spencer, # <u>3</u> Summons to John W. Smith, # <u>4</u> Summons to Al Jean Bogle) (Garland, Leah) (Entered: 04/10/2014)
04/10/2014		CASE REFERRED to Mediation pursuant to Local Rule 83.9b of the Rules of Practice and Procedure of this Court. Please go to our website under Attorney Information for a list of mediators which must be served on all parties. (Garland, Leah) (Entered: 04/10/2014)
04/10/2014	<u>15</u>	Notice of Right to Consent. Counsel shall serve the attached form on all parties. (Garland, Leah) (Entered: 04/10/2014)
04/11/2014	<u>16</u>	ORDER signed by MAG/JUDGE JOI ELIZABETH PEAKE on 4/11/2014, that Plaintiffs' Motion to Expedite Briefing (doc. <u>11</u>) is GRANTED IN PART to the extent that Defendants' response to Plaintiffs' Motion for Preliminary Injunction must be filed on or before April 28, 2014, and Plaintiffs' reply must be filed on or before May 5, 2014. As noted above, the briefs should specifically address whether consideration of Plaintiffs' Motion for Preliminary Injunction should be stayed pending the Fourth Circuit's decision in <u>Bostic v. Schaefer</u> , Case No. 14-1167 (4th Cir. 2014). (Lloyd, Donna) (Entered: 04/11/2014)
04/11/2014		Reset Response Deadline as to <u>3</u> MOTION FOR PRELIMINARY INJUNCTION: Responses due by 4/28/2014. (See <u>16</u> Order for Court's ruling.) (Lloyd, Donna) (Entered: 04/11/2014)
04/14/2014	<u>17</u>	NOTICE of Appearance by attorney CHRISTOPHER A. BROOK on behalf of Plaintiffs PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY, ESMERALDA MEJIA (BROOK, CHRISTOPHER) (Entered: 04/14/2014)
04/15/2014	<u>18</u>	ACCEPTANCE OF SERVICE of summons and complaint by counsel on behalf of ROY COOPER and JOHN W. SMITH on 04/15/2014. (VYSOTSKAYA DE BRITO, OLGA) (Entered: 04/15/2014)
04/15/2014	<u>19</u>	NOTICE of Appearance by attorney OLGA E. VYSOTSKAYA DE BRITO on behalf of Defendants ROY COOPER, JOHN W. SMITH. (VYSOTSKAYA DE BRITO, OLGA) (Entered: 04/15/2014)
04/15/2014		Answer as to ROY COOPER due 5/6/2014; Answer as to JOHN W. SMITH due 5/6/2014. (Lloyd, Donna) (Entered: 04/16/2014)
04/16/2014	<u>20</u>	NOTICE of Appearance by attorney JOHN MARK PAYNE on behalf of Defendant JEFF THIGPEN (PAYNE, JOHN) (Entered: 04/16/2014)
04/16/2014	<u>21</u>	NOTICE of Appearance by attorney CHARLES GIBSON WHITEHEAD on behalf of Defendant ROY COOPER (WHITEHEAD, CHARLES) (Entered: 04/16/2014)
04/16/2014	<u>22</u>	NOTICE of Appearance by attorney CHARLES GIBSON WHITEHEAD on behalf of Defendant JOHN W. SMITH (WHITEHEAD, CHARLES) (Entered: 04/16/2014)
04/17/2014	<u>23</u>	MOTION TO STAY PROCEEDINGS – <i>EXPEDITED REVIEW REQUESTED</i> by ROY COOPER, JOHN W. SMITH. Responses due by 5/12/2014. (VYSOTSKAYA DE BRITO, OLGA) Modified on 4/18/2014 to edit text. (Lloyd, Donna) (Entered: 04/17/2014)
04/17/2014	<u>24</u>	BRIEF IN SUPPORT OF <u>23</u> MOTION TO STAY PROCEEDINGS – <i>EXPEDITED REVIEW REQUESTED</i> . (VYSOTSKAYA DE BRITO, OLGA) Modified on 4/18/2014 to edit text. (Lloyd, Donna) (Entered: 04/17/2014)
04/17/2014	<u>25</u>	Additional Attachment to <u>24</u> BRIEF IN SUPPORT OF <u>23</u> MOTION TO STAY PROCEEDINGS – <i>EXPEDITED REVIEW REQUESTED</i> . (VYSOTSKAYA DE BRITO, OLGA) Modified on 4/18/2014 to edit text. (Lloyd, Donna) (Entered: 04/17/2014)
04/21/2014	<u>26</u>	NOTICE of Appearance by attorney AMY E. RICHARDSON on behalf of Plaintiffs PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY, ESMERALDA MEJIA. (RICHARDSON, AMY) (Entered: 04/21/2014)

04/23/2014		Telephone Notice on 4/23/2014 to Counsel for Defendant Olga DeBrito re: submission of a proposed order for <u>23</u> Motion to Stay Proceedings. (Williamson, Wanda) (Entered: 04/24/2014)
04/24/2014	<u>27</u>	NOTICE of Appearance by attorney OLGA E. VYSOTSKAYA DE BRITO on behalf of Defendant AL JEAN BOGLE (VYSOTSKAYA DE BRITO, OLGA) (Entered: 04/24/2014)
04/24/2014		Motion Referred: re: <u>23</u> MOTION to Stay (Expedited Review Requested) to MAG/JUDGE JOI ELIZABETH PEAKE (Welch, Kelly) (Entered: 04/24/2014)
04/25/2014		TEXT ORDER by MAG/JUDGE JOI ELIZABETH PEAKE on 04/25/14. The Court will consider the State Defendants' <u>23</u> Motion to Stay Proceedings after the Plaintiffs have had an opportunity to respond and the matter has been fully briefed.(Garrett, Kim) (Entered: 04/25/2014)
04/25/2014	<u>28</u>	NOTICE of Appearance by attorney DAVID WALLACE HOOD on behalf of Defendant DONNA HICKS SPENCER. (HOOD, DAVID) (Entered: 04/25/2014)
04/25/2014	<u>29</u>	NOTICE of Appearance by attorney MICHAEL J. BARNETT on behalf of Defendant DONNA HICKS SPENCER. (BARNETT, MICHAEL) (Entered: 04/25/2014)
04/25/2014	<u>30</u>	MOTION to Stay <i>Proceedings</i> by DONNA HICKS SPENCER. Responses due by 5/19/2014. (HOOD, DAVID) (Entered: 04/25/2014)
04/25/2014	<u>31</u>	BRIEF IN SUPPORT OF <u>30</u> MOTION to Stay <i>Proceedings</i> by filed by DONNA HICKS SPENCER. (HOOD, DAVID) (Entered: 04/25/2014)
04/28/2014	<u>32</u>	RESPONSE in Opposition to <u>3</u> MOTION for Preliminary Injunction filed by DONNA HICKS SPENCER. Replies due by 5/5/2014. (HOOD, DAVID) Modified on 4/29/2014 to correct reply deadline. See <u>16</u> Order. (Lloyd, Donna) (Entered: 04/28/2014)
04/28/2014	<u>33</u>	RESPONSE in Opposition to <u>3</u> MOTION for Preliminary Injunction filed by AL JEAN BOGLE, ROY COOPER, JOHN W. SMITH. Replies due by 5/5/2014. (VYSOTSKAYA DE BRITO, OLGA) (Entered: 04/28/2014)
04/29/2014		Reset Reply Deadline to <u>32</u> RESPONSE to <u>3</u> MOTION for Preliminary Injunction: Replies due by 5/5/2014. (See <u>16</u> Order.) (Lloyd, Donna) (Entered: 04/29/2014)
05/02/2014	<u>34</u>	MOTION for Extension of Time to File Answer by JEFF THIGPEN. (Attachments: # <u>1</u> Text of Proposed Order)(PAYNE, JOHN) (Entered: 05/02/2014)
05/02/2014		ORDER granting <u>34</u> Motion for Extension of Time to Answer for JEFF THIGPEN. Answer due by 6/2/2014. Signed by John Brubaker, Clerk of Court, on 5/2/2014. (Brubaker, John) (Entered: 05/02/2014)
05/05/2014	<u>35</u>	NOTICE of Change of Address by AMY E. RICHARDSON (RICHARDSON, AMY) (Entered: 05/05/2014)
05/05/2014	<u>36</u>	MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' <u>3</u> MOTION FOR PRELIMINARY INJUNCTION AND IN OPPOSITION TO DEFENDANTS' <u>23</u> MOTION TO STAY filed by PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY, ESMERALDA MEJIA. (RICHARDSON, AMY) Modified on 5/7/2014 to edit text to accurately reflect document title. (Lloyd, Donna) (Entered: 05/05/2014)
05/06/2014	<u>37</u>	STATE DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' <u>1</u> COMPLAINT filed by AL JEAN BOGLE, ROY COOPER, JOHN W. SMITH. Responses due by 5/30/2014. (VYSOTSKAYA DE BRITO, OLGA) Modified on 5/7/2014 to edit text to accurately reflect document title. (Lloyd, Donna) (Entered: 05/06/2014)
05/06/2014	<u>38</u>	STATE DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF <u>37</u> MOTION TO DISMISS PLAINTIFFS' <u>1</u> COMPLAINT. (VYSOTSKAYA DE BRITO, OLGA) Modified on 5/7/2014 to edit text to accurately reflect document title. (Lloyd, Donna) (Entered: 05/06/2014)
05/08/2014	<u>39</u>	Suggestion of Subsequently Decided Authority by Plaintiffs PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY, ESMERALDA MEJIA. (Attachments: # <u>1</u> Exhibit 1 – Baskin v.

		Bogan)(RICHARDSON, AMY) Modified on 5/9/2014 to remove duplicate text. (Lloyd, Donna) (Entered: 05/08/2014)
05/12/2014	<u>40</u>	NOTICE of Appearance by attorney GARRARD R. BEENEY on behalf of Plaintiffs PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY, ESMERALDA MEJIA (BEENEY, GARRARD) (Entered: 05/12/2014)
05/21/2014	<u>41</u>	Notice to Parties RE: SO30. Responses due by 6/23/2014 (Winchester, Robin) (Entered: 05/21/2014)
05/21/2014	<u>42</u>	Suggestion of Subsequently Decided Authority re <u>36</u> Memorandum by Plaintiffs PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY, ESMERALDA MEJIA. (Attachments: # <u>1</u> Exhibit 1- Evans v. Utah) (RICHARDSON, AMY) (Entered: 05/21/2014)
05/21/2014	<u>43</u>	Suggestion of Subsequently Decided Authority re <u>36</u> Memorandum by Plaintiffs PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY, ESMERALDA MEJIA. (Attachments: # <u>1</u> Exhibit 1- Gieger v. Kitzhaber) (RICHARDSON, AMY) (Entered: 05/21/2014)
05/21/2014	<u>44</u>	Suggestion of Subsequently Decided Authority re <u>36</u> Memorandum by Plaintiffs PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY, ESMERALDA MEJIA. (Attachments: # <u>1</u> Exhibit 1- Whitewood v. Kitzhaber) (RICHARDSON, AMY) (Entered: 05/21/2014)
05/22/2014	<u>45</u>	REPLY to <u>36</u> RESPONSE IN OPPOSITION TO <u>23</u> MOTION TO STAY PROCEEDINGS filed by AL JEAN BOGLE, ROY COOPER, JOHN W. SMITH. (Attachments: # <u>1</u> Exhibit A - McCrory v. State, # <u>2</u> Exhibit B - Latta v. Otter) (VYSOTSKAYA DE BRITO, OLGA) Modified on 5/27/2014 to edit text. (Lloyd, Donna) (Entered: 05/22/2014)
05/23/2014		Motions Referred: re: <u>3</u> MOTION for Preliminary Injunction, <u>23</u> MOTION to Stay Expedited Review Requested to MAG/JUDGE JOI ELIZABETH PEAKE (Welch, Kelly) (Entered: 05/23/2014)
05/27/2014	<u>46</u>	NOTICE of Appearance by attorney WILLIAM R. A. KLEYTEUBER on behalf of Plaintiffs PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY, ESMERALDA MEJIA. (KLEYTEUBER, WILLIAM) (Entered: 05/27/2014)
05/27/2014	<u>47</u>	NOTICE of Appearance by attorney DAVID A. CASTLEMAN on behalf of Plaintiffs PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY, ESMERALDA MEJIA. (CASTLEMAN, DAVID) (Entered: 05/27/2014)
05/30/2014	<u>48</u>	ANSWER to <u>1</u> Complaint by JEFF THIGPEN. (PAYNE, JOHN) (Entered: 05/30/2014)
06/02/2014		Motions Referred: RE: <u>2</u> MOTION for Guardian Ad Litem to MAG/JUDGE JOI ELIZABETH PEAKE (Garrett, Kim) (Entered: 06/02/2014)
06/02/2014	<u>49</u>	RECOMMENDATION signed by MAG/JUDGE JOI ELIZABETH PEAKE on 6/2/2014, that the Motions to Stay [Doc. # <u>23</u> , # <u>30</u>] be GRANTED, that all proceedings in this case, including consideration of Defendants' pending Motion to Dismiss and Plaintiffs' Motion for Preliminary Injunction, be stayed pending the Fourth Circuit's decision in Bostic v. Schaefer, Case No. 14-1167 (4th Cir. 2014), and that the parties be directed to notify the Court in writing of their position on the course of future proceedings within 10 days following issuance of a decision by the Court of Appeals for the Fourth Circuit in Bostic. (Butler, Carol) (Entered: 06/02/2014)
06/02/2014	<u>50</u>	Notice of Mailing Recommendation. Objections to R&R due by 6/19/2014. (Butler, Carol) (Entered: 06/02/2014)
06/02/2014	<u>51</u>	ORDER signed by MAG/JUDGE JOI ELIZABETH PEAKE on 6/2/2014, that the Petition [Doc. # <u>2</u>] is GRANTED to the extent that Christina Ginter-Mejia is authorized to prosecute this civil action on behalf of minor J. G.-M. (Butler, Carol) (Entered: 06/02/2014)

06/13/2014	<u>52</u>	OBJECTION TO <u>49</u> RECOMMENDED RULING – MAGISTRATE JUDGE filed by Plaintiffs PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER–MEJIA, LYN MCCOY, ESMERALDA MEJIA. Response to Objections to R&R due by 6/30/2014. (RICHARDSON, AMY) Modified on 6/16/2014 to edit text. (Lloyd, Donna) (Entered: 06/13/2014)
06/16/2014	<u>53</u>	ANSWER to <u>1</u> Complaint entitled "DEFENDANT CATAWBA COUNTY REGISTER OF DEEDS' ANSWER AND AFFIRMATIVE DEFENSES" filed by DONNA HICKS SPENCER. (HOOD, DAVID) Modified on 6/16/2014 to edit text. (Lloyd, Donna) (Entered: 06/16/2014)
06/24/2014		Case Reassigned to CHIEF JUDGE WILLIAM L. OSTEEEN JR. UNASSIGNED no longer assigned to the case. (Powell, Gloria) (Entered: 06/24/2014)
06/30/2014	<u>54</u>	RESPONSE TO <u>49</u> OBJECTION to <u>52</u> RECOMMENDATION filed by AL JEAN BOGLE, ROY COOPER, JOHN W. SMITH. (VYSOTSKAYA DE BRITO, OLGA) (Entered: 06/30/2014)
07/10/2014		CASE REFERRED re: <u>49</u> RECOMMENDED RULING – MAGISTRATE JUDGE to CHIEF JUDGE WILLIAM L. OSTEEEN JR. (Welch, Kelly) (Entered: 07/10/2014)
07/30/2014	<u>55</u>	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEEN JR. on 7/30/2014, that: (1) The parties shall file briefs within fourteen (14) days of the date of this Order stating their respective positions on the course of future proceedings in this action; (2) The briefs shall further address the extent to which <i>Bostic v. Schaefer</i> , Nos. 14–1167, 14–1169, 14–1173, ___ F.3d ___, 2014 WL 3702493 (4th Cir. 2014), applies or does not apply to the challenged North Carolina constitutional and statutory provisions; (3) Each party's brief shall be limited to fifteen (15) pages although two or more parties may file a joint brief (also limited to fifteen (15) pages); (4) No response briefing pursuant to this Order is required or permitted; and (5) This Order shall not affect any pending deadlines in this action. (Butler, Carol) (Entered: 07/30/2014)
08/06/2014	<u>56</u>	BRIEF re <u>55</u> Order, of Defendant Catawba County Register of Deeds' Brief Stating Her Position on the Course of Future Proceedings Following the Decision of the Court of Appeals for the Fourth Circuit in <i>BOSTIC v. SCHAEFER</i> filed by DONNA HICKS SPENCER. (HOOD, DAVID) (Entered: 08/06/2014)
08/13/2014	<u>57</u>	<i>State Defendants'</i> BRIEF re <u>55</u> Order, . (VYSOTSKAYA DE BRITO, OLGA) (Entered: 08/13/2014)
08/13/2014	<u>58</u>	RESPONSE re <u>55</u> Order, of July 30, 2014 filed by PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER–MEJIA, LYN MCCOY, ESMERALDA MEJIA. Replies due by 9/2/2014. (RICHARDSON, AMY) (Entered: 08/13/2014)
08/13/2014	<u>59</u>	BRIEF entitled "DEFENDANT JEFF THIGPEN'S BRIEF ON THE GUILFORD COUNTY REGISTER OF DEED'S POSITION ON THE COURSE OF FUTURE PROCEEDINGS FOLLOWING THE DECISION OF THE COURT OF APPEALS FOR THE FOURTH CIRCUIT IN <i>BOSTIC v. SCHAEFER</i> " filed by JEFF THIGPEN. (PAYNE, JOHN) (Entered: 08/13/2014)
08/14/2014	<u>60</u>	NOTICE of Intent to File Dispositive Motions by Plaintiffs PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER–MEJIA, LYN MCCOY, ESMERALDA MEJIA (RICHARDSON, AMY) (Entered: 08/14/2014)
08/25/2014	<u>61</u>	NOTICE of Appearance by attorney ROSE A. SAXE on behalf of Plaintiffs PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER–MEJIA, LYN MCCOY, ESMERALDA MEJIA (SAXE, ROSE) (Entered: 08/25/2014)
08/26/2014	<u>62</u>	NOTICE of Appearance by attorney ELIZABETH O. GILL on behalf of Plaintiffs PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER–MEJIA, LYN MCCOY, ESMERALDA MEJIA (GILL, ELIZABETH) (Entered: 08/26/2014)
08/27/2014	<u>63</u>	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEEN JR. on 8/27/2014. This court has conducted a de novo review of the matters to which objections were made and finds that the Recommendations should be adopted and these matters stayed. In

		light of the Supreme Court's stay of the Fourth Circuit's mandate, this court modifies the Recommendations to stay these matters pending termination of the stay granted in <i>McQuigg v. Bostic</i> , No. 14A196 (Fourth Circuit Case No. 14-1167). The parties are directed to notify this court within twenty (20) days of the denial of the petition for a writ of certiorari or the sending down of the judgment of the Supreme Court. Associated Cases: 1:14-cv-00299-WO-JEP. (Butler, Carol) (Entered: 08/27/2014)
08/27/2014		Case Stayed Associated Cases: 1:12-cv-00589-WO-JEP, 1:14-cv-00299-WO-JEP(Powell, Gloria) (Entered: 09/15/2014)
09/10/2014	<u>64</u>	MOTION for Reconsideration re <u>63</u> Order on Report and Recommendations,, by PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY, ESMERALDA MEJIA. Responses due by 10/6/2014 (RICHARDSON, AMY) (Entered: 09/10/2014)
09/10/2014	<u>65</u>	MEMORANDUM filed by Plaintiffs PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY, ESMERALDA MEJIA re <u>64</u> MOTION for Reconsideration re <u>63</u> Order on Report and Recommendations,, filed by PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY, ESMERALDA MEJIA. (Attachments: # <u>1</u> Exhibit A,)(RICHARDSON, AMY) (Entered: 09/10/2014)
10/06/2014	<u>66</u>	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEEN JR. on 10/6/2014, as set out herein. (Butler, Carol) (Entered: 10/06/2014)
10/07/2014	<u>67</u>	STATUS REPORT by DAVID L. CHURCHILL, ROY COOPER, ARCHIE L. SMITH, III, JOHN W. SMITH, AL JEAN BOGLE. Associated Cases: 1:12-cv-00589-WO-JEP, 1:14-cv-00299-WO-JEP(VYSOTSKAYA DE BRITO, OLGA) (Entered: 10/07/2014)
10/07/2014	<u>68</u>	STATUS REPORT by TERRI BECK, LEE KNIGHT CAFFERY, SHANA CARIGNAN, DANA DRAA, CHANTELE FISHER-BORNE. Associated Cases: 1:12-cv-00589-WO-JEP, 1:14-cv-00299-WO-JEP(RICHARDSON, AMY) (Entered: 10/07/2014)
10/08/2014	<u>69</u>	Consent MOTION to Amend Case Caption and to Intervene by ROY COOPER. Responses due by 11/3/2014 (VYSOTSKAYA DE BRITO, OLGA) (Entered: 10/08/2014)
10/08/2014	<u>70</u>	STATE DEFENDANTS' ANSWER to <u>1</u> Complaint by AL JEAN BOGLE, ROY COOPER, JOHN W. SMITH. (VYSOTSKAYA DE BRITO, OLGA) (Entered: 10/08/2014)
10/08/2014	<u>71</u>	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEEN JR. on 10/8/2014, that the stay is lifted and State Defendant's shall file an Answer to Plaintiffs' First Amended Complaint in 1:12CV589 (Doc. <u>40</u>) and to Plaintiffs' Complaint in 1:14CV299 (Doc. <u>1</u>).FURTHER that pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, the consent motions of Plaintiff's and Defendant Roy Cooper to amend the caption of the First Amended Complaint to dismiss Mr. Cooper as a Party-Defendant is GRANTED. (Doc. <u>68</u> in 1:12CV589; Doc. <u>69</u> 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 Carolinas statutes and constitutional amendment challenged in this action. FURTHER that all prior pending motions (Docs. <u>63</u> , <u>65</u> , <u>84</u> , and <u>109</u> in 1:12CV589; Docs. <u>23</u> , <u>30</u> , <u>37</u> , and <u>64</u> 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 Defendant's, 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. (Butler, Carol) (Entered: 10/08/2014)
10/08/2014	<u>72</u>	MOTION for Judgment on the Pleadings by PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY. Responses due by 11/3/2014 (Attachments: # <u>1</u> Text of Proposed Order Proposed Judgment)(RICHARDSON, AMY) (Entered: 10/08/2014)

10/09/2014	<u>73</u>	NOTICE by PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY, ESMERALDA MEJIA re <u>72</u> MOTION for Judgment on the Pleadings ; <i>Supplemental Notice of Consent</i> (RICHARDSON, AMY) (Entered: 10/09/2014)
10/09/2014	<u>74</u>	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEN JR. on 10/9/2014, as set out herein, to the extent any party should disagree with this court's understanding of the parties respective positions, notice of any such dispute shall be filed with this court on or before 5:00 p.m. today. Associated Cases: 1:12-cv-00589-WO-JEP, 1:14-cv-00299-WO-JEP (Butler, Carol) (Entered: 10/09/2014)
10/09/2014	<u>75</u>	MOTION to Intervene by THOM TILLIS, PHIL BERGER. Responses due by 11/3/2014 Associated Cases: 1:12-cv-00589-WO-JEP, 1:14-cv-00299-WO-JEP(POTTER, ROBERT) (Additional attachment(s) added on 10/9/2014: # <u>1</u> Exhibit Proposed Order; NEF Regenerated) (Welch, Kelly). (Entered: 10/09/2014)
10/09/2014	<u>76</u>	MEMORANDUM re (119 in 1:12-cv-00589-WO-JEP, 75 in 1:14-cv-00299-WO-JEP) MOTION to Intervene by Intervenor Defendant PHIL BERGER, Select Role Types THOM TILLIS, THOM TILLIS. Associated Cases: 1:12-cv-00589-WO-JEP, 1:14-cv-00299-WO-JEP(POTTER, ROBERT) (Entered: 10/09/2014)
10/09/2014	<u>77</u>	RESPONSE filed by PEARL BERLIN, JANE BLACKBURN, ROY COOPER, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA. Replies due by 10/27/2014. (Attachments: # <u>1</u> Text of Proposed Order Modified Proposed Judgment)(RICHARDSON, AMY) (Entered: 10/09/2014)
10/09/2014	<u>78</u>	RESPONSE filed by Defendants AL JEAN BOGLE, ROY COOPER, JOHN W. SMITH, Intervenor ROY COOPER re <u>72</u> MOTION for Judgment on the Pleadings filed by JANE BLACKBURN, PEARL BERLIN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY filed by AL JEAN BOGLE, ROY COOPER, ROY COOPER, JOHN W. SMITH. (WHITEHEAD, CHARLES) (Entered: 10/09/2014)
10/09/2014	<u>79</u>	MOTION for Extension of Time to File Answer re <u>75</u> MOTION to Intervene by THOM TILLIS and by PHIL BERGER. (Attachments: # <u>1</u> Proposed Order)(POTTER, ROBERT) (Entered: 10/09/2014)
10/09/2014	<u>80</u>	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEN JR. on 10/9/2014 that the motions for extension (1:12CV589 (Doc. 123); 1:14CV299 (Doc. <u>79</u>)) are DENIED. This court finds the motion for extension of time should be denied as requested. The motion to intervene is presently under consideration by this court and the Intervenor shall have until 12:00 noon on Friday, October 10, 2014, to file a completed motion to intervene, including a pleading that sets out the claim or defense for which intervention is sought. Associated Cases: 1:12-cv-00589-WO-JEP, 1:14-cv-00299-WO-JEP(Welch, Kelly) (Entered: 10/09/2014)
10/10/2014	<u>81</u>	Defendants-Intervenors Answer and Defenses filed by THOM TILLIS, PHIL BERGER. (POTTER, ROBERT) (Entered: 10/10/2014)
10/10/2014	<u>82</u>	REQUEST by Intevenors THOM TILLIS, PHIL BERGER for Oral Argument re (119 in 1:12cv589, 75 in 1:14cv299) MOTION to Intervene. (Attachments: # <u>1</u> Proposed Order) Associated Cases: 1:12-cv-00589-WO-JEP, 1:14-cv-00299-WO-JEP(POTTER, ROBERT) (Entered: 10/10/2014)
10/10/2014	<u>83</u>	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEN JR. on 10/10/2014, this court directs that Plaintiffs in each of these cases and the North Carolina Attorney General respond to the motion to intervene as set out herein no later than Monday, October 13, 2014, at 3:00 p.m. and that Movants' Request for Oral Argument on Motions for Intervention (1:14CV299 (Doc. <u>82</u>); 1:12CV589 (Doc. 126)) is DENIED . Associated Cases: 1:12-cv-00589-WO-JEP, 1:14-cv-00299-WO-JEP (Butler, Carol) (Entered: 10/10/2014)
10/10/2014	<u>84</u>	MOTION to Withdraw as Attorney DAVID A. CASTLEMAN on behalf of PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY, ESMERALDA MEJIA. Responses due by 11/3/2014 (Attachments: # <u>1</u> Text of Proposed Order)(RICHARDSON, AMY) (Entered: 10/10/2014)

10/10/2014	<u>85</u>	NOTICE of Appearance by attorney JOSEPH A. VANDERHULST on behalf of Intervenor Defendants PHIL BERGER, THOM TILLIS, PHIL BERGER, THOM TILLIS Associated Cases: 1:12-cv-00589-WO-JEP, 1:14-cv-00299-WO-JEP(VANDERHULST, JOSEPH) (Entered: 10/10/2014)
10/11/2014	<u>86</u>	NOTICE of Appearance by attorney JOHN C. EASTMAN on behalf of Intervenor Defendants PHIL BERGER, THOM TILLIS Associated Cases: 1:12-cv-00589-WO-JEP, 1:14-cv-00299-WO-JEP(EASTMAN, JOHN) (Entered: 10/11/2014)
10/13/2014	<u>87</u>	RESPONSE re (83 in 1:14-cv-00299-WO-JEP) Order, filed by ROY COOPER. Replies due by 10/30/2014. Associated Cases: 1:12-cv-00589-WO-JEP, 1:14-cv-00299-WO-JEP(VYSOTSKAYA DE BRITO, OLGA) (Entered: 10/13/2014)
10/13/2014	<u>88</u>	RESPONSE re <u>83</u> Order, <i>Plaintiffs' Response to October 10 Order</i> filed by PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA. Replies due by 10/30/2014. (Attachments: # <u>1</u> Affidavit Declaration of Chris Brooks, # <u>2</u> Exhibit Exhibit 1 to Declaration of Chris Brooks)(RICHARDSON, AMY) (Entered: 10/13/2014)
10/14/2014		Motions Submitted: (84 in 1:14cv299) MOTION to Withdraw as Attorney DAVID A. CASTLEMAN, (128 in 1:12cv589) MOTION to Withdraw as Attorney DAVID A. CASTLEMAN to CHIEF JUDGE WILLIAM L. OSTEEN JR. (Welch, Kelly) (Entered: 10/14/2014)
10/14/2014	<u>89</u>	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEN JR. on 10/14/2014, that the motions to withdraw are GRANTED and that Attorney Castleman is hereby terminated as counsel of record for Plaintiffs. Associated Cases: 1:12-cv-00589-WO-JEP, 1:14-cv-00299-WO-JEP(Butler, Carol) (Entered: 10/14/2014)
10/14/2014	<u>90</u>	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEN JR. on 10/14/2014, that the Motion for Intervention (1:12CV589 (Doc. <u>75</u>); 1:14CV299 (Doc. <u>119</u>)) is GRANTED for the limited purposes expressed herein. FURTHER that Movants' answers and defenses in each of these two cases are deemed TIMELY FILED . FURTHER that Movants' objections to this court's jurisdiction, to the application of <u>Bostic</u> , and to the grant of the pending motion for judgment on the pleadings are NOTED and OVERRULED . Associated Cases: 1:12-cv-00589-WO-JEP, 1:14-cv-00299-WO-JEP(Butler, Carol) (Entered: 10/14/2014)
10/14/2014	<u>91</u>	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEN JR. on 10/14/2014, that North Carolina Const. art. XIV, § 6, N.C. Gen. Stat. § 51-1, and N.C. Gen. Stat. § 51-2 are declared UNCONSTITUTIONAL to the extent those laws prevent same-sex couples from marrying and prohibit the State of North Carolina from recognizing same-sex couples' lawful out-of-state marriages. ⁴ FURTHER that the State of North Carolina, the Attorney General, and all officers, agents, and employees of the State of North Carolina are hereby ENJOINED from implementing or enforcing any provisions of North Carolina Const. art. XIV, § 6, N.C. Gen. Stat. § 51-1, and N.C. Gen. Stat. § 51-2 which prevent same-sex couples from marrying and prohibit the State of North Carolina from recognizing same-sex couples lawful out-of-state marriages. FURTHER that Plaintiffs' claims (i) concerning the adoption laws of North Carolina (Plaintiffs' First, Second, Third, Fourth, and Fifth Claims for Relief in Fisher-Borne v. Smith, First Amended Complaint, 1:12CV589 (Doc. <u>40</u>) (July 19, 2013)); and Plaintiffs' Fourth, Fifth, Sixth, and Seventh Claims for Relief in Gerber v. Cooper, Complaint, 1:14CV299 (Doc. <u>1</u>) (Apr. 9, 2014)), and (ii) against the Clerk of the Superior Court for Guilford County, the Clerk of the Superior Court for Durham County, and the Clerk of the Superior Court for Catawba County, are DISMISSED WITHOUT PREJUDICE as MOOT and/or NOT RIPE. FURTHER that the pending motions for preliminary injunction (1:12CV589 (Doc. <u>75</u>); 1:14CV299 (Doc. <u>3</u>)) are DENIED as MOOT. FURTHER that any claim by Plaintiffs for attorneys' fees and costs pursuant to 42 U.S.C. § 1988 is severed and will be considered upon appropriate motions of the parties. A judgment shall be entered contemporaneously with this Order. Associated Cases: 1:12-cv-00589-WO-JEP, 1:14-cv-00299-WO-JEP(Butler, Carol) (Entered: 10/14/2014)

10/14/2014	<u>92</u>	<p>JUDGMENT signed by CHIEF JUDGE WILLIAM L. OSTEEN JR. on 10/14/2014, for the reasons set forth in the Order filed contemporaneously with this Judgment, that North Carolina Const. art. XIV, § 6, N.C. Gen. Stat. § 51-1, and N.C. Gen. Stat. § 51-2 are declared UNCONSTITUTIONAL to the extent those laws prevent same-sex couples from marrying and prohibit the State of North Carolina from recognizing same-sex couples lawful out-of-state marriages. FURTHER that the State of North Carolina, the Attorney General, and all officers, agents, and employees of the State of North Carolina are hereby ENJOINED from implementing or enforcing any provisions of North Carolina Const. art. XIV, § 6, N.C. Gen. Stat. § 51-1, and N.C. Gen. Stat. § 51-2 which prevent same-sex couples from marrying and prohibit the State of North Carolina from recognizing same-sex couples lawful out-of-state marriages. FURTHER that Plaintiffs' claims (i) concerning the adoption laws of North Carolina (Plaintiffs' First, Second, Third, Fourth, and Fifth Claims for Relief in Fisher-Borne v. Smith, First Amended Complaint, 1:12CV589 (Doc. 40) (July 19, 2013)); and Plaintiffs' Fourth, Fifth, Sixth, and Seventh Claims for Relief in Gerber v. Cooper, Complaint, 1:14CV299 (Doc. 1) (Apr. 9, 2014)), and (ii) against the Clerk of the Superior Court for Guilford County, the Clerk of the Superior Court for Durham County, and the Clerk of the Superior Court for Catawba County, are DISMISSED WITHOUT PREJUDICE as MOOT and/or NOT RIPE. FURTHER that the pending motions for preliminary injunction (1:12CV589 (Doc. 75); 1:14CV299 (Doc. 3)) are DENIED as MOOT. Any claim by Plaintiffs for attorneys' fees and costs pursuant to 42 U.S.C. § 1988 is severed and will be considered upon appropriate motions of the parties. Associated Cases: 1:12-cv-00589-WO-JEP, 1:14-cv-00299-WO-JEP(Butler, Carol) (Entered: 10/14/2014)</p>
10/14/2014	<u>93</u>	<p>NOTICE of Appearance by attorney NOEL H. JOHNSON on behalf of Intervenor Defendants THOM TILLIS, PHIL BERGER Associated Cases: 1:12-cv-00589-WO-JEP, 1:14-cv-00299-WO-JEP(JOHNSON, NOEL) (Entered: 10/14/2014)</p>
10/15/2014	<u>94</u>	<p>AMENDED ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEN JR. on 10/15/2014, that North Carolina Const. art. XIV, § 6, N.C. Gen. Stat. § 51-1, and N.C. Gen. Stat. § 51-1.2 are declared UNCONSTITUTIONAL to the extent those laws prevent same-sex couples from marrying and prohibit the State of North Carolina from recognizing same-sex couples lawful out-of-state marriages. 5 FURTHER that the State of North Carolina, the Attorney General, and all officers, agents, and employees of the State of North Carolina are hereby ENJOINED from implementing or enforcing any provisions of North Carolina Const. art. XIV, § 6, N.C. Gen. Stat. § 51-1, and N.C. Gen. Stat. § 51-1.2 which prevent same-sex couples from marrying and prohibit the State of North Carolina from recognizing same-sex couples' lawful out-of-state marriages. FURTHER that Plaintiffs' claims (i) concerning the adoption laws of North Carolina (Plaintiffs' First, Second, Third, Fourth, and Fifth Claims for Relief in Fisher-Borne v. Smith, First Amended Complaint, 1:12CV589 (Doc. 40) (July 19, 2013)); and Plaintiffs' Fourth, Fifth, Sixth, and Seventh Claims for Relief in Gerber v. Cooper, Complaint, 1:14CV299 (Doc. 1) (Apr. 9, 2014)), and (ii) against the Clerk of the Superior Court for Guilford County, the Clerk of the Superior Court for Durham County, and the Clerk of the Superior Court for Catawba County, are DISMISSED WITHOUT PREJUDICE as MOOT and/or NOT RIPE. FURTHER that the pending motions for preliminary injunction (1:12CV589 (Doc. 75); 1:14CV299 (Doc. 3)) are DENIED as MOOT. FURTHER that any claim by Plaintiffs for attorneys' fees and costs pursuant to 42 U.S.C. § 1988 is severed and will be considered upon appropriate motions of the parties. A judgment shall be entered contemporaneously with this Order. (Butler, Carol) (Entered: 10/15/2014)</p>
10/15/2014	<u>95</u>	<p>AMENDED JUDGMENT signed by CHIEF JUDGE WILLIAM L. OSTEEN JR. on 10/15/2014, for the reasons set forth in the Order filed contemporaneously with this Judgment, that North Carolina Const. art. XIV, § 6, N.C. Gen. Stat. § 51-1, and N.C. Gen. Stat. § 51-1.2 are declared UNCONSTITUTIONAL to the extent those laws prevent same-sex couples from marrying and prohibit the State of North Carolina from recognizing same-sex couples lawful out-of-state marriages. FURTHER that the State of North Carolina, the Attorney General, and all officers, agents, and employees of the State of North Carolina are hereby ENJOINED from implementing or enforcing any provisions of North Carolina Const. art. XIV, § 6, N.C. Gen. Stat. § 51-1, and N.C. Gen. Stat. § 51-1.2 which prevent same-sex couples from marrying and prohibit the State of North Carolina from recognizing same-sex couples lawful</p>

		out-of-state marriages. FURTHER that Plaintiffs' claims (i) concerning the adoption laws of North Carolina (Plaintiffs' First, Second, Third, Fourth, and Fifth Claims for Relief in Fisher-Borne v. Smith , First Amended Complaint, 1:12CV589 (Doc. <u>40</u>) (July 19, 2013)); and Plaintiffs' Fourth, Fifth, Sixth, and Seventh Claims for Relief in Gerber v. Cooper , Complaint, 1:14CV299 (Doc. <u>1</u>) (Apr. 9, 2014)), and (ii) against the Clerk of the Superior Court for Guilford County, the Clerk of the Superior Court for Durham County, and the Clerk of the Superior Court for Catawba County, are DISMISSED WITHOUT PREJUDICE as MOOT , and/or NOT RIPE . FURTHER that the pending motions for preliminary injunction (1:12CV589 (Doc. <u>75</u>); 1:14CV299 (Doc. <u>3</u>)) are DENIED as MOOT . Any claim by Plaintiffs for attorneys' fees and costs pursuant to 42 U.S.C. § 1988 is severed and will be considered upon appropriate motions of the parties. (Butler, Carol) (Entered: 10/15/2014)(Butler, Carol) (Entered: 10/15/2014)
11/06/2014	<u>96</u>	NOTICE OF APPEAL as to <u>95</u> Judgment, <u>94</u> Order, <u>91</u> Order, <u>92</u> Judgment, by THOM TILLIS. Filing fee \$ 505, receipt number 0418-1603700. Appeal Record due by 11/20/2014. (POTTER, ROBERT) (Entered: 11/06/2014)
11/07/2014	<u>97</u>	Electronic Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>96</u> Notice of Appeal. (Butler, Carol) (Entered: 11/07/2014)
11/12/2014	<u>98</u>	NOTICE of Receipt of Record on Appeal from USCA re <u>96</u> Notice of Appeal filed by THOM TILLIS. USCA Case Number 14-2230. Case Manager: RJ Warren. (Butler, Carol) (Entered: 11/12/2014)
11/14/2014	<u>99</u>	NOTICE OF CROSS APPEAL by PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA. Filing fee \$ 505, receipt number 0418-1607461. Appeal Record due by 12/22/2014. (RICHARDSON, AMY) (Entered: 11/14/2014)
11/19/2014	<u>100</u>	Electronic Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>99</u> Notice of Cross Appeal. (Butler, Carol) (Entered: 11/19/2014)
11/21/2014	<u>101</u>	NOTICE of Docketing Notice of Appeal from USCA re <u>99</u> Notice of Cross Appeal filed by JANE BLACKBURN, PEARL BERLIN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA. USCA Case Number: 14-2279. Case Manager: RJ Warren. (Butler, Carol) (Entered: 11/21/2014)
12/05/2014	<u>102</u>	USCA ORDER that the court consolidates Case No. 14-2225(L) with Case Nos. 14-2228 and 14-2230. Case Nos. 14-2278 and 14-2279 are consolidated with the lead case as cross appeals. The appellant in Case No. 14-2225(L) shall be considered the appellant for purposes of the consolidated appeals and shall proceed first at briefing and at oral argument. Entry of appearance forms and disclosure statements filed by counsel and parties in the lead case are deemed filed in secondary cases. The court rescinds the current briefing schedules. The clerk shall establish a new cross appeal briefing schedule by separate order. (Butler, Carol) (Entered: 12/05/2014)
12/11/2014	<u>103</u>	MOTION to Continue <i>the Deadline for Plaintiffs' Motion for Attorneys' Fees</i> by PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY, ESMERALDA MEJIA. (Attachments: # <u>1</u> Text of Proposed Order)(BROOK, CHRISTOPHER) (Entered: 12/11/2014)
12/12/2014		Motion Submitted: <u>103</u> MOTION to Continue <i>the Deadline for Plaintiffs' Motion for Attorneys' Fees</i> to CHIEF JUDGE WILLIAM L. OSTEEEN JR. (Welch, Kelly) (Entered: 12/12/2014)
12/16/2014	<u>104</u>	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEEN JR. on 12/16/2014, that Plaintiffs' Unopposed Motions to Toll the Deadline for Plaintiffs' Motion for Attorneys' Fees (1:12CV589, Doc. 148 ; 1:14CV299, Doc. <u>103</u>) is GRANTED and that Plaintiffs motion to award statutory attorneys fees, if necessary, is due 60 days after the conclusion of any and all appeals associated with this case. (Butler, Carol) (Entered: 12/16/2014)
02/10/2015	<u>105</u>	USCA ORDER The court places this case in abeyance pending the United States Supreme Court's decision in Obergefell v. Hodges, No. 14-556, Tanco v. Haslam, No. 14-562, DeDoer v. Synder, No 14-571, and Bourke v. Beshear, No. 14-574. The parties shall immediately notify this court in writing when the Supreme Court has

		issued an opinion in these consolidated cases. USCA Case Numbers 14-2225(L), 14-2228, 14-2230, 14-2278 and 14-2279. (Sheets, Jamie) (Entered: 02/11/2015)
09/14/2015	<u>106</u>	BILL OF COSTS by Plaintiffs PEARL BERLIN, JANE BLACKBURN. Objection to Bill of Costs due by 9/28/2015. (Attachments: # <u>1</u> Exhibit A)(RICHARDSON, AMY) (Entered: 09/14/2015)
10/02/2015	<u>107</u>	TAXATION OF COSTS in the amount of \$905.00 are allowed and taxed against Defendants. Signed by Clerk of Court, JOHN S. BRUBAKER, on 10/02/2015. (Coyne, Michelle) (Entered: 10/02/2015)
10/13/2015	<u>108</u>	MOTION for Attorney Fees by PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY, ESMERALDA MEJIA. Responses due by 11/6/2015 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit M, # <u>15</u> Exhibit N)(RICHARDSON, AMY) Modified on 3/29/2018 to mark as pending per the Order <u>122</u> (Coyne, Michelle). (Entered: 10/13/2015)
10/13/2015	<u>109</u>	MEMORANDUM filed by Plaintiffs ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY re <u>108</u> MOTION for Attorney Fees filed by ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N)(RICHARDSON, AMY) (Entered: 10/13/2015)
10/21/2015	<u>110</u>	NOTICE of Settlement by PEARL BERLIN, JANE BLACKBURN (Attachments: # <u>1</u> Exhibit Settlement Agreement)(RICHARDSON, AMY) (Entered: 10/21/2015)
10/21/2015	<u>111</u>	NOTICE of Appearance by attorney PATRICK P. O'DONNELL on behalf of Plaintiffs PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY, ESMERALDA MEJIA (O'DONNELL, PATRICK) (Entered: 10/21/2015)
10/30/2015	<u>112</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>108</u> MOTION for Attorney Fees by ROY COOPER. (Attachments: # <u>1</u> Text of Proposed Order.pdf ver of proposed order)(VYSOTSKAYA DE BRITO, OLGA) (Entered: 10/30/2015)
10/30/2015		Motion Submitted: <u>112</u> Consent MOTION for Extension of Time to File Response/Reply as to <u>108</u> MOTION for Attorney Fees to CHIEF JUDGE WILLIAM L. OSTEEEN, JR. (Welch, Kelly) (Entered: 10/30/2015)
11/05/2015	<u>113</u>	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEEN, JR. on 11/5/2015, that Defendant's motion for extension is GRANTED and that Defendant State of North Carolina shall have up to and including November 20, 2015, in which to file a response to Plaintiffs' motion for attorneys' fees under 42 U.S.C. § 1988. Responses due by 11/20/2015. (Butler, Carol) (Entered: 11/05/2015)
11/20/2015	<u>114</u>	RESPONSE in Opposition re <u>108</u> MOTION for Attorney Fees filed by ROY COOPER. Replies due by 12/7/2015. (Attachments: # <u>1</u> Exhibit State Exh A, # <u>2</u> Exhibit State Exh B, # <u>3</u> Exhibit State Exh C, # <u>4</u> Exhibit State Exh D, # <u>5</u> Exhibit State Exh E)(VYSOTSKAYA DE BRITO, OLGA) (Entered: 11/20/2015)
11/25/2015	<u>115</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>114</u> Response in Opposition to Motion, <i>for Attorneys' Fees</i> by PEARL BERLIN, JANE BLACKBURN. (Attachments: # <u>1</u> Text of Proposed Order)(RICHARDSON, AMY) (Entered: 11/25/2015)
11/25/2015		Motion Submitted: <u>115</u> Consent MOTION for Extension of Time to File Response/Reply as to <u>114</u> Response in Opposition to Motion for Attorneys' Fees, to CHIEF JUDGE WILLIAM L. OSTEEEN, JR. (Welch, Kelly) (Entered: 11/25/2015)
12/04/2015	<u>116</u>	REPLY, filed by Plaintiffs PEARL BERLIN, JANE BLACKBURN, to Response to <u>108</u> MOTION for Attorney Fees filed by PEARL BERLIN, JANE BLACKBURN. (Attachments: # <u>1</u> Exhibit A)(RICHARDSON, AMY) (Entered: 12/04/2015)
12/07/2015		Motions Submitted: <u>108</u> MOTION for Attorney Fees to CHIEF JUDGE WILLIAM L. OSTEEEN, JR. (Winchester, Robin) (Entered: 12/07/2015)

12/10/2015	<u>117</u>	ORDER signed by Chief Judge William L. Osteen on 12/10/2015 that Plaintiffs' Motion for Extension <u>115</u> is GRANTED and Plaintiffs' Reply is deemed timely filed as of December 4, 2015. (1:12CV589 DOC. 162, 1:14CV299 DOC. <u>115</u>) (Coyne, Michelle) (Entered: 12/10/2015)
01/20/2016	<u>118</u>	ORDER re <u>108</u> MOTION for Attorney Fees signed by CHIEF JUDGE WILLIAM L. OSTEEEN, JR on 01/20/2016. (Associated Case: 1:12CV589)(Coyne, Michelle) (Entered: 01/20/2016)
08/01/2017	<u>119</u>	Suggestion of Subsequently Decided Authority re <u>109</u> Memorandum, by Plaintiffs PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY, ESMERALDA MEJIA. (Attachments: # <u>1</u> Supplement Miller v. Davis)(RICHARDSON, AMY) (Entered: 08/01/2017)
03/26/2018	<u>120</u>	REQUEST by Plaintiffs PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY, ESMERALDA MEJIA for Status Conference. (RICHARDSON, AMY) (Entered: 03/26/2018)
03/28/2018	<u>121</u>	MOTION to Withdraw as Attorney CHARLES GIBSON WHITEHEAD by on behalf of JOHN W. SMITH. Responses due by 4/18/2018 (WHITEHEAD, CHARLES) (Entered: 03/28/2018)
03/28/2018		TELEPHONE CONFERENCE held on 3/28/2018 with JUDGE WILLIAM L. OSTEEEN, JR., Attorneys Amy E. Richardson and Jonathan Drew Sasser participated on behalf of Plaintiffs, and Attorney Olga E. Vysotskaya de Brito participated on behalf of Defendants. The court advised the parties of the issue which caused the delay in ruling on Plaintiffs' Motion for Attorneys' Fees (1:12CV589 (Doc. 155); 1:14CV299 (Doc. 108)). The court will file an order re-opening the motion. The parties are to file a statement as to the fees following the intervenor settlement. The motion is taken under advisement; the request for a status conference (1:12CV589 (Doc. 167); 1:14CV299 (Doc. 120)) is now MOOT . (Cable, Frances) (Entered: 03/28/2018)
03/29/2018	<u>122</u>	ORDER signed by JUDGE WILLIAM L. OSTEEEN, JR on 03/29/2018 that the Clerk is directed to set aside the termination entry and reflect the motions (1:12CV589 155 ; 1:14CV299 <u>108</u>) as pending. (Coyne, Michelle) (Entered: 03/29/2018)
03/29/2018		Motion Submitted: <u>121</u> MOTION to Withdraw as Attorney CHARLES GIBSON WHITEHEAD, to JUDGE WILLIAM L. OSTEEEN, JR. (Welch, Kelly) (Entered: 03/29/2018)
03/30/2018	<u>123</u>	ORDER signed by JUDGE WILLIAM L. OSTEEEN, JR on 3/30/2018, that Attorney Whitehead's request to withdraw as counsel for Defendant John W. Smith is GRANTED. Remaining counsel of record for Defendant Smith shall continue as counsel in this matter. Attorney CHARLES GIBSON WHITEHEAD terminated.(Butler, Carol) (Entered: 03/30/2018)
04/03/2018	<u>124</u>	Amended MOTION for Attorney Fees <i>Based on Approved Settlement</i> by PEARL BERLIN, JANE BLACKBURN, ELLEN W. GERBER, CHRISTINA GINTER-MEJIA, LYN MCCOY, ESMERALDA MEJIA. (RICHARDSON, AMY) (Entered: 04/03/2018)
04/05/2018		Motion Submitted: <u>124</u> Amended MOTION for Attorney Fees Based on Approved Settlement, to JUDGE WILLIAM L. OSTEEEN, JR. (Welch, Kelly) (Entered: 04/05/2018)
07/25/2018	<u>125</u>	MEMORANDUM OPINION AND ORDER signed by JUDGE WILLIAM L. OSTEEEN, JR on 07/25/2018, that the Motions for Attorneys' Fees (1:12CV589; 155,171) (1:14CV299; <u>108</u> , <u>124</u>) are GRANTED. This order is STAYED for a period of ten (10) days to allow the parties an opportunity to review and file a written objection should they wish to be heard further on the court's interpretation of specifically raised billing adjustments. (Coyne, Michelle) (Entered: 07/25/2018)