

STATE OF NORTH CAROLINA

WAKE COUNTY

2020 MAY 13 PM 1:37

WAKE CO., C.S.C.

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

NO.: 20 CVS 500110

NORTH CAROLINA STATE CONFERENCE)
OF THE NAACP, DISABILITY RIGHTS)
NORTH CAROLINA, AMERICAN CIVIL)
LIBERTIES UNION OF NORTH CAROLINA)
LEGAL FOUNDATION, KIM T. CALDWELL,)
JOHN E. STURDIVANT, SANDARA KAY)
DOWELL, and CHRISTINA RHODES,)

Plaintiffs,)

v.)

ROY COOPER, Governor of the State of North)
Carolina, ERIK HOOKS in his official capacity as)
Secretary of the North Carolina Department of)
Public Safety, and BILL FOWLER, ERIC)
MONTGOMERY, ANGELA BRYANT, and)
GRAHAM ATKINSON, in their official)
capacities as Post-Release Supervision and)
Parole Commissioners,)

Defendants.)

ORDER

This matter comes before the Undersigned on Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction and, in the alternative, Petition for Writ of Mandamus. Notice of the hearing was proper and the hearing was held remotely via WebEx with consent of the parties on April 28, 2020.

Because injunctive relief by means of a temporary restraining order is an extraordinary measure, Plaintiff must provide sworn and specific facts showing (1) a likelihood of success on

the merits of his case and (2) the likelihood of irreparable loss. *A.E.P. Industries, Inc. v. McClure*, 308 N.C. 393, 401, 302 S.E.2d 754, 759 (1983). While this Court is entitled to grant a mandatory injunction, like the one Plaintiffs are requesting, these injunctions are generally disfavored and are only appropriate where the case is urgent and where the right is clear. *Roberts v. Madison Cty Realtors Assoc.*, 344 N.C. 394, 399–400, 474 S.E.2d 783, 787–88 (1996).

The Court has considered the submissions of the parties, matters of record, and the passionate arguments of counsel, including the dozens of affidavits asserted by all parties. In addition, and in consideration of the extraordinary circumstances surrounding the COVID-19 pandemic, the Court requested, received, and studied additional substantial and exhaustive records, affidavits, and data from all parties.

After carefully weighing all of the information and arguments as they relate to Plaintiff's motions, the Court hear by orders that:

Plaintiff's motion for temporary restraining order is denied.

Plaintiff's alternative motion for writ of mandamus is denied.

SO ORDERED this 13th day of May, 2020.



THE HONORABLE WINSTON ROZIER, JR.
SUPERIOR COURT JUDGE PRESIDING

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on the persons indicated

below via e-mail transmission addressed as follows:

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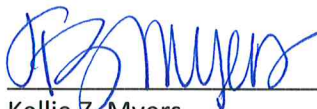
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This the 13th day of May 2020.

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