

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:18-CV-589-FL

COMMON CAUSE; NORTH)
CAROLINA DEMOCRATIC; PAULA)
ANN CHAPMAN; HOWARD DUBOSE;)
GEORGE DAVID GAUCK; JAMES)
MACKIN NESBIT; DWIGHT JORDAN;)
JOSEPH THOMAS GATES; MARK S.)
PETERS; PAMELA MORTON;)
VIRGINIA WALTERS BRIEN; JOHN)
MARK TURNER; LEON CHARLES)
SCHALLER; EDWIN M. SPEAS, JR.;)
REBECCA HARPER; LESLEY BROOK)
WISCHMANN; DAVID DWIGHT)
BROWN; AMY CLARE OSEROFF;)
KRISTIN PARKER JACKSON; JOHN)
BALLA; REBECCA JOHNSON; AARON)
WOLFF; MARY ANN)
PEDEN-COVIELLO; KAREN SUE)
HOLBROOK; KATHLEEN BARNES;)
ANN MCCRACKEN; JACKSON)
THOMAS DUNN, JR.; ALYCE)
MACHAK; WILLIAM SERVICE;)
DONALD RUMPH; STEPHEN)
DOUGLAS MCGRIGOR; NANCY)
BRADLEY; VINOD THOMAS;)
DERRICK MILLER; ELECTA E.)
PERSON; DEBORAH ANDERSON)
SMITH; ROSALYN SLOAN; JULIE)
ANN FREY; LILY NICOLE QUICK;)
JOSHUA BROWN; and CARLTON E.)
CAMPBELL, SR.,)

Plaintiffs,)

v.)


REPRESENTATIVE DAVID R. LEWIS)
In his official capacity as Senior Chairman)
of the House Select Committee on)

ORDER

Redistricting; SENATOR RALPH E.)
HISE, JR. In his official capacity as)
Chairman of the Senate Committee on)
Redistricting; SPEAKER OF THE)
HOUSE TIMOTHY K. MOORE; ANDY)
PENRY Chairman of the North Carolina)
State Board of Elections and Ethics)
Enforcement; JOSHUA MALCOLM)
Vice-Chair of the North Carolina State)
Board of Elections & Ethics Enforcement;)
KEN RAYMOND Secretary of the North)
Carolina State Board of Elections & Ethics)
Enforcement; STELLA ANDERSON)
Member of the North Carolina State Board)
of Elections & Ethics Enforcement;)
PRESIDENT PRO TEMPORE OF THE)
NORTH CAROLINA SENATE PHILIP)
E. BERGER; THE STATE OF NORTH)
CAROLINA; THE NORTH CAROLINA)
STATE BOARD OF ELECTIONS AND)
ETHICS ENFORCEMENT; DAMON)
CIRCOSTA Member of the North)
Carolina State Board of Elections & Ethics)
Enforcement; STACY “FOUR” EGGERS,)
IV Member of the North Carolina State)
Board of Elections & Ethics Enforcement;)
JAY HEMPHILL Member of the North)
Carolina State Board of Elections & Ethics)
Enforcement; VALERIE JOHNSON)
Member of the North Carolina State Board)
of Elections & Ethics Enforcement; JOHN)
LEWIS Member of the North Carolina)
State Board of Elections & Ethics)
Enforcement; THE NORTH CAROLINA)
STATE BOARD OF ELECTIONS AND)
ETHICS ENFORCEMENT; ROBERT)
CORDLE Member of the North Carolina)
State Board of Elections & Ethics)
Enforcement,)
)
)
Defendants.)

This matter is before the court on plaintiffs' emergency motion to remand (DE 5). The court having fully considered the matter and the briefing by the parties, it is hereby ORDERED that plaintiffs' motion is GRANTED. This case is REMANDED to the General Court of Justice, Superior Court Division, Wake County, North Carolina, for further proceedings. The court DENIES plaintiffs' request for costs and expenses under 28 U.S.C. § 1447(c). A memorandum opinion memorializing the court's reasoning for this decision will follow. In light of remand, the clerk is DIRECTED to terminate as moot the pending motion for extension of time to file answer (DE 34).

SO ORDERED, this the 2nd day of January, 2019.


LOUISE W. FLANAGAN
United States District Judge