

DATE: June 16, 2025

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WAKE COUNTY

SUPERIOR COURT JUDGES OFFICE

STATE OF NORTH CAROLINA BY: L. Tucker

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

COUNTY OF WAKE

24CV039723-910

JOSHUA H. STEIN, in his official capacity )  
 as GOVERNOR OF THE STATE OF )  
 THE STATE OF NORTH CAROLINA, )  
 )  
 Plaintiff, )

v. )

DESTIN C. HALL, in his official capacity )  
 as SPEAKER OF THE NORTH )  
 CAROLINA HOUSE OF )  
 REPRESENTATIVES; and PHILIP E. )  
 BERGER, in his official capacity as )  
 PRESIDENT PRO TEMPORE OF THE )  
 NORTH CAROLINA SENATE; and )  
 FREDDY L. JOHNSON, in his official )  
 capacity as COMMANDER OF THE )  
 STATE HIGHWAY PATROL, )  
 )  
 Defendants. )

**ORDER ON CROSS-MOTIONS  
 FOR SUMMARY JUDGMENT AND  
 PLAINTIFF'S MOTION FOR  
 INJUNCTIVE RELIEF**

This matter is before the Court on Plaintiff's and Defendants' cross-motions for summary judgment and Plaintiff's motion for injunctive relief. The matter came before the Court for a hearing on June 16, 2025, and the parties were represented at the hearing by their counsel of record. The Court retained jurisdiction of this case until this Order was entered.

Having considered the motions, pleadings, other filings of record, all other competent evidence of record, briefs and arguments of counsel, and relevant case law, without making findings of fact,<sup>1</sup> the Court determines, as agreed by the parties, that there are no genuine issues of material fact;<sup>2</sup> Defendants' motions for summary judgment should be granted;<sup>3</sup> Plaintiff's motion for summary

<sup>1</sup> *Capps v. Raleigh*, 35 N.C. App. 290, 292 (1978) ("[I]t is not a part of the function of the court on a motion for summary judgment to make findings of fact and conclusions of law.").

<sup>2</sup> The parties agree there are no genuine issues of material fact.

<sup>3</sup> *See, e.g., Harper v. Hall*, 384 N.C. 292, 298 (2023) ("[C]ourts presume that an act of the General Assembly is constitutional, and any challenge alleging that an act of the General Assembly is unconstitutional must identify an express provision of the constitution and demonstrate that the General Assembly violated the

judgment should be denied; and Plaintiff's motion for injunctive relief should therefore be denied as moot.

Plaintiff has failed to demonstrate, beyond a reasonable doubt, that the General Assembly's act is unconstitutional.<sup>4</sup> Defendants are entitled to judgment as a matter of law on all of Plaintiff's claims, and Plaintiff is not entitled to judgment as a matter of law on any of Plaintiff's claims.

Accordingly, it is therefore **ORDERED**, **ADJUDGED**, and **DECREED** that:

1. Defendants' motions for summary judgment are **GRANTED**, and judgment is therefore entered in favor of Defendants;
2. Plaintiff's motion for summary judgment is **DENIED**, and Plaintiff's claims are hereby dismissed with prejudice;
3. Plaintiff's motion for injunctive relief is **DENIED** as moot;
4. The parties shall bear their own costs and fees in this action; and
5. Final judgment is hereby entered accordingly.

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provision beyond a reasonable doubt.”); *see also McKinney v. Goins*, 387 N.C. 35 (2025); *Stein v. Berger*, No. 11P25 (N.C. May 23, 2025); *cf. Cmty. Success Initiative v. Moore*, 384 N.C. 194, 211 (2023) (noting that, when reviewing the constitutionality of a statute, courts must “look[] upon laws enacted by our General Assembly as expressions of the people’s will” because the people “exercise th[eir] sovereign power through their elected representatives in the General Assembly”).

<sup>4</sup> *E.g.*, N.C. Const. art. I, §§ 2, 6, 32; *id.* art. II, § 1; *id.* art. III, §§ 5(4), 5(5), 5(10); *id.* art. IV, § 18(1); *id.* art. VI, § 10; *id.* art. VII, § 2; *id.* art. XII; *Gaston Bd. of Realtors, Inc. v. Harrison*, 311 N.C. 230 (1984); *Sharpe v. Park Newspapers of Lumberton, Inc.*, 317 N.C. 579 (1986); *State ex re. Martin v. Preston*, 325 N.C. 438 (1989); *Bacon v. Lee*, 353 N.C. 696 (2001); *Wise v. Harrington Grove Cmty. Ass’n, Inc.*, 357 N.C. 396 (2003); *Rhyne v. K-Mart Corp.*, 358 N.C. 160 (2004); *State ex rel. McCrory v. Berger*, 368 N.C. 633 (2016); *Cooper v. Berger (Cooper I)*, 370 N.C. 392 (2018); *Cooper v. Berger (Cooper Confirmation)*, 371 N.C. 799 (2018); *Cmty. Success Initiative v. Moore*, 384 N.C. 194 (2023); *Harper v. Hall*, 384 N.C. 292 (2023); *McKinney v. Goins*, 387 N.C. 35 (2025); *Stein v. Berger*, No. 11P25 (N.C. May 23, 2025); *State ex rel. Utilities Comm’n v. Cube Yadkin Generation LLC*, 279 N.C. App. 217 (2021); *ACLU of N.C., Inc. v. State*, 181 N.C. App. 430 (2007); *State v. Vebaun*, 34 N.C. App. 700 (1977).

**SO ORDERED**, this the 16th day of June 2025.

/s/ R. Stuart Albright

Honorable R. Stuart Albright  
Superior Court Judge

/s/ Justin N. Davis

Honorable Justin N. Davis  
Superior Court Judge

/s/ Matthew T. Houston

Honorable Matthew T. Houston  
Superior Court Judge