

**U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)
CIVIL DOCKET FOR CASE #: 5:16-cv-00238-BO**

McCrorry et al v. United States of America et al
Assigned to: District Judge Terrence W. Boyle
related Cases: [5:16-cv-00240-FL](#)
[5:16-cv-00245-FL](#)

Cause: 28:2201 Declaratory Judgment

Movant

Sen. Phil Berger

Date Filed: 05/09/2016
Date Terminated: 09/19/2016
Jury Demand: None
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Defendant

represented by **Stuart K. Duncan**
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Movant

Rep. Tim Moore

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Movant

North Carolinians for Privacy

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Movant

Steven Glenn Johnson
TERMINATED: 09/01/2016

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Plaintiff

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*in his official capacity as Governor of the
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Plaintiff

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*in his official capacity as Secretary,
North Carolina Department of Public
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represented by **Karl S. Bowers , Jr.**
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William W. Stewart , Jr.
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V.

Defendant

United States of America

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Defendant

United States Department of Justice

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Spencer E. Amdur
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Defendant

Loretta E. Lynch
*in her official capacity as United States
Attorney General*

represented by **Michael James**
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ATTORNEY TO BE NOTICED

Spencer E. Amdur
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LEAD ATTORNEY
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Defendant

Vanita Gupta
*in her official capacity as Principal
Deputy Assistant Attorney General*

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Spencer E. Amdur
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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05/09/2016	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0417-3674980.), filed by Patrick L. McCrory, Frank Perry. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons, # <u>3</u> Proposed Summons, # <u>4</u> Proposed Summons, # <u>5</u> Proposed Summons) (Stewart, William) (Entered: 05/09/2016)
05/09/2016		NOTICE OF DEFICIENCY regarding: Proposed summonses at <u>1</u> Complaint. Pursuant to Section B(3) of the CM/ECF Policy Manual available on the court's website, when using fillable PDF forms, the court requires that these forms be "flattened." Counsel is directed to flatten and refile the proposed summonses using the event "Notice-(other)." (Felder, J) (Entered: 05/09/2016)
05/09/2016		NOTICE to Counsel – All counsel should file a Notice of Appearance pursuant to Local Civil Rule 5.2(a). (Felder, J) (Entered: 05/09/2016)
05/09/2016	<u>2</u>	Notice filed by Patrick L. McCrory, Frank Perry regarding <u>1</u> Complaint, <i>Proposed Summons</i> . (Attachments: # <u>1</u> Proposed Summons, # <u>2</u> Proposed Summons, # <u>3</u> Proposed Summons) (Stewart, William) (Entered: 05/09/2016)
05/09/2016	<u>3</u>	Notice of Appearance filed by William W. Stewart, Jr on behalf of Patrick L. McCrory. (Stewart, William) (Entered: 05/09/2016)
05/09/2016	<u>4</u>	Notice of Appearance filed by Frank J. Gordon on behalf of Patrick L. McCrory. (Gordon, Frank) (Entered: 05/09/2016)
05/09/2016	<u>5</u>	Notice of Appearance filed by Brennan Tyler Brooks on behalf of Patrick L. McCrory. (Brooks, Brennan) (Entered: 05/09/2016)
05/09/2016	<u>6</u>	Financial Disclosure Statement by Patrick L. McCrory (Stewart, William) (Entered: 05/09/2016)
05/09/2016	<u>7</u>	Financial Disclosure Statement by Frank Perry (Stewart, William) (Entered: 05/09/2016)
05/09/2016	<u>8</u>	Summonses Issued as to Vanita Gupta, Loretta E. Lynch, United States Department of Justice, and United States of America. Counsel is directed to print summonses and effect service. (Romine, L.) (Entered: 05/09/2016)
05/17/2016	<u>9</u>	MOTION to Transfer Case (<i>Unopposed</i>) filed by Patrick L. McCrory, Frank Perry. (Attachments: # <u>1</u> Text of Proposed Order) (Stewart, William) (Entered: 05/17/2016)
05/17/2016	<u>10</u>	Memorandum in Support regarding <u>9</u> MOTION to Transfer Case (<i>Unopposed</i>) filed by Patrick L. McCrory, Frank Perry. (Attachments: # <u>1</u> Exhibit Complaint in USA v. State of NC, # <u>2</u> Exhibit Complaint in Carcano v. McCrory, # <u>3</u> Exhibit 1st Amended Complaint in Carcano v. McCrory, # <u>4</u> Supplement Landers v. Dawson (unpublished opinion), # <u>5</u> Supplement Calloway Golf v. Corp. Trade (unpublished opinion)) (Stewart, William) (Entered: 05/17/2016)
05/20/2016		Motion Submitted to US District Judge Terrence W. Boyle: regarding <u>9</u> MOTION to Transfer Case (<i>Unopposed</i>). (Romine, L.) (Entered: 05/20/2016)
05/23/2016	<u>11</u>	MOTION to Consolidate Cases filed by Phil Berger, Tim Moore. (Attachments: # <u>1</u> Text of Proposed Order) (Duncan, Stuart) (Entered: 05/23/2016)
05/23/2016	<u>12</u>	Memorandum in Support regarding <u>11</u> MOTION to Consolidate Cases filed by Phil Berger, Tim Moore. (Duncan, Stuart) (Entered: 05/23/2016)
05/23/2016	<u>13</u>	Notice of Appearance filed by Stuart K. Duncan on behalf of Phil Berger, Tim Moore. (Duncan, Stuart) (Entered: 05/23/2016)
05/23/2016	<u>14</u>	Notice of Appearance filed by Robert D. Potter, Jr on behalf of Phil Berger, Tim Moore. (Potter, Robert) (Entered: 05/23/2016)
05/23/2016	<u>15</u>	Notice of Appearance for non-district by Karl S. Bowers, Jr on behalf of Patrick L. McCrory, Frank Perry. (Bowers, Karl) (Entered: 05/23/2016)
05/23/2016		TEXT ORDER: Plaintiffs in later-filed, related case 5:16-CV-240-FL have filed in this matter a motion to consolidate the two cases in the interests of judicial economy, efficient handling, and consistent resolution of common issues. DE <u>11</u> . The Court will defer its ruling on the pending motion to transfer DE <u>9</u> in order to consider the motion to consolidate. Signed by District Judge Terrence W. Boyle on 5/23/2016. (Romine,

		L.) (Entered: 05/23/2016)
05/23/2016	<u>16</u>	Affidavit of Service for summons and complaint filed by Patrick L. McCrory served on USA on 5/13/2016. (Attachments: # <u>1</u> Exhibit A – usa–civil process clerk, # <u>2</u> Exhibit B – usa–usag) (Stewart, William) (Entered: 05/23/2016)
05/23/2016	<u>17</u>	Affidavit of Service for summons and complaint filed by Patrick L. McCrory served on USDOJ on 5/13/2016. (Attachments: # <u>1</u> Exhibit A – DOJ–civil process, # <u>2</u> Exhibit B – USDOJ, # <u>3</u> Exhibit C – USDOJ – AG) (Stewart, William) (Entered: 05/23/2016)
05/23/2016	<u>18</u>	Affidavit of Service for summons and complaint filed by Patrick L. McCrory served on Loretta Lynch – AG on 5/13/2016. (Attachments: # <u>1</u> Exhibit A – Lynch – civil process, # <u>2</u> Exhibit B– Lynch – AG, # <u>3</u> Exhibit C– Lynch – USDOJ) (Stewart, William) (Entered: 05/23/2016)
05/23/2016	<u>19</u>	Affidavit of Service for summons and complaint filed by Patrick L. McCrory served on Vanita Gupta – Asst AG on 5/13/2016. (Attachments: # <u>1</u> Exhibit A – Gupta – civil process, # <u>2</u> Exhibit B – Gupta – AG, # <u>3</u> Exhibit C– Gupta – USDOJ) (Stewart, William) (Entered: 05/23/2016)
05/24/2016	<u>20</u>	Notice of Appearance filed by Deborah J. Dewart on behalf of North Carolinians for Privacy. (Dewart, Deborah) (Entered: 05/24/2016)
05/24/2016	<u>21</u>	Financial Disclosure Statement by North Carolinians for Privacy (Dewart, Deborah) (Entered: 05/24/2016)
05/24/2016	<u>22</u>	MOTION to Consolidate Cases filed by North Carolinians for Privacy. (Attachments: # <u>1</u> Text of Proposed Order) (Dewart, Deborah) (Entered: 05/24/2016)
05/24/2016	<u>23</u>	Memorandum in Support regarding <u>22</u> MOTION to Consolidate Cases filed by North Carolinians for Privacy. (Dewart, Deborah) (Entered: 05/24/2016)
05/24/2016	<u>24</u>	Notice of Appearance for non–district by Jeremy D. Tedesco on behalf of North Carolinians for Privacy. (Tedesco, Jeremy) (Entered: 05/24/2016)
05/24/2016	<u>25</u>	Notice of Appearance for non–district by James A. Campbell on behalf of North Carolinians for Privacy. (Campbell, James) (Entered: 05/24/2016)
05/24/2016	<u>26</u>	Notice of Appearance for non–district by Kristen K. Waggoner on behalf of North Carolinians for Privacy. (Waggoner, Kristen) (Entered: 05/24/2016)
05/24/2016	<u>27</u>	Notice of Appearance for non–district by Joseph E. La Rue on behalf of North Carolinians for Privacy. (La Rue, Joseph) (Entered: 05/24/2016)
05/24/2016	<u>28</u>	Notice of Appearance for non–district by Jonathan Caleb Dalton on behalf of North Carolinians for Privacy. (Dalton, Jonathan) (Entered: 05/24/2016)
05/24/2016	<u>29</u>	Notice of Appearance for non–district by David A. Cortman on behalf of North Carolinians for Privacy. (Cortman, David) (Entered: 05/24/2016)
05/24/2016	<u>30</u>	Notice of Appearance for non–district by John Matthew Sharp on behalf of North Carolinians for Privacy. (Sharp, John) (Entered: 05/24/2016)
05/25/2016	<u>31</u>	RESPONSE to Motion regarding <u>11</u> MOTION to Consolidate Cases filed by Patrick L. McCrory, Frank Perry. (Stewart, William) (Entered: 05/25/2016)
05/26/2016	<u>32</u>	ORDER – Consolidation of case No. 5:16–CV–240–FL with this matter will be allowed if permitted by the judge to whom the General Assembly's case is currently assigned. The Court makes no determination as to the motion to consolidate filed by North Carolinians for Privacy, case No. 5:16–CV–245–FL, at this time. Signed by District Judge Terrence W. Boyle on 5/26/2016. The parties are reminded to read the attached order in its entirety. (Downing, L.) (Entered: 05/26/2016)
06/06/2016	<u>33</u>	MOTION to Intervene filed by Steven Glenn Johnson. (Attachments: # <u>1</u> Proposed Complaint, # <u>2</u> Exhibit A – Correspondence and Oath of Office, # <u>3</u> Exhibit B – Document – Page 3 of 12, # <u>4</u> Exhibit C – Register of Deeds Document) (Marsh, K) (Entered: 06/07/2016)

06/07/2016	<u>34</u>	ORDER denying <u>9</u> Motion to Transfer Case. Signed by District Judge Terrence W. Boyle on 6/7/2016. (Marsh, K) (Entered: 06/07/2016)
06/09/2016	<u>35</u>	Notice of Appearance filed by Gene C. Schaerr on behalf of Phil Berger, Tim Moore. (Schaerr, Gene) (Entered: 06/09/2016)
06/13/2016	<u>36</u>	ORDER allowing Phil Berger's and Tim Moore's <u>11</u> Motion to Consolidate Cases. Signed by District Judge Terrence W. Boyle on 6/13/2016. (Romine, L.) (Entered: 06/13/2016)
06/14/2016	<u>37</u>	Notice of Appearance filed by Spencer E. Amdur on behalf of All Defendants. (Amdur, Spencer) (Entered: 06/14/2016)
06/14/2016	<u>38</u>	Memorandum in Opposition regarding <u>22</u> MOTION to Consolidate Cases filed by Vanita Gupta, Loretta E. Lynch, United States Department of Justice, United States of America. (Amdur, Spencer) (Entered: 06/14/2016)
06/16/2016	<u>39</u>	Notice of Appearance filed by Michael James on behalf of All Defendants. (James, Michael) (Entered: 06/16/2016)
06/17/2016	<u>40</u>	RESPONSE to Motion regarding <u>22</u> MOTION to Consolidate Cases filed by Patrick L. McCrory, Frank Perry. (Stewart, William) (Entered: 06/17/2016)
06/17/2016	<u>41</u>	REPLY to Response to Motion regarding <u>22</u> MOTION to Consolidate Cases filed by North Carolinians for Privacy. (Campbell, James) (Entered: 06/17/2016)
06/17/2016	<u>42</u>	RESPONSE in Support regarding <u>22</u> MOTION to Consolidate Cases filed by Phil Berger, Tim Moore. (Duncan, Stuart) (Entered: 06/17/2016)
06/20/2016	<u>43</u>	ORDER allowing North Carolinians for Privacy's <u>22</u> Motion to Consolidate Cases. Signed by District Judge Terrence W. Boyle on 6/20/2016. (Romine, L.) (Entered: 06/20/2016)
06/21/2016	<u>44</u>	Notice of Appearance filed by Robert C. Stephens on behalf of Patrick L. McCrory. (Stephens, Robert) (Entered: 06/21/2016)
06/27/2016	<u>45</u>	Memorandum in Opposition regarding <u>33</u> MOTION to Intervene of <i>Steven Glenn Johnson</i> filed by Vanita Gupta, Loretta E. Lynch, United States Department of Justice, United States of America. (Amdur, Spencer) (Entered: 06/27/2016)
06/27/2016	<u>46</u>	AMENDED DOCUMENT by Vanita Gupta, Loretta E. Lynch, United States Department of Justice, United States of America. Amendment to <u>45</u> Memorandum in Opposition <i>Amending Certificate of Service</i> (Amdur, Spencer) (Entered: 06/27/2016)
06/29/2016	<u>47</u>	RESPONSE in Opposition regarding <u>33</u> MOTION to Intervene filed by Patrick L. McCrory, Frank Perry. (Stewart, William) (Entered: 06/29/2016)
07/12/2016	<u>48</u>	MOTION to Dismiss filed by Vanita Gupta, Loretta E. Lynch, United States Department of Justice, United States of America. (Attachments: # <u>1</u> Memorandum in Support of Motion to Dismiss, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3) (Amdur, Spencer) (Entered: 07/12/2016)
07/13/2016	<u>49</u>	ORDER regarding <u>48</u> MOTION to Dismiss. Plaintiffs' response to the motion shall be filed not later than July 22, 2016. Any reply by defendants shall be filed not later than July 26, 2016. A hearing will be held on the motion, if necessary, at Raleigh, North Carolina. The date and time will be set by separate notice. Signed by District Judge Terrence W. Boyle on 7/13/2016. (Romine, L.) (Entered: 07/13/2016)
07/18/2016	<u>50</u>	REPLY to Response to Motion regarding <u>33</u> MOTION to Intervene filed by Steven Glenn Johnson. (Romine, L.) (Entered: 07/18/2016)
07/22/2016	<u>51</u>	RESPONSE in Opposition regarding <u>48</u> MOTION to Dismiss filed by Patrick L. McCrory, Frank Perry. (Attachments: # <u>1</u> Exhibit A – Charlotte Observer Article, # <u>2</u> Exhibit B – Remarks of Attorney General Lynch, # <u>3</u> Exhibit C – Order in Case No. 1:16-cv-00425-TDS-JEP (M.D.N.C.)) (Stewart, William) (Entered: 07/22/2016)
07/26/2016	<u>52</u>	REPLY to Response to Motion regarding <u>48</u> MOTION to Dismiss filed by Vanita Gupta, Loretta E. Lynch, United States Department of Justice, United States of America. (Amdur, Spencer) (Entered: 07/26/2016)

07/27/2016		Motions Submitted to US District Judge Terrence W. Boyle: <u>33</u> MOTION to Intervene and <u>48</u> MOTION to Dismiss. (Romine, L.) (Entered: 07/27/2016)
09/01/2016	<u>53</u>	ORDER denying movant Johnson's <u>33</u> Motion to Intervene. Signed by District Judge Terrence W. Boyle on 9/1/2016. Certified copy sent to pro se movant via US Mail to 208 Nydegg Road, New Bern, NC 28562. (Romine, L.) (Entered: 09/01/2016)
09/08/2016	<u>54</u>	NOTICE of Hearing on Motion <u>48</u> MOTION to Dismiss: Motion Hearing set for 9/29/2016 at 11:00 AM in Raleigh – 6th Floor Courtroom before District Judge Terrence W. Boyle. (Romine, L.) (Entered: 09/08/2016)
09/13/2016		Reset Hearing as to <u>48</u> MOTION to Dismiss. Motion Hearing set for Thursday 9/22/2016 at 11:00 AM in Raleigh – 7th Floor – Courtroom 2 before District Judge Terrence W. Boyle. Change in date and courtroom (Romine, L.) (Entered: 09/13/2016)
09/16/2016	<u>55</u>	Notice of Voluntary Dismissal filed by Patrick L. McCrory, Frank Perry as to All Defendants (Without Prejudice). (Stewart, William) (Entered: 09/16/2016)
09/29/2016	<u>56</u>	MOTION to Alter Judgment filed by Steven Glenn Johnson. (Stouch, L.) (Entered: 10/03/2016)
10/24/2016		Motion Submitted to District Judge Terrence W. Boyle: <u>56</u> MOTION to Alter Judgment. (Stouch, L.) (Entered: 10/24/2016)
01/19/2017	<u>57</u>	ORDER denying <u>56</u> Motion to Alter Judgment. Signed by District Judge Terrence W. Boyle on 1/18/2017. Certified copy sent to Steven–Glenn: Johnson via US Mail to 208 Nydegg Road, New Bern, NC 28562. (Stouch, L.) (Entered: 01/19/2017)