

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 24CV018884-910

T. CRAIG TRAVIS,
Plaintiff,

v.

P. KEVIN BERGER, DIANE P.
PARNELL, DONALD T. POWELL,
MARK F. RICHARDSON, NORTH
CAROLINA CONSERVATIVES FUND,
ATLAS POLITICAL CONSULTING,
LLC, and GOPAC, INC.,
Defendants.

**PLAINTIFF’S MOTION TO
SET ASIDE ORDER**

**[N.C. R. Civ. P. 7(b)(1), 15(a), 59(e),
and 60(b)]**

NOW COMES Plaintiff, by and through his undersigned counsel of record, and pursuant to Rules 7(b)(1), 15(a), 59(e), and 60(b) of the North Carolina Rules of Civil Procedure, moves to set aside the Order entered in this matter on May 16, 2025. In support of his motion, Plaintiff shows the Court as follows:

PROCEDURAL HISTORY

1. Plaintiff T. Craig Travis (“Plaintiff”) filed his verified Complaint in this action on June 17, 2024.
2. On July 12, 2024, the following documents were filed:
 - a. Joint Motion to Dismiss of Individual Defendants pursuant to Rule 12(b)(6) of the North Carolina Rules of Civil Procedure, filed by Defendants P. Kevin Berger (“Defendant Berger”), Diane P. Parnell (“Defendant Parnell”), Donald T. Powell (“Defendant Powell”), and Mark F. Richardson (“Defendant Richardson”) (collectively “Individual Defendants”);

- b. North Carolina Conservative Fund and Atlas Political Consulting, LLC's Motion to Dismiss pursuant to Rule 12(b)(6), filed by Defendants North Carolina Conservatives Fund ("Defendant NCCF") and Atlas Political Consulting, LLC ("Defendant APC");
 - c. Joint Motion to Designate Action as Exceptional Case Pursuant to North Carolina General Rule of Practice 2.1 ("Rule 2.1 Motion"), filed by Defendant Berger, Defendant Parnell, Defendant Powell, Defendant Richardson, Defendant NCCF, and Defendant APC (collectively "North Carolina Defendants"); and
 - d. Plaintiff's Objection to Designation as Exceptional Case ("Plaintiff's Objection"), objecting to the North Carolina Defendants' Rule 2.1 Motion.
3. On July 15, 2024, Defendant GOPAC, Inc. ("Defendant GOPAC") filed a Motion to Dismiss pursuant to Rule 12(b)(2) and (6) of the North Carolina Rules of Civil Procedure.
4. On July 19, 2024, Plaintiff filed a Motion to Compel Compliance with Subpoena pursuant to Rule 45(c)(4) of the North Carolina Rules of Civil Procedure, seeking entry of an order compelling non-parties Martin & Blaine, the Differentiators LLC and Differentiators Data LLC ("The Differentiators") to comply with subpoenas *duces tecum* issued by Plaintiff's counsel on June 19, 2024.
5. On July 30, 2024, the North Carolina Defendants filed a Joint Motion for Protective Order, seeking without any valid legal basis or standing, entry of an order requiring Plaintiff to withdraw all subpoenas issued to third parties and prohibiting Plaintiff from issuing further subpoenas or conducting discovery unless such information was sought in accordance with a protective order approved by the North Carolina Defendants.

6. On January 13, 2025, Plaintiff filed a Supplemental Objection to the North Carolina Defendants' Rule 2.1 Motion based on misconduct by the Individual Defendants' attorney, Craig Schauer ("Mr. Schauer"), including: (a) Mr. Schauer's *ex parte* communication with The Honorable Clayton Somers ("Judge Somers"), whom the North Carolina Defendants requested by name be assigned as a Rule 2.1 judge in this case, and (b) Mr. Schauer's deliberate omission of Plaintiff's counsel from communications with the Trial Court Administrator ("TCA"), causing the TCA to believe that the North Carolina Defendants' Rule 2.1 Motion was unopposed and to submit a request for designation of this matter as an exceptional case assigned to Judge Somers without Plaintiff's knowledge.
7. On March 10, 2025, Defendant GOPAC filed an Amended Motion to Dismiss pursuant to Rules 12(b)(2) and (6) of the North Carolina Rules of Civil Procedure.
8. On March 21, 2025, the Court entered an Order Denying the North Carolina Defendants' Rule 2.1 Motion.
9. Defendants' Motions to Dismiss were set for hearing on April 21, 2025 in Courtroom 10C of the Wake County Courthouse before The Honorable Robby Hicks ("Judge Hicks"). At calendar call on the morning of April 21, 2025, several matters, including a jury trial involving a *pro se* plaintiff, were set to be heard, and there was insufficient time that day to hear Defendants' motions. After calendar call, Judge Hicks instructed the parties, by email from the Trial Court Coordinator ("TCC"), to appear in Courtroom 10C at 9:30 a.m. on April 23, 2025 for the hearing on Defendants' Motions to Dismiss.
10. Counsel for all parties appeared in Courtroom 10C at 9:30 a.m. on April 23, 2025 for the hearing before Judge Hicks. Judge Hicks began the hearing by stating that, after reading all documents in the court file in preparation for the hearing, he became aware that there were

allegations in the Complaint regarding The Differentiators. In the interest of transparency, Judge Hicks disclosed to all parties on the record that he had hired The Differentiators in connection with his judicial campaign in 2022. Although Judge Hicks did not consider his association with The Differentiators approximately 3 years earlier to be a conflict (and none of the parties had sought his recusal), Judge Hicks recused himself from hearing Defendants' Motions to Dismiss to avoid any potential appearance of impropriety or partiality and notified counsel for the parties that Defendants' Motions to Dismiss would be heard by The Honorable Hoyt G. Tessener ("Judge Tessener") in Courtroom 10B at 10:30 a.m. the same day.

11. When the hearing began, Judge Tessener informed the parties that he had not read any documents in the court file. During the approximately 3-hour hearing, Judge Tessener did not disclose any personal, professional, or political relationship with any of the individuals referenced in the Complaint. Judge Tessener took the matter under advisement and stated that he would read all of the documents submitted by the parties and render his decision by Monday, April 28, 2025.

12. On the evening of April 23, 2025, a third party who was not present for the hearing contacted Plaintiff's counsel and said that Judge Tessener should not preside over the case because the judge had a conflict due to his association with former Speaker of the North Carolina House of Representatives Tim Moore ("Mr. Moore") and President Pro Tempore of the North Carolina Senate Phil Berger, Sr. ("Senator Berger"). Mr. Moore and Senator Berger are both heavily involved with Defendant GOPAC, and Senator Berger is the father of Defendant Berger. Upon information and belief, Mr. Moore was a member of the Legislative Leaders Advisory Board of Defendant GOPAC from 2015 through 2023 and was one of only five Congressional candidates endorsed by Defendant GOPAC in the 2024 election. Upon information and belief,

Senator Berger is currently a member of the Legislative Leaders Advisory Board of Defendant GOPAC and has been since at least 2020.

13. Before the hearing in this matter on April 23, 2025, Plaintiff's counsel knew very little about Judge Tessener (essentially only that he had been a plaintiff's personal injury attorney before he became a judge and that he had attended law school at Campbell University). Plaintiff had never heard of Judge Tessener and did not know anything about him. Plaintiff and Plaintiff's counsel reasonably believed that, since Judge Hicks had recused himself for a relatively attenuated connection to non-parties identified in the Complaint and reassigned the matter to Judge Tessener, Judge Tessener's connection (if any) to the individuals involved in the case (whether parties or non-parties) would be even more distant. In the exercise of due diligence after being informed that Judge Tessener may have a conflict due to his association with Mr. Moore and Senator Berger, Plaintiff's counsel searched publicly available information and discovered the following:

- a. Judge Tessener was appointed to his position as a Special Superior Court Judge by Mr. Moore in Section 2.15(c) of Senate Bill 761 (Session Law 2023-148), attached hereto as **EXHIBIT A** and incorporated by reference herein, on October 25, 2023. Judge Tessener's position is one of 10 Special Superior Court Judgeships newly created by the 2023 Appropriations Act and filled by legislative appointment. Mr. Moore and Senator Berger both signed Senate Bill 761 to appoint Judge Tessener.
- b. Judge Tessener was appointed to an initial 2-year term on the Governor's Crime Commission by Mr. Moore on July 16, 2019 in Section 2.24 of Senate Bill 686 (Session Law 2019-122), attached hereto as **EXHIBIT B** and incorporated by reference herein, and a second 2-year term on March 31, 2021 in Section 1.4 of

House Bill 356 (Session Law 2021-6), attached hereto as **EXHIBIT C** and incorporated by reference herein.

- c. Judge Tessener made substantial financial contributions to the campaign committees of Mr. Moore and Senator Berger. Since 2015, Judge Tessener has contributed a total of \$22,900.00 to Mr. Moore's campaign committees and \$1,000.00 to Senator Berger's North Carolina Senate campaign committee. A spreadsheet showing data from the North Carolina Board of Elections regarding Judge Tessener's contributions to Mr. Moore's and Senator Berger's North Carolina General Assembly campaigns is attached hereto as **EXHIBIT D** and incorporated by reference herein. An excerpt from the Federal Elections Commission report filed by Mr. Moore's campaign committee showing a \$6,600.00 contribution by Judge Tessener to Mr. Moore's 2024 Congressional campaign on November 8, 2023—approximately two weeks after Judge Tessener was appointed to his current position—is attached hereto as **EXHIBIT E** and incorporated by reference herein.
- d. Although Mr. Moore is no longer on the Legislative Leaders Advisory Board¹ of Defendant GOPAC, he remains actively involved with this organization.
- i. Defendant GOPAC, through GOPAC Election Fund, contributed \$5,000.00 directly to Mr. Moore's 2024 Congressional campaign and spent at least \$164,850.00 in independent expenditures supporting Mr. Moore's

¹ Based on Defendant GOPAC's website, its Legislative Leaders Advisory Board is composed of state legislators. See Our Mission, GOPAC, <https://www.gopac.org/our-mission-1> (last visited May 20, 2025). Mr. Moore was presumably no longer a member of this board in 2024, because he had filed to run in the 2024 election for the United States House of Representatives representing North Carolina's 14th Congressional District.

campaign. Mr. Moore was running for Congress at the time the Complaint in this action was filed, and he was elected to Congress in November 2024. Excerpts from FEC reports showing GOPAC's contribution to Mr. Moore's campaign and independent expenditures to support Mr. Moore's candidacy are attached hereto as **EXHIBIT F** and incorporated by reference herein.

ii. In an interview with *The Carolina Journal* in late 2023, David Avella, the Chairman of Defendant GOPAC stated, "We have invested well over \$175,000 in advertisements to date and will continue to work to make sure [Mr. Moore] maintains his lead in this primary." The article containing this quote is attached hereto as **EXHIBIT G** and incorporated by reference herein.

iii. As of the date of this motion, Mr. Moore remains featured on Defendant GOPAC's website as one of its Congressional candidates. Mr. Moore's biography from Defendant GOPAC's website is attached hereto as **EXHIBIT H** and incorporated by reference herein.

14. Plaintiff's counsel reasonably believed that, since Judge Tessener had not read any documents in the court file before hearing the arguments of counsel, he likely did not know enough about the facts of the case to realize that he should not render a decision on the dispositive motions in this case. Plaintiff's counsel also reasonably believed that, after Judge Tessener read the Complaint and other filings, he would disclose his relationship with the individuals involved in the case—as Judge Hicks had done—and recuse himself because the circumstances are such that his objectivity could be called into question.

15. However, on the afternoon of April 30, 2025, without informing the parties of his connections to Mr. Moore and Senator Berger, Judge Tessener rendered his decision by email to counsel, through the TCC, granting all relief requested by Defendant GOPAC and the North Carolina Defendants.

16. Despite Judge Tessener's far more significant and recent connections to individuals involved in this matter, unlike Judge Hicks, Judge Tessener did not disclose any of the above information to the parties before rendering his decision. If Plaintiff or Plaintiff's counsel had known (or had any reason to know) of Judge Tessener's close political and financial connections to Defendant GOPAC's Legislative Advisory Board members—Mr. Moore and Senator Berger—before or during the hearing on Defendants' Motions to Dismiss, Plaintiff would have sought Judge Tessener's recusal and requested that another judge be assigned to hear the dispositive motions.

17. After Judge Tessener rendered his decision granting all relief requested by Defendant GOPAC and the North Carolina Defendants but before the order on his decision was entered, Plaintiff's counsel informed the Court, by email to the TCC, that Plaintiff had discovered grounds that could warrant Judge Tessener's disqualification and requested that Judge Tessener's decision be held in abeyance for 30 days so Plaintiff could seek an expert opinion on the matter and determine whether to file a written motion to disqualify. Plaintiff further informed the Court that, if Judge Tessener would not agree to stay entry of the order based on his orally rendered decision, Plaintiff would proceed with filing the motion to disqualify that had been drafted in its then-current form so that the issue could be addressed before an order was entered. A copy of the email from Plaintiff's counsel to the TCC and counsel for all Defendants at 4:45 p.m. on May 8, 2025 is attached hereto as **EXHIBIT I** and incorporated by reference herein. A copy of the

subsequent email from Plaintiff's counsel to the TCC at 10:36 a.m. on May 9, 2025, along with the alternative proposed order reserving the issue of disqualification referenced in the email, is attached hereto as **EXHIBIT J** and incorporated by reference herein.

18. Judge Tessener did not reply to Plaintiff's counsel's emails or otherwise address Plaintiff's request to stay entry of the order based on his rendered decision. Instead, Judge Tessener entered the Order granting all relief requested by Defendant GOPAC and the North Carolina Defendants on May 16, 2025 ("Dismissal Order"). By entering the Dismissal Order without notifying counsel in advance of his intent to do so, Judge Tessener ensured that Plaintiff, who was in the process of conducting due diligence regarding the issue of disqualification, would not be able to publicly request his disqualification before Plaintiff's claims were dismissed.

GROUND FOR AMENDMENT² OF ORDER PURSUANT TO N.C. R. CIV. P.

59(e)

19. Paragraphs 1 through 18 above are hereby realleged and incorporated by reference as if fully set forth herein.

20. Judge Tessener's undisclosed relationship with advisory board members of Defendant GOPAC, which was unknown to Plaintiff and Plaintiff's counsel, constitutes an irregularity within the meaning of N.C. R. Civ. P. 59(a)(1), a surprise which ordinary prudence could not have guarded against within the meaning on N.C. R. Civ. P. 59(a)(3), and newly discovered evidence

² The North Carolina Court of Appeals has held that a motion pursuant to N.C. R. Civ. P. 59 may not generally be used to seek reconsideration of a pre-trial ruling, *Doe v. City of Charlotte*, 273 N.C. App. 10, 19, 848 S.E.2d 1, 8 (2020), but the appellate court has also held that a plaintiff may seek to reopen the trial court's order dismissing a case under N.C. R. Civ. P. 12(b)(6) and amend the complaint concurrently under N.C. R. Civ. P. 59(e) and N.C. R. Civ. P. 15(a), *Johnson v. Bollinger*, 86 N.C. App. 1, 7, 356 S.E.2d 378, 382 (1987).

material for Plaintiff, which he could not, with reasonable diligence, have discovered and produced at the hearing within the meaning of N.C. R. Civ. P. 59(a)(4) based on the following:

- a. Both the North Carolina Code of Judicial Conduct and the Due Process Clause of the Fourteenth Amendment to the United States Constitution require Judge Tessener's disqualification in this case.
- b. Canon 2(A) of The North Carolina Code of Judicial Conduct states, "A judge should respect and comply with the law and should conduct himself/herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." Canon 3(C)(1) further provides that "a judge should disqualify himself/herself in a proceeding **in which the judge's impartiality may reasonably be questioned.**" (Emphasis added.)
- c. The examples in Canon 3(C)(1) of situations in which a judge's impartiality might reasonably be questioned are not exhaustive, and a showing of actual bias is not required for disqualification. The North Carolina Supreme Court has explained:

It is not enough for a judge to be just in his judgment; he should strive to make the parties and the community feel that he is just; he owes this to himself, to the law and to the position he holds. The purity and integrity of the judicial process ought to be protected against any taint of suspicion to the end that the public and litigants may have the highest confidence in the integrity and fairness of the courts.

State v. Fie, 320 N.C. 626, 628, 359 S.E.2d 774, 775-76 (1987) (quoting *Ponder v. Davis*, 233 N.C. 699, 706, 65 S.E. 2d 356, 360 (1951)) (citations and internal quotation marks omitted).

- d. The North Carolina Court of Appeals has held that a party seeking disqualification can meet his burden to demonstrate objectively that grounds for disqualification

actually exist by “showing that the circumstances are such that a reasonable person would question whether the judge could rule impartially.” *Harrington v. Wall*, 212 N.C. App. 25, 28, 710 S.E.2d 364, 367 (2011). *See also* John V. Orth, The Right to an Impartial Judge and “Involuntary Recusal”, 101 N.C. L. Rev. Addendum 105, 111 (2023) (analyzing precedential opinions of the appellate courts of North Carolina and concluding that, consistent with *Ponder*, “the right to an impartial judge is not limited to cases in which a judge has a personal bias, prejudice or interest in the outcome but includes the right to be tried before a judge whose impartiality cannot reasonably be questioned”).

- e. In addition to the North Carolina Code of Judicial Conduct, the United States Supreme Court has determined that where, as in this case, the judge has a substantial personal or political relationship with a person who has a significant and disproportionate influence on the judge’s career and that person is involved in or closely tied to the subject of the litigation, the Due Process Clause of the Fourteenth Amendment to the United States Constitution requires recusal. *See Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 882-87 (2009) (holding that the “pivotal role” the chairman and principal officer of the defendant corporation played “in getting [the presiding judge] elected created a constitutionally intolerable probability of actual bias”). In *Caperton*,³ the Supreme Court explained that it is not

³ Prior to *Caperton*, the Supreme Court had recognized that due process required recusal in two categories of cases: (1) those in which a judge had a financial interest in the outcome of the case, and (2) criminal contempt cases in which a judge had been part of the accusatory process in an earlier proceeding to such an extent that he had acted as a “one-man grand jury.” 556 U.S. at 877-81. *Caperton* held that due process may be implicated under circumstances that do not fit into either of those categories and cases that create an unconstitutional probability of bias “cannot be defined with precision.” 556 U.S. at 887.

necessary to prove that the judge is actually biased or to “point to any actual conduct on his part which could be termed improper.” *Id.* at 882 (citation and internal quotation marks omitted). In fact, “[d]ue process ‘may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties.’” *Id.* at 886 (quoting *In re Murchison*, 349 U.S. 133, 136 (1955)).

- f. Without Mr. Moore’s appointment of Judge Tessener to his current position as a Special Superior Court Judge in October 2023, Judge Tessener would not be a judge. This appointment raises a reasonable question as to Judge Tessener’s impartiality in a case involving Mr. Moore, as Judge Tessener’s position depended entirely on Mr. Moore’s decision. The influence of Mr. Moore—who served as an advisory board member for Defendant GOPAC at the time Judge Tessener was appointed to be a Special Superior Court Judge and who is one of only five Congressional candidates featured on Defendant GOPAC’s website as of the date of this motion—was even more significant than that of the chairman of the defendant corporation in *Caperton*, because unlike the judge in that case and the vast majority of Superior Court Judges in North Carolina, Judge Tessener is not elected and serves at the pleasure of the legislature. In *Caperton*, the judge and the defendant argued that, although the contributions of the defendant’s chairman and principal officer were substantial, the plaintiff could not establish those contributions had resulted in the judge’s election. 556 U.S. at 884-85. The effect of Mr. Moore’s and Senator Berger’s support in this case is more clear and direct, because Judge Tessener was appointed to his current position as a Special Superior

Court Judge by Mr. Moore with the approval of Senator Berger. A reasonable observer would question whether Judge Tessener could remain impartial in this case where Mr. Moore, his benefactor, is referenced in the Complaint, received a non-spoliation letter, and is a potential witness. The mere risk that Mr. Moore's "influence engendered actual bias is sufficiently substantial that 'it must be forbidden if the guarantee of due process is to be adequately implemented.'" *Caperton*, 556 U.S. at 885 (quoting *Withrow v. Larkin*, 421 U.S. 35, 47 (1975)).

- g. Mr. Moore's deep ties to Defendant GOPAC heighten the possibility of Judge Tessener's partiality. A reasonable observer would question whether Judge Tessener, who was appointed to his current position as a Special Superior Court Judge by Mr. Moore with the approval of Senator Berger, could impartially adjudicate a case involving an organization closely aligned with both Mr. Moore and Senator Berger, particularly since their involvement with Defendant GOPAC is ongoing.
- h. Judge Tessener's significant campaign contributions to Mr. Moore and Senator Berger raise additional concerns under *Caperton* and Canon 3(C)(1) of the Code of Judicial Conduct. Judge Tessener's financial support of Mr. Moore and Senator Berger would lead a reasonable observer to question his impartiality in a case involving an organization in which they have both served in leadership roles, especially given the timing and amounts of Judge Tessener's contributions. The \$22,900.00 Judge Tessener donated to Mr. Moore is substantial and occurred over a period leading up to his judicial appointment. The financial ties, political appointments, and advisory board roles at issue in this case, all of which directly

implicate public confidence in judicial independence, create an objective probability of actual bias.

- i. Senator Berger's roles as an advisory board member for Defendant GOPAC, the father of Defendant Berger, and a potential witness create an additional layer of potential conflict. Judge Tessener's donation to Senator Berger, while smaller in amount than his contributions to Mr. Moore, contributes to the question of Judge Tessener's impartiality as it suggests a political alignment—actioned through financial contributions—with another key figure connected to the case who is materially adverse to Plaintiff.
- j. Transparency is critical to maintaining public confidence in the judiciary. The Code of Judicial Conduct encourages judges to disclose potential conflicts to allow parties to assess the need for recusal. Judge Tessener's deliberate failure to disclose his significant ties to Mr. Moore and Senator Berger and his entry of the Dismissal Order before the issue of disqualification could be addressed is troubling, as it prevented Plaintiff from being heard on the necessity of recusal prior to, during, or after the hearing on Defendants' Motions to Dismiss. By comparison, Judge Hicks's proactive transparency and recusal demonstrated an appropriate sensitivity to the perception of potential bias in this matter. By any objective measure, Judge Tessener's ties to individuals identified in the Complaint are more substantial and recent than Judge Hicks's. Judge Tessener's failure to disclose these relationships alone raises questions about his objectivity.
- k. The issue of Judge Tessener's disqualification should have been addressed before any decision on Defendants' Motions to Dismiss was rendered.

21. Judge Tessener's dismissal of all claims against all Defendants is the result of an error in law occurring at the hearing, which was objected to by Plaintiff within the meaning of N.C. R. Civ. P. 59(a)(8) based on the following:

- a. Plaintiff's Complaint alleged defamation claims upon which relief may be granted. Though not standalone claims, the Complaint also sufficiently alleged civil conspiracy and punitive damages in connection with Plaintiff's underlying defamation claims. To the extent the Court concluded that the Complaint lacked specificity regarding any element of the claims alleged, the Court should have granted Plaintiff's conditional request to amend the Complaint because "no 'insurmountable bar' to recovery appears on the face of the complaint and the complaint's allegations give adequate notice of the nature and extent of the claim. *Johnson v. Bollinger*, 86 N.C. App. 1, 4, 356 S.E.2d 378, 380 (1987) (citing *Presnell v. Pell*, 298 N.C. 715, 719, 260 S.E. 2d 611, 613 (1979)). Plaintiff hereby renews his conditional request to amend the Complaint pursuant to N.C. R. Civ. P. 15(a).
- b. During the hearing on Defendants' Motions to Dismiss pursuant to N.C. R. Civ. P. 12(b)(6), the attorney for Defendant NCCF and Defendant APC, Ellis Boyle, submitted evidentiary materials to the Court that had not been provided to Plaintiff prior to the hearing. Over Plaintiff's objection, the Court improperly considered these evidentiary matters outside the Complaint during the hearing on Defendants' Motions to Dismiss pursuant to N.C. R. Civ. P. 12(b)(6). It is well settled that, on a motion to dismiss pursuant to N.C. R. Civ. P. 12(b)(6), a court may only consider the allegations made in the complaint and must treat them as true. *See Blue v. Bhiro*, 381 N.C. 1, 5-6, 871 S.E.2d 691, 694 (2022).

c. The Court erroneously concluded that it lacked personal jurisdiction over Defendant GOPAC. Defendant GOPAC, both directly and through⁴ GOPAC Election Fund, spent approximately \$2,000,000.00 during the 2024 primary and general elections to influence the outcome of North Carolina elections. Defendant GOPAC received over \$1,200,000.00 in contributions from North Carolina residents during the first quarter of 2024 alone. Defendant's GOPAC's activities in North Carolina proximately caused the injuries alleged in Plaintiff's claims. Although the payments to Defendant APC for defamatory mailers targeting Plaintiff were made by Defendant NCCF, the only funds Defendant NCCF had on hand during the year 2024 were the funds received from Defendant GOPAC on February 16, 2024 for the express purpose of opposing Plaintiff's candidacy, and Defendant NCCF transferred those funds to Defendant APC to pay for the defamatory ads against Plaintiff on the same day. North Carolina has personal jurisdiction over Defendant GOPAC in this action. *See* N.C. Gen. Stat. § 1-75.4(1)(d), (3), (4)(a); *Calder v. Jones*, 465 U.S. 783, 788-90 (1984).

22. For the reasons set out in paragraphs 1 through 21 above, it is appropriate for the Court to alter or amend the judgment to set aside the Dismissal Order to allow Plaintiff to proceed on a motion to disqualify Judge Tessener and to deny Defendants' Motions to Dismiss.

⁴ Defendant GOPAC argued at the hearing on its N.C. R. Civ. P. 12(b)(2) motion that it should not be held responsible for actions taken by GOPAC Election Fund. However, documents submitted by Plaintiff (which were uncontroverted) established that Defendant GOPAC and GOPAC Election Fund have the same leadership (Chairman David Avella), operate out of the same location (1201 Wilson Blvd., Ste. 2110, Arlington, VA 22209), have the same custodian of records/treasurer (Melodie Johnson), supported or opposed the same candidates in the 2024 election (for example, supporting Tim Moore and opposing Pat Harrigan), and that Defendant GOPAC funds GOPAC Election Fund. There was no evidence indicating that GOPAC Election Fund is practically or operationally distinct from Defendant GOPAC.

GROUND FOR RELIEF⁵ FROM ORDER PURSUANT TO N.C. R. CIV. P. 60(b)

23. Paragraphs 1 through 22 above are hereby realleged and incorporated by reference as if fully set forth herein.

24. For the reasons set out in paragraph 20(a)-(k) above, Judge Tessener's undisclosed relationship with advisory board members of Defendant GOPAC, which was unknown to Plaintiff and Plaintiff's counsel, constitutes a surprise within the meaning of N.C. R. Civ. P. 60(b)(1) and a reason justifying relief from the operation of the order within the meaning of N.C. R. Civ. P. 60(b)(6).

25. As set out in paragraph 21(a)-(c) above, Plaintiff has a meritorious defense to Defendants' Motions to Dismiss.

26. To the extent the Court concluded that the Complaint lacked specificity regarding any element of the claims alleged, the Court should have granted Plaintiff's conditional request to amend the Complaint because "no 'insurmountable bar' to recovery appears on the face of the complaint and the complaint's allegations give adequate notice of the nature and extent of the claim. *Johnson v. Bollinger*, 86 N.C. App. 1, 4, 356 S.E.2d 378, 380 (1987) (citing *Presnell v. Pell*, 298 N.C. 715, 719, 260 S.E. 2d 611, 613 (1979)). Plaintiff hereby renews his conditional request to amend the Complaint pursuant to N.C. R. Civ. P. 15(a).

27. For the reasons set out above, extraordinary circumstances exist such that justice demands the exercise of the Court's vast reservoir of equitable power to do justice in this case by setting aside the Dismissal Order.

⁵ The Court of Appeals has held that a plaintiff may seek to reopen the trial court's order dismissing a case under N.C. R. Civ. P. 12(b)(6) and amend the complaint concurrently under N.C. R. Civ. P. 60(b) and N.C. R. Civ. P. 15(a). See *Johnson v. Bollinger*, 86 N.C. App. 1, 7, 356 S.E.2d 378, 382 (1987).

GROUND FOR REVISION OF ORDER PURSUANT TO
N.C. R. CIV. P. 7(b)(1)⁶

28. Paragraphs 1 through 27 above are hereby realleged and incorporated by reference as if fully set forth herein.

29. Judge Tessener's decision warrants reconsideration for the reasons set out in paragraphs 1 through 27 above.

30. If the Court determines that the Dismissal Order is not a final order within the meaning of N.C. R. Civ. P. 59 or 60, the Court should revise the Dismissal Order under N.C. R. Civ. P. 7(b)(1), to set aside the dismissal of Plaintiff's claims and allow Plaintiff to file and be heard on a motion to disqualify Judge Tessener for the reasons detailed in paragraph 20(a)-(k) above.

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Allow an evidentiary hearing before an independent, neutral Superior Court Judge designated to preside over Plaintiff's Motion to Set Aside Order;

2. Alter or amend the Dismissal Order pursuant to N.C. R. Civ. P. 59(e), or alternatively grant Plaintiff relief from the Dismissal Order pursuant to N.C. R. Civ. P. 60(b), to set aside the Dismissal Order and allow Plaintiff to be heard on his request to disqualify Judge Tessener and amend the Complaint pursuant to N.C. R. Civ. P. 15(a);

3. Alternatively, if the Court determines that the Dismissal Order is not a final order within the meaning of N.C. R. Civ. P. 59(e) or N.C. R. Civ. P. 60(b), allow Plaintiff's motion for reconsideration to revise the Dismissal Order pursuant to N.C. R. Civ. P. 7(b)(1) and allow

⁶ N.C. R. Civ. P. 7(b)(1) "authorizes the use of 'motions' as a means to apply 'to the court for an order' on some subject, but does not enumerate, or expressly limit, the types of motions that may be made." *Doe v. City of Charlotte*, 273 N.C. App. 10, 16, 848 S.E.2d 1, 7 (2020) (quoting N.C. R. Civ. P. 7(b)).

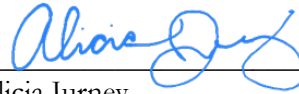
Plaintiff to be heard on his request to disqualify Judge Tessener and amend the Complaint pursuant to N.C. R. Civ. P. 15(a);

4. Set aside the decision on Defendants' Motions to Dismiss rendered by Judge Tessener and allow a new hearing before an independent, neutral Superior Court Judge; and
5. Grant Plaintiff such other and further relief as the Court deems just and proper.

This the 22nd day of May, 2025.

**PARKER BRYAN BRITT
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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of May, 2025 the foregoing Plaintiff's Motion to Set Aside Order was served upon Defendants as follows:

W. Ellis Boyle
Ward & Smith, P.A.
Attorney for Defendants
Berger, Powell, and Richardson

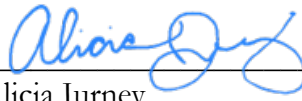
Via email: WEBoyle@wardandsmith.com

Craig Schauer
Dowling LLP
Attorney for Defendants
NCCF and APC

Via email: cschauer@dowlingfirm.com

Nate Huff
K&L Gates LLP
Attorney for
Defendant GOPAC

Via email: nate.huff@klgates.com



Alicia Journey
Attorney for Plaintiff

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

**SESSION LAW 2023-148
SENATE BILL 761**

Plaintiff's Motion to Set Aside Order

EXHIBIT

A

Travis v. Berger et al.

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE CORRECTIONS TO PREVIOUS APPOINTMENTS.

The General Assembly of North Carolina enacts:

PART I. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS

SECTION 1.1. Joseph Hartsfield of Wilson County is appointed to the North Carolina Board of Transportation representing Highway Distribution Region A for a term expiring June 30, 2025.

SECTION 1.2. Landon Zimmer of New Hanover County is appointed to the North Carolina Board of Transportation representing Highway Distribution Region B for a term expiring June 30, 2027.

SECTION 1.3. Charles M. DeVane, Jr., of Bladen County is appointed to the North Carolina Board of Transportation representing Highway Distribution Region C for a term expiring June 30, 2025.

SECTION 1.4. Pamela J. Cundiff of Rockingham County is appointed to the North Carolina Board of Transportation representing Highway Distribution Region D for a term expiring June 30, 2027.

SECTION 1.5. Patrick Molamphy of Moore County is appointed to the North Carolina Board of Transportation representing Highway Distribution Region E for a term expiring June 30, 2025.

SECTION 1.6. The Honorable Kathy Harrington of Gaston County is appointed to the North Carolina Board of Transportation representing Highway Distribution Region F for a term expiring June 30, 2027.

SECTION 1.7. The Honorable Roger West of Cherokee County is appointed to the North Carolina Board of Transportation representing Highway Distribution Region G for a term expiring June 30, 2025.

SECTION 1.8. Dr. Anthony Graham of Guilford County is appointed to the North Carolina Professional Educator Preparation and Standards Commission to fill the unexpired term of Dr. Lorry O. Floyd expiring August 31, 2025.

SECTION 1.9. Section 1.39 of S.L. 2023-113 reads as rewritten:

"**SECTION 1.39.** Effective January 1, 2024, Robyn E. Klose of Wake County is appointed to the State Board of Proprietary Schools for a term expiring ~~December 31, 2030~~ December 31, 2029."

SECTION 1.10. Section 1.75 of S.L. 2023-113 reads as rewritten:

"**SECTION 1.75.** Effective July 1, 2023, Catherine K. Watts of Wake County is appointed to the University of North Carolina Center for Public Media Board of Trustees for a term expiring ~~June 30, 2027~~ June 30, 2025."

SECTION 1.11. Bradford B. Briner of Orange County is appointed to the University of North Carolina Chapel Hill Board of Trustees for a term expiring on June 30, 2027.



* S 7 6 1 - V - 4 *

SECTION 1.12. Marie F. Arcuri of Forsyth County is appointed to the North Carolina State University Board of Trustees for a term expiring on June 30, 2027.

SECTION 1.13. Jennifer Levy of Montgomery County, Maryland, is appointed to the North Carolina School of Science and Mathematics Board of Trustees to fill the unexpired term of Catherine B. Mitchell expiring June 30, 2025.

SECTION 1.14. Molly Jordan of Durham County and Sherry Bernardo of Lincoln County are appointed to the Commission for Public Health for terms expiring on April 30, 2027.

SECTION 1.15. James R. Yates of Onslow County is appointed to the Coastal Resources Commission for a term expiring on June 30, 2027.

SECTION 1.16. Joseph R. Budd of Forsyth County is appointed to the Wildlife Resources Commission for a term expiring on June 30, 2025.

SECTION 1.17.(a) Effective November 1, 2023, Robert E. Barnhill, III, of Nash County is appointed to the Board of Directors of the UNC Health Care System for a term expiring on October 31, 2024.

SECTION 1.17.(b) Effective January 1, 2024, D. Brandon Greife of Wake County is appointed to the Board of Directors of the UNC Health Care System for a term expiring on October 31, 2025.

SECTION 1.17.(c) Effective November 1, 2023, John E. Bailey, Jr., of Durham County is appointed to the Board of Directors of the UNC Health Care System for a term expiring on October 31, 2026.

SECTION 1.17.(d) Effective November 1, 2023, Morgan Farrar Brown of Henderson County is appointed to the Board of Directors of the UNC Health Care System for a term expiring on October 31, 2027.

SECTION 1.18. The Honorable Tommy Tucker of Union County is appointed to the Utilities Commission for a term expiring on June 30, 2029.

SECTION 1.19.(a) Benjamin P. Teague of Henderson County is appointed to NCInnovation for a term expiring on September 30, 2025.

SECTION 1.19.(b) Todd Kasper of Wake County and J. Canty Alexander of Watauga County are appointed to NCInnovation for terms expiring on September 30, 2027.

SECTION 1.20. Kimberlee Farr of Wake County is appointed to the North Carolina Child Care Commission for a term expiring on June 30, 2024, to fill the unexpired term of Brooke L. Child.

SECTION 1.21. Paula T. Benson of Wilson County and Geoffrey J. Lang of Wake County are appointed to the North Carolina State Board of Community Colleges for terms expiring on June 30, 2025.

SECTION 1.22. Kevin N. Lewis of Nash County and Martin Oakes of Lincoln County are appointed to the North Carolina State Board of Elections for terms expiring April 30, 2029.

SECTION 1.23. The Honorable C. Ashley Gore of Columbus County and The Honorable Rashad Hauter of Wake County are appointed to the Judicial Standards Commission for terms expiring on December 31, 2029.

SECTION 1.24. Joshua O. Harper of Haywood County and W. Ellis Boyle of Wake County are appointed to the Disciplinary Hearing Commission of the State Bar for terms expiring on June 30, 2024.

SECTION 1.25.(a) Effective January 1, 2024, The Honorable Beth Freshwater Smith of the First Judicial Division is appointed a Special Superior Court Judge for a term expiring on December 31, 2031.

SECTION 1.25.(b) Effective January 1, 2024, Matthew T. Houston of the Third Judicial Division is appointed a Special Superior Court Judge for a term expiring on December 31, 2031.

SECTION 1.25.(c) Effective January 1, 2024, The Honorable Clifton H. Smith of the Fifth Judicial Division is appointed a Special Superior Court Judge for a term expiring on December 31, 2031.

SECTION 1.26. W. Brian Hill of Randolph County is appointed to the North Carolina Cemetery Commission for a term expiring on June 30, 2025, to fill the unexpired term of John A. Graham.

SECTION 1.27. Christopher W. Hummel of Wake County is appointed to the North Carolina 911 Board for a term expiring on December 31, 2026, to fill the unexpired term of Edward Lee Kerlin.

PART II. SPEAKER'S RECOMMENDATIONS

SECTION 2.1.(a) The Honorable N. Leo Daughtry of Johnston County is appointed to the North Carolina Board of Transportation representing Highway Distribution Region A for a term expiring on June 30, 2025.

SECTION 2.1.(b) Riley A. Shaw of New Hanover County is appointed to the North Carolina Board of Transportation representing Highway Distribution Region B for a term expiring on June 30, 2027.

SECTION 2.1.(c) Effective January 1, 2024, Daniel L. Gurley of Wake County is appointed to the North Carolina Board of Transportation representing Highway Distribution Region C for a term expiring on June 30, 2025.

SECTION 2.1.(d) Stephen Rosenbough of Mecklenburg County is appointed to the North Carolina Board of Transportation representing Highway Distribution Region E for a term expiring on June 30, 2025.

SECTION 2.1.(e) Randall L. Marion of Iredell County is appointed to the North Carolina Board of Transportation representing Highway Distribution Region F for a term expiring on June 30, 2027.

SECTION 2.1.(f) The Honorable Charles McGrady of Henderson County is appointed to the North Carolina Board of Transportation representing Highway Distribution Region G for a term expiring on June 30, 2025.

SECTION 2.1.(g) David Westcott of Alamance County is appointed to the North Carolina Board of Transportation representing Highway Distribution Region D for a term expiring on June 30, 2027.

SECTION 2.2. Vimal K. Kolappa of Beaufort County is appointed to the University of North Carolina Chapel Hill Board of Trustees for a term expiring on June 30, 2027.

SECTION 2.3. James L. Holmes, Jr., of Wake County is appointed to the North Carolina State University Board of Trustees for a term expiring on June 30, 2027.

SECTION 2.4. Dr. Joshua L. Blanton of Cleveland County and Dr. Reynolds O. Gray of Cabarrus County are appointed to the Commission for Public Health for terms expiring on April 30, 2027.

SECTION 2.5. Stephen B. King, Sr., (Ambassador RET) of Dare County is appointed to the Coastal Resources Commission for a term expiring on June 30, 2027.

SECTION 2.6. Reid M. Smith of Sampson County is appointed to the Wildlife Resources Commission for a term expiring on June 30, 2025.

SECTION 2.7.(a) The Honorable Richard Y. Stevens of Wake County is appointed to the Board of Directors of the UNC Health Care System for a term expiring on October 31, 2024.

SECTION 2.7.(b) Dr. R. Paul Riekers, Jr., of Wake County is appointed to the Board of Directors of the UNC Health Care System for a term expiring on October 31, 2025.

SECTION 2.7.(c) Gregory J. Wessling of Mecklenburg County is appointed to the Board of Directors of the UNC Health Care System for a term expiring on October 31, 2026.

SECTION 2.7.(d) Claude E. "Ted" Teague of Alamance County is appointed to the Board of Directors of the UNC Health Care System for a term expiring on October 31, 2027.

SECTION 2.8. The Honorable William Brawley of Mecklenburg County is appointed to the Utilities Commission for a term expiring on June 30, 2029.

SECTION 2.9.(a) Blannie C. Miller of Wake County and Jeffrey B. Turner of Lenoir County are appointed to NCInnovation for terms expiring on September 30, 2025.

SECTION 2.9.(b) Beth Friedrich of Wake County and James A. "Art" Pope of Wake County are appointed to NCInnovation for terms expiring on September 30, 2027.

SECTION 2.10. John M. Kane of Wake County is appointed to the North Carolina State Board of Community Colleges for a term expiring on June 30, 2025.

SECTION 2.11. Effective January 1, 2024, Stacy "Four" Eggers, IV, of Watauga County and Angela Ashworth Hawkins of Wake County are appointed to the North Carolina State Board of Elections for terms expiring on April 30, 2029.

SECTION 2.13. The Honorable Justin Brackett of Cleveland County and The Honorable Robert A. Womble of Pasquotank County are appointed to the Judicial Standards Commission for terms expiring on December 31, 2029.

SECTION 2.14. Lawrence J. Shaheen of Mecklenburg County and K. Robert Davis of Robeson County are appointed to the Disciplinary Hearing Commission of the State Bar for terms expiring on June 30, 2024.

SECTION 2.15.(a) Effective January 1, 2024, Clayton D. Somers of the First Judicial Division is appointed a Special Superior Court Judge for a term expiring on December 31, 2031.

SECTION 2.15.(b) Effective January 1, 2024, Jessica Locklear of the Second Judicial Division is appointed a Special Superior Court Judge for a term expiring on December 31, 2031.

SECTION 2.15.(c) Effective January 1, 2024, Hoyt G. Tessener of the Third Judicial Division is appointed a Special Superior Court Judge for a term expiring on December 31, 2031.

SECTION 2.15.(d) Effective January 1, 2024, William Stetzer of the Fifth Judicial Division is appointed a Superior Court Judge for a term expiring on December 31, 2031.

SECTION 2.16. Effective January 1, 2024, The Honorable Hugh Blackwell is appointed to the Education Commission of States for a term expiring on December 31, 2025.

SECTION 2.17. Chief Laura L. Fahnestock of Wake County is appointed to the North Carolina Criminal Justice Information Network Governing Board for a term expiring on June 30, 2025, to fill the unexpired term of The Honorable Tare Davies.

SECTION 2.18. Section 2.7 of S.L. 2023-113 reads as rewritten:

"**SECTION 2.7.** Effective July 1, 2023, Dr. Edward C. Jauch of Buncombe County and John Dickerhoff of Cumberland County are appointed to the North Carolina Brain Injury Council for terms expiring ~~June 30, 2027~~ September 30, 2027."

SECTION 2.19. Section 2.33 of S.L. 2023-113 reads as rewritten:

"**SECTION 2.33.** Effective July 1, 2023, ~~Sherry E. Butler~~ Barbara G. Beatty of Catawba County, Ashley M. Honeycutt of Wake County, Representative Frank Iler of Brunswick County, Representative Timothy Reeder, MD of Pitt County, Representative Becky Carney of Mecklenburg County, Amanda L. Wilson of Chatham County, Ryan S. Swanson of Wake County, and Joseph E. Propst of Wake County are all appointed to the Justus-Warren Heart Disease and Stroke Prevention Task Force for terms expiring June 30, 2025."

SECTION 2.20. The Honorable Larry Yarborough of Person County to the State Ethics Commission for a term expiring on December 31, 2026, to fill the unexpired term of The Honorable Roger West.

SECTION 2.21. Section 2.41 of S.L. 2023-113 reads as rewritten:

"**SECTION 2.41.** Effective September 1, 2023, Dr. Kimberly K. Winter of Jackson County and Shannon U. Patton of Davie County are appointed to the North Carolina Professional

Educator Preparation and Standards Commission for terms expiring ~~August 31, 2025~~August 31, 2024."

SECTION 2.22. Section 2.46 of S.L. 2023-113 reads as rewritten:

"**SECTION 2.46.** Robert J. Ramseur of Wake County is appointed to the North Carolina Real Estate Commission for a term expiring ~~June 30, 2026~~July 31, 2026."

SECTION 2.23. Section 2.56 of S.L. 2023-113 reads as rewritten:

"**SECTION 2.56.** Corey A. Gooden of Chowan County is appointed to the State Water Infrastructure for a term expiring ~~June 30, 2025~~July 1, 2025."

SECTION 2.24. Section 2.75 of S.L. 2023-113 reads as rewritten:

"**SECTION 2.75.** The Honorable Duane Hall of Wake County is appointed to the University of North Carolina Center for Public Media Board of Trustees for a term expiring ~~June 30, 2027~~June 30, 2025."

PART III. EFFECTIVE DATE

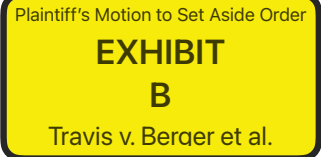
SECTION 3.1. This act is effective when it becomes law. Unless otherwise provided, terms begin upon the effective date of this act.

In the General Assembly read three times and ratified this the 25th day of October, 2023.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**



**SESSION LAW 2019-122
SENATE BILL 686**

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE
RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the President Pro Tempore of the Senate and the Speaker of the House of Representatives; and

Whereas, the President Pro Tempore of the Senate and the Speaker of the House of Representatives have made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

PART I. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS

SECTION 1.1. Stacey Gonyer of Guilford County is appointed to the 911 Board for a term expiring on December 31, 2022, to fill the unexpired term of Heather Campbell.

SECTION 1.2. Toni Rittenberg of Craven County and Ji Fei Wang of Wake County are appointed to the Acupuncture Licensing Board for terms expiring on June 30, 2022.

SECTION 1.3. Latoya Coffield of Washington County is appointed to the African-American Heritage Commission for a term expiring on June 30, 2022.

SECTION 1.5. W. Lentz Brewer of New Hanover County is appointed to the Board of Trustees of the Teachers' and State Employees' Retirement System for a term expiring on June 30, 2021.

SECTION 1.6. Philip Isley of Wake County, Patricia Long of Wake County, Wendell Holmes Murphy, Sr., of Duplin County, Randall Ramsey of Carteret County, and Cassius Williams of Pitt County are appointed to the Centennial Authority for terms expiring on June 30, 2023.

SECTION 1.7. Carla Parker Hollis of Wake County and Robbin Todd-Hall of Caldwell County are appointed to the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services for terms expiring on June 30, 2022.

SECTION 1.8. Michael Slagle of Mitchell County, Ronald Parrish of Alamance County, Teresa Jardon of Catawba County, and Richard Epley of Burke County are appointed to the Criminal Justice Education and Training Standards Commission for terms expiring on June 30, 2021.

SECTION 1.9. C. Keith Tatum of Caswell County is appointed to the Disciplinary Hearing Commission of the North Carolina State Bar for a term expiring on June 30, 2022.

SECTION 1.10.(a) Effective September 1, 2019, Cathy Cloninger of Gaston County, Kristy Dickerson of Caswell County, Nora Salinas of Rockingham County, Sherry Honeycutt Everett of Durham County, and Jennifer Howell of Harnett County are appointed to the Domestic Violence Commission for terms expiring on August 31, 2021.

SECTION 1.10.(b) Larry Pierce of Wayne County is appointed to the Domestic Violence Commission for a term expiring on August 31, 2020, to fill the unexpired term of Gregory Light.



SECTION 1.11. Effective December 1, 2019, Anthony Blackman of Wake County is appointed to the Economic Investment Committee for a term expiring on November 30, 2021.

SECTION 1.12. Benjamin Curtis of Rockingham County and Pamela Thomas of Alamance County are appointed to the Governor's Crime Commission for terms expiring on February 28, 2021.

SECTION 1.13. The Honorable Jim Perry of Lenoir County, The Honorable Jim Burgin of Harnett County, The Honorable Vickie Sawyer of Iredell County, Helen Brann of Person County, Christopher Dobbins of Gaston County, Heather Breedlove of Wake County, Shonda Corbett of Wake County, and Dr. David Huang of Orange County are appointed to the Justus-Warren Heart Disease and Stroke Prevention Task Force for terms expiring on June 30, 2023.

SECTION 1.14. Effective January 1, 2020, Amanda Mixon of Wake County, Dianne Layden of Perquimans County, Lisa McCanna of Cabarrus County, and Chuck Heald of Durham County are appointed to the License to Give Trust Fund Commission for terms expiring on December 31, 2021.

SECTION 1.15.(a) Charles Williams of New Hanover County is appointed to the North Carolina Agricultural Finance Authority for a term expiring on July 1, 2022.

SECTION 1.15.(b) Ed Emery of Sampson County is appointed to the North Carolina Agricultural Finance Authority for a term expiring on July 1, 2021.

SECTION 1.16. Dr. Samuel Houston of Wake County is appointed to the North Carolina Board of Science, Technology, and Innovation for a term expiring on June 30, 2021.

SECTION 1.17. Effective October 1, 2019, Christine Fernandini of Harnett County, Carol G. Senick of Davidson County, and Rose Randall of Moore County are appointed to the North Carolina Brain Injury Advisory Council for terms expiring on September 30, 2023.

SECTION 1.18.(a) Melissa Burroughs of Guilford County and Victor Coffenberry, II, of Pitt County are appointed to the North Carolina Child Care Commission for terms expiring on June 30, 2021.

SECTION 1.18.(b) Rev. Charles F. McDowell, III, of Scotland County and Dr. Elizabeth Gilleland of Wake County are appointed to the North Carolina Child Care Commission for terms expiring on June 30, 2020.

SECTION 1.19.(a) Judith Kennedy of Union County is appointed to the North Carolina Clean Water Management Trust Fund for a term expiring on July 1, 2021.

SECTION 1.19.(b) Jason Walser of Rowan County is appointed to the North Carolina Clean Water Management Trust Fund for a term expiring on July 1, 2022.

SECTION 1.20. John Norris of Brunswick County is appointed to the North Carolina Coastal Resources Commission for a term expiring on June 30, 2023.

SECTION 1.21. Michael Crotts of Burke County is appointed to the North Carolina Code Officials Qualification Board for a term expiring on July 1, 2023.

SECTION 1.22. Stephen Griffin of Durham County and Thomas Luckadoo of Catawba County are appointed to the North Carolina Education and Workforce Innovation Commission for terms expiring on June 30, 2022.

SECTION 1.23. Effective January 1, 2020, James Gussler, Jr., of Caswell County is appointed to the North Carolina Emergency Medical Services Advisory Council for a term expiring on December 31, 2023.

SECTION 1.24. Effective August 1, 2019, David Anderson of Johnston County and Dr. Donald van der Vaart of Wake County are appointed to the North Carolina Environmental Management Commission for terms expiring on July 31, 2023.

SECTION 1.25. George Andrew of Brunswick County and Dr. Joseph Koletar of Brunswick County are appointed to the North Carolina Global TransPark Authority, Board of Directors for terms expiring on June 30, 2023.

SECTION 1.26. David Dye of Wake County is appointed to the North Carolina Home Inspector Licensure Board for a term expiring on July 1, 2023.

SECTION 1.27. Leigh Brown of Cabarrus County and Derek Macleod of New Hanover County are appointed to the North Carolina Housing Finance Agency Board of Directors for terms expiring on June 30, 2021.

SECTION 1.28. Effective January 1, 2020, Perrin Jones of Pitt County, David Sousa of Wake County, and Lyndsay Jensen of Mitchell County are appointed to the North Carolina Institute of Medicine, Board of Directors for terms expiring on December 31, 2023.

SECTION 1.29. Effective October 1, 2019, John Ross of Henderson County is appointed to the North Carolina Irrigation Contractors' Licensing Board for a term expiring on September 30, 2022.

SECTION 1.30. Effective January 1, 2020, Jonathan Jeffries of Randolph County is appointed to the North Carolina Locksmith Licensing Board for a term expiring on December 31, 2022.

SECTION 1.31. Cynthia Barringer of Cabarrus County and Richard Hill of Pitt County are appointed to the North Carolina Manufactured Housing Board for terms expiring on June 30, 2022.

SECTION 1.32. James Tobin of Dare County is appointed to the North Carolina Marine Industrial Park Authority for a term expiring on June 30, 2021.

SECTION 1.33. Effective January 1, 2020, John Lucey of New Hanover County is appointed to the North Carolina Oil and Gas Commission for a term expiring on December 31, 2023.

SECTION 1.34. William Russell Davis of Onslow County is appointed to the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board for a term expiring on June 30, 2022.

SECTION 1.35.(a) Chad Brown of Gaston County is appointed to the North Carolina Parks and Recreation Authority for a term expiring on July 1, 2022.

SECTION 1.35.(b) Cynthia Tart of Brunswick County is appointed to the North Carolina Parks and Recreation Authority for a term expiring on July 1, 2021.

SECTION 1.36. James Pressley of Iredell County is appointed to the North Carolina Housing Partnership for a term expiring on August 31, 2020, to fill the unexpired term of Roy Helm.

SECTION 1.37. The Honorable Joel Ford of Mecklenburg County is appointed to the North Carolina Charter School Advisory Board for a term expiring on June 30, 2021, to fill the unexpired term of Alan Hawkes.

SECTION 1.38. Effective January 1, 2020, Cheryl Cavanaugh of Onslow County, Nell Rose of Rockingham County, Melanie Gayle of Moore County, Phillip Carper of Guilford County are appointed to the North Carolina Partnership for Children, Inc., Board of Directors for terms expiring on December 31, 2022.

SECTION 1.39. Leah Carper of Guilford County is appointed to the North Carolina Principal Fellows Commission for a term expiring on June 30, 2023.

SECTION 1.40.(a) Effective September 1, 2019, Lauren Genesky of Wake County, Meaghan Loftus of Mecklenburg County, Patrick Miller of Greene County, and Hank Weddington of Catawba County are appointed to the North Carolina Professional Educator Preparation and Standards Commission for terms expiring on August 31, 2020.

SECTION 1.40.(b) Effective September 1, 2019, Anthony Graham of Guilford County, Glenda Jones of Mecklenburg County, Dr. Michael Maher of Wake County, and Ellen McIntyre of Mecklenburg County are appointed to the North Carolina Professional Educator Preparation and Standards Commission for terms expiring on August 31, 2021.

SECTION 1.41. Franklin Rouse of New Hanover County and Michael Walters of Robeson County are appointed to the North Carolina Railroad Board of Directors for terms expiring on June 30, 2023.

SECTION 1.42. Tina Pilkington of Harnett County is appointed to the North Carolina Recreational Therapy Licensure Board for a term expiring on June 30, 2022.

SECTION 1.43.(a) Sam Isham of Robeson County is appointed to the North Carolina State Building Commission for a term expiring on June 30, 2022.

SECTION 1.43.(b) Roger Woods of Mecklenburg County is appointed to the North Carolina State Building Commission for a term expiring on June 30, 2021.

SECTION 1.44. Daniel Locklear of Robeson County is appointed to the North Carolina State Commission of Indian Affairs for a term expiring on June 30, 2021.

SECTION 1.45. Patrick Joyce of Carteret County is appointed to the North Carolina State Ports Authority for a term expiring on July 31, 2021.

SECTION 1.46. Mariann Tillery of Guilford County is appointed to the North Carolina Teaching Fellows Commission for a term expiring on July 1, 2021.

SECTION 1.47. Thomas Berry of Guilford County, Mark Craig of Guilford County, James Cogdell of Stanly County, and Landon Zimmer of New Hanover County are appointed to the North Carolina Wildlife Resources Commission for terms expiring on June 30, 2021.

SECTION 1.48.(a) Phillip Redmond, Jr., of Mecklenburg County is appointed to the Permanency Innovation Initiative Oversight Committee for a term expiring on June 30, 2022.

SECTION 1.48.(b) The Honorable Joyce Krawiec of Forsyth County is appointed to the Permanency Innovation Initiative Oversight Committee for a term expiring on June 30, 2020, to fill the unexpired term of the Honorable Tamara Barringer.

SECTION 1.48.(c) The Honorable Austin Allran of Catawba County is appointed to the Permanency Innovation Initiative Oversight Committee for a term expiring on June 30, 2020, to fill the unexpired term of Susan Whitehead.

SECTION 1.49. Owen Thomas of Robeson County is appointed to the Public Officers and Employees Liability Insurance Commission for a term expiring on June 30, 2023.

SECTION 1.50. The Honorable W. Thomas Tucker of Union County and Robert Bryan of Wake County are appointed to the Rules Review Commission for terms expiring on June 30, 2021.

SECTION 1.51.(a) Jeff Etheridge, Jr., of Columbus County and Pamela Cundiff of Rockingham County are appointed to the Rural Infrastructure Authority for terms expiring on June 30, 2021.

SECTION 1.51.(b) Dean Hilton of Bladen County and Thomas Westmoreland of Cleveland County are appointed to the Rural Infrastructure Authority for terms expiring on June 30, 2020.

SECTION 1.52. Dr. Kevin Sharp of Forsyth County is appointed to the State Board of Chiropractic Examiners for a term expiring on June 30, 2022.

SECTION 1.53. Diana Smith of Caldwell County is appointed to the State Board of Cosmetic Art Examiners for a term expiring on June 30, 2022.

SECTION 1.54. H. Vernon Massengill of Caswell County is appointed to the State Fire and Rescue Commission for a term expiring on June 30, 2022.

SECTION 1.55. William Peaslee of Wake County is appointed to the State Property Tax Commission for a term expiring on June 30, 2023.

SECTION 1.56.(a) Effective July 2, 2019, Stacy Buff of McDowell County and David Stephens of Union County are appointed to the Private Protective Services Board for terms expiring on July 1, 2022.

SECTION 1.56.(b) Nada Lawrimore of Wilkes County is appointed to the Private Protective Services Board for a term expiring on July 1, 2021.

SECTION 1.57.(a) Effective November 1, 2019, Beth Shane of Pitt County is appointed to the North Carolina Respiratory Care Board for a term expiring on October 31, 2022.

SECTION 1.57.(b) Dr. McNeil Cronin of Forsyth County is appointed to the North Carolina Respiratory Care Board to fill the unexpired term of Dr. Daniel Mulcrone expiring on October 31, 2021.

SECTION 1.58. Effective immediately, Vickie Walker of Mecklenburg County is appointed to the University of North Carolina Center for Public Television Board of Trustees for a term expiring on June 30, 2021.

SECTION 1.59. Lisa Grimes of Wake County is appointed to the Board of Trustees of the State Health Plan for Teachers and State Employees for a term expiring on June 30, 2021.

PART II. SPEAKER'S RECOMMENDATIONS

SECTION 2.1.(a) Earl W. Struble of Wake County is appointed to the 911 Board for a term expiring on December 31, 2020, to fill the unexpired term of Niraj G. Patel.

SECTION 2.1.(b) Gregory S. Coltrain of Beaufort County is appointed to the 911 Board for a term expiring on December 31, 2020, to fill the unexpired term of Eric S. Cramer.

SECTION 2.2. Gilda J. Hunt of New Hanover County is appointed to the Acupuncture Licensing Board for a term expiring on June 30, 2022.

SECTION 2.3. Effective October 1, 2019, Dr. Leslie D. McKesson of Burke County is appointed to the African-American Heritage Commission for a term expiring on September 30, 2022.

SECTION 2.4. Harvey "Keith" Purvis of Pitt County is appointed to the North Carolina Agricultural Finance Authority for a term expiring on June 30, 2022.

SECTION 2.5.(a) Mary S. Collier of Pitt County is appointed to the North Carolina Brain Injury Advisory Council for a term expiring on September 30, 2020, to fill the unexpired term of Craig Fitzgerald.

SECTION 2.5.(b) Effective October 1, 2019, Dr. Ryan Lamb of Orange County and John L. Dickerhoff of Cumberland County are appointed to the North Carolina Brain Injury Advisory Council for terms expiring on September 30, 2023.

SECTION 2.6.(a) Blair Bordeaux of Wake County is appointed to the State Building Commission for a term expiring on June 30, 2021.

SECTION 2.6.(b) Kirby J. Robinson of Forsyth County is appointed to the State Building Commission for a term expiring on June 30, 2022.

SECTION 2.7. Kieran Shanahan of Wake County and R. Doyle Parrish of Wake County are appointed to the Centennial Authority for terms expiring on June 30, 2023.

SECTION 2.8. Douglas S. Penland of Clay County is appointed to the North Carolina Center for the Advancement of Teaching Board of Trustees for a term expiring on June 30, 2021, to fill the unexpired term of Fletcher Gene McIntyre.

SECTION 2.9. Heather S. Vuncannon of Randolph County is appointed to the North Carolina Charter Schools Advisory Board for a term expiring on June 30, 2023.

SECTION 2.10.(a) John Zachary Everhart of Carteret County and Amelie F. Schoel of Union County are appointed to the North Carolina Child Care Commission for terms expiring on June 30, 2020.

SECTION 2.10.(b) Kimberly J. McClure of Forsyth County and Perry S. Melton of Wake County are appointed to the North Carolina Child Care Commission for terms expiring on June 30, 2021.

SECTION 2.11. Dr. Wallace R. "Ray" Chavez of Haywood County is appointed to the State Board of Chiropractic Examiners for a term expiring on June 30, 2021.

SECTION 2.12.(a) Renee D. Kumor of Henderson County is appointed to the Clean Water Management Trust Fund Board of Trustees for a term expiring on July 1, 2020.

SECTION 2.12.(b) E. Greer Cawood of Forsyth County is appointed to the Clean Water Management Trust Fund Board of Trustees for a term expiring on July 1, 2022.

SECTION 2.13. Lawrence F. "Larry" Baldwin of Carteret County is appointed to the Coastal Resources Commission for a term expiring on June 30, 2023.

SECTION 2.14. Mark A. Smith of Guilford County and Nathan A. Matthews of Catawba County are appointed to the North Carolina Code Officials Qualification Board for terms expiring on June 30, 2023.

SECTION 2.15. Tammy Huffman West of Catawba County is appointed to the Crime Victims Compensation Commission for a term expiring on June 30, 2023.

SECTION 2.16. R. Steven Johnson of Wake County, Randy Byrd of Wake County, Stanley H. Hicks of Randolph County, and Angela L. Williams of Guilford County are appointed to the North Carolina Criminal Justice Education and Training Standards Commission for terms expiring on June 30, 2021.

SECTION 2.17. William M. Bryan of Nash County and Laura L. Fahnestock of Wake County are appointed to the Criminal Justice Information Network Governing Board for terms expiring June 30, 2023.

SECTION 2.18. Effective September 1, 2019, Saira Estrada of Iredell County, The Honorable Robert M. Wilkins of Randolph County, and Regina E. Gurley of Wayne County are appointed to the Domestic Violence Commission for terms expiring on August 31, 2021.

SECTION 2.19. Richard L. Purcell of Mecklenburg County, Craig Hagood of Wake County, and Judith E. Irwin of Johnston County are appointed to the North Carolina Education and Workforce Innovation Commission for terms expiring June 30, 2022.

SECTION 2.20. Effective September 1, 2019, Margaret S. Wingate of Mecklenburg County is appointed to the North Carolina Board of Electrolysis Examiners for a term expiring on August 31, 2022.

SECTION 2.21. Effective January 1, 2020, Matthew Peeler of Perquimans County and Andrew T. Baird of Wake County are appointed to the North Carolina Emergency Medical Services Advisory Council for terms expiring on December 31, 2023.

SECTION 2.22. J.D. Solomon of Johnston County is appointed to the Environmental Management Commission for a term expiring on June 30, 2023.

SECTION 2.23. Robert "Scott" Clontz of Iredell County is appointed to the North Carolina Global TransPark Authority Board of Directors for a term expiring on June 30, 2023.

SECTION 2.24. Robert C. "Bert" Kemp of Pitt County and Hoyt G. Tessener of Wake County are appointed to the Governor's Crime Commission for terms expiring on February 28, 2021.

SECTION 2.25. Joseph B. Ramsey, Jr., of Wake County is appointed to the North Carolina Home Inspector Licensure Board for a term expiring on July 1, 2023.

SECTION 2.26. Tom Smith of Wake County, James Carlton Kearney, Sr., of Henderson County, Paul S. Jaber of Nash County, and James W. Oglesby of Buncombe County are appointed to the North Carolina Housing Finance Agency Board of Directors for terms expiring on June 30, 2021.

SECTION 2.27. Effective January 1, 2020, Dr. Lawrence R. Nycum of Forsyth County, Dr. Costa Andreou of Gaston County, and James A. "Adam" Sholar of Wake County are appointed to the North Carolina Institute of Medicine Board of Directors for terms expiring on January 1, 2023.

SECTION 2.28. The Honorable Sherry E. Butler of Catawba County, Ashley M. Honeycutt of Wake County, Wanda Moore of New Hanover County, Ryan S. Swanson of Wake County, Joseph E. Propst, Jr., of Wake County, The Honorable Frank Iler of Brunswick County, The Honorable Larry Yarborough of Granville County, and The Honorable Becky Carney of Mecklenburg County are appointed to the Justus-Warren Heart Disease and Stroke Prevention Task Force for terms expiring on June 30, 2021.

SECTION 2.29. Effective January 1, 2020, Michael Todd Going, II, is appointed to the North Carolina Locksmith Licensing Board for a term expiring on December 31, 2022.

SECTION 2.30. The Honorable Richard T. Schulze of Perquimans County is appointed to the North Carolina Marine Industrial Park Authority for a term expiring on June 30, 2021.

SECTION 2.31. Effective January 1, 2020, Tom Minowicz of Cleveland County is appointed to the Board of Nursing for a term expiring on December 31, 2023.

SECTION 2.32. Effective January 1, 2020, John J. Droz, Jr., of Carteret County is appointed to the North Carolina Oil and Gas Commission for a term expiring on December 31, 2023.

SECTION 2.33. Jerry O. Pearce of Wake County is appointed to the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board for a term expiring on July 1, 2022.

SECTION 2.34.(a) Dr. Vinod K. Goel of Wake County is appointed to the North Carolina Parks and Recreation Authority for a term expiring on June 30, 2021.

SECTION 2.34.(b) Beth Z. Heile of Burke County is appointed to the North Carolina Parks and Recreation Authority for a term expiring on June 30, 2022.

SECTION 2.35. Brian Maness of Guilford County is appointed to the Permanency Innovation Initiative Oversight Committee for a term expiring on June 30, 2022.

SECTION 2.36. Richard A. Cornette of Wilkes County is appointed to the North Carolina Principal Fellows Commission for a term expiring on June 30, 2023.

SECTION 2.37.(a) David C. Arndt of Surry County is appointed to the Private Protective Services Board for a term expiring on June 30, 2021.

SECTION 2.37.(b) Jerry D. Pitman of Forsyth County and Gerald J. Stickl of Johnston County are appointed to the Private Protective Services Board for terms expiring on June 30, 2022.

SECTION 2.38.(a) If House Bill 200, 2019 Regular Session, becomes law, then effective September 1, 2019, Dr. Charles Westley Wood of Wilkes County, Dr. Van O. Dempsey, III, of New Hanover County, Dr. Connie O. Locklear of Robeson County, and Samuel H. Houston, Jr., of Wake County are appointed to the North Carolina Professional Educator Preparation and Standards Commission for terms expiring on August 31, 2020.

SECTION 2.38.(b) If House Bill 200, 2019 Regular Session, becomes law, then effective September 1, 2019, Michael D. Hicks of Union County, Dr. Virginia Ann Bullock of Alamance County, Aaron Fleming of Harnett County, and Joseph W. Childers of Stokes County are appointed to the North Carolina Professional Educator Preparation and Standards Commission for terms expiring on August 31, 2021.

SECTION 2.39. Alexander A. Guess of Durham County is appointed to the Property Tax Commission for a term expiring on June 30, 2023.

SECTION 2.40. Michelle O'Connor of Mecklenburg County is appointed to the Public Officers and Employees Liability Insurance Commission for a term expiring on June 30, 2023.

SECTION 2.41. George Rountree, III, of New Hanover County and Jacob F. "Jake" Alexander of Rowan County are appointed to the North Carolina Railroad Company Board of Directors for terms expiring on June 30, 2023.

SECTION 2.42. Wendy P. Chavez of Caldwell County is appointed to the North Carolina Recreational Therapy Licensure Board for a term expiring on June 30, 2022.

SECTION 2.43. Andrew P. Atkins of Wake County, Garth K. Dunklin of Mecklenburg County, and Anna Baird Choi of Wake County are appointed to the Rules Review Commission for terms expiring on June 30, 2021.

SECTION 2.44.(a) Lige Dautridge of Nash County and Thomas S. Hester of Vance County are appointed to the Rural Infrastructure Authority for terms expiring on June 30, 2020.

SECTION 2.44.(b) Lindsey R. Griffin of Pitt County and Elizabeth P. Gaither of Catawba County are appointed to the Rural Infrastructure Authority for terms expiring on June 30, 2021.

SECTION 2.45. Sean P. Tario of Wake County is appointed to the North Carolina Board of Science, Technology, and Innovation for a term expiring on June 30, 2021.

SECTION 2.46. Donald L. Wells of Vance County is appointed to the North Carolina Board for Licensing of Soil Scientists for a term expiring on June 30, 2022.

SECTION 2.47. Kevin S. Gordon of Cleveland County is appointed to the State Fire and Rescue Commission for a term expiring on June 30, 2022.

SECTION 2.48. Lawrence H. "Larry" Chewning, III, of Nash County is appointed to the State Health Plan for Teachers and State Employees Board of Trustees for a term expiring on June 30, 2021.

SECTION 2.49. Thomas W. Adams of Brunswick County is appointed to the North Carolina State Ports Authority for a term expiring on June 30, 2021.

SECTION 2.50. Maria S. Hunnicutt of Rutherford County is appointed to the State Water Infrastructure Authority for a term expiring on July 1, 2021.

SECTION 2.51. Michael H. Lewis of Wake County is appointed to the North Carolina Supplemental Retirement Board of Trustees for a term expiring on June 30, 2022.

SECTION 2.52. Michael "Greg" Patterson of Wake County is appointed to the Teachers' and State Employees' Retirement System Board of Trustees for a term expiring on June 30, 2021.

SECTION 2.53. Dr. Jennifer W. Olson of Wake County is appointed to the North Carolina Teaching Fellows Commission for a term expiring on July 1, 2021.

SECTION 2.54. Culley C. Carson, IV, of Wake County is appointed to the University of North Carolina Center for Public Television Board of Trustees for a term expiring on June 30, 2021.

SECTION 2.55. Justin N. Barefoot of Johnston County and David J. Brown of Yadkin County are appointed to the Well Contractors Certification Commission for terms expiring on June 30, 2022.

SECTION 2.56. Vernon Ray Clifton, Jr., of Bladen County, John A. Stone of Moore County, John T. Coley, IV, of Wake County, and Tommy Fonville of Wake County are appointed to the North Carolina Wildlife Resources Commission for terms expiring on June 30, 2021.

PART III. EFFECTIVE DATE

SECTION 3.1. Unless otherwise provided, appointments shall begin upon the effective date of this act.

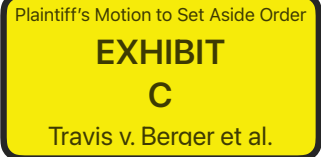
SECTION 3.2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 16th day of July, 2019.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**



**SESSION LAW 2021-6
HOUSE BILL 356**

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE
RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
AND THE PRESIDENT PRO TEMPORE OF THE SENATE.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the Speaker of the House of Representatives and the President Pro Tempore of the Senate; and

Whereas, the Speaker of the House of Representatives and the President Pro Tempore of the Senate have made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

PART I. SPEAKER'S RECOMMENDATIONS

SECTION 1.1. Chief John T. Cole of Alamance County is appointed to the 911 Board for a term expiring on December 31, 2022, to fill the unexpired term of Cecil V. "Buddy" Martinette, Jr.

SECTION 1.2. Dr. Scott A. Playford of Onslow County is appointed to the Boxing Advisory Commission for a term expiring on June 30, 2023.

SECTION 1.3.(a) Dr. Edward C. Jauch of Buncombe County is appointed to the North Carolina Brain Injury Advisory Council for a term expiring on September 30, 2023, to fill the unexpired term of Dr. Ryan Lamb.

SECTION 1.3.(b) Todd Bennett of Cabarrus County is appointed to the North Carolina Brain Injury Advisory Council for a term expiring on September 30, 2024.

SECTION 1.4. Effective March 1, 2021, Ricky Parks of Nash County and Hoyt G. Tessener of Wake County are appointed to the Governor's Crime Commission for terms expiring on February 28, 2023.

SECTION 1.5. Dr. Rocco F. DiSanto of Burke County and Dr. Gerald W. Poplin of Stanly County are appointed to the Information Technology Strategy Board for terms expiring on January 1, 2023.

SECTION 1.6. Brian Gwyn of Cleveland County is appointed to the North Carolina Institute of Medicine for a term expiring on December 31, 2023, to fill the unexpired term of Dr. Costa Andreou.

SECTION 1.7. The Honorable Barbara Jackson of Wake County is appointed to the Rules Review Commission for a term expiring on June 30, 2021, to fill the unexpired term of Garth Dunklin.

SECTION 1.8. Peter J. Juran of Forsyth County is appointed to the University of North Carolina School of the Arts Board of Trustees for a term expiring on June 30, 2023, to fill the unexpired term of Philip Horne.

SECTION 1.9. The Honorable Charles McGrady of Henderson County is appointed to the University of North Carolina at Asheville Board of Trustees for a term expiring on June 30, 2021, to fill the unexpired term of James W. Davis.



PART II. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS

SECTION 2.1. Andrew H. "Sandy" Weathersbee of Mecklenburg County is appointed to the North Carolina Partnership for Children Board of Directors for a term expiring on December 31, 2022, to fill the unexpired term of Terra Flint.

SECTION 2.2. The Honorable Deanna Ballard of Watauga County is appointed to the Education Commission of the States for a term expiring on December 31, 2022.

SECTION 2.3. Benjamin Curtis of Rockingham County and Pamela Tyler Thompson of Alamance County are appointed to the Governor's Crime Commission for terms expiring on February 28, 2023.

SECTION 2.4. The Honorable Robert "Bob" Rucho of Brunswick County is appointed to the Rules Review Commission for a term expiring on June 30, 2021, to fill the unexpired term of the Honorable Tommy Tucker.

SECTION 2.5. Todd Godbey of New Hanover County is appointed to the Charter Schools Advisory Board for a term expiring on June 30, 2021, to fill the unexpired term of Jeanette Butterworth.

SECTION 2.6. John M. Check of Nash County is appointed to the Judicial Standards Commission for a term expiring on June 30, 2021, to fill the unexpired term of Col. Grady H. Hawkins.

SECTION 2.7. Dr. Jimmy T. Tate of Pender County is appointed to the University of North Carolina at Wilmington Board of Trustees for a term expiring on June 30, 2023, to fill the unexpired term of the Honorable Michael Lee.

SECTION 2.8. The Honorable Jeffery P. Tarte of Mecklenburg County and Keith D. Briggs of Wake County are appointed to the Information Technology Strategy Board for terms expiring on January 1, 2023.

PART III. EFFECTIVE DATE

SECTION 3.1. Unless otherwise provided, appointments shall begin upon the effective date of this act.

SECTION 3.2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 31st day of March, 2021.

s/ Mark Robinson
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

NC State Board of Elections - Campaign Contribution Data

Committee														Report Name	Date Occured	Amount	Form of Payment
Name	Street Line 1	City	State	Zip Code	Profession/Job Title	Employer's Name/Specific Field	Transaction Type	Committee Name	Committee SBoE ID	Committee Street 1	Committee City	Committee State	Committee Zip Code				
HOYT G TESSENER	129 HILLCREST RD	RALEIGH	NC	27605	ATTORNEY	MARTIN & JONES PLLC	Individual	FRIENDS OF TIM MOORE	STA-C1652N-C-001	PO BOX	RALEIGH	NC	27624	2015 Year End Semi-Annual	10/25/2015	\$ 2,500.00	Check
HOYT G TESSENER	401 OBERLIN RD	RALEIGH	NC	27605	ATTORNEY	MARTIN & JONES PLLC	Individual	FRIENDS OF TIM MOORE	STA-C1652N-C-001	PO BOX	RALEIGH	NC	27624	2018 Third Quarter	7/16/2018	\$ 3,000.00	Check
HOYT G TESSENER	208 DRAKE LANE, BOX 5	RALEIGH	NC	27605	ATTORNEY	MARTIN & JONES PLLC	Individual	FRIENDS OF TIM MOORE	STA-C1652N-C-001	PO BOX	RALEIGH	NC	27624	2019 Mid Year Semi-Annual	6/19/2019	\$ 5,400.00	Check
HOYT G TESSENER	208 DRAKE LANE, BOX 5	RALEIGH	NC	27605	ATTORNEY	MARTIN & JONES PLLC	Individual	FRIENDS OF TIM MOORE	STA-C1652N-C-001	PO BOX	RALEIGH	NC	27624	2020 Second Quarter	6/29/2020	\$ 5,400.00	Credit Card
Hoyt G Tessener	129 Hillcrest Rd	Raleigh	NC	27605-1717	Attorney	Hoyt G. Tessener, PLLC	Individual	PHILIP E BERGER COMM	STA-C0854N-C-001	PO BOX 1309	EDEN	NC	27289	2017 Mid Year Semi-Annual (Amendment)	5/24/2017	\$ 1,000.00	Check

Plaintiff's Motion to Set Aside Order

**EXHIBIT
D**

Travis v. Berger et al.

SCHEDULE A (FEC Form 3)
ITEMIZED RECEIPTS

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER
(check only one)

☒ 11a ☐ 11b
☐ 12 ☐ 13a

Plaintiff's Motion to Set Aside Order
EXHIBIT
E
Travis v. Berger et al.

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)
FRIENDS OF TIM MOORE

A.

Full Name (Last, First, Middle Initial)
TESSENER, HOYT, G, ,

Mailing Address **976 OSPREY POINT**

City
LITTLETON

State
NC

Zip Code
27850-9477

FEC ID number of contributing federal political committee.
C

Name of Employer
SELF-EMPLOYED

Occupation
ATTORNEY

Receipt For: 2024
☐ Primary ☒ General
☐ Other (specify) ▼

Election Cycle-to-Date ▼
6600.00

Date of Receipt
11 / 08 / 2023

Transaction ID : **A8AD1A770527A468988C**

Amount of Each Receipt this Period
3300.00

☐ Memo Item

B.

Full Name (Last, First, Middle Initial)
FULTON, PAUL, , ,

Mailing Address **380 KNOLLWOOD ST
STE 610**

City
WINSTON SALEM

State
NC

Zip Code
27103-1862

FEC ID number of contributing federal political committee.
C

Name of Employer
RETIRED

Occupation
RETIRED

Receipt For: 2024
☒ Primary ☐ General
☐ Other (specify) ▼

Election Cycle-to-Date ▼
3300.00

Date of Receipt
11 / 20 / 2023

Transaction ID : **AB1DA486BF3544C0994D**

Amount of Each Receipt this Period
3300.00

☐ Memo Item

C.

Full Name (Last, First, Middle Initial)
TESTA, TRENT, , ,

Mailing Address **19211 YOUNGBLOOD RD**

City
CHARLOTTE

State
NC

Zip Code
28278

FEC ID number of contributing federal political committee.
C

Name of Employer
DIESEL DOCTORS LLC

Occupation
SELF EMPLOYED

Receipt For: 2024
☒ Primary ☐ General
☐ Other (specify) ▼

Election Cycle-to-Date ▼
6600.00

Date of Receipt
11 / 05 / 2023

Transaction ID : **A7E85378C697248E1B2D**

Amount of Each Receipt this Period
3300.00

☐ Memo Item

SUBTOTAL of Receipts This Page (optional)..... ▶

TOTAL This Period (last page this line number only)..... ▶

9900.00

SCHEDULE A (FEC Form 3)
ITEMIZED RECEIPTS

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER
(check only one)

☐ 11a ☐ 11b
☐ 12 ☐ 13a

Plaintiff's Motion to Set Aside Order
EXHIBIT
F
Travis v. Berger et al.

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full) FRIENDS OF TIM MOORE		
Full Name (Last, First, Middle Initial) AMERICAN AIRLINES INC. POLITICAL ACTION COMMITTEE (AAPAC)		
Mailing Address 1200 17TH ST NW STE 400		
City WASHINGTON	State DC	Zip Code 20036-3012
FEC ID number of contributing federal political committee. C C00107300		Date of Receipt M M / D D / Y Y Y Y Y Y 09 / 25 / 2024
Name of Employer		Occupation
Receipt For: 2024 <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼		Election Cycle-to-Date ▼ 1000.00
		Amount of Each Receipt this Period 1000.00
		<input type="checkbox"/> Memo Item
Transaction ID : A09EF85BEEE8B44C7991		
Full Name (Last, First, Middle Initial) LIVE OAK BANK POLITICAL ACTION COMMITTEE		
Mailing Address 1741 TIBURON DR		
City WILMINGTON	State NC	Zip Code 28403-6244
FEC ID number of contributing federal political committee. C C00552778		Date of Receipt M M / D D / Y Y Y Y Y Y 09 / 30 / 2024
Name of Employer		Occupation
Receipt For: 2024 <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼		Election Cycle-to-Date ▼ 2500.00
		Amount of Each Receipt this Period 2500.00
		<input type="checkbox"/> Memo Item
Transaction ID : A0BC8E9F63BFA4AFA956		
Full Name (Last, First, Middle Initial) GOPAC ELECTION FUND		
Mailing Address 1201 WILSON BLVD STE 2110		
City ARLINGTON	State VA	Zip Code 22209-2337
FEC ID number of contributing federal political committee. C C00559740		Date of Receipt M M / D D / Y Y Y Y Y Y 09 / 30 / 2024
Name of Employer		Occupation
Receipt For: 2024 <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼		Election Cycle-to-Date ▼ 5000.00
		Amount of Each Receipt this Period 5000.00
		<input type="checkbox"/> Memo Item
Transaction ID : A1E5B01A2C4EE4FC1ABC		
SUBTOTAL of Receipts This Page (optional).....▶		8500.00
TOTAL This Period (last page this line number only).....▶		

SCHEDULE E (FEC Form 3X)
ITEMIZED INDEPENDENT EXPENDITURESPAGE 32 OF 34
FOR LINE 24 OF FORM 3X

NAME OF COMMITTEE (In Full) GOPAC Election Fund			FEC IDENTIFICATION NUMBER ▼ <div style="border: 1px solid black; padding: 2px; display: inline-block;">C C00559740</div>	
Check if <input type="checkbox"/> 24-hour report <input type="checkbox"/> 48-hour report New report Amends report filed on <div style="border: 1px solid black; padding: 2px; display: inline-block;">M M / D D / Y Y Y Y Y Y</div>				
Full Name of Payee MARTIN & BLAINE THE DIFFERENTIATORS <input type="checkbox"/> Memo Item			Date of Public Distribution/Dissemination <div style="border: 1px solid black; padding: 2px; display: inline-block;">M M / D D / Y Y Y Y Y Y</div> 11 / 20 / 2023	
Mailing Address PO BOX 17623			Amount <div style="border: 1px solid black; padding: 2px; display: inline-block;">27475.00</div>	
City RALEIGH	State NC	Zip Code 27619	Transaction ID : SE24.1 Date of Disbursement or Obligation <div style="border: 1px solid black; padding: 2px; display: inline-block;">M M / D D / Y Y Y Y Y Y</div> 11 / 20 / 2023	
Purpose of Expenditure DIRECT MAIL EXPENSE		Category/ Type <div style="border: 1px solid black; padding: 2px; display: inline-block;"></div>		
Name of Federal Candidate: MOORE, TIM, , ,		<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	Office Sought: <input checked="" type="checkbox"/> House District: 14 <input type="checkbox"/> President <input type="checkbox"/> Senate State: NC	
Calendar Year-To-Date Per Election for Office Sought		<div style="border: 1px solid black; padding: 2px; display: inline-block;">164850.00</div> Disbursement For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▶		
Full Name of Payee MARTIN & BLAINE THE DIFFERENTIATORS <input type="checkbox"/> Memo Item			Date of Public Distribution/Dissemination <div style="border: 1px solid black; padding: 2px; display: inline-block;">M M / D D / Y Y Y Y Y Y</div> 11 / 27 / 2023	
Mailing Address PO BOX 17623			Amount <div style="border: 1px solid black; padding: 2px; display: inline-block;">27475.00</div>	
City RALEIGH	State NC	Zip Code 27619	Transaction ID : SE24.2 Date of Disbursement or Obligation <div style="border: 1px solid black; padding: 2px; display: inline-block;">M M / D D / Y Y Y Y Y Y</div> 11 / 29 / 2023	
Purpose of Expenditure DIRECT MAIL EXPENSE		Category/ Type <div style="border: 1px solid black; padding: 2px; display: inline-block;"></div>		
Name of Federal Candidate: MOORE, TIM, , ,		<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	Office Sought: <input checked="" type="checkbox"/> House District: 14 <input type="checkbox"/> President <input type="checkbox"/> Senate State: NC	
Calendar Year-To-Date Per Election for Office Sought		<div style="border: 1px solid black; padding: 2px; display: inline-block;">164850.00</div> Disbursement For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▶		
(a) SUBTOTAL of Itemized Independent Expenditures			<div style="border: 1px solid black; padding: 2px; display: inline-block;">54950.00</div>	
(b) SUBTOTAL of Unitemized Independent Expenditures.....			<div style="border: 1px solid black; padding: 2px; display: inline-block;"></div>	
(c) TOTAL Independent Expenditures			<div style="border: 1px solid black; padding: 2px; display: inline-block;"></div>	
Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or authorized committee or agent of either, or (if the reporting entity is not a political party committee) any political party committee or its agent.				
Signature <u>JOHNSON, MELODIE, , ,</u>			Date <div style="border: 1px solid black; padding: 2px; display: inline-block;">M M / D D / Y Y Y Y Y Y</div> 11 / 22 / 2023	

POLITICS, THE WOODSHED

Early outside spending boosts Speaker Moore's position in congressional race

DALLAS WOODHOUSE



LISTEN TO THIS STORY (4 minutes)

Early independent spending combined with significant home county support has NC House Speaker Tim Moore surging into a commanding position in Congressional District 14, a newly configured district that favors the GOP in the General Election in 2024.

A new survey conducted for the GOPAC Education Fund by Differentiators Data shows North Carolina Speaker Tim Moore with a significant lead in North Carolina's 14th Congressional District Republican primary.

Moore, an active leader in GOPAC's mission during his decade-long tenure as state House speaker, has a 73 percentage point lead over his nearest competitor.

Moore is supported by half of all voters with 49%. The two other Republicans in the race, Jeff Gregory (2%) and Joseph (2%), are virtual unknowns to voters. Moore avoided what would have been his strongest primary opponent when Republican Pat Harrigan, a businessman and former Green Beret, filed to run for Rep. Patrick Moore after the former speaker pro tempore announced he'll retire at the end of this term. Harrigan won the 14th Congressional District in 2022, so would have had high name ID and some momentum with prior voters.

The survey shows Moore with strong name identification and approval ratings in all of the counties in the district with a 73%-17% favorability rating (+56%) in his home of Cleveland County.

The GOPAC network has spent significant early resources on behalf of Moore's candidacy. GOPAC Chair Avella says this survey shows the early investment is paying dividends.

"GOPAC remains steadfast in its commitment to electing to Congress more state leaders who have been part of our mission," Avella said. "They know how to govern. They know how to collaborate. They are workhorses. This is why our Mission Majority program is dedicated to winning competitive primary elections with thoughtful, pragmatic conservatives. We have invested well over \$175,000 in advertisements to date to work to make sure he maintains his lead in this primary."

Veteran North Carolina GOP consultants Jim Blaine and Ray Martin (Differentiators Data) conducted a survey of likely GOP primary voters in North Carolina's 14th Congressional District on Dec. 17 through 19 for the

Education Fund.

The survey has a margin of error of +/- 4.9% and included 1/3 live landline, 1/3 live cell phones, and 1/3 responses.

Under the newly redrawn congressional maps, the 14th district covers all of Gaston, Cleveland, Burke counties and parts of Mecklenburg and Polk counties, including Moore's hometown of Kings Mountain.

Congressman Jeff Jackson, the Democratic incumbent, is not seeking reelection in the 14th, which went from a deep blue to a ruby red district. Jackson instead is running for state attorney general. Republican Lillian Joseph will face Moore on the March 5 primary ballot.

Pamela Genant and Brendan Maginnis meet in the Democratic primary to see who advances to the general election in this safe GOP seat.

In other high-profile primary races, the survey found Donald Trump and Mark Robinson with large leads in presidential and gubernatorial contests in the 14th Congressional District.

Republicans likely will gain at minimum three congressional seats in 2024 in NC, including the 14th, the 6th Congressional District and the Triangle-based 13th Congressional District. Republicans also have a strong chance in northeastern North Carolina's 1st Congressional District, the only congressional race considered a toss-up.

Tim Moore

NC-14

ALL CANDIDATES ⇌

First elected to the General Assembly in 2002, Speaker Tim Moore is currently serving his eleventh term in the North Carolina House of Representatives and his fifth term as the presiding officer of the North Carolina House of Representatives.

Tim is the longest serving House Speaker in North Carolina history. He represents Cleveland and Rutherford Counties.



A lifelong resident of Kings Mountain, North Carolina, Tim graduated from the University of North Carolina at Chapel Hill in 1992 with a B.A. in Political Science.

He then attended law school at the Oklahoma City University School of Law and received his Juris Doctor degree in 1995.

After passing the North Carolina Bar Exam, Tim returned to Cleveland County. He currently practices with his firm Tim Moore, Attorney at Law, P.A., in Kings Mountain.

Tim resides in Kings Mountain and has two sons, McRae and Wilson. He is a member of First Baptist Church of Kings Mountain.



DONATE TODAY

A donation to #teamGOPAC will help ensure we maintain Republican majorities at all levels of government.

CONTRIBUTE



Re: [External]RE: 24CV018884-910T. Craig Travis VS P. Kevin Berger

From Alicia Journey <Alicia@parkerbryanlaw.com>

Date Thu 5/8/2025 4:45 PM

To Huff, Nate A. <Nate.Huff@klgates.com>; Tucker, Lisa R. <lisa.r.tucker@nccourts.org>

Cc Kimberly Bryan <kimberly@parkerbryanlaw.com>; mdenning@smithdebnamlaw.com <mdenning@smithdebnamlaw.com>; Stephanie Jenkins <stephanie.jenkins@parkerbryanfamilylaw.com>; kruth@smithdebnamlaw.com <kruth@smithdebnamlaw.com>; Brent Tanner <brent.tanner@parkerbryanfamilylaw.com>; 'docket@wardandsmith.com' <docket@wardandsmith.com>; cschauer@dowlingfirm.com <cschauer@dowlingfirm.com>; Steven Walker <steven@walkerkiger.com>; Gary S. Parsons <GParsons@BrooksPierce.com>

All:

After the hearing on 4/23, we discovered information that could warrant Judge Tessener's disqualification from presiding over any contested hearings in this matter under both the North Carolina Code of Judicial Conduct and the Due Process Clause of the Fourteenth Amendment to the United States Constitution. If we had been aware of this information before or during the hearing or if Judge Tessener had disclosed it before rendering his decision and given us an opportunity to be heard on that issue, we would have objected at that time.

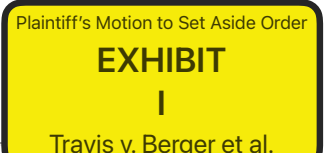
Because of the current procedural posture, we would be required to file a written motion detailing the reasons for disqualification and request an evidentiary hearing before another judge. In light of the publicity this case has received, we do not want to file such a motion prematurely and are in the process of our due diligence, including obtaining an expert opinion from outside counsel. However, we need additional time to do that, and for those reasons, we request additional time before the order is entered and object to Judge Tessener entering the order immediately.

We request that Judge Tessener's decision be held in abeyance for 30 days to give us time to receive an expert opinion on the disqualification issue. If Judge Tessener is not willing to allow us additional time to receive guidance on whether to file the motion, we have prepared the motion and can file it today.

Thank you,

Alicia Journey
Lawyer

Parker Bryan Britt Tanner & Jenkins, PLLC
133 Fayetteville Street, Suite 500
Raleigh, NC 27601
Mailing: P.O. Box 1069, Raleigh, NC 27602
Phone: 919.833.3115
Fax: 919.833.3116
Email: alicia@parkerbryanlaw.com



From: Alicia Journey <Alicia@parkerbryanlaw.com>

Sent: Thursday, May 8, 2025 4:07 PM

To: Huff, Nate A. <Nate.Huff@klgates.com>; Tucker, Lisa R. <lisa.r.tucker@nccourts.org>

Cc: Kimberly Bryan <kimberly@parkerbryanlaw.com>; mdenning@smithdebnamlaw.com <mdenning@smithdebnamlaw.com>; Stephanie Jenkins <stephanie.jenkins@parkerbryanfamilylaw.com>; kruth@smithdebnamlaw.com <kruth@smithdebnamlaw.com>; Brent Tanner <brent.tanner@parkerbryanfamilylaw.com>; 'docket@wardandsmith.com' <docket@wardandsmith.com>; cschauer@dowlingfirm.com <cschauer@dowlingfirm.com>; Steven Walker <steven@walkerkiger.com>; Gary S. Parsons <GParsons@BrooksPierce.com>

Subject: Re: [External]RE: 24CV018884-910T. Craig Travis VS P. Kevin Berger

Ms. Tucker:

I told opposing counsel that I would provide a response by close of business today. We will be submitting an objection and request that the order not be provided to Judge Tessener until our objection is received, which will be before 5:00 PM today.

Thank you,

Alicia Journey
Lawyer

Parker Bryan Britt Tanner & Jenkins, PLLC
133 Fayetteville Street, Suite 500
Raleigh, NC 27601
Mailing: P.O. Box 1069, Raleigh, NC 27602
Phone: 919.833.3115
Fax: 919.833.3116
Email: alicia@parkerbryanlaw.com

From: Huff, Nate A. <Nate.Huff@klgates.com>

Sent: Thursday, May 8, 2025 4:04 PM

To: Tucker, Lisa R. <lisa.r.tucker@nccourts.org>

Cc: Alicia Journey <alicia@parkerbryanlaw.com>; Kimberly Bryan <kimberly@parkerbryanlaw.com>; mdenning@smithdebnamlaw.com <mdenning@smithdebnamlaw.com>; Stephanie Jenkins <stephanie.jenkins@parkerbryanfamilylaw.com>; kruth@smithdebnamlaw.com <kruth@smithdebnamlaw.com>; Brent Tanner <brent.tanner@parkerbryanfamilylaw.com>; 'docket@wardandsmith.com' <docket@wardandsmith.com>; cschauer@dowlingfirm.com <cschauer@dowlingfirm.com>; Steven Walker <steven@walkerkiger.com>; Gary S. Parsons <GParsons@BrooksPierce.com>

Subject: [External]RE: 24CV018884-910T. Craig Travis VS P. Kevin Berger

Good afternoon Ms. Tucker,

As you can see from the attached, the Defendants agreed upon a proposed order and circulated it to plaintiff's counsel last week on May 1. She indicated that she wanted time to review and would have us a response by this afternoon. We haven't heard further from her and don't know the status. The proposed order is attached.

Best regards,

Nate Huff

K&L GATES

Nate Huff

Partner
K&L Gates LLP
430 Davis Drive
Suite 400
Morrisville, NC 27560
Phone: (919) 314-5636
Fax: (919) 516-2045
Nate.Huff@klgates.com
www.klgates.com

From: Tucker, Lisa R. <lisa.r.tucker@nccourts.org>

Sent: Wednesday, May 7, 2025 11:40 AM

To: Alicia Jurney <alicia@parkerbryanlaw.com>; kimberly@parkerbryanlaw.com;
mdenning@smithdebnamlaw.com; Stephanie Jenkins <stephanie.jenkins@parkerbryanfamilylaw.com>;
kruth@smithdebnamlaw.com; Brent Tanner <brent.tanner@parkerbryanfamilylaw.com>;
'docket@wardandsmith.com' <docket@wardandsmith.com>; cschauer@dowlingfirm.com; Huff, Nate A.
<Nate.Huff@klgates.com>; Steven Walker <steven@walkerkiger.com>; Gary S. Parsons
<GParsons@BrooksPierce.com>

Subject: RE: 24CV018884-910T. Craig Travis VS P. Kevin Berger

All,

Judge Tessener would like the order in this case sent to the orders email by Friday May 9, 2025.

Thank you,



Lisa R. Tucker
Court Manager
10th Judicial District
North Carolina Judicial Branch
O 919-792-4775

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www.NCcourts.gov/waketca

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ATTENTION ATTORNEYS: Effective 3/16/2023, your email and mailing address on file with the NC State Bar is your **service address** for Wake County cases. See [Attorney Service Contact Cover Memo and Attachment](#) and [Administrative Order 23R001278-910](#).

From: Tucker, Lisa R.

Sent: Wednesday, April 30, 2025 5:29 PM

To: Alicia Journey <alicia@parkerbryanlaw.com>; kimberly@parkerbryanlaw.com; mdenning@smithdebnamlaw.com; Stephanie Jenkins <stephanie.jenkins@parkerbryanfamilylaw.com>; kruth@smithdebnamlaw.com; Brent Tanner <brent.tanner@parkerbryanfamilylaw.com>; 'docket@wardandsmith.com' <docket@wardandsmith.com>; cschauer@dowlingfirm.com; Huff, Nate A. <Nate.Huff@klgates.com>; Steven Walker <steven@walkerkiger.com>; Gary S. Parsons <GParsons@BrooksPierce.com>

Subject: 24CV018884-910T. Craig Travis VS P. Kevin Berger

All,

Please see Judge Tessener 's ruling. Please email the order to our orders email along with an order's cover page once all parties have reviewed the order.

Counsel: The Court accepted the well-pleaded allegations of the Complaint as true with respect to Defendants' 12(b)(6) motions. The Court considered the submissions related to Defendant GOPAC's 12(b)(2) motion. After considering your arguments, your legal briefs and reviewing the file, the Court determined that Defendants' Motions to Dismiss pursuant to Rule 12(b)(6) is GRANTED. In addition and in the alternative, Defendant GOPAC, Inc.'s Motion to Dismiss pursuant to Rule 12b)(2) is GRANTED. Mr. Schauer, Mr. Boyle, and Mr. Huff, please draft a proposed Order and solicit comments from Ms. Journey and Ms. Bryan. Then submit the Order to the Court for my consideration and entry.

Thank you,



Lisa R. Tucker
Court Manager
10th Judicial District
North Carolina Judicial Branch
O 919-792-4775

Justice for all
www.NCcourts.gov/waketca

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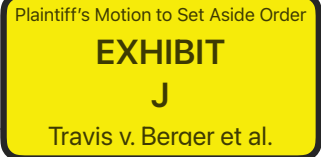
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24CV018884-910T. Craig Travis VS P. Kevin Berger

From Kimberly Bryan <kimberly.bryan@parkerbryanfamilylaw.com>

Date Fri 5/9/2025 10:36 AM

To Wake.Civil.Superior.Orders@nccourts.org <Wake.Civil.Superior.Orders@nccourts.org>

Cc mdenning@smithdebnamlaw.com <mdenning@smithdebnamlaw.com>; Stephanie Jenkins <stephanie.jenkins@parkerbryanfamilylaw.com>; Brent Tanner <brent.tanner@parkerbryanfamilylaw.com>; 'docket@wardandsmith.com' <docket@wardandsmith.com>; cschauer@dowlingfirm.com <cschauer@dowlingfirm.com>; Steven Walker <steven@walkerkiger.com>; Gary S. Parsons <GParsons@BrooksPierce.com>; Tucker, Lisa R. <lisa.r.tucker@nccourts.org>; Alicia Journey <Alicia@parkerbryanlaw.com>; Huff, Nate A. <Nate.Huff@klgates.com>; W. Ellis Boyle <WEBoyle@wardandsmith.com>

3 attachments (307 KB)

Travis. Proposed Order preserving objections..5.9.2025.CLEAN.docx; Travis. Proposed Order preserving objections..5.9.2025.REDLINE.docx; Order Submission Cover Sheet. 5.9.2025.pdf;

Ms. Tucker and all lawyers for Defendants:

Greetings. I'd like to bring the rhetoric down from that expressed in Ellis Boyle's message. On behalf of Plaintiff, we are asking for a delay before entering the Order so that we can thoughtfully consider the law and facts existing at the time of the hearing and until rendering that could have warranted a disclosure of potential or actual impartiality. During the delay, if one is allowed, we intend to seek out an expert opinion. We may elect to have the Order entered without further action based on our further due diligence. Alternatively, the proposed Order can be immediately entered with language that expressly states the Plaintiff has 30 days (or however many days the Court will allow) to file any Motions relating to disqualification. Should the Court be willing to entertain this alternative approach, attached is a redlined proposed Order with such preservation language included. If a delay and/or language preserving our objection is not allowed or expressly included in the Order, then on behalf of our client, we will need to file our Motion in its current form immediately to preserve our objection. We await Judge Tessener's guidance.

Kimberly

Kimberly Bryan



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IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
24 CVS 018884-910

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ORDER

THIS CAUSE came on to be heard at the 21 April 2025 session of Wake County Superior Court before the undersigned Superior Court Judge presiding, upon Defendants' Kevin Berger, Diane Parnell, Donald Powell, Mark Richadson, North Carolina Conservative Fund, Atlas Political Consulting LLC, and GOPAC, Inc.'s Motions to Dismiss pursuant to N.C.G.S. §1A-1, Rule 12(b). All parties were represented by counsel. The Court accepted the well-pleaded allegations of the Complaint as true with respect to Defendants' 12(b)(6) motions. The Court considered the submissions related to Defendant GOPAC's 12(b)(2) motion. After considering counsels' arguments and legal briefs and reviewing the file, the Court determined that Defendants' Motions to Dismiss pursuant to Rule 12(b)(6) is GRANTED. In addition, and in the alternative, Defendant GOPAC, Inc.'s Motion to Dismiss pursuant to Rule 12(b)(2) is GRANTED.

Notwithstanding the foregoing, this Order is entered without prejudice to Plaintiff's right within _____ days to file any Motions related to Disqualification and to request appropriate relief.

Plaintiff's objections are expressly preserved and are not waived until the expiration of the time period stated herein. The time for filing notice of appeal shall not begin to run until the expiration of the time for Plaintiff to file said Motion, or if such Motion is filed, until the entry of an Order granting or denying the Motion.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED that Plaintiff's Complaint
is dismissed pursuant to N.C.G.S. §1A-1, Rule 12(b)(2) and (6), [subject to the foregoing terms](#).

This the _____ day of May, 2025.

The Honorable Hoyt Tessner
Superior Court Judge Presiding

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of May, 2025 the foregoing ORDER was served upon Defendants as follows:

W. Ellis Boyle
Ward & Smith, P.A.
Attorney for Defendants
Berger, Powell, and Richardson

Via email: WEBoyle@wardandsmith.com

Craig Schauer
Dowling LLP
Attorney for Defendants
NCCF and APC

Via email: cschauer@dowlingfirm.com

Nate Huff
K&L Gates LLP
Attorney for
Defendant GOPAC

Via email: nate.huff@klgates.com

Alicia Journey
Kimberly W. Bryan
Attorney for Plaintiff