STATE OF NORTH CAROLINA

COUNTY OF WAKE

PLANNED PARENTHOOD SOUTH ATLANTIC, on behalf of itself, its physicians and staff, and its patients; et al..

Plaintiffs,

v.

TIMOTHY K. MOORE, as Speaker of the North Carolina House of Representatives, in his official capacity; et al.,

Defendants.

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION FILE NO. 20 CVS 500147

2022 DEC 14 P 3: 20

WAKE CO., C.S.C.

LEGISLATIVE DEFENDANTS' 12(c) MOTION FOR JUDGMENT ON THE PLEADINGS

NOW COME Defendants Speaker of the North Carolina House of Representatives, Timothy K. Moore, and President Pro Tempore of the North Carolina Senate, Philip E. Berger, in their official capacities, by and through the undersigned counsel, and without waiving any motions or defenses not set out herein, respectfully move the Court to issue a judgment on the pleadings and dismiss this case against all Defendants pursuant to N.C. R. Civ. P. 12(c).

Respectfully submitted, this the 14th day of December, 2022

W. Ellis Boyle

N.C. State Bar I.D. No. 33826

email: docket@wardandsmith.com * email: weboyle@wardandsmith.com **

For the firm of

WARD AND SMITH, P.A. Post Office Box 7068

Wilmington, NC 28406-7068

Tel.: (910) 794-4800 Fax: (910) 794-4877

Kevin H. Theriot AZ Bar No. 030446 ALLIANCE DEFENDING FREEDOM 15100 N. 90th Street Scottsdale, AZ 85260 Tel.: (480) 444-0020

Fax: (480) 444-0028 ktheriot@adflegal.org

Denise M. Harle GA Bar No. 176758 ALLIANCE DEFENDING FREEDOM 1000 Hurricane Shoals Rd. NE Ste D-1100 Lawrenceville, GA 30043

Tel.: (770) 339-0774 Fax: (480) 444-0028 dharle@adflegal.org

Attorneys for Defendants Moore and Berger

^{*} This email address must be used in order to effectuate service under Rule 5 of the North Carolina Rules of Civil Procedure.

^{**} Email address to be used for all communications other than service.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing

LEGISLATIVE DEFENDANTS' RULE 12(c) MOTION FOR JUDGMENT ON THE

PLEADINGS by email addressed to the following persons at the following addresses

which are the last addresses known to me:

Jared M. Burtner, Esq. jared.burtner@phelps.com

Kevin H. Theriot, Esq. ktheriot@adflegal.org

Denise M. Harle, Esq. dharle@adflegal.org

Michael T. Wood, Esq. mwood@ncdoj.gov

Kathryn H. Shields, Esq. kshields@ncdoj.gov

Clara Spera cspera@aclu.org

Alexa Kolbi-Molinas akolbi-molinas@aclu.org

Jaclyn Maffetore jmaffetore@acluofnc.org

Kristi Graunke kgraunke@acluofnc.org

Elizabeth Barber ebarber@acluofnc.org

Susan Lambiase susan.lambiase@ppfa.org

Hana Bajramovic@ppfa.org

Caroline Sacerdote csacerdote@reprorights.org

Catherine Humpreville catherine.humpreville@ppfa.org

Autumn Katz akatz@reprorights.org

Brigitte Amiri bamiri@aclu.org

Kelli Z. Myers <u>kellie.z.myers@nccourts.org</u>

Peyton Hedrick peyton.n.hedrick@nccourts.org

This the 14th day of December, 2022.

W. Ellis Boyle

N.C. State Bar I.D. No. 33826

email: docket@wardandsmith.com *

email: weboyle@wardandsmith.com **

For the firm of

WARD AND SMITH, P.A.

Post Office Box 7068

Wilmington, NC 28406-7068

Tel.: (910) 794-4800 Fax: (910) 794-4877

^{*} This email address must be used in order to effectuate service under Rule 5 of the North Carolina Rules of Civil Procedure.

^{**} Email address to be used for all communications other than service.