

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:16-CV-00425
)	
STATE OF NORTH CAROLINA;)	
PATRICK MCCRORY, in his official)	
capacity as Governor of North Carolina;)	
NORTH CAROLINA DEPARTMENT OF)	
PUBLIC SAFETY; UNIVERSITY OF)	
NORTH CAROLINA; and BOARD OF)	
GOVERNORS OF THE UNIVERSITY OF)	
NORTH CAROLINA,)	
)	
Defendants.)	

PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION

Plaintiff United States respectfully moves the Court, pursuant to Rule 65(a) of the Federal Rules of Civil Procedure and Local Rule 65.1(b), for a preliminary injunction against Defendants the State of North Carolina, Governor Patrick McCrory, the North Carolina Department of Public Safety, the University of North Carolina and the Board of Governors of the University of North Carolina. In support thereof, Plaintiff states as follows:

1. On May 9, 2016, Plaintiff filed its Complaint for Declaratory and Injunctive Relief (ECF No. 1), alleging that by complying with and implementing Part I of North Carolina Session Law 2016-3, House Bill 2, the Defendants are engaged in a pattern or practice of violating Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., Title IX of the Education Amendments Act of 1972, 20

U.S.C. § 1681, et seq., and the Violence Against Women Reauthorization Act of 2013, 42 U.S.C. § 13925(b)(13).

2. Plaintiff seeks a preliminary injunction enjoining Defendants from complying with or implementing Section 1.3 of North Carolina Session Law 2016-3, House Bill 2.

3. The Federal Rules of Civil Procedure provide for the issuance of a preliminary injunction under the circumstances present here.

4. In support of this motion, Plaintiff submits a Memorandum of Law, together with supporting exhibits and declarations, addressing all necessary elements for the entry of a preliminary injunction.

5. Plaintiffs seek leave to present oral argument in support of this Motion pursuant to Local Civil Rule 65.1(b).

This the 5th day of July, 2016.

Respectfully submitted,

RIPLEY RAND
United States Attorney
Middle District of North Carolina
United States Department of Justice
101 South Edgeworth Street, 4th Floor
Greensboro, NC 27401
Telephone: (336) 333-5351
E-mail: ripley.rand@usdoj.gov

VANITA GUPTA
Principal Deputy Assistant Attorney
General

SHAHEENA SIMONS
Chief, Educational Opportunities Section

DELORA L. KENNEBREW
Chief, Employment Section

COREY L. STOUGHTON
Senior Counsel

LORI B. KISCH
WHITNEY PELLEGRINO
Special Litigation Counsel

DWAYNE J. BENSING
TOREY B. CUMMINGS
SEAN R. KEVENEY
ALYSSA C. LAREAU
CANDYCE PHOENIX
TARYN WILGUS NULL
Trial Attorneys
United States Department of Justice
Civil Rights Division

/s/ Torey B. Cummings
MA Bar Number: 664549
Senior Trial Attorney
United States Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 514-4092
torey.cummings@usdoj.gov

Counsel for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:16-CV-00425
)	
STATE OF NORTH CAROLINA;)	
PATRICK MCCRORY, in his official)	
capacity as Governor of North Carolina;)	
NORTH CAROLINA DEPARTMENT OF)	
PUBLIC SAFETY; UNIVERSITY OF)	
NORTH CAROLINA; and BOARD OF)	
GOVERNORS OF THE UNIVERSITY OF)	
NORTH CAROLINA,)	
)	
Defendants.)	

CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and have verified that such filing was sent electronically using CM/ECF to the following: Karl S. Bowers, Jr., Robert C. Stephens, William Woodley Stewart, Jr., Brennan Tyler Brooks, Frank J. Gordon, Robert N. Driscoll, Amar Majmundar, Olga E. Vysotskaya De Brito, Carolyn C. Pratt, Glen D. Nager, James M. Burnham, Noel J. Francisco, Stuart K. Duncan, Gene C. Shaerr, Robert D. Potter, Jr., David A. Cortman, James A. Campbell, Jeremy D. Tedesco, Jonathan Caleb Dalton;

and mailed to the following non-CM/ECF participant:

Steven-Glenn: Johnson
c/o 208 Nydegg Road
New Bern, NC 28562

Respectfully submitted,

/s/ Torey B. Cummings

MA Bar Number: 664549

Senior Trial Attorney

United States Department of Justice

Civil Rights Division

950 Pennsylvania Avenue, NW

Washington, DC 20530

Telephone: (202) 514-4092

Email: Torey.Cummings@usdoj.gov

Counsel for Plaintiff