

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

FELICITY M. TODD VEASEY and
SECOND AMENDMENT
FOUNDATION, INC.,

Plaintiffs,

v.

BRINDELL B. WILKINS, JR., in his
official capacity as Sheriff of Granville
County, North Carolina,
PAT McCRORY, in his official capacity
as Governor of North Carolina,
ROY COOPER, in his official capacity
as Attorney General of North Carolina,
and FRANK L. PERRY, in his official
capacity as Secretary of the North
Carolina Department of Public Safety,

Defendants.

No. 5:14-cv-00369-BO

DEFENDANT BRINDELL B. WILKINS, JR.'S
CONSENT MOTION TO STAY ORDER FOR DISCOVERY PLAN

Pursuant to Local Rule 7.1, Defendant Brindell B. Wilkins, Jr. (“Sheriff Wilkins”), with the consent of Plaintiffs Felicity M. Todd Veasey and the Second Amendment Foundation, Inc., respectfully moves the Court for an order staying the July 31, 2015 Order for Discovery Plan in the above-captioned case.

In support of this motion, Sheriff Wilkins shows the Court the following:

1. On July 31, 2015, by order of the Clerk of Court, the Court issued an Order for Discovery Plan in the above-captioned case.¹ [DE# 59].

¹ The Court did not issue a similar Order for Discovery Plan in the companion case captioned *Messmer v. Harrison, et al.*, No. 5:15-cv-00097-BO.

2. Five days later, on August 5, 2015, Governor McCrory signed Session Law 2015-195 into law. On August 7, 2015, Sheriff Wilkins moved to dismiss the above-captioned case for lack of subject matter jurisdiction on the grounds that Session Law 2015-195 repealed the challenged citizenship requirement of N.C.G.S. § 14-415.12(a) and therefore rendered this case moot. [DE# 60-61].

3. In the absence of an order staying the July 31, 2015 Order for Discovery Plan, the parties would be required to engage in discovery notwithstanding Sheriff Wilkins' pending motion to dismiss for lack of subject matter jurisdiction.

4. Counsel for the parties have conferred and believe it would be in the best interests of promoting judicial economy and conserving the parties' resources to avoid engaging in the discovery process until the Court has ruled on Sheriff Wilkins' pending motion to dismiss for lack of subject matter jurisdiction.

WHEREFORE, with the consent of Plaintiffs, Sheriff Wilkins respectfully requests that the Court issue an order staying its Order for Discovery Plan in the above-captioned case pending resolution of his motion to dismiss for lack of subject matter jurisdiction.

Respectfully submitted the 18th day of August, 2015.

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**COUNSEL FOR SHERIFF
BRINDELL B. WILKINS, JR.**

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel and parties of record as follows:

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This the 18th day of August, 2015.

s/ Andrew H. Erteschik

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