

FILED

2023 FEB 10 4 33 PM  
IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
17 CVS 6357

STATE OF NORTH CAROLINA

WAKE COUNTY

WAKE CO., C.S.C.

SAMANTHA R., by her Guardian, TIM R., )  
MARIE K., by her guardian, EMPOWERING )  
LIVES GUARDIANSHIP SERVICES, LLC, )  
CONNIE M., by her guardian CHARLOTTE )  
R., JONATHAN D., by his guardian )  
MICHAEL D., MITCHELL T., by his )  
guardian, BETSY S., MICHAEL A. and )  
DISABILITY RIGHTS NORTH CAROLINA, )

HHT

Plaintiffs,

v.

STATE OF NORTH CAROLINA, THE )  
NORTH CAROLINA DEPARTMENT OF )  
HEALTH AND HUMAN SERVICES, and )  
KODY KINSLEY, in his official capacity as )  
Secretary of the North Carolina Department of )  
Health and Human Services, )

Defendants.

**ORDER GRANTING  
DEFENDANTS' MOTION TO  
STAY ENFORCEMENT OF  
ORDER ENTERED NOV. 2, 2022  
(REMEDIES ORDER)**

This matter came before the Undersigned on February 3, 2023 on *Defendants' Motion to Stay Enforcement of Order Entered November 2, 2022* (filed Nov. 30, 2022). With the consent of all parties, the Court heard the motion in Orange County Superior Court via WebEx. After considering the parties' memoranda, exhibits, submissions and arguments, the Court issues the following ruling and order:

IT IS ORDERED that Defendants' motion to stay is GRANTED.

IT IS FURTHER ORDERED that enforcement of the following provisions of the Order entered on November 2, 2022 and any subsequent clarification<sup>1</sup> is HEREBY STAYED for the

<sup>1</sup> Separately, the Court will be issuing an *Order Clarifying/Correcting Order Entered Nov. 2, 2022*. The stay applies to certain provisions of the November 2, 2022 Order (as specified herein) and also to the separate order to clarify or correct that Order.

duration of the appeal noticed by Defendants on November 30, 2022:

1. Benchmark 1, Divert or Transition Individuals from Institutionalization, set forth in Section III.A of the Order, at 5-7.

2. Benchmark 2, Increase Access to Home and Community Based Services, set forth in Section III.B of the Order, at 7-8.

3. All reporting requirements associated with Benchmark 1 and/or Benchmark 2, set forth in Sec. III.D of the Order, at 9-10.

SO ORDERED this the 9 day of February 2023.



Judge Allen Baddour  
Superior Court Judge Presiding  
Designated Pursuant To Tenth Judicial  
District Local Rule 2.2

CERTIFICATE OF SERVICE FILED

The undersigned hereby certifies that he served the foregoing *ORDER* to Plaintiffs' counsel of record via US mail, postage paid and by email on this the 10<sup>th</sup> day of February, 2023.

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