

STATE OF NORTH CAROLINA  
CABARRUS COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
Case No. 25-CVS-002839-120

CABARRUS CITIZENS FOR )  
GOVERNMENT INTEGRITY, )  
HOLLY EDWARDS, LEIGH BROWN, )  
BILL BARBEE, SCOTT ELLIOTT, )  
PARISH MOFFITT; KRISTEL )  
SWAYZE, ANITA BROWN, )  
JENNIFER DUNBAR, RAY HELMS, )  
TOM DAOUST, TRAVIS NESBIT, )  
DIANNA BINGLE, JAN AIRHEART )  
GRAHAM, ROBERT WAYNE )  
BUSHEY, and MARY STEWART )  
TROUTMAN DESOUZA, )

Plaintiffs, )

v. )

CABARRUS COUNTY BOARD OF )  
COMMISSIONERS and CABARRUS )  
COUNTY, )

Defendants. )

FILED  
DATE: April 23, 2025  
TIME: 4:48:10 PM  
CABARRUS COUNTY  
CLERK OF SUPERIOR COURT  
BY: K. Johns

**ORDER GRANTING PRELIMINARY  
INJUNCTION**

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**THIS MATTER** came on to be heard on before the duly commissioned undersigned Special Superior Court Judge upon Plaintiffs' Motion for Preliminary Injunction contained within the duly filed complaint on 14 April 2025. The Court was advised all defendants have been properly served. This Court has both in personam and subject matter jurisdiction in this matter. The Motion for Preliminary Injunction was heard on 21 April 2025 via Webex with the consent of all parties. Counsel for each party were present and participated in said hearing. The Court, now having considered the evidence presented along with the Brief filed by the defendants and the arguments of counsel does now hereby Order as follows:

1. The Court finds that at the time of the specially called meeting of the Cabarrus County Board of Commissioners on 10 April 2025, during which the vote for the replacement of Mr. Measmer's seat occurred, Mr.

Measmer had not yet resigned as a member of the Cabarrus County Board of Commissioners. Therefore, at the time of the specially called meeting on 10 April 2025 and vote, there was no vacancy to be filled by the Cabarrus County Board of Commissioners as required by N.C.G.S. § 153A-27.

2. The purpose of a preliminary injunction is to preserve the status quo pending a trial of the merits.

3. The Court finds and concludes the Plaintiffs will likely prevail on the merits of this action.

4. The Court finds and concludes that the relief requested appears reasonably necessary to protect the rights of the Plaintiffs during this litigation. The Court has considered the injury to the defendant if this preliminary injunction is issued and concludes the defendant is still able to conduct the County business with the remaining members of the Board. The Court has also considered the effect on the public interest in this matter and concludes that interest is a significant and paramount one as the public should have and is entitled to the confidence that lawful procedures have been followed in the declaration and enactment of any valid and lawful decision.

5. Without a preliminary injunction, there is a likelihood of immediate and irreparable harm to Plaintiffs in that Lamarie Austin-Stripling will be sworn in and take possession of the office of Commissioner and could thus vote upon any matter before the Board of Commissioners. This may have severe implications concerning the legitimacy of any such votes.

6. The Court finds and concludes that this irreparable injury is an injury the Plaintiffs should not be required to submit, nor Defendants permitted to inflict and is of such a continuous and recurrent nature that no reasonable redress can be obtained without this equitable remedy.

Therefore, based upon the findings and conclusions it is hereby Ordered as follows:

The Motion of Plaintiffs for a Preliminary Injunction is GRANTED, and Defendants and Defendants' agents, servants, employees, and attorneys, are restrained and enjoined, during the pendency of this litigation, from allowing Ms. Austin-Stripling to take possession of the office of Commissioner on the Cabarrus County Board of Commissioners.

The Court further finds and concludes that the previously posted bond in the amount of \$100 is sufficient for purposes of this Order Granting Preliminary Injunction.

It is SO ORDERED.

4/23/2025 3:45:52 PM

This the 23<sup>rd</sup> day of April 2025.



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The Honorable Steve Warren  
Superior Court Judge Presiding