

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
08 CVS _____

NIKITA VIDAL MACKEY)

Plaintiff,)

v.)

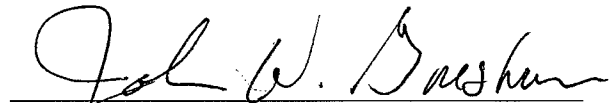
BOARD OF COMMISSIONERS OF)
MECKLENBURG COUNTY)

Defendant.)
_____)

MOTION FOR TEMPORARY RESTRAINING ORDER

Now comes the Plaintiff, through counsel and pursuant to N.C.G.S. §1-485 *et seq.* and Rule 65 of the North Carolina Rules of Civil Procedure, and moves the Court to enter a temporary restraining order enjoining the Defendant from appointing a Sheriff for Mecklenburg County. In support of this Motion, Plaintiff incorporates by reference the matters set out in the verified Complaint for Declaratory Judgment that has been filed herewith.

Respectfully submitted, this 5th day of February, 2008.



James E. Ferguson, II (N.C. Bar #1434)
John W. Gresham (N.C. Bar #6647)
S. Luke Largess (N.C. Bar # 17486)
Lareena Jones-Phillips (N.C. Bar #36859)
FERGUSON, STEIN, CHAMBERS,
GRESHAM & SUMTER, P.A.
741 Kenilworth Avenue, Suite 300
Charlotte, NC 28204
704-375-8461

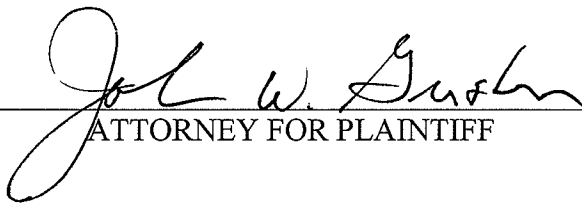
CERTIFICATE OF SERVICE

I certify that I have this day served the foregoing **MOTION FOR TEMPORARY RESTRAINING ORDER** on all of the parties to this cause by:

- Hand delivering a copy hereof to the attorney for each said party addressed as follows:
- Depositing a copy hereof with a nationally recognized overnight courier service, for overnight delivery, addressed to the attorney for each said party as follows:
- Transmitting via facsimile transmission a copy hereof to the attorney for each said party as follows:
- Electronic transmission (e-mail) to the attorney for each said party as follows:
- Depositing a copy hereof in a first-class, postage-prepaid, properly-addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service, addressed to the attorney for each said party as follows:

Mr. James P. Cooney, III
Womble Carlyle Sandridge & Rice PLLC
One Wachovia Center, Suite 3500
301 South College Street
Charlotte, NC 28202-6025
jcooney@wcsr.com

This, the 5th day of February, 2008.



ATTORNEY FOR PLAINTIFF