

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

SUSAN JANE HOGARTH,

Plaintiff,

v.

SAM HAYES, et al.,

Defendants.

Case No.: 5:24-cv-00481

Hon. Louise W. Flanagan

**PLAINTIFF'S MOTION FOR
JUDGMENT ON THE PLEADINGS**

Plaintiff Susan Hogarth respectfully moves for judgment on the pleadings under Federal Rule of Civil Procedure 12(c). As explained in Hogarth's memorandum in support of this motion, N.C. Gen. Stat. §§ 163-166.3(c), 163-273(a)(1), 163-165.1(e), 163-274(b)(1), and 163-166.3(b) violate the First Amendment as applied to ballot selfies—voters' photos with or of their own voted ballots.

Hogarth respectfully requests the Court grant her judgment on the pleadings and permanently enjoin the Defendants from enforcing North Carolina's ban on ballot selfies.

Dated: July 11, 2025

Respectfully Submitted,

/s/ James M. Dedman IV

James M. Dedman IV*
(NC Bar # 37415)
Gallivan White & Boyd P.A.
6805 Carnegie Blvd, Ste. 200
Charlotte, NC, 28211
(704)-552-1712
jdedman@gwblawfirm.com

Eric Spengler*
(NC Bar # 47165)
SPENGLER + AGANS PLLC

/s/ Jeffrey D. Zeman

JEFFREY D. ZEMAN**
(Penn. Bar No. 328570)
FOUNDATION FOR INDIVIDUAL
RIGHTS AND EXPRESSION
510 Walnut St., Ste. 900
Philadelphia, PA 19106
(215) 717-3473
jeff.zeman@thefire.org

DANIEL A. ZAHN**
(DC Bar No. 90027403)

352 N. Caswell Rd.
Charlotte, NC 28204
(704) 999-8733
eric@sab.law

*Local Civil Rule 83.1(d) Attorney

FOUNDATION FOR INDIVIDUAL
RIGHTS AND EXPRESSION
700 Pennsylvania Ave. SE, Ste. 340
Washington, DC 20003
(215) 717-3473
daniel.zahn@thefire.org

**Special Appearance Pursuant to
Local Rule 83.1(e)

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, Jeffrey D. Zeman, hereby certify that on July 11, 2025, I submitted the foregoing to the Clerk of the Court via the District Court's CM/ECF system.

/s/ Jeffrey D. Zeman
JEFFREY D. ZEMAN
FOUNDATION FOR INDIVIDUAL
RIGHTS AND EXPRESSION