IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA Civil Action No. 1:17-cv-01037

FARM LABOR ORGANIZING COMMITTEE, et al.)
Plaintiffs,	ORAL ARGUMENT REQUESTED
v.)
JOSHUA STEIN, et al.)
Defendants.)

PLAINTIFFS' AMENDED MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Fed. R. Civ. P. 65(a) and LR 65.1, Plaintiffs Farm Labor Organizing Committee (FLOC), Victor Toledo Vences and Valentin Alvarado Hernandez move this Court to preliminary enjoin Section 20.5 of the North Carolina General Assembly Session Law 2017-108, SB 615 ("the Farm Act" or "the Act"). In support of this Motion, Plaintiffs state as follows:

- 1. The Farm Act was signed into law by Governor Roy Cooper on July 12, 2017.
- 2. Section 20.5 of the Farm Act amended N.C. Gen. Stat. § 95-79(b), to remove the

Farm Act and would ensure that Plaintiffs and other farmworkers may continue to exercise their constitutional rights to expression and association during the pendency of this litigation.

- 10. The Farm Act infringes on the constitutional rights of an estimated 100,000 or more farmworkers in North Carolina and subjects them and their sole union to criminal and civil liability for engaging in commonplace union organizing activities. In light of this far-reaching impact and the multiple ways in which the Act violates Plaintiffs' constitutional rights, Plaintiffs respectfully request leave to present oral argument related to this Motion on a date to be determined by the Court.
- 11. Plaintiffs should not be required to post a security bond because no harm, pecuniary or otherwise, will result to Defendants if an injunction is granted. *See Pashby* v. *Delia*, 709 F.3d 307, 332 (4th Cir. 2013) ("[T]he district court retains the discretion to set the bond amount as it sees fit or waive the security requirement."); *Planned Parenthood of Cent. N.C. v. Cansler*, 804 F. Supp. 2d 482, 501 (M.D.N.C. 2011) ("Given the lack of any monetary injury to Defendant, no bond will be required."); *Doe v. P.5(b)-t()-3.3(n)1223[Tān3(t)025(u)-3.3(0.263, V4.83(n)-3.3(s)0.9(l)5.1(e)0.5(r)]TJ /TT0 1 J(v.) T60*

Fla. 2009) ("Waiving the bond requirement is particularly appropriate where a plaintiff

alleges the infringement of a fundamental constitutional right.").

WHEREFORE, Plaintiffs respectfully request that this Court:

(a) Set a date on which to hear oral argument on this Motion;

(b) Preliminarily enjoin enforcement of Section 20.5 of the Farm Act;

(c) Order Defendants to immediately notify their officers, agents, employees, and

other persons in active concert or participation with them, including the

administrative and judicial officials of all state courts, if a preliminary

injunction is entered;

(d) If a preliminary injunction is entered, waive the requirement of a security

bond; and

(e) Order such other relief as this Court deems just and equitable.

Respectfully submitted this 6th day of February, 2018,

/s/ Kristi L. Graunke

Kristi L. Graunke

North Carolina Bar No. 51216

kristi.graunke@splcenter.org

Julia Solórzano

Georgia Bar No. 928725

julia.solorzano@splcenter.org

Southern Poverty Law Center

150 E. Ponce de Leon Ave., Ste. 340

Decatur, GA 30030

Graunke Tel.: 334-324-5177

Solórzano Tel: 404-521-6700

Brian Hauss

New York Bar No. 5437751

bhauss@aclu.org

American Civil Liberties Union

Foundation

125 Broad Street, 18th Floor

New York, NY 10004

Tel.: 212-549-2500

Fax: 212-549-2650

CERTIFICATE OF SERVICE

I certify that on February 6, 2018, I electronically filed the foregoing with the