

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
GREENVILLE DIVISION

BEREAN BAPTIST CHURCH,
RETURN AMERICA, INC.,
DR. RONNIE BAITY, and
PEOPLE'S BAPTIST CHURCH, INC.,

CIVIL ACTION NO.

Plaintiffs,

v.

GOVERNOR ROY COOPER, in his
official capacity,

Defendant,

**COMPLAINT FOR DECLARATORY JUDGMENT
AND INJUNCTIVE RELIEF**

Plaintiffs Berean Baptist Church (“Berean”), a North Carolina nonprofit corporation; Return America, Inc. (“Return America”), a North Carolina nonprofit corporation; Dr. Ronnie Baity, Pastor of the Church and President of Return America (“Dr. Baity”); and People’s Baptist Church, Inc., (“People’s”), a North Carolina nonprofit corporation, for their Complaint for Declaratory and Injunctive Relief against Defendant Roy Cooper in his official capacity as North Carolina Governor, allege as follows:

EXIGENCIES REQUIRING TEMPORARY RESTRAINING ORDER

1. The State of North Carolina, as is the entire world, is suffering under the COVID-19 virus pandemic, to which Defendant North Carolina Governor Roy Cooper (“Gov. Cooper”) has responded with Executive Order No. 116 (“EO 116”) declaring a State of Emergency for North Carolina and thereafter with a series of Executive Orders

attempting to prevent the spread of the virus within the State. (EO 116 is attached as **Exhibit 1**).

2. Plaintiffs bring this suit to challenge Gov. Cooper's Executive Order Nos. 117, 120, 121, 135, and 138 issued March 14, March 27, March 23, April 23, and May 5, 2020, respectively, as being unconstitutional both facially and as applied to Plaintiffs, because they treat religious gatherings less favorably than similar secular gatherings, virtually banning religious assembly, are not narrowly tailored, and do not permit less restrictive means to achieve the government's interest without burdening Plaintiffs' rights as guaranteed by the U.S. Constitution's First Amendment. ("EO 117," "EO 120," "EO 121," "EO 135" "EO 138, and collectively as "Orders"). The Orders are attached as **Exhibits 2, Exhibit 3, Exhibit 4, Exhibit 5, and Exhibit 6**).

3. Governor Cooper's Orders have been interpreted, applied, and enforced by his Office and local law enforcement authorities as prohibiting indoor gatherings for religious worship by more than 10 people.

4. The Orders are not neutral laws of general applicability because they target Constitutionally protected activity, significantly burdening the Plaintiffs' right to freedom of religion and assembly, establishing an orthodox form of religious exercise approved by the State, all the while providing broad exemptions for many other gatherings of more than 10 people that are not constitutionally protected.

5. Absent emergency relief from this Court, Berean, People's, Return America, and Dr. Baity, and all members and/or attendees of Plaintiffs' entities will suffer immediate and irreparable injury from the threat of civil and criminal prosecution for the mere act of gathering for the free exercise of religion and in assembling for worship. If Plaintiffs do

not subscribe to what Governor Cooper has established as orthodox in a worship service, they risk criminal penalties, including imprisonment.

JURISDICTION AND VENUE

6. This civil rights action raises federal questions under the United States Constitution, specifically the First and Fourteenth Amendments, and is brought pursuant to 42 U.S.C. § 1983.

7. This Court has jurisdiction over Plaintiffs' federal claims under U.S. Const., Art. III., Sec. 2, and under 28 U.S.C. § 1331 and 1343.

8. This Court has authority to grant the requested declaratory relief under 28 U.S.C. §§ 2201 and 2202, the requested injunctive relief under 28 U.S.C. § 1343, and reasonable attorney fees and costs under 42 U.S.C. § 1988.

9. Venue is proper in this Court under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claims occurred in this district, a Plaintiff resides in this district, and all Plaintiffs reside in North Carolina.

PLAINTIFFS

10. Plaintiff Berean Baptist Church is a non-profit church incorporated under the laws of North Carolina and organized exclusively for religious purposes within the meaning of § 501(c)(3) of the Internal Revenue Code. Berean Baptist Church is located in Winston Salem, North Carolina.

11. Plaintiff Return America, Inc., is a non-profit corporation incorporated under the laws of North Carolina and organized for religious and educational purposes

within the meaning of § 501(c)(3) of the Internal Revenue Code. Return America is located in Winston Salem, North Carolina.

12. Plaintiff Dr. Ronnie Baity serves as Pastor of Berean Baptist and President of Return America.

13. Plaintiff People's Baptist Church is a non-profit church incorporated under the laws of North Carolina and organized exclusively for religious purposes within the meaning of § 501(c)(3) of the Internal Revenue Code. People's Baptist Church is located in Greenville, North Carolina.

DEFENDANT

14. Defendant Roy Cooper in his official capacity as Governor of the State of North Carolina ("Governor Cooper"), is responsible for enacting and enforcing the COVID-19 Executive Order at issue in this litigation and is sued in his official capacity only.

FACTUAL BACKGROUND

Plaintiffs' Religious Gatherings

15. Plaintiff Berean Baptist Church has been operating in Winston-Salem, North Carolina, since November 1980.

16. Multiple times every week since that date, for almost 40 years, Berean has assembled its members and attendees in its church buildings in gatherings of more than 10 people to engage in religious worship as a body; it has been unable to do so since Defendant Gov. Cooper issued his Orders.

17. Dr. Ronnie Baity is the founder and Pastor of Berean, the President of Plaintiff Return America, and serves as a chaplain for the Winston-Salem Police Department.

18. Berean and its members, including Dr. Baity, who together make up Berean, believe that a physical assembly in one place on the Lord's day, for mid-week services, in revivals, and for other special meetings is God-commanded part of their worship and that failure to assemble is a sin as violation of God's commands as they interpret the *Holy Bible* in such verses as Hebrews 10:25, Romans 10:17, Acts 2:4 and 38; Ephesians 5:25-26.

19. Church attendance is of such ecclesiastical importance to Berean that under the Church's Bylaws, the failure of a member to attend at least one regular worship service in two months subjects that member's membership to automatic termination by Berean.

20. Berean is a large congregation, normally having 300 in attendance at its weekly Sunday morning worship assembly.

21. Return America, Inc., is a nonprofit organization that is comprised of a network of churches and individuals whose purpose it is to educate, motivate, and mobilize citizens in a united effort in promoting Judeo-Christian values; to educate and influence government in the principles upon which North Carolina and the USA were founded: the sanctity of life and protection of the unborn, the sanctity of marriage and family, Biblical morality, religious liberty, and the security of America.

22. Return America regularly conducts rallies, conferences, and other gatherings with more than 10 people; it has been prohibited from doing so since Governor Cooper issued his Orders.

23. Return America has over 130 supporting North Carolina churches and several hundred individuals within its network, with some 12,000 individuals attending Return America rallies.

24. Plaintiff People's Baptist Church has been operating in Greenville, North Carolina for 58 years.

25. Multiple times every week since for those 58 years, People's has assembled its members and attendees in its church buildings in gatherings of more than 10 people to engage in religious worship as a body; it has been unable to do so since Defendant Gov. Cooper issued his Orders.

26. People's and its members believe that a physical assembly in one place on the Lord's day, for mid-week services, in revivals, and for other special meetings is God-commanded part of their worship and that failure to assemble is a sin as violation of God's commands as they interpret the *Holy Bible* in such verses as Hebrews 10:25, Romans 10:17, Acts 2:4 and 38; Ephesians 5:25-26.

27. Church attendance is of such ecclesiastical importance to People's that under the Church's Bylaws, a qualification for membership is being engaged in regular church attendance and if a member fails to attend for six months may automatically be placed on the inactive list, losing their voice in church business affairs.

28. People's is a large congregation, normally having 450 people at its Sunday morning worship service.

29. Plaintiffs have peaceably complied with the Orders that have limited their religious worship gatherings to 10 people or forced them to hold much less acceptable electronic meetings in furtherance of their strong interest in protecting the congregants of

the Churches, respect for and obedience to God’s command to obey authority, and assurances from Defendant Gov. Cooper that the restrictive measures imposed by the Orders would be very temporary.

30. Plaintiffs are now compelled to challenge the Orders in light of the glaring disparate, unequal, discriminatory, unfavored, hostile, and most restrictive treatment of Plaintiffs’ religious and other First Amendment gatherings over other, secular, gatherings; their congregants’ need comfort from their church after they have been forced to remain in their homes for weeks and weeks; the ever-lengthening infringement by the Orders upon their God-commanded duty to corporately assemble for worship in their houses of worship; and their concern over the State’s interference in the very form and method of their most important of their ecclesiastical functions—religious worship.

The Governor’s Executive Orders

31. On March 10, 2020, Governor Cooper issued EO 116, declaring a State of Emergency, as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(19) for the State of North Carolina based on the public health emergency posed by COVID-19. The State of North Carolina remains under the State of Emergency. (Exhibit 1).

32. On March 14, 2020, Gov. Cooper EO 117 prohibiting for thirty days “mass gatherings” of more than 100 people in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, theater, or any other confined indoor or outdoor space.” (Exhibit 2).

33. Executive Order 117 excepted from the mass gathering prohibition numerous categories of gatherings, including “normal operations at airports, bus and train stations,

medical facilities, libraries, shopping malls and centers, or other spaces where more than one hundred (100) persons are gathered. It also does not include office environments, restaurants, factories, grocery stores or other retail establishments.” The Order authorized prosecution of violations of EO 117 as Class 2 misdemeanors. (*Id.*)

34. In further response to the COVID-19 emergency, Gov. Cooper issued EO 120 on March 23, to be in effect for 30 days, reducing the maximum number to 50 persons which could be lawfully gathered in a mass gathering, again excluding from the mass gathering definition “normal operations at airports, bus and train stations, medical facilities, libraries, shopping malls and centers,” as well as “office environments, factories, grocery stores, and child care facilities,” closing entertainment facilities and personal care and grooming facilities, and again authorizing the criminal prosecution of violations. (Exhibit 3).

35. By his March 27, 2020, EO 121, Gov. Cooper ordered all individuals in North Carolina to stay at home and practice social distancing as much as reasonably possible, and permitted individuals to leave their homes “only for Essential Activities, Essential Governmental operations, or to participate in or access COVID-19 Essential Business and Operations” as defined in EO 121. Section 2 of EO 121 listed thirty (30) “COVID-19 Essential Businesses and Operations.” Included as an essential business or operation was:

10. Religious entities. Religious facilities, entities, groups, gathering, including funerals. Also, services, counseling, pastoral care, and other activities provided by religious organizations to the members of their faith community. *All of these functions are subject to the limitations on events or convenings in Section 3 of this Executive Order.* (Emphasis added).

(Exhibit 4).

36. “Religious entities” was one of only two categories of the 30 Essential Businesses and Operations that were subject to EO 121’s Section 3 requirements. (*Id.*)

37. Section 3 of EO 121: first, rescinded the definitions from earlier COVID-19 Executive Orders that had defined “mass gatherings” as more than 100 people and then more than 50 people; second, newly defined “mass gathering” as “any event or convening that brings together more than ten (10) persons in a single room or single space at the same time; third, excluded from the ten-person limit “normal operations at airports, bus and train stations, medical facilities, libraries, shopping malls and centers” or any “COVID-19 Essential Business or Operation.” (*Id.*)

38. The only two COVID-19 Essential Business or Operation entities that were not excluded by EO 121 from the Section 3 limits were funerals, which were permitted up to 50 people, and religious entities which were still subjected to the low 10-person limit. (*Id.*, at Section 2(C)(10) and 2(C)(29)).

39. The first category of EO 121’s list of COVID-19 Essential Business or Operation was “Businesses that meet Social Distancing Requirements,” which had no limit placed on the number of employees and customers allowed to gather except at the point of sale or purchase. (*Id.*, at Section 2(C)(10) and 2(C)(1)).

40. It appeared that even if Plaintiffs religious entities complied with social distancing requirements, they would still be limited to no more than 10 people.

41. On April 23, 2020, Gov. Cooper issued EO 135, extending the mass gathering prohibition of EO 120 and all of EO 121 until May 8, 2020. (Exhibit 5).

42. On May 5, 2020, Gov. Cooper issued EO 138 in which he began lifting the stay at home order by permitting individuals to leave their homes beginning May 8, 2020, only for “Allowable Activities” as defined by the Order. Otherwise, individuals were ordered to continue to stay at home. (Exhibit 6).

43. Among EO 138’s allowable activities are “[t]o worship or exercise First Amendment rights.” (*Id.*, at Section 2(C)(7)).

44. Mass gatherings of more than 10 people are still prohibited by EO 138.

45. Executive Order 138’s definition of “mass gathering” now **excludes** “gatherings for . . . worship, or exercise of First Amendment rights” (*Id.*, at Section 6(A)), which would appear to exclude gathering for worship from the 10-person limit in “any confined indoor or outdoor space required of a “mass gathering.”

46. However, what Defendant giveth, Defendant taketh away, at least “for worship, or exercise of First Amendment rights”, because EO 138 then requires at least those two forms of gatherings with more than 10 people to “take place outdoors unless impossible” (*Id.*, at Section 6(A)(C)).

47. Funerals are still considered a “mass gathering” in EO 138, but are permitted to gather up to 50 people (*Id.*, at Section 6(D)).

48. Executive Order 138 also excludes from the definition of “mass gathering” events in which “the participants all stay within their cars, such as at a drive-in movie theater.” (*Id.*, at Section 6(E)).

49. The Director of Legislative Affairs for the Office of Governor Roy Cooper notified Senators on May 11, 2020, that that office “has issued guidance to assist congregants and public officials regarding” “how religious worship services may be safely

convened. (May 11, 2020, Letter from the Office of the Governor to Senators with attached “EO 138 Phase One -- Guidance for Religious Services and Mass Gathering Restrictions” is attached as **Exhibit 7**). (“Guidance”).

50. The tortured interpretation by the Guidance of EO 138 as it applies to religious services--not a mass gathering under EO 138--is that “[i]ndoor worship services and weddings are allowed for gatherings of ten people or fewer in the same confined space.” (*Id.*).

51. The Guidance further interprets EO 138 to mean that churches may only assemble more than 10 people if they meet outdoors or indoors if it is “impossible” to meet outdoors, **such as when “particular religious beliefs dictate that some or all of a religious service must be held indoors and that more than ten persons must be in attendance.”**

52. Defendant’s Office’s interpretation of EO 138 has made the right to gather inside for religious worship **dependent upon the religious beliefs of the gathering participant**, not upon age, or health, or criminal background, or weight, but on holding an approved religious belief; if the participant does not hold the State’s established religious belief, he must gather for worship outside or inside with nine people or less.

53. The Guidance does not appear to interpret EO 138 to even allow worship services of more than 10 people to be held indoors even for Hurricane Florence.

54. By issuing the prohibitions and regulations in his Orders, Defendant Gov. Cooper exercised his legislative powers.

55. By ordering and directing enforcement of the Orders, Defendant Cooper has used his executive power to enforce, or promised to enforce, those same prohibitions and regulations.

COUNT 1
(U.S. Const., First and Fourteenth Amendment – Free Exercise)

56. Plaintiffs hereby allege and incorporate by reference each and every allegation contained in paragraph 1 through 55 of this Complaint as though fully set forth herein.

57. The First Amendment of the United States Constitution provides that “Congress shall make no law... prohibiting the free exercise [of religion].” Under the Fourteenth Amendment, this prohibits every level of state and local government from making a law prohibiting the free exercise of religion.

58. On their face or as applied, the Orders violate the First Amendment Free Exercise and Assembly Clauses because they:

- a. constitute overbroad restrictions on the Plaintiffs’ rights to assemble to exercise their religious belief that they must worship together as a religious body as commanded by Scripture;
- b. place more stringent restrictions on the Plaintiffs’ gatherings than they place on a wide range of secular businesses such airports, bus and train stations, medical facilities, libraries, shopping malls, shopping centers, office environments, restaurants, factories, or grocery stores;

- c. allow a large number of secular gatherings of more than 10 people, while prohibiting religious Plaintiffs' gatherings of more than 10 people; and
- d. are not narrowly tailored, or the least restrictive means to accomplish a compelling governmental interest.

59. On their face or as applied, the Orders exempt from their ban on gatherings a large number of secular businesses and activities that are not protected by the Constitution, while not providing a sufficiently equivalent exemption for Plaintiffs' First Amendment-protected activity.

60. On their face or as applied, the Orders impose a substantial burden upon Plaintiffs' free exercise of religion, subjecting them to criminal sanctions for exercising their religious belief that they are commanded by God to gather their flocks together for religious worship in the building provided by God and long-dedicated to religious worship.

61. On their face or as applied, the Orders are not neutral, purporting to treat Plaintiffs' religious activity differently and less favorably than other categories of activity, including gatherings as defined by the Orders.

62. On their face or as applied the Orders are not generally applicable, prohibiting the Plaintiffs' congregants and members from gathering for religious services while allowing gatherings of unlimited numbers for substantially similar secular conduct.

COUNT 2
(U.S. Const., First and Fourteenth Amendment – Establishment of Religion)

63. Plaintiffs hereby allege and incorporate by reference each and every allegation contained in paragraph 1 through 55 of this Complaint as though fully set forth herein.

64. The prohibition by the Orders of more than 10 people in a faith-based gathering purport to establish religion by dictating under penalties of criminal sanctions that Plaintiffs may only worship together in groups of 10 or fewer people or worship online, thereby establishing a state-approved orthodoxy for religious worship.

65. On their face or as applied, the Orders:

- a. permit the State to display impermissible hostility towards the Plaintiffs' gatherings that it does not display to other, secular gatherings;
- b. show impermissible favoritism towards secular gatherings over the Plaintiffs' religious gatherings;
- c. show impermissible favoritism towards religious worship gathering participants which hold state-approved religious beliefs over the Plaintiffs' religious gatherings;
- d. excessively entangle the State with the manner, style, form, practices, or sacraments of Plaintiffs' religious worship; and
- e. establish an acceptable method for the Plaintiffs' religious exercise and worship, placing a numerical limitation on the scope of how the Plaintiffs' religious exercise and worship may occur, and approving only State-mandated forms of worship;

COUNT 3

(U.S. Const., First and Fourteenth Amendment – Right to Assemble)

66. Plaintiffs hereby allege and incorporate by reference each and every allegation contained in paragraph 1 through 55 of this Complaint as though fully set forth herein.

67. The Orders' ban on the Plaintiffs' in-person religious worship services of more than 10 people while permitting larger gatherings for dozens of other, secular, activities does not serve any legitimate, rational, substantial, or compelling governmental interest.

68. As demonstrated by its many exemptions to the 10-person limit on gatherings, the State has alternative, less restrictive means to achieve any interest it may have in the Orders numerical limit upon the Plaintiffs' gatherings.

69. In the absence of declaratory and injunctive relief, the Plaintiffs' right to freedom of religion and right to peaceably assemble will be irreparably harmed.

70. The Plaintiffs have no adequate remedy at law.

WHEREFORE, Plaintiffs respectfully request the Court to enter judgment against Defendant as follows:

1. Granting the Plaintiffs' concurrently filed motion for a temporary restraining order;

2. Declaring enforcement of the Orders against Plaintiffs to be unlawful and/or a violation of the Plaintiffs' rights;

3. Granting an order preliminarily, and thereafter, permanently enjoining Defendant and Defendant's officers, agents, affiliates, servants, successors, employees, and

any other persons who are in active concert or participation with any of the foregoing persons from enforcing the Orders against Plaintiffs;

4. Entry of judgment for Plaintiffs and against Defendant for deprivation of rights, including an award of damages in an amount to be determined by the Court;

5. Awarding Plaintiffs' costs and attorneys' fees as authorized by Fed. R. Civ. P. 54, 42 U.S.C. § 1988, and any other applicable law.

6. Awarding such further relief as the Court deems just and proper.

Date: May 14, 2020

Respectfully submitted,

BEREAN BAPTIST CHURCH
RETURN AMERICA, INC.
DR. RONNIE BAITY
PEOPLE'S BAPTIST CHURCH, INC

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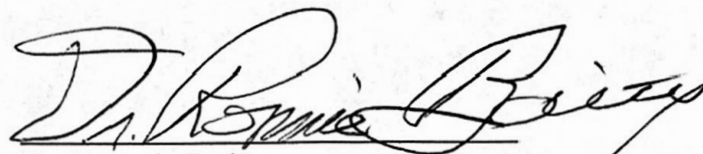
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**To appear pursuant to Local Rule 83.1*

Counsel for Plaintiffs

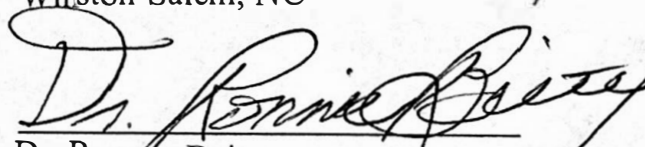
VERIFICATION

I declare under penalty of perjury that the foregoing Verified Complaint for Declaratory Judgment and Injunctive Relief has been examined by me and that the factual allegations therein are true to the best of my information, knowledge, and belief.

Executed on this 13th day of May 2020.

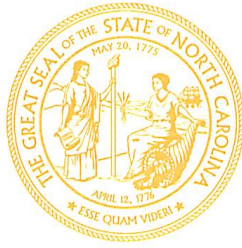


Dr. Ronnie Baity
Pastor, Berean Baptist Church
Winston-Salem, NC



Dr. Ronnie Baity
President, Return America, Inc.
Winston-Salem, NC

Exhibit “1”



State of North Carolina

ROY COOPER
GOVERNOR

MARCH 10, 2020

EXECUTIVE ORDER NO. 116

DECLARATION OF A STATE OF EMERGENCY TO COORDINATE RESPONSE AND PROTECTIVE ACTIONS TO PREVENT THE SPREAD OF COVID-19

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person; and

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) has warned of the high public health threat posed by COVID-19 globally and in the United States and has deemed it necessary to prohibit or restrict travel to areas designated by the CDC; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 319 of the Public Health Service Act; and

WHEREAS, the North Carolina Department of Health and Human Services (“NCDHHS”) confirmed multiple cases of COVID-19 in North Carolina as of March 10, 2020; and

WHEREAS, NCDHHS has organized a Public Health Incident Management Team to manage the public health impacts of COVID-19 in this state; and

WHEREAS, health insurance companies have begun to waive the costs for COVID-19 testing and are encouraged to continue to ensure ease of access to health care for diagnostics and treatment without regard to the issue of cost or a patient’s ability to pay; and

WHEREAS, first responders and health care professionals remain integral to ensuring the state is best situated to respond to and mitigate the threat posed by COVID-19 and such first responders and health care professionals should have the availability of all necessary personal protective equipment and continue to follow all necessary response protocols; and

WHEREAS, N.C. Gen. Stat. §§ 166A-19.10 and 166A-19.20 authorize the undersigned to declare a state of emergency and exercise the powers and duties set forth therein to direct and aid in response to, recovery from, and mitigation against emergencies; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(3), the undersigned, with the concurrence of the Council of State, may regulate and control the flow of vehicular traffic and the congregation of persons in public places or buildings; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(4), the undersigned, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a state agency which restricts the immediate relief of human suffering; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5), the undersigned, with the concurrence of the Council of State, may perform and exercise other such functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(7), the undersigned has authority to requisition state property and state resources to utilize state services, equipment, supplies and facilities in response to a state of emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70, the undersigned may declare that the health, safety, or economic well-being of persons or property requires that the maximum hours of service for drivers prescribed by N.C. Gen. Stat. § 20-381 and similar rules should be waived for essentials, as defined in N.C. Gen. Stat. § 166A-19.70(f)(3), for assisting in the restoration of utility services; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70(g), upon the recommendation of the North Carolina Commissioner of Agriculture and the existence of an imminent threat of severe economic loss of livestock, poultry or crops ready to be harvested, the Governor shall direct the North Carolina Department of Public Safety (“DPS”) to temporarily suspend weighing vehicles used to transport livestock, poultry or crops to include timber ready to be harvested; and

WHEREAS, 49 C.F.R. § 390.23 allows the governor of a state to suspend the rules and regulations under 49 C.F.R. §§ 390-399 for up to thirty (30) days if the governor determines that an emergency condition exists; and

WHEREAS, the undersigned, in consultation with the Secretary of NCDHHS, has determined it is necessary and appropriate to act to ensure that COVID-19 remains controlled and that residents and visitors in North Carolina remain safe and secure; and

WHEREAS, the undersigned has sought and obtained concurrence from the Council of State consistent with the Governor’s emergency powers authority in N.C. Gen. Stat. § 166A-19.30.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. State of Emergency

I hereby declare a State of Emergency, as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(19) for the State of North Carolina based on the public health emergency posed by COVID-19.

The emergency area, as defined in N.C. Gen. Stat. §§ 166A-19.3(7) and 166A-19.20(b) is the State of North Carolina (the “Emergency Area”).

Section 2. Application

All state and local government entities and agencies are ordered to cooperate in the implementation of the provisions of this declaration and the provisions of the North Carolina Emergency Operations Plan (the “Plan”).

Section 3. Delegation of Authority

I delegate to Erik A. Hooks, the Secretary of the North Carolina Department of Public Safety (“DPS”), or his designee, the power and authority granted to and required of me by Article 1A of Chapter 166A of the North Carolina General Statutes for the purpose of implementing the Plan and deploying the State Emergency Response Team to take the appropriate actions necessary to promote and secure the safety and protection of the populace in North Carolina.

Secretary Hooks, or his designee, shall implement the Plan in coordination with the Secretary of the Department of Health and Human Services, Dr. Mandy Cohen, and the State Health Director, Dr. Elizabeth Tilson.

Section 4. Exercise of Powers

Further, Secretary Hooks, as Chief Coordinating Officer for the State of North Carolina, shall exercise the powers prescribed in N.C. Gen. Stat. §§ 143B-602 and 166A-19.11.

Section 5. Maximum Hours of Service

In order to ensure adequacy and location of supplies and resources to respond to COVID-19, DPS, in conjunction with the North Carolina Department of Transportation (“DOT”), shall waive the maximum hours of service for drivers prescribed by DPS pursuant to N.C. Gen. Stat. § 20-381, if the driver is transporting medical supplies and other equipment in support of the Plan or other efforts to address the public health threat posed by COVID-19, through the duration of the State of Emergency or until further notice.

Section 6. Height and Weight Restrictions

DPS, in conjunction with DOT, shall waive certain size and weight restrictions and penalties arising under N.C. Gen. Stat. §§ 20-116, 20-118, and 20-119, certain registration requirements and penalties arising under N.C. Gen. Stat. §§ 105-449.45, 105-449.47, and 105-449.49 for vehicles throughout the Emergency Area involved in transporting medical supplies and other equipment in support of the Plan or other efforts to address the public health threat posed by COVID-19. Furthermore, pursuant to N.C. Gen. Stat. § 20-118.1, DPS shall temporarily suspend weighing vehicles throughout the Emergency Area used to transport medical supplies and other equipment in support of the Plan or other efforts to address the public health threat posed by COVID-19. Furthermore, pursuant to N.C. Gen. Stat. § 20-118.1, DPS shall temporarily suspend weighing vehicles used to transport livestock, poultry, or crops to include timber ready to be harvested and feed to livestock and poultry in the Emergency Area.

Section 7. Unwaived Size and Weight Restrictions

- I. Notwithstanding the waivers set forth above in Section 6, size and weight restrictions and penalties have not been waived under the following conditions:
 - a. When the vehicle weight exceeds the maximum gross weight criteria established by the manufacturer (GVWR) or 90,000 pounds gross weight, whichever is less.
 - b. When the tandem axle weight exceeds 42,000 pounds and the single axle weight exceeds 22,000 pounds.
 - c. When a vehicle and vehicle combination exceed twelve (12) feet in width and the total overall vehicle combination's length exceeds seventy-five (75) feet from bumper to bumper.
 - d. Vehicles and vehicle combinations subject to exemptions or permits by authority of this Executive Order shall not be exempt from the requirement of having (i) a yellow banner on the front and rear that is seven (7) feet long and eighteen (18) inches wide and bears the legend “Oversized Load” in ten (10) inch black letters, 1.5 inches wide and (ii) red flags measuring eighteen (18) inches square on all sides at the widest point of the load. When operating between sunset and sunrise, a certified escort shall be required for loads exceeding eight (8) feet 6 inches in width.
- II. Vehicles subject to this Executive Order shall adhere to the following conditions:
 - a. The size and weight exemption for vehicles will be allowed on all DOT designated routes, except those routes designated as light traffic roads under N.C. Gen. Stat. § 20-118. This Order shall not be in effect on bridges posted pursuant to N.C. Gen. Stat. § 136-72.
 - b. The waiver of regulations under Title 49 of the Code of Federal Regulations (“Federal Motor Carrier Safety Regulations”) does not apply to the Commercial Drivers’ License and Insurance Requirements. This waiver shall be in effect for thirty (30) days or the duration of the emergency, whichever is less.
 - c. Upon request by law enforcement officers, exempted vehicles must produce documentation sufficient to establish that their loads are limited to medical supplies and other equipment to be used in support of the Plan or other efforts to address the public health threat posed by COVID-19.
- III. The North Carolina State Highway Patrol shall enforce the conditions set forth in Sections 5 through 8 of this Executive Order in a manner that does not endanger North Carolina motorists.

Section 8. Additional Transportation Waivers

Vehicles subject to this Executive Order shall be exempt from the following registration requirements:

- a. The requirement to obtain a temporary trip permit and pay the associated \$50.00 fee listed in N.C. Gen. Stat. § 105-449.49.
- b. The requirement of filing a quarterly fuel tax return as the exemption in N.C. Gen. Stat. § 105-449.45(b)(1) applies.
- c. The registration requirements under N.C. Gen. Stat. § 20-382.1 concerning intrastate for hire authority and N.C. Gen. Stat. § 20-382 concerning interstate for-hire authority; however, vehicles shall maintain insurance as required as required by law.
- d. Non-participants in North Carolina's International Registration Plan and International Fuel Tax Agreement will be permitted to enter North Carolina in accordance with the exemptions identified by this Executive Order.

Section 9. Consumer Protection

Pursuant to N.C. Gen. Stat. § 166A-19.23, this declaration triggers the prohibition against excessive pricing as provided in N.C. Gen. Stat. §§ 75-37 and 75-38.

I further hereby encourage the North Carolina Attorney General to use all resources available to monitor reports of abusive trade practices towards consumers and make readily available opportunities to report price gouging as well as unfair and deceptive trade practice under Chapter 75 of the North Carolina General Statutes to the public.

Section 10. Task Force

I hereby memorialize the establishment of the Governor's Novel Coronavirus Task Force on COVID-19 ("Task Force"). The Director of Emergency Management and the State Health Director shall continue to serve as co-chairs of the Task Force. The Task Force shall continue to work with state, local, and federal partners in responding to challenges posed by COVID-19.

Section 11. State Employee Policy Guidance

- a. I hereby authorize hiring of temporary employees and contractors to support NCDHHS and local health departments in responding to the threats posed by COVID-19.
- b. I hereby authorize the State Health Director to monitor areas of concentration of COVID-19 and make recommendations regarding travel restrictions for travel of state employees conducting state business. Agencies shall have the authority to cancel, restrict or postpone travel of state employees as needed to protect the wellbeing of others. Agencies are urged to cancel travel to restricted areas (as defined by the Division of Public Health of NCDHHS and the CDC). Exceptions to travel restrictions may be needed based on the unique circumstances or job duties of state employees.

Section 12. Public Health Surveillance and Control Measures

Notwithstanding the public health authorities in place under Chapter 130A of the North Carolina General Statutes, I hereby order the State Health Director to work with local health directors to implement public health surveillance and control measures where appropriate for individuals who have been diagnosed with or are at risk of contracting COVID-19 in order to control or mitigate spread of the disease. I hereby order the State Health Director to utilize all authorities under N.C. Gen. Stat. Chapter 130A to obtain information and records necessary to prevent, control, or investigate COVID-19.

Section 13. Laboratory Testing

I hereby order the State Health Director to work with the State Laboratory of Public Health to maximize the availability of laboratory testing for COVID-19.

I further encourage private laboratories and universities to take all reasonable steps to expand COVID-19 testing capacity.

Section 14. Right of Entry and Disinfection for Local Health Departments and NCDHHS Secretary

With the concurrence of the Council of State and notwithstanding the public health authorities in place under Chapter 130A of the North Carolina General Statutes, I hereby grant local health departments, the Secretary of NCDHHS, and Division of Public Health employees serving the Secretary of NCDHHS' agents, and on her direction, a right of entry into public places for the purposes of assisting with or investigating potential COVID-19 cases or exposure and requiring cleaning and disinfecting measures to help control transmission of COVID-19.

Section 15. Cleaning of Regulated Facilities

With the concurrence of the Council of State, I hereby waive restrictions related to the type of product or chemical concentration used to control COVID-19 at facilities whose sanitation is regulated by NCDHHS, if conducted and handled in a safe manner and approved by the local health department in consultation with the Division of Public Health of NCDHHS. The State Health Director may issue additional orders or regulations consistent with the state's Public Health Law to regulate the sanitation of public facilities regulated by NCDHHS or local health departments.

Section 16. Out of State Health Care Licensure and Additional Testing Resources

With the concurrence of the Council of State, I hereby temporarily waive North Carolina licensure requirements for health care and behavioral health care personnel who are licensed in another state, territory, or the District of Columbia to provide health care services within the Emergency Area.

With the concurrence of the Council of State, and in the interest of alleviating immediate human suffering, nothing in Subchapters 32B, 32M, or 32S of Article 21 of the North Carolina Administrative Code shall be interpreted to prevent physicians, nurse practitioners, and physician assistants from issuing a standing order for qualified agents or employees who are working under the direct supervision of a physician, physician assistant or nurse practitioner to collect throat or nasopharyngeal swab specimens from individuals suspected of suffering from a COVID-19 infection, for purposes of testing.

Section 17. Federal Support

I further direct Secretary Hooks, or his designee, to seek assistance from any and all agencies of the United States Government as may be needed to address the emergency and seek reimbursement for costs incurred by the state in responding to this emergency.

Section 18. Local County Public Health Aid Funding Formula

With the concurrence of the Council of State, I hereby grant the Secretary of NCDHHS, or her designee, the authority to waive the formula requirements of 15A NCAC 18A .2901 and adjust aid-to-county funding, if a local health department's resources are diverted in response to COVID-19.

Section 19. Access to State Funds

I hereby order access to the State Emergency Response and Disaster Relief Fund to the extent necessary to cover costs associated with responding to this State of Emergency as provided in N.C. Gen. Stat. § 166A-19.42, including but not limited to the substance of this Executive Order.

Section 20. Purchase and Contract Regulation Waivers

With the concurrence of the Council of State, I hereby temporarily waive Sections .0301 through .0317 of Chapter 5B in Title 1 in the North Carolina Administrative Code to the extent necessary to permit NCDHHS, DPS, and local governmental entities to enter into contracts to secure resources and equipment needed to respond to COVID-19.

In addition to the provisions in Section 11, I further order all components of state government to expedite and prioritize the leasing of real property, including but not limited to, laboratories and health care facilities in order to provide the state with the resources needed to address COVID-19.

Section 21. Cost Sharing Reduction

Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), I hereby direct NCDHHS and the North Carolina Department of Insurance to immediately work with health insurance plans operating in the state to identify any burdens for testing for COVID-19 as well as access to prescription drugs and telehealth services, as needed, in order to reduce cost-sharing (including, but not limited to, co-pays, deductibles, or coinsurance) to zero for all medically necessary screening and testing for COVID-19.

Section 22. Clinical Coverage Policy

With the concurrence of the Council of State, and in order to provide the immediate relief of human suffering, I hereby temporarily waive the regulatory requirements and suspend the enforcement of the statutory requirements under N.C. Gen. Stat. § 108A-54.2 for modifications of Medicaid Clinical Coverage Policy.

I order the NCDHHS, Division of Health Benefits to create coverage policies necessary for Medicaid and Health Choice Beneficiaries to receive medically necessary services for testing and treatment of COVID-19 and to create coverage policies or modify existing policies that will allow beneficiaries to continue to receive necessary services without disruption during the State of Emergency.

Section 23. Inapplicability of Section 166A-19.30(c)

This Executive Order does not prohibit or restrict lawfully possessed firearms or ammunition or impose any limitation on the consumption, transportation, sale or purchase of alcoholic beverages as provided in N.C. Gen. Stat. § 166A-19.30(c).

Section 24. Distribution

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of DPS, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

Section 25. Effective Date

This Executive Order is effective immediately and shall remain in effect until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 10th day of March in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

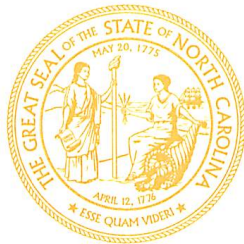
ATTEST:



Elaine F. Marshall
Secretary of State



Exhibit “2”



State of North Carolina

ROY COOPER
GOVERNOR

March 14, 2020

EXECUTIVE ORDER NO. 117

PROHIBITING MASS GATHERINGS AND DIRECTING THE STATEWIDE CLOSURE OF K-12 PUBLIC SCHOOLS TO LIMIT THE SPREAD OF COVID-19

WHEREAS, the undersigned issued Executive Order No. 116 on March 10, 2020, which declares a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 ("COVID-19") public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

WHEREAS, the undersigned established the Novel Coronavirus Task Force on COVID-19 to work with state, local, and federal partners in responding to challenges posed by COVID-19; and

WHEREAS, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and

WHEREAS, on March 11, 2020, the President of the United States took executive action to restrict travel from Europe into the United States of America; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq.* and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020; and

WHEREAS, the North Carolina Department of Health and Human Services ("NCDHHS") confirmed the number of cases of COVID-19 in North Carolina continues to rise; and

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the Governor to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, NCDHHS has organized a Public Health Incident Management Team to manage the public health impacts of COVID-19 in this state; and

WHEREAS, first responders and health care professionals remain integral to ensuring the state is best situated to respond to and mitigate the threat posed by COVID-19 and such first responders and health care professionals should have the availability of all necessary personal protective equipment and continue to follow all necessary response protocols; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(3), the undersigned, with the concurrence of the Council of State, has the power to regulate and control the congregation of persons in public places or buildings; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(4), the undersigned, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a state agency which restricts the immediate relief of human suffering; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5), the undersigned, with the concurrence of the Council of State, may perform and exercise other such functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, further action is necessary to protect the health and safety of the residents of North Carolina, slow the spread of the COVID-19 outbreak, reduce the number of people infected, and avoid strain on our health care system; and

WHEREAS, the undersigned has sought and obtained concurrence from the Council of State consistent with the Governor's emergency powers authority in N.C. Gen. Stat. § 166A-19.30.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Prohibition of Mass Gatherings

Pursuant to N.C. Gen. Stat. § 166A-19.30(b)(3), which allows for the undersigned to regulate and control the congregation of persons in public places or buildings and with the concurrence of the Council of State, to help protect the health and well-being of North Carolinians, I hereby prohibit mass gatherings in the State of North Carolina.

- a. A mass gathering is defined as any event or convening that brings together more than one hundred (100) persons in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, theater, or any other confined indoor or outdoor space. This includes parades, fairs and festivals.
- b. A mass gathering does not include normal operations at airports, bus and train stations, medical facilities, libraries, shopping malls and centers, or other spaces where more than one hundred (100) persons are gathered. It also does not include office environments, restaurants, factories, grocery stores or other retail establishments.
- c. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provision of this section shall be enforced by state and local law enforcement officers.
- d. Violations of this section or orders issued pursuant to N.C. Gen. Stat. § 166A-19.30 may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d) and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.

Section 2. School Closures

- a. Pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5) which allows the undersigned to perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population, and with the concurrence of the Council of State, I hereby direct that all public schools close for students effective Monday, March 16, 2020 until March 30, 2020, unless extended beyond that date.
- b. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), I hereby direct NCDHHS, the North Carolina Department of Public Instruction, and the North Carolina State Board of Education to immediately work together to implement measures to provide for the health, nutrition, safety, educational needs and well-being of children during the school closure period.

Section 3. Social Distancing

In coordination with the State Health Director and alignment with guidance from the Centers for Disease Control and Prevention, all persons are urged to maintain social distancing (approximately six feet away from other people) whenever possible and to continue to wash hands, utilize hand sanitizer and practice proper respiratory etiquette (including coughing into elbow).

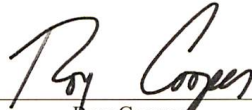
Section 4. Distribution

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

Section 5. Effective Date

With the exception of section 2, this Executive Order is effective immediately and shall remain in effect for thirty (30) days or until rescinded or superseded by another applicable Executive Order. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 14th day of March in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

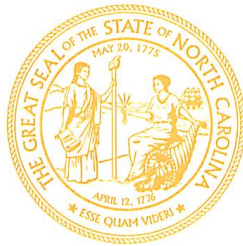
ATTEST:



Elaine F. Marshall
Secretary of State



Exhibit “3”



State of North Carolina

ROY COOPER
GOVERNOR

March 23, 2020

EXECUTIVE ORDER NO. 120

ADDITIONAL LIMITATIONS ON MASS GATHERINGS, RESTRICTIONS ON VENUES AND LONG TERM CARE FACILITIES, AND EXTENSION OF SCHOOL CLOSURE DATE

WHEREAS, the undersigned issued Executive Order No. 116 on March 10, 2020, which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 (COVID-19) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

WHEREAS, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq.* and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 pandemic in the United States constitutes a national emergency beginning March 1, 2020; and

WHEREAS, on March 14, 2020, the undersigned issued Executive Order No. 117, which prohibited mass gatherings to no more than one hundred (100) people in the State of North Carolina and closed K-12 public schools to limit the spread of COVID-19; and

WHEREAS, on March 17, 2020, the undersigned issued Executive Order No. 118, which limited operations of restaurants and bars and broadened unemployment insurance benefits in response to COVID-19; and

WHEREAS, on March 20, 2020, the undersigned issued Executive Order No. 119, which provides provisions to improve access to childcare and helps facilitate critical motor vehicle operations; and

WHEREAS, the North Carolina Department of Health and Human Services ("NCDHHS") confirmed the number of cases of COVID-19 in North Carolina continues to rise and has lab documentation of community spread; and

WHEREAS, on March 13, 2020, NCDHHS issued a document entitled “Recommendations on Visitation in Long Term Care Facilities to Reduce Risk of Transmission of COVID-19” urging limitations on visitors at long term care facilities in the state to help limit the spread of COVID-19 among at-risk populations; and

WHEREAS, NCDHHS has now recommended that increased measures are required to control the spread of COVID-19 in long term care settings; and

WHEREAS, needed control cannot be imposed locally because local authorities in some jurisdictions have not enacted appropriate ordinances or issued appropriate declarations as authorized by N.C. Gen. Stat. § 166A-19.31; and

WHEREAS, the area in which the emergency exists has spread across local jurisdictional boundaries, and the legal control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; and

WHEREAS, the area subject to the COVID-19 emergency is statewide, covering the jurisdictions of multiple city, county and tribal governments, thus making legal control measures difficult to coordinate and severely hampering efforts to protect life and property; and

WHEREAS, the undersigned has determined that local control measures for the emergency, taken alone, are insufficient to assure adequate protection for lives and property because the scale of the COVID-19 emergency is so great that it exceeds the capability of local government officials to cope with it; and

WHEREAS, the undersigned has determined that the measures identified below are necessary for the purpose of taking care that North Carolinians health, safety, and welfare are protected in accordance with the laws of the state; and

WHEREAS, further action is necessary to protect the health and safety of the residents of North Carolina, slow the spread of the COVID-19 pandemic, reduce the number of people infected, avoid strain on our healthcare system, and to address adverse economic impacts that will lead to additional human suffering upon individuals adversely impacted by the COVID-19 pandemic; and

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the Governor to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c) during a gubernatorially declared state of emergency, the undersigned determined that local control of the emergency is insufficient to assure adequate protection for lives and property because the area in which the emergency exists has spread across local jurisdictional boundaries; and the legal control measures are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; and

WHEREAS, based upon the findings above, N.C. Gen. Stat. §§ 166A-19.31(b)(1), (b)(2), and (b)(5) authorizes the Governor to prohibit or restrict the operation of business establishments, the congregation of people as well as the movement of people in public places and take other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Mass Gathering

For the reasons and pursuant to the authority set forth above:

- a. Executive Order No. 117 § 1 is amended as follows:
 1. A mass gathering is defined as any event or convening that brings together more than fifty (50) persons in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, or any other confined indoor or outdoor space. This includes parades, fairs and festivals.
 2. A mass gathering does not include normal operations at airports, bus and train stations, medical facilities, shopping malls and centers. It also does not include office environments, factories, grocery stores, and child care facilities.
 3. Pursuant to N.C. Gen. Stat. §§ 166A-19.30(a)(2) and 19.30(c), the provision of this section shall be enforced by state and local law enforcement officers.
- b. In addition to the restrictions on mass gatherings identified in Executive Order No. 117 § 1, entertainment facilities without a retail or dining component are ordered to close at 5:00 pm on Wednesday, March 25, 2020, though any retail or dining component may operate within that establishment solely for that purpose. Any dining facilities may operate only within the restrictions for restaurants as set out in Executive Order No. 118. These facilities include, but are not limited to, the following types of business:
 - Bingo Parlors, including Bingo sites operated by charitable organizations
 - Bowling Alleys
 - Indoor Exercise Facilities (e.g. gyms, yoga studios, martial arts facilities, indoor trampoline and rock climbing facilities)
 - Health Clubs
 - Indoor/ Outdoor Pools
 - Live Performance Venues
 - Movie Theaters
 - Skating Rinks
 - Spas
 - Gaming and business establishments which allow gaming activities (e.g. video poker, gaming, sweepstakes, video games, arcade games, pinball machines or other computer, electronic or mechanical devices played for amusement)
- c. In addition, because the ability to practice the social distancing necessary to reasonably protect against COVID-19 is significantly reduced in certain establishments where individuals are in close proximity for extended periods of time, or service personnel are in direct contact with clients, personal care and grooming businesses, including but not limited to the following, are also ordered to close:
 - Barber Shops
 - Beauty Salons (including waxing and hair removal centers)
 - Hair Salons
 - Nail Salons/Manicure/Pedicure Providers
 - Massage Parlors
 - Tattoo Parlors
- d. Violations of this section or orders issued pursuant to N.C. Gen. Stat. § 166A-19.30 may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d) and are punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.

Section 2. Mandatory Local Government Operations

- a. Consistent with my authority under N.C. Gen. Stat. §§ 166A-19.30(c)(1) and (c)(2), and to the extent that local government functions are required under state and federal law, I hereby direct the appropriate local government agencies and officials to continue to exercise their responsibilities, including but not limited to local county Department of Social Services

of Social Services (“DSS”) offices, Health Departments, Registers of Deeds, and other local government functions that are required to protect lives and property.

- b. Notwithstanding Section (a) of this Section, local government must take appropriate precautions to maintain the health of the general public and their employees who are required to perform their official duties in a manner that brings them in contact with the general public by putting in place appropriate public health measures, such as social distancing, use of reasonable personal protective equipment, and offering reasonable accommodations to employees who provide services to the public with consideration for their health.

Section 3. Long Term Care Visitation Limitations

- a. Long term care facilities shall restrict visitation of all visitors and non-essential health care personnel, except for certain compassionate care situations, for example, an end-of-life situation.
- b. This restriction does not include essential health care personnel.
- c. For purposes of this Executive Order only, long term care facilities include all of the following:
 - i. Skilled nursing facilities;
 - ii. Adult care homes;
 - iii. Family care homes;
 - iv. Mental health group homes; and
 - v. Intermediate care facilities for individuals with intellectual disabilities.

Section 4. Continued School Closure

For the reasons and pursuant to the authority set forth above:

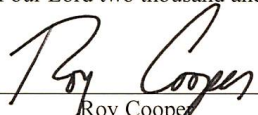
Executive Order No. 117 § 2 is amended as follows:

I hereby direct that all public schools close for students effective Monday, March 16, 2020, as set forth in Executive Order No. 117, through Friday, May 15, 2020, unless extended beyond that date.

Section 5. Effective Date

This Executive Order is effective at 5:00 pm Wednesday, March 25, 2020, and shall remain in effect for thirty (30) days unless rescinded or superseded by another applicable Executive Order. Section 4 of this Executive Order is effective Monday, March 16, 2020, as set forth in Executive Order No. 117, through Friday, May 15, 2020. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 23rd day of March in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State



Exhibit “4”



State of North Carolina

ROY COOPER
GOVERNOR

MARCH 27, 2020

EXECUTIVE ORDER NO. 121

STAY AT HOME ORDER AND STRATEGIC DIRECTIONS FOR NORTH CAROLINA IN RESPONSE TO INCREASING COVID-19 CASES

WHEREAS, on March 10, 2020, the undersigned issued Executive Order No. 116 which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 (COVID-19) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq.* and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 pandemic in the United States constitutes a national emergency, retroactive to March 1, 2020; and

WHEREAS, the undersigned has issued Executive Order Nos. 117 – 120 for the purposes of protecting the health, safety and welfare of the people of North Carolina; and

WHEREAS, on March 25, 2020, the President of the United States, pursuant to Section 401 of the Stafford Act, approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

WHEREAS, on March 27, 2020, the North Carolina Department of Health and Human Services ("NCDHHS") has documented 763 cases of COVID-19 across 60 counties, and has identified the occurrence of widespread community transmission of the virus; and

WHEREAS, hospital administrators and health care providers have expressed concerns that unless the spread of COVID-19 is limited, existing health care facilities may be insufficient to care for those who become sick; and

WHEREAS, to mitigate community spread of COVID-19 and to reduce the burden on the state's health care providers and facilities, it is necessary to limit unnecessary person-to-person contact in workplaces and communities; and

WHEREAS, such limitations on person-to-person contact are reasonably necessary to address the public health risk posed by COVID-19; and

WHEREAS, some areas of the state have seen more rapid and significant spread of COVID-19 than others, and some but not all local authorities have taken steps to address community spread of the illness in their communities; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(i), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because needed control cannot be imposed locally because not all local authorities have enacted such appropriate ordinances or issued such appropriate declarations restricting the operation of businesses and limiting person-to-person contact in workplaces and communities; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(ii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because some but not all local authorities have taken implementing steps under such ordinances or declarations, if issued, in order to effectuate control over the emergency that has arisen; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because the area in which the emergency exists spreads across local jurisdictional boundaries and the legal control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iv), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection of lives and property of North Carolinians because the scale of the emergency is so great that it exceeds the capability of local authorities to cope with it; and

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate any Gubernatorial vested authority under the Emergency Management Act and to provide for the subdelegation of any authority; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(1) authorizes the undersigned to prohibit and restrict the movement of people in public places, including by: (a) imposing a curfew; (b) directing and compelling the voluntary or mandatory evacuation of people from an area; (c) prescribing routes, modes of transportation and destinations in connection with evacuation; (d) controlling the movement of persons within an emergency area; and (e) closing streets, roads, highways, and other areas ordinarily used for vehicular travel, except to the movement of persons necessary for recovery from the emergency; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(2) authorizes the undersigned to prohibit and restrict the operation of offices, business establishments and other places to and from which people may travel or at which they may congregate; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(5) authorizes the undersigned to prohibit and restrict activities which may be reasonably necessary to maintain order and protect lives and property during a state of emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), during a Governorially declared State of Emergency, the undersigned has the power to “give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Article”.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Stay at Home

1. **Stay at home or place of residence.** All individuals currently in the State of North Carolina are ordered to stay at home, their place of residence, or current place of abode, (hereinafter “residence”) except as allowed in this Executive Order. To the extent individuals are using shared or outdoor spaces when outside their residence, they must at all times and as much as reasonably possible, maintain social distancing of at least six (6) feet from any other person, with the exception of family or household members, consistent with the Social Distancing Requirements set forth in this Executive Order. All persons may leave their homes or place of residence only for Essential Activities, Essential Governmental Operations, or to participate in or access COVID-19 Essential Businesses and Operations, all as defined below.

Individuals experiencing homelessness are exempt from this Executive Order, but are strongly urged to obtain shelter that meets Social Distancing Requirements. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location.

2. **Prohibited and permitted travel.** Only travel for Essential Activities as defined herein is permitted. People riding on public transit must comply with Social Distancing Requirements to the greatest extent feasible. This Executive Order allows travel into, within, or out of the State to maintain COVID-19 Essential Businesses and Operations and Minimum Basic Operations.
3. **Leaving the home and travel for Essential Activities is permitted.** For purposes of this Executive Order, individuals may leave their residence only to perform any of the following Essential Activities:
 - i. **For health and safety.** To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members or persons who are unable to or should not leave their home (including, but not limited to, pets), such as, by way of example only and without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional or veterinarian.
 - ii. **For necessary supplies and services.** To obtain necessary services or supplies for themselves and their family or household members or persons who are unable or should not leave their home, or to deliver those services or supplies to others, such as, by way of example only and without limitation, groceries and food, household consumer products, supplies they need to work from home, automobile supplies (including sales, parts, supplies, repair and maintenance), and products necessary to maintain the safety, sanitation, and essential operation of residences or places of employment.
 - iii. **For outdoor activity.** To engage in outdoor activity, provided individuals comply with Social Distancing Requirements and Mass Gatherings, as defined below, such as, by way of example and without limitation, walking, hiking, running, golfing, or biking. Individuals may go to public parks and open outdoor recreation areas. However, public playground equipment may increase spread of COVID-19, and therefore shall be closed. These activities are subject to the limitations on events or convenings in Section 3 of this Executive Order.

- iv. **For certain types of work.** To perform work at businesses authorized to remain open under Section 2 of this Executive Order (which, as defined below, includes Healthcare and Public Health Operations, Human Services Operations, Essential Governmental Operations, and Essential Infrastructure Operations) or to otherwise carry out activities specifically permitted in this Executive Order, including Minimum Basic Operations.
- v. **To take care of others.** To care for or assist a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed by this Executive Order. This includes attending weddings and funerals provided individuals comply with Social Distancing Requirements and Mass Gatherings as set forth below.
- vi. **Place of worship.** Travel to and from a place of worship.
- vii. **To receive goods and services.** To receive goods and services provided by a COVID-19 Essential Business or Operation.
- viii. **Place of residence.** To return to or travel between one's place or places of residence for purposes including, but not limited to, child custody or visitation arrangements.
- ix. **Volunteering.** To volunteer with organizations that provide charitable and social services.

Section 2. COVID-19 Essential Businesses and Operations

In order to slow the spread of COVID-19, it is necessary to reduce the instances where individuals interact with one another in a manner inconsistent with the Social Distancing Requirements set forth below. Many of those interactions occur at work. At the same time, it is necessary that certain businesses, essential to the response to COVID-19, to the infrastructure of the State and nation, and to the day-to-day life of North Carolinians, remain open.

- A. In light of the above considerations, non-essential business and operations must cease. All businesses and operations in the State, except COVID-19 Essential Businesses and Operations as defined below, are required to cease all activities within the State except Minimum Basic Operations, as defined below. For clarity, businesses, including home-based businesses, may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).
- B. All COVID-19 Essential Businesses and Operations are directed, to the maximum extent possible, to direct employees to work from home or telework.
- C. For purposes of this Executive Order, a COVID-19 Essential Business and Operation includes the following businesses, not-for-profit organizations and educational institutions.
 - 1. **Businesses that meet Social Distancing Requirements.** Businesses, not-for-profit organizations or educational institutions that conduct operations while maintaining Social Distancing Requirements:
 - a. Between and among its employees; and
 - b. Between and among employees and customers except at the point of sale or purchase.

2. **Businesses operating in CISA identified sectors.** Businesses, not-for-profit organizations or educational institutions operating in the federal critical infrastructure sectors as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19> or any subsequent guidance issued by the U.S. Department of Homeland Security that amends or replaces said guidance.
3. **Healthcare and Public Health Operations.** Healthcare and Public Health Operations includes, but is not limited to: hospitals; clinics; dental offices; pharmacies; laboratories and laboratory service providers; public health entities, including those that compile, model, analyze and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology and agricultural biotechnology companies (including operations, research and development, manufacture, and supply chain); organizations collecting blood, platelets, plasma, and other necessary materials; obstetricians and gynecologists; eye care centers, including those that sell glasses and contact lenses; dietary supplement retailers; naturopathic healthcare providers; home healthcare services providers; local management entities/managed care organizations (LME/MCO); mental health and substance use providers; other healthcare facilities and suppliers and providers of any related and/or ancillary healthcare services; and entities that transport and dispose of medical materials and remains.

Specifically included in Healthcare and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.

Healthcare and Public Health Operations also includes veterinary care and all healthcare services provided to animals.

Healthcare and Public Health Operations shall be construed broadly to avoid any impacts to the delivery of healthcare, or public health operations broadly defined. Healthcare and Public Health Operations does not include those businesses ordered to close by Executive Order No. 120.

4. **Human Services Operations.** Human Services Operations includes, but is not limited to: long-term care facilities; child care centers, family child care homes; residential settings and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children; field offices that provide and help to determine eligibility for basic needs, including food, cash assistance, medical coverage, child care, child support services, vocational services, rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, social services, transportation and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals.

Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

5. **Essential Infrastructure Operations.** Essential Infrastructure Operations includes, but is not limited to: food and beverage production, distribution, fulfillment centers, storage facilities; construction (including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long term care facilities, public works construction, school construction, and essential commercial and housing construction); building and grounds management and maintenance including landscaping; airport operations; operation and maintenance of utilities, including water, sewer, and gas; electrical (including power generation, distribution, and production of raw materials); distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video and telecommunications systems (including the provision of essential global, national and local infrastructure for computing services, business infrastructure, communications, and web-based services).

(including the provision of essential global, national and local infrastructure for computing services, business infrastructure, communications, and web-based services).

Essential Infrastructure Operations shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.

6. **Essential Governmental Operations.** Essential Governmental Operations means all services provided by the State or any municipality, township, county, political subdivision, board, commission or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public, and including contractors performing Essential Governmental Operations. Each government body shall determine its Essential Governmental Operations and identify employees and/or contractors necessary to the performance of those functions.

For purposes of this Executive Order, all first responders, emergency management personnel, emergency dispatchers, legislators, judges, court personnel, jurors and grand jurors, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for or to support COVID-19 Essential Businesses and Operations are categorically exempt from this Executive Order.

This Executive Order does not apply to the United States government. Nothing in this Executive Order shall prohibit any individual from performing or accessing Essential Governmental Operations. Nothing in this Executive Order rescinds, amends, or otherwise modifies Section 2 of Executive Order No. 120.

7. **Stores that sell groceries and medicine.** Grocery stores, pharmacies, certified farmers' markets, farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, prepared food, alcoholic and nonalcoholic beverages, any other household consumer products (such as cleaning and personal care products), and specifically includes their supply chain and administrative support operations. This includes stores that sell groceries, medicine, including medication not requiring a medical prescription, and also that sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences and COVID-19 Essential Businesses and Operations.
8. **Food, beverage production and agriculture.** Food and beverage manufacturing, production, processing, and cultivation, including farming, livestock, fishing, forestry, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption; and businesses that provide food, shelter, services and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities.
9. **Organizations that provide charitable and social services.** Businesses as well as religious and secular not-for-profit organizations, including food banks, when providing food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.
10. **Religious entities.** Religious facilities, entities, groups, gatherings, including funerals. Also, services, counseling, pastoral care, and other activities provided by religious organizations to the members of their faith community. All of these functions are subject to the limitations on events or convenings in Section 3 of this Executive Order.
11. **Media.** Newspapers, television, radio, film, and other media services.
12. **Gas stations and businesses needed for transportation.** Gas stations and auto supply, sales, tire, auto-repair, roadside assistance and towing services, farm equipment, construction equipment, boat repair, and related facilities and bicycle shops and related facilities.

13. **Financial and insurance institutions.** Bank, currency exchanges, consumer lenders, including but not limited to, pawnbrokers, consumer installment lenders and sales finance lenders, credit unions, appraisers, title companies, financial markets, trading and futures exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions, and institutions selling financial products. Also insurance companies, underwriters, agents, brokers, and related insurance claims and agency services.
14. **Home improvement, hardware and supply stores.** Home improvement, building supply, hardware stores, and businesses that sell building materials and supplies, electrical, plumbing, and heating materials.
15. **Critical trades.** Building and construction tradesmen and tradeswomen, and other trades, including but not limited to, plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, cleaning services, moving and relocation services, landscaping and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences and COVID-19 Essential Businesses and Operations. This includes organizations that represent employees.
16. **Mail, post, shipping, logistics, delivery, and pick-up services.** Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and non-alcoholic beverages, goods, vehicles or services to end users or through commercial channels.
17. **Educational institutions.** Educational institutions including public and private pre-K-12 schools, colleges, and universities for purposes of facilitating remote learning, performing critical research, or performing essential functions, provided that the Social Distancing Requirements set forth below of this Executive Order are maintained to the greatest extent possible. This Executive Order is consistent with and does not amend or supersede prior Executive Orders regarding the closure of public schools.
18. **Laundry services.** Laundromats, dry cleaners, industrial laundry services, and laundry service providers.
19. **Restaurants for consumption off-premises.** Restaurants and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Schools and other entities that provide free food services to students or members of the public may continue to do so under this Executive Order when the food is provided for carry-out, drive-through or delivery. This Executive Order is consistent with and does not amend or supersede prior COVID-19 related Executive Orders restricting the operations of restaurants and temporarily closing bars.
20. **Supplies to work from home.** Businesses that sell, manufacture, or supply office supply products or other products needed for people to work from home.
21. **Supplies for COVID-19 Essential Businesses and Operations.** Businesses that sell, manufacture, support, or supply other COVID-19 Essential Businesses and Operations with the service or materials necessary to operate, including computers, audio and video electronics, household appliances; payroll processing and related services; IT and telecommunication equipment; elections personnel and election-related equipment supplies; hardware, paint, flat glass, electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; and diagnostics, food and beverages, chemicals, soaps and detergent.
22. **Transportation.** Airlines, taxis, automobile dealers, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, trains, marinas, docks, boat storage, and other private, public, and commercial transportation and logistics providers, and public transportation necessary to access COVID-19 Essential Businesses and Operations.

23. **Home-based care and services.** Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery.
 24. **Residential facilities and shelters.** Residential facilities and shelters for adults, seniors, children, pets, and/or people with developmental disabilities, intellectual disabilities, victims of domestic violence, people experiencing homelessness, substance use disorders, and/or mental illness.
 25. **Professional services.** Professional services, such as legal services, accounting services, insurance services, professional engineering and architectural services, land surveying services, real estate services (including brokerage, appraisal and title services) and tax preparation services.
 26. **Manufacture, distribution, and supply chain for critical products and industries.** Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, communications, as well as products used or commonly sold by other COVID-19 Essential Businesses and Operations.
 27. **Defense and military contractors.** Defense and military contractors that develop products, processes, equipment, technology, and related services that serve the United States military, national defense, and national security interests.
 28. **Hotels and motels.** Hotels and motels, to the extent used for lodging and delivery or carry-out food services.
 29. **Funeral Services.** Funeral, mortuary, cremation, burial, cemetery, and related services. These services are subject to the limitations on events or convenings in Section 3 of this Executive Order.
 30. **Additional COVID-19 Essential Retail Businesses.** Additional COVID-19 Essential Retail Businesses are:
 - Electronic retailers that sell or service cell phones, computers, tablets, and other communications technology;
 - Lawn and garden equipment retailers;
 - Book stores that sell educational material;
 - Beer, wine, and liquor stores;
 - Retail functions of gas stations and convenience stores;
 - Retail located within healthcare facilities;
 - Pet and feed stores.
- D. All COVID-19 Essential Businesses and Operations shall, to the extent practicable, maintain the Social Distancing Requirements set forth in this Executive Order.
- E. "Social Distancing Requirements" as used in this Executive Order means:
- a. maintaining at least six (6) feet distancing from other individuals;
 - b. washing hands using soap and water for at least twenty (20) seconds as frequently as possible or the use of hand sanitizer;
 - c. regularly cleaning high-touch surfaces;
 - d. facilitating online or remote access by customers if possible.

- F. Businesses excluded from the list of COVID-19 Essential Businesses and Operations set forth in this Executive Order who believe that they may be essential may direct requests to be included to the North Carolina Department of Revenue (the "Department"). The Department may grant such request if it determines that it is in the best interest of the State to have the business continue operations in order to properly respond to this COVID-19 pandemic. The Department shall post on its website a point of contact and procedure for businesses seeking to be designated as essential. A business that has made a request to the Department to be included as a COVID-19 Essential Business or Operation may continue to operate until that request is acted upon.
- G. Businesses that are not COVID-19 Essential Businesses and Operations are required to cease all activities within the State except Minimum Basic Operations, as defined below. Businesses that are not COVID-19 Essential Businesses and Operations should comply with Social Distancing Requirements, to the maximum extent possible, when carrying out their Minimum Basic Operations.

As used in this Executive Order, "Minimum Basic Operations" include the following:

- i) The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or related functions.
 - ii) The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- H. Notwithstanding any other provision of this Executive Order, the businesses, not-for-profit organizations and educational institutions that were ordered closed by Executive Order Nos. 118 and 120 shall remain closed.

Section 3. Mass Gatherings

For the reasons and pursuant to the authority set forth above:

- A. Section 1(a) of Executive Order Nos. 117 and 120 is rescinded and replaced as follows:
1. A mass gathering is defined as any event or convening that brings together more than ten (10) persons in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, or any other confined indoor or outdoor space. This includes parades, fairs and festivals.
 2. A mass gathering does not include normal operations at airports, bus and train stations, medical facilities, libraries, shopping malls and centers. It also does not include any COVID-19 Essential Business or Operation as defined in this Executive Order.
 3. Notwithstanding the above, and in an effort to promote human dignity and limit suffering, funerals are permitted to include no more than fifty (50) persons, while observing Social Distancing Requirements to the extent practicable.
 4. Pursuant to N.C. Gen. Stat. §§ 166A-19.30(a)(2), -19.30(c) the provisions of this section shall be enforced by state and local law enforcement officers.

The remainder of Executive Order Nos. 117 and 120 continue to be in effect.

Section 4. Local Orders

- A. The undersigned recognizes that the impact of COVID-19 has been and will likely continue to be different in different parts of North Carolina. Urban areas have seen more rapid and significant spread than most rural areas of the state. As such, the undersigned acknowledges that counties and cities may deem it necessary to adopt ordinances and issue state of emergency declarations which impose restrictions or prohibitions to the extent authorized under North Carolina law, such as on the activity of people and businesses, to a greater degree than in this

Executive Order. To that end, nothing herein is intended to limit or prohibit counties and cities in North Carolina from enacting ordinances and issuing state of emergency declarations which impose greater restrictions or prohibitions to the extent authorized under North Carolina law.

- B. Notwithstanding the language in paragraph (A) of this Section, no county or city ordinance or declaration shall have the effect of restricting or prohibiting COVID-19 Essential Governmental Operations of the State as determined by the State.
- C. Nothing in this Executive Order rescinds, amends, or otherwise modifies Section 2 of Executive Order No. 120.

Section 5. Savings Clause

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Section 6. Enforcement

- A. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Executive Order shall be enforced by state and local law enforcement officers.
- B. A violation of this Executive Order may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d), and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.
- C. Nothing in this Executive Order shall be construed to preempt or overrule a court order regarding an individual's conduct (e.g., a Domestic Violence Protection Order or similar orders limiting an individual's access to a particular place).

Section 7. Effective Date

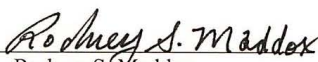
This Executive Order is effective Monday, March 30, 2020, at 5:00pm, and shall remain in effect for thirty (30) days from that date or unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 27th day of March in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

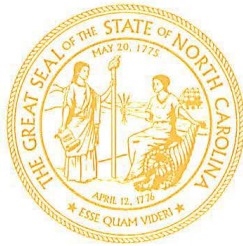
ATTEST:



Rodney S. Maddox
Chief Deputy Secretary of State



Exhibit “5”



State of North Carolina

ROY COOPER
GOVERNOR

April 23, 2020

EXECUTIVE ORDER NO. 135

EXTENDING STAY AT HOME ORDER AND ORDERS LIMITING MASS GATHERINGS, REQUIRING SOCIAL DISTANCING, AND RESTRICTING VISITATION AT LONG TERM CARE FACILITIES

WHEREAS, on March 10, 2020, the undersigned issued Executive Order No. 116 which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 (COVID-19) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq.* and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 pandemic in the United States constitutes a national emergency, retroactive to March 1, 2020; and

WHEREAS, on March 25, 2020, the President of the United States, pursuant to Section 401 of the Stafford Act, approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

WHEREAS, community spread of COVID-19 continues to increase in North Carolina and nationwide, and increased testing capacity would undoubtedly show that COVID-19 is circulating in communities across North Carolina that have not yet identified a confirmed case; and

WHEREAS, the continued presence of community spread in North Carolina, the rapid increase in COVID-19 cases, and the rising number of COVID-19 related deaths, both globally and in North Carolina, require us to continue our measures to slow the spread of this virus during the pandemic; and

WHEREAS, hospital administrators and health care providers have expressed concerns that unless the spread of COVID-19 is limited, existing health care facilities may be insufficient to care for those who become sick; and

WHEREAS, slowing the community spread of COVID-19 is critical to ensuring that our healthcare facilities remain able to accommodate those who require intensive medical intervention; and

WHEREAS, as proactive steps to prevent and respond to COVID-19, and for the purposes of protecting the health, safety and welfare of the people of North Carolina, the undersigned has issued Executive Order Nos. 116-122, 124-25, 129-131, and 133-134; and

WHEREAS, in Executive Order No. 118, issued on March 17, 2020, the undersigned limited operations of restaurants and bars in response to COVID-19; and

WHEREAS, in Executive Order No. 120, issued on March 23, 2020, the undersigned placed additional limitations on mass gatherings, venues, and long term care facilities, and directed school closures; and

WHEREAS, in Executive Order No. 121, issued on March 27, 2020, the undersigned restricted travel, prohibited certain mass gatherings, and required social distancing to the extent individuals are using shared or outdoor spaces outside their residence; and

WHEREAS, Executive Order No. 121 provided that except as amended, Executive Orders Nos. 118 and 120 would continue in effect; and

WHEREAS, in Executive Order No. 131, issued on April 9, 2020, the undersigned established additional social distancing measures for retail establishments; and

WHEREAS, some of the provisions of the above-listed Executive Orders are set to expire unless the undersigned takes further action; and

WHEREAS, if these provisions were to expire prematurely, they could undo the important progress North Carolina has made in controlling the outbreak of COVID-19; and

WHEREAS, the undersigned has determined that certain provisions must remain in place until May 8, 2020; and

WHEREAS, as the situation in North Carolina develops, the undersigned reserves the right to extend provisions to later dates, modify existing provisions, or lift restrictions earlier than scheduled; and

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Extensions and technical amendments

For the reasons and pursuant to the authority set forth above and set forth in the relevant Executive Orders referenced below, the undersigned orders as follows:

Sections 1, 4, and 5 of Executive Order No. 118; Sections 1, 2, 3 and 5 of Executive Order No. 120; and all of Executive Order No. 121 are in effect, and shall remain in effect, until 5:00 pm on May 8, 2020. Sections 1 and 2 of Executive Order No. 131 are amended to expire at 5:00 pm

on May 8, 2020. The effective date provisions of Executive Orders Nos. 118, 120, 121, and 131 are amended to have the above-listed sections of those orders continue in effect through the above-listed time and date. Future Executive Orders may extend the term of these Executive Orders. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

Section 2. Savings Clause

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Section 3. Distribution

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

Section 4. Enforcement

- A. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Executive Order shall be enforced by state and local law enforcement officers.
- B. A violation of this Executive Order may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d) and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.
- C. Nothing in this Executive Order shall be construed to preempt or overrule a court order regarding an individual’s conduct (e.g., a Domestic Violence Protection Order or similar orders limiting an individual’s access to a particular place).

Section 5. Effective Date

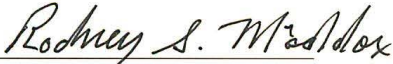
This Executive Order is effective immediately. This Executive Order shall remain in effect until 5:00 pm on May 8, 2020, unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 23rd day of April in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

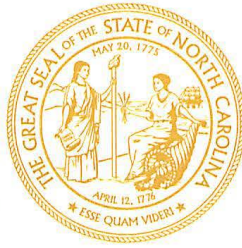
ATTEST:



Rodney S. Maddox
Chief Deputy Secretary of State



Exhibit “6”



State of North Carolina

ROY COOPER
GOVERNOR

May 05, 2020

EXECUTIVE ORDER NO. 138

EASING RESTRICTIONS ON TRAVEL, BUSINESS OPERATIONS, AND MASS GATHERINGS: PHASE 1

WHEREAS, on March 10, 2020, the undersigned issued Executive Order No. 116 which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 ("COVID-19") public health emergency and provide for the health, safety, and welfare of residents and visitors located in North Carolina; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States issued an emergency declaration for all states, tribes, territories, and the District of Columbia, retroactive to March 1, 2020, and the President declared that the COVID-19 pandemic in the United States constitutes a national emergency; and

WHEREAS, on March 25, 2020, the President approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

WHEREAS, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, the undersigned has issued Executive Order Nos. 116-122, 124-125, 129-131, and 133-136; and

WHEREAS, more than ten thousand people in North Carolina have had laboratory-confirmed cases of COVID-19, and hundreds of people in North Carolina have died from the disease; and

WHEREAS, hospital administrators and health care providers have expressed concerns that unless the spread of COVID-19 is limited, existing health care facilities may be insufficient to care for those who become sick; and

WHEREAS, the undersigned and the Secretary of Health and Human Services have directed hospitals, physicians' practices, and other health care entities to undertake significant actions as part of North Carolina's emergency response to address the COVID-19 pandemic; and

WHEREAS, slowing and controlling community spread of COVID-19 is critical to ensuring that the state's healthcare facilities remain able to accommodate those who require medical assistance; and

WHEREAS, the continued community spread of COVID-19 within North Carolina requires the state to continue some measures to slow the spread of this virus during the pandemic; and

WHEREAS, since the issuance of executive orders to slow the spread of COVID-19, North Carolina has “flattened the curve” and prevented a surge or spike in cases across the state, and North Carolina has also increased its capacity for testing, tracing and the availability of personal protective equipment (“PPE”); and

WHEREAS, despite the overall stability in key metrics, North Carolina’s daily case counts of COVID-19 continue to increase slightly in the context of increased testing, demonstrating the state must remain vigilant in its work to slow the spread of the virus; and

WHEREAS, the risk of COVID-19 transmission remains high, particularly with regard to indoor settings with an increased likelihood of close contact; and

WHEREAS, people in North Carolina are encouraged to use a cloth face covering to reduce the spread of COVID-19, but some populations may experience increased anxiety and fear of bias and being profiled if wearing face coverings in public spaces; and

WHEREAS, if someone is the target of ethnic or racial intimidation as the result of adhering to the mask provision or as a result of the pandemic, they are encouraged to report the matter to law enforcement or another government entity; and

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate Gubernatorial vested authority under the Emergency Management Act and to provide for the sub-delegation of that authority; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(4) gives the undersigned the authority to “cooperate and coordinate” with the President of the United States; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.12(3)(e), the Division of Emergency Management must coordinate with the State Health Director to revise the North Carolina Emergency Operations Plan as conditions change, including making revisions to set “the appropriate conditions for quarantine and isolation in order to prevent the further transmission of disease,” and following this coordination, the Emergency Management Director and the State Health Director have recommended that the Governor develop and order the plan and actions identified in this Executive Order; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.23 in conjunction with N.C. Gen. Stat. §§ 75-37 and 75-38, the undersigned may issue a declaration that shall trigger the prohibitions against excessive pricing during states of disaster, states of emergency or abnormal market disruptions; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the undersigned may take such action and give such directions to state and local law enforcement officers and agencies as

may be reasonable and necessary for the purpose of securing compliance with the provisions of the Emergency Management Act and with the orders, rules, and regulations made thereunder; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(i), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because not all local authorities have enacted such appropriate ordinances or issued such appropriate declarations restricting the operation of businesses and limiting person-to-person contact, thus needed control cannot be imposed locally; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(ii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because some but not all local authorities have taken implementing steps under such ordinances or declarations, if enacted or declared, in order to effectuate control over the emergency that has arisen; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because the area in which the emergency exists spreads across local jurisdictional boundaries and the legal control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iv), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection of lives and property of North Carolinians because the scale of the emergency is so great that it exceeds the capability of local authorities to cope with it; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(1) authorizes the undersigned to prohibit and restrict the movement of people in public places; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(2) authorizes the undersigned to prohibit and restrict the operation of offices, business establishments, and other places to and from which people may travel or at which they may congregate; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(5) authorizes the undersigned to prohibit and restrict other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives or property during a state of emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(1), when the undersigned imposes the prohibitions and restrictions enumerated in N.C. Gen. Stat. § 166A-19.31(b), the undersigned may amend or rescind the prohibitions and restrictions imposed by local authorities; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), during a Gubernatorially declared State of Emergency, the undersigned has the power to “give such directions to State and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Article.”

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Definitions.

In this Executive Order:

1. “Allowable Activities” are defined in Section 2(C) of this Executive Order.

2. “Bars” means establishments that are not eating establishments or restaurants as defined in N.C. Gen. Stat. §§ 18B-1000(2) and 18B-1000(6) and have a permit to sell alcoholic beverages for onsite consumption under N.C. Gen. Stat. § 18B-1001.
3. “Face Covering” means a covering of the nose and mouth by wearing a cloth covering or mask for the purpose of ensuring the physical health or safety of the wearer or others as defined in Session Law 2020-3 s. 4.3(a). In the context of the COVID-19 emergency, the Face Covering predominantly functions to protect other people more than the wearer.
4. “Home” means someone’s house, place of residence, or current place of abode.
5. “Mass Gathering” is defined in Section 6(A) of this Executive Order.
6. “Recommendations to Promote Social Distancing and Reduce Transmission” are defined in Section 2(A) of this Executive Order.
7. “Restaurants” means permitted food establishments, under N.C. Gen. Stat. § 130A-248, and other establishments that both prepare and serve food. This includes, but is not limited to, restaurants, cafeterias, food halls, dining halls, food courts, and food kiosks. This includes not only free-standing locations but also locations within other businesses or facilities, including, but not limited to airports, shopping centers, educational institutions, or private or members-only clubs where food and beverages are permitted to be consumed on premises.
8. “Retail Business” means any business in which customers enter a space to purchase goods or services, including but not limited to grocery stores, convenience stores, large-format retail stores, pharmacies, banks, ABC stores, hardware stores, and vehicle dealerships. “Retail Business” also includes retail establishments operated by the State, its political subdivisions, or agencies thereof.

Section 2. Allowable Activities for Individuals Outside the Home.

All individuals currently in the State of North Carolina may undertake Allowable Activities permitted by this Executive Order. Otherwise, individuals are ordered to stay at home.

- A. **Recommendations to Promote Social Distancing and Reduce Transmission.** Individuals leaving their residence for Allowable Activities are strongly advised to take the following steps to reduce transmission:
 1. Maintain at least six (6) feet social distancing from other individuals, with the exception of family or household members.
 2. Wear a cloth Face Covering when leaving home and wear it inside all public settings such as grocery stores, pharmacies, or other retail or public-serving businesses. A Face Covering should also be worn outdoors when you cannot maintain at least six (6) feet distancing from other people with the exception of family or household members. These coverings function to protect other people more than the wearer.
 3. Carry hand sanitizer with you when leaving home, and use it frequently.
 4. Wash hands using soap and water for at least twenty (20) seconds as frequently as possible.
 5. Regularly clean high-touch surfaces such as steering wheels, wallets, phones.
 6. Stay at home if sick.
- B. **High-Risk Individuals:** People who are at high risk of severe illness from COVID-19 continue to be strongly encouraged to stay home and travel only for absolutely essential purposes. The Centers for Disease Control and Prevention (“CDC”) defines high-risk individuals as people 65 years or older, **and people of any age who have serious underlying**

medical conditions including people who are immunocompromised, or with chronic lung disease, moderate-to-severe asthma, serious heart conditions, severe obesity, diabetes, with chronic kidney disease undergoing dialysis, or liver disease.

- C. **Allowable Activities**: People may leave their residence for the following Allowable Activities. When engaged in activities outside their home, individuals should, as much as reasonably possible, adhere to the Recommendations to Promote Social Distancing and Reduce Transmission above, and are subject to any applicable Mass Gathering or activity restrictions pursuant to Sections 3 to 7 of this Executive Order.
1. **For health and safety**. People may leave their homes to engage in activities or perform tasks for the health and safety of themselves, their family or household members, or those who are unable to or should not leave their home (including, but not limited to, pets). For example, and without limitation, people may leave their homes to seek emergency services, obtain medical supplies or medication, or visit a health care professional or veterinarian.
 2. **To look for and obtain goods and services**. People may leave their homes to look for or obtain goods and services from a business or operation that is not closed by a current Executive Order. This authorization does not include attendance as a spectator at a sporting event, concert, or other performance.
 3. **To engage in outdoor activity**. People may leave their homes to engage in outdoor activities unless prohibited by this Executive Order.
 4. **For work**. People may leave their homes to perform work at any business, nonprofit, government, or other organization that is not closed by this Executive Order. For example, and without limitation, people can leave the house for employment, or to serve as a contractor at a for-profit business, a nonprofit organization, a part of government, a single-person business, a sole proprietorship, or any other kind of entity or operation.
 5. **To look for work**. People may leave their homes to seek employment.
 6. **To take care of others**. People may leave their homes to care for or assist a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed by this Executive Order. This includes attending weddings and funerals.
 7. **To worship or exercise First Amendment rights**. People may leave their homes to travel to and from a place of worship or exercise any other rights protected under the First Amendment to the U.S. Constitution and its North Carolina counterparts.
 8. **To travel between places of residence**. People may leave their homes to return to or to travel between one's place or places of residence. This includes, but is not limited to, child custody or visitation arrangements.
 9. **To volunteer**. People may leave their homes to volunteer with organizations that provide charitable and social services.
 10. **To attend small outdoor get-togethers**. People may travel to another person's home for social purposes, so long as no more than ten (10) people gather and the activity occurs outside.
 11. **To provide or receive government services**. People may leave their homes for governmental services. Nothing in this Executive Order shall prohibit anyone from performing actions for, or receiving services from, the state or any of its political subdivisions, boards, commissions, or agencies. This Executive Order does not apply to the United States government.

D. **Specific Situations.**

1. **Homelessness.** Individuals experiencing homelessness are exempt from the order to stay at home, but they are strongly urged to obtain shelter and services that allow them to meet the Recommendations to Promote Social Distancing and Reduce Transmission.
2. **Travel permitted for unsafe homes.** Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location.
3. **Public transit.** People riding on public transit must comply with the Recommendations to Promote Social Distancing and Reduce Transmission as defined in Subsection 2(A) to the greatest extent feasible.

Section 3. Orders for Businesses and Parks.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

A. **Most Businesses and Organizations Can Be Open.** All businesses that are not closed under Section 5 may operate. Some businesses must operate under restrictions, as stated in Sections 3, 4, 6, and 7 of this Executive Order.

B. **Requirements Specific to Retail Businesses.**

Retail Businesses that operate during the effective period of this Executive Order must:

1. Limit customer occupancy to not more than 50% of stated fire capacity. Retail Businesses that do not have a stated fire capacity must limit customer occupancy to twelve (12) customers for every one thousand (1000) square feet of the location's total square footage, including the parts of the location that are not accessible to customers.
2. Limit customer occupancy so that customers can stay six (6) feet apart, even if this requires reducing occupancy beneath the 50% limit stated above.
3. Direct customers to stay at least six (6) feet apart from one another and from workers, except at point of sale if applicable.
4. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for customers, such as at deli counters and near high-volume products.
5. Perform frequent and routine environmental cleaning and disinfection of high-touch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19).
6. Provide, whenever available, hand sanitizer (at least 60% alcohol); systematically and frequently check and refill hand sanitizer stations; and provide soap and hand drying materials at sinks.
7. Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace.
8. Immediately send symptomatic workers home.
9. Have a plan in place for immediately isolating workers from the workplace if symptoms develop.
10. Post signage at the main entrances that reminds people to stay six (6) feet apart for social distancing, requests people who are or who have recently been symptomatic not to enter, and notifies customers of the Retail Business's reduced capacity.

The North Carolina Department of Health and Human Services ("NCDHHS") will make available on its website a sample screening checklist questionnaire and sample signs that may

be used to meet the requirements above. Retail Businesses do not need to use the NCDHHS sample questionnaires and signs to meet the requirements of this Executive Order.

C. **Additional Recommendations Specific to Retail Businesses.**

Retail Businesses that operate during the effective period of this Executive Order are strongly encouraged to do the following:

1. Direct workers to stay at least six (6) feet apart from one another and from customers, to the greatest extent possible.
2. Provide designated times for seniors and other high-risk populations to access services.
3. Develop and use systems that allow for online, email, or telephone ordering, no-contact curbside or drive-through pickup or home delivery, and contact-free checkout.
4. High-volume Retail Businesses, such as grocery stores and pharmacies, are strongly encouraged to take the following additional measures to reduce transmission:
 - a. Use acrylic or plastic shields at cash registers.
 - b. Clearly mark designated entry and exit points.
 - c. Provide assistance with routing through aisles in the store.
5. Take all the additional actions listed in Subsection 3(D) below.

D. **Recommendations for All Businesses (Retail or Other).**

All businesses that operate during the effective period of this Executive Order are strongly encouraged to:

1. Continue to promote telework and limit non-essential travel whenever possible.
2. Promote social distancing by reducing the number of people coming to the office, by providing six (6) feet of distance between desks, and/or by staggering shifts.
3. Limit face-to-face meetings to no more than ten (10) workers.
4. Promote hygiene, including frequent hand-washing and use of hand sanitizer.
5. Recommend workers wear cloth Face Coverings; provide workers with Face Coverings; and provide information on proper use, removal, and washing of cloth Face Coverings. A Face Covering functions to protect other people more than the wearer.
6. Make accommodations for workers who are at high risk of severe illness from COVID-19, for example, by having high-risk workers work in positions that are not public-facing or by allowing teleworking where possible.
7. Encourage sick workers to stay home and provide support to do so with a sick leave policy.
8. Follow the CDC guidance if a worker has been diagnosed with COVID-19.
9. Provide workers with education about COVID-19 prevention strategies, using methods like videos, webinars, or FAQs.
10. Promote information on helplines for workers such as 211 and the Hope4NC Helpline.

E. **Parks and Trails.**

1. All people in North Carolina are encouraged to engage in outdoor activities, so long as they do not form prohibited Mass Gatherings and are engaged in Allowable Activities under this Executive Order. State parks and trails may reopen upon the general Effective Date of this Executive Order. However, because public playground equipment may increase spread of COVID-19, public playgrounds remain closed during the effective phase of this Executive Order, including public playground equipment located in parks.
2. Park operators shall follow the requirements for Retail Businesses listed in Subsection (B) above, and they are strongly encouraged to follow the recommendations for Retail Businesses and the recommendations for all businesses in Subsections (C) and (D) above.

Section 4. Orders for Restricted Business Types.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

A. **Restaurants.**

1. **Restaurants may remain open if consumption occurs off-premises.** Restaurants may do business only to the extent that consumption of food and beverages occurs off-premises through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Schools and other entities that provide free food services to students or members of the public may continue to do so under this Executive Order when the food is provided for carry-out, drive-through, or delivery.
2. **Restaurants should follow social distancing and transmission reduction recommendations.** Restaurants are encouraged to comply with the Recommendations to Promote Social Distancing and Reduce Transmission, including use of Face Coverings, when providing carry-out, drive-through, and delivery services. These coverings function to protect other people, more than the wearer.
3. **Further orders.** The Governor, in consultation with and at the recommendation of the Secretary of Health and Human Services, the State Emergency Management Director, and the State Health Director, orders the following limitations on the sale of food and beverages to carry-out, drive-through, and delivery only:
 - a. The Secretary of Health and Human Services, pursuant to N.C. Gen. Stat. § 130A-20(a), has determined that the seating areas of restaurants and bars constitute an imminent hazard for the spread of COVID-19 and that, to abate the imminent hazard, restaurants must be restricted to carry-out, drive-through, and delivery only and bars must close, and has issued an order of abatement dated May 4, 2020.
 - b. The undersigned directs that restaurants are restricted to carry-out, drive-through, and delivery only.
4. **No sit-down service.** Sit-down food or beverage service is prohibited at any kind of businesses, including but not limited to grocery stores, pharmacies, convenience stores, gas stations and charitable food distribution sites.

B. **Bars.**

1. Bars are directed to not serve alcoholic beverages for onsite consumption.
2. This Executive Order does not direct the closure of retail beverage venues that provide for the sale of beer, wine, and liquor for off-site consumption only. It also does not require the closure of production operations at breweries, wineries, or distilleries.
3. If the Alcoholic Beverage Control Commission (the "ABC Commission") identifies other state laws, regulations, and policies that may affect bars, restaurants, and other dining establishments identified in Subsections 4(A)-(B) of this Executive Order, it is directed to

inform the Office of the Governor in writing. Upon written authorization from the Office of the Governor, the ABC Commission may interpret flexibly, modify, or waive those state laws, regulations and policies, as appropriate, and to the maximum extent permitted under applicable state and federal law, to effectuate the purposes of this Executive Order.

C. **Child Care.**

1. **Must operate in compliance with NCDHHS guidelines.** Child care facilities may be open only if they operate in full compliance with Executive Order No. 130 and all guidelines issued by NCDHHS.
2. **Expanding children that may be served.** The relevant language in Subsection 2(C) of Executive Order No. 130 is amended and replaced by the following:

Children that may be served. Child Care Facilities approved by NCDHHS to operate under the Emergency Facility Guidelines shall provide child care only to the following persons:

1. Children of anyone who performs work on behalf of a business or operation that is not closed by an Executive Order; or
 2. Children of anyone who is leaving the home to seek employment; or
 3. Children who are receiving child welfare services; or
 4. Children who are homeless or who are living in unstable or unsafe living arrangements.
3. **Term.** Section 2 of Executive Order No. 130 shall remain in effect through 5:00 pm on May 22, 2020.

D. **Day Camps and Programs for Children and Teens.**

1. **Must operate in compliance with NCDHHS guidelines.** Day camps and programs may operate only if they are in full compliance with the Interim Coronavirus Disease 2019 (COVID-19) Guidance for Day Camp or Program Settings Serving Children and Teens. Day programs and camps for adults are not covered by this section.
2. **No sports or other activities without social distancing.** Day camps and programs may not allow sports except for sports where close contact is not required, and day camps may not allow activities where campers would not maintain at least six (6) feet social distancing from one another.
3. **Day camps within another business or operation.** Day camps and programs operating within a business, facility, or location closed by Subsection 5(B) of this Executive Order or at a school may open for the purpose of the day camp or program, but must otherwise remain closed to the general public. To the extent day camps permit swimming by camp attendees, local health departments may permit the pool's usage for attendees of the day camp, but not for the general public.
4. **No overnight camps.** Overnight camps and programs for children or adults may not operate.

E. **Schools.**

1. **School facilities remain closed for in-person instruction.** Consistent with Executive Orders No. 117 and 120, public school facilities are to remain closed as in-person instructional settings for students for the remainder of the 2019-2020 school year.
2. **School and health officials to continue efforts.** NCDHHS, the North Carolina Department of Public Instruction ("NCDPI"), and the North Carolina State Board of Education are

directed to continue to work together to maintain and implement measures to provide for the health, nutrition, safety, educational needs, and well-being of children during the school closure period.

3. Graduation and other year-end ceremonies. Local school boards and superintendents will determine whether to conduct graduation and/or other year-end ceremonies. If local school leaders elect to hold graduation ceremonies or similar events, then those gatherings must operate in compliance with Executive Orders and NCDPI/NCDHHS guidelines in effect at the time of the event. Local school leaders are encouraged to engage with students and families to identify the best solutions for their communities. Local plans should include consultation with local public health officials and, where appropriate, local law enforcement.

Section 5. Orders for Businesses to Remain Closed.

A. Personal Care and Grooming Businesses.

1. The ability to practice the social distancing necessary to reasonably protect against COVID-19 is significantly reduced in certain establishments where individuals are in extended close proximity or where service personnel are in direct contact with clients. Therefore, personal care and grooming businesses, including but not limited to the following, are ordered to close:
 - Barber Shops
 - Beauty Salons (including but not limited to waxing and hair removal centers)
 - Hair Salons
 - Nail Salons/Manicure/Pedicure Providers
 - Tattoo Parlors
 - Tanning Salons
 - Massage Therapists (except that massage therapists may provide medical massage therapy services upon the specific referral of a medical or naturopathic healthcare provider).

B. Entertainment Facilities Without a Retail or Dining Component.

1. In addition to the restrictions on Mass Gatherings identified in Section 6 of this Executive Order, entertainment facilities that operate within a confined indoor or outdoor space and do not offer a retail or dining component are ordered to close. Any retail or dining component within an entertainment facility may operate solely for retail or dining, but those components must comply with the restrictions set out in Subsection 4(A) of this Executive Order.
2. Entertainment facilities restricted by this Subsection include, but are not limited to, the following types of business:
 - Bingo Parlors, including bingo sites operated by charitable organizations
 - Bowling Alleys
 - Indoor Exercise Facilities (e.g., gyms, yoga studios, martial arts facilities, indoor trampoline and rock climbing facilities)
 - Health Clubs, Fitness Centers, and Gyms
 - Indoor/Outdoor Pools
 - Live Performance Venues
 - Movie Theaters
 - Skating Rinks
 - Spas, including health spas
 - Gaming and business establishments which allow gaming activities (e.g., video poker, gaming, sweepstakes, video games, arcade games, pinball machines or other computer, electronic or mechanical devices played for amusement).

Section 6. Mass Gatherings Prohibited.

- A. **Prohibition.** Mass Gatherings are prohibited. “Mass Gathering” means an event or convening that brings together more than ten (10) persons at the same time in a single space, such as an auditorium, stadium, arena, conference room, meeting hall, or any other confined indoor or outdoor space. This includes parades, fairs, and festivals.

Mass Gatherings do not include gatherings for health and safety, to look for and obtain goods and services, for work, for worship, or exercise of First Amendment rights, or for receiving governmental services. A Mass Gathering does not include normal operations at airports, bus and train stations or stops, medical facilities, shopping malls, and shopping centers. However, in these settings, people must follow the Recommendations to Promote Social Distancing and Reduce Transmission as much as possible, and they should circulate within the space so that there is no sustained contact between people.

- B. **Dividing one event or convening into multiple sessions.** Nothing in this Executive Order prohibits holding several events or convenings instead of one so that at any time, no more than ten (10) people are gathered in the same space. Organizations that need to hold events or convenings in a single space are encouraged to hold multiple sessions so that no more than ten (10) people are present at a time. In addition, nothing in this Executive Order prohibits holding meetings remotely, and all people in North Carolina are encouraged to hold gatherings electronically so that large groups can meet.
- C. **Outdoor meetings if possible.** Because the risk of COVID-19 spread is much greater in an indoor setting, any gatherings of more than ten (10) people that are allowed under Subsection 6(A) shall take place outdoors unless impossible.
- D. **Funerals.** Notwithstanding the above, and in an effort to promote human dignity and limit suffering, Mass Gatherings at funerals are permitted for up to fifty (50) people. People meeting at a funeral should observe the Recommendations to Promote Social Distancing and Reduce Transmission to the extent practicable.
- E. **Drive-ins.** Events are not prohibited Mass Gatherings if the participants all stay within their cars, such as at a drive-in movie theater.
- F. **Households.** A household where more than ten (10) people reside is not a Mass Gathering.

Section 7. Long Term Care.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

- A. **Long Term Care Visitation Limitations.**
1. Long term care facilities shall restrict visitation of all visitors and non-essential health care personnel, except for certain compassionate care situations, for example, an end-of-life situation.
 2. This restriction does not include essential health care personnel.
 3. For purposes of this Subsection 7(A) only, long term care facilities include all of the following:
 - a. Skilled nursing facilities;
 - b. Adult care homes;
 - c. Family care homes;
 - d. Mental health group homes; and
 - e. Intermediate care facilities for individuals with intellectual disabilities.

B. Long Term Care Risk Mitigation Measures.

1. Scope of this Subsection. This Subsection of this Executive Order places mandatory requirements on skilled nursing facilities. This Subsection strongly encourages the same measures, to the extent possible given constraints on the availability of personal protective equipment, for other kinds of long term care facilities, including adult care homes, family care homes, mental health group homes, and intermediate care facilities for individuals with intellectual disabilities.
2. Mitigation measures. Skilled nursing facilities shall:
 - a. Remind workers to stay home when they are ill and prevent any workers who are ill from coming to work and/or staying at work.
 - b. Screen all workers at the beginning of their shift for fever and respiratory symptoms. This shall include:
 - i. Actively taking that worker's temperature.
 - ii. Documenting an absence of any shortness of breath, any new cough or changes in cough, and any sore throat. If the worker is ill, the facility must have the worker put on a facemask and leave the workplace.
 - iii. Canceling communal dining and all group activities, including internal and external activities.
 - iv. Implementing universal use of a facemask for all workers while in the facility, assuming supplies are available.
 - v. Actively monitor all residents upon admission, and at least daily, for fever and respiratory symptoms (shortness of breath, new cough or change in cough, and sore throat), and shall continue to monitor residents.
 - vi. Notify the local health department immediately about either of the following:
 1. Any resident with new, confirmed, or suspected COVID-19.
 2. A cluster of residents or workers with symptoms of respiratory illness. A "cluster" of residents or workers means three (3) or more people (residents or workers) with new-onset respiratory symptoms in a period of 72 hours.
 - c. Other kinds of long term care facilities. Adult care homes, family care homes, mental health group homes, and intermediate care facilities for individuals with intellectual disabilities are strongly encouraged to follow the mitigation measures listed in Subsections 7(B)(2)(b)(i) through (vi) above, assuming supplies are available.

- C. Effective Date and Duration. This Section of this Executive Order shall remain in effect unless repealed, replaced, or rescinded by another applicable Executive Order.

Section 8. Local Orders.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

A. Effect on local emergency management orders.

1. Most of the restrictions in this Executive Order are minimum requirements, and local governments can impose greater restrictions. The undersigned recognizes that the impact of COVID-19 has been and will likely continue to be different in different parts of North

Carolina. Urban areas have seen more rapid and significant spread than most rural areas of the state. As such, the undersigned acknowledges that counties and cities may deem it necessary to adopt ordinances and issue state of emergency declarations which impose restrictions or prohibitions to the extent authorized under North Carolina law, such as on the activity of people and businesses, to a greater degree than in this Executive Order. To that end, nothing herein, except where specifically stated below in Subsections A(2) and A(3) of this Section, is intended to limit or prohibit counties and cities in North Carolina from enacting ordinances and issuing state of emergency declarations which impose greater restrictions or prohibitions to the extent authorized under North Carolina law.

2. Local restrictions cannot restrict state or federal government operations. Notwithstanding Subsection 8(A)(1) above, no county or city ordinance or declaration shall have the effect of restricting or prohibiting governmental operations of the State or the United States.
3. Local restrictions cannot set different retail requirements. Notwithstanding Subsection 8(A)(1) above, in an effort to create uniformity across the state for Retail Businesses that may continue to operate, the undersigned amends all local prohibitions and restrictions imposed under any local state of emergency declarations to remove any language that sets a different maximum occupancy standard for Retail Businesses or otherwise directly conflicts with Subsections 3(B)(1)–(2) of this Executive Order. The undersigned also hereby prohibits during the pendency of this Executive Order the adoption of any prohibitions and restrictions under any local state of emergency declarations that set a different maximum occupancy standard for Retail Businesses or otherwise directly conflict with Subsections 3(B)(1)–(2) of this Executive Order.

B. Mandatory local government operations.

1. To the extent that local government functions are required under state and federal law, the undersigned directs the appropriate local government agencies and officials to continue to exercise their responsibilities, including but not limited to local county Department of Social Services (“DSS”) offices, Health Departments, Registers of Deeds, and other local government functions that are required to protect lives and property.
2. Notwithstanding Subsection 8(B)(1) above, local governments are strongly encouraged to follow the Requirements Specific to Retail Businesses in Subsection 3(B) and Recommendations for Retail Businesses in Subsection 3(C) for functions where members of the public enter a space to receive or use government services. Local governments are also strongly encouraged to follow the Recommendations for All Businesses (Retail or Other) included in Subsection 3(D).

Section 9. Extension of Price Gouging Period.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

Pursuant to N.C. Gen. Stat. § 166A-19.23, the undersigned extends the prohibition against excessive pricing, as provided in N.C. Gen. Stat. §§ 75-37 and 75-38, from the issuance of Executive Order No. 116 through 5:00 pm on May 22, 2020.

The undersigned further hereby encourages the North Carolina Attorney General to use all resources available to monitor reports of abusive trade practices towards consumers and make readily available opportunities to report to the public any price gouging and unfair or deceptive trade practices under Chapter 75 of the North Carolina General Statutes.

Section 10. No Private Right of Action.

This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any emergency management worker (as defined in N.C. Gen. Stat. § 166A-19.60) or any other person.

Section 11. Savings Clause.

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Section 12. Distribution.

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

Section 13. Enforcement

- A. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Executive Order shall be enforced by state and local law enforcement officers.
- B. A violation of this Executive Order may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d), and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.
- C. Nothing in this Executive Order shall be construed to preempt or overrule a court order regarding an individual's conduct (e.g., a Domestic Violence Protection Order or similar orders limiting an individual's access to a particular place).

Section 14. Effective Date

This Executive Order is effective at 5:00 pm on May 8, 2020.

Section 7 of this Executive Order shall remain in effect for the period stated in Subsection 7(C) of this Executive Order. The remainder of this Order shall remain in effect through 5:00 pm on May 22, 2020 unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 5th day of May in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State



Exhibit “7”



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

ROY COOPER
GOVERNOR

May 11, 2020

Dear Senators:

Thank you for your inquiry regarding Executive Order 138 and the how religious worship services may be safely convened. Our office has issued guidance to assist congregants and public officials regarding this matter, which is attached.

Public health authorities have concluded that chances of virus transmission are significantly reduced when gatherings occur outdoors, when participants are wearing face coverings and when social distancing is practiced. Please know that reducing virus spread and protecting public health during the COVID-19 pandemic remains a priority for this office.

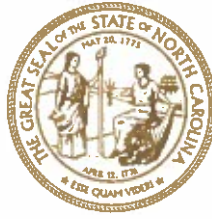
Thank you for your assistance in protecting your communities.

Regards,

A handwritten signature in black ink, appearing to read "Lee Lilley".

Lee Lilley
Director of Legislative Affairs
Office of Governor Roy Cooper

LL/cs



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

ROY COOPER
GOVERNOR

EO 138 Phase One – Guidance for Religious Services and Mass Gathering Restrictions

On May 5, 2020, Governor Cooper signed Executive Order 138 (“Phase One Order”). The Phase One Order addresses the current status of the Statewide Stay at Home Order, including limits on certain travel and business operations as well as current mass gathering restrictions. The mass gathering restrictions in the Phase One Order provide more flexibility for many activities, including religious worship. The mass gathering requirements in the Phase One Order are currently set to remain in effect for two weeks beginning on Friday, 8 May 2020. This guidance document describes certain special accommodations for religious worship that are set forth in the Phase One Order. This document is intended to provide helpful guidance. It does not change or override the terms of any Executive Orders. In carrying out the Phase One Order to protect members of the public, local authorities are encouraged to initially address violations with education and warnings.

Section 6 of the Phase One Order generally prohibits mass gatherings. A mass gathering is defined as an “event or convening that brings together more than ten (10) persons at the same time in a single space such as an auditorium, stadium, arena, conference room, meeting hall, or any other confined indoor or outdoor space.” However, some occurrences, including religious services, are excepted from the Order’s definition of mass gathering. As discussed below, events such as worship services and weddings may take place indoors with ten or fewer people in attendance. These events may also take place outdoors without the ten-person attendance limit, if attendees follow as much as possible the Recommendations to Promote Social Distancing and Reduce Transmissions outlined in the Phase One Order. Public health experts have concluded that conducting these activities outdoors is necessary to protect public health because there is evidence that stationary activities that occur indoors have a higher likelihood of causing transmission of COVID-19.

Outdoor Worship Services

There is no limit on the number of people that can attend outdoor worship or wedding services. Attendees should follow, as much as possible, the Recommendations to Promote Social Distancing and Reduce Transmission highlighted in the Phase One Order. Therefore, an outdoor worship service, similar to a demonstration, may be held where families (from the same household) in attendance maintain at least six feet of social distancing from other families or individuals. The event must be held in an unenclosed space (i.e. not an outdoor facility with walls). Outdoor worship services are also allowed without these restrictions where participants remain in their cars.

Indoor Worship Services

Indoor worship services and weddings are allowed for gatherings of ten people or fewer in the same confined space. However, nothing prevents an indoor worship service from being shifted to multiple services over a period of time, or held in different rooms, to meet the requirements of the Phase One Order.

In situations where it is not possible to conduct worship services outdoors or through other accommodations — such as through, for example, a series of indoor services of ten or fewer attendees, or through online services — the ten-person attendance limit on indoor worship services does not apply. For example, there may be situations in which particular religious beliefs dictate that some or all of a religious service must be held indoors and that more than ten persons must be in attendance. While indoors, participants should continue to adhere to the Recommendations to Promote Social Distancing and Reduce Transmission.

Funeral services

To promote human dignity and limit suffering, up to fifty people may attend a funeral held indoors. People meeting at a funeral should observe the Recommendations to Promote Social Distancing and Reduce Transmission set forth in the Phase One Order.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|---|--|--|---|---|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY | CIVIL RIGHTS | PRISONER PETITIONS | LABOR | FEDERAL TAX SUITS |
| <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 |
| IMMIGRATION | | | | |
| <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | | | | |

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING FOR

FILED

DATE

JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: