

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
05-CVS-15474

DIEBOLD ELECTION SYSTEMS, INC.,)
)
Plaintiff,)
)
vs.)
)
THE NORTH CAROLINA STATE)
BOARD OF ELECTIONS and THE)
NORTH CAROLINA OFFICE OF)
INFORMATION TECHNOLOGY)
SERVICES,)
)
Defendants.)

TEMPORARY RESTRAINING ORDER

This matter came on to be heard upon Plaintiff's Verified Complaint and Motion for Temporary Restraining Order. Upon consideration of the Verified Complaint and Motion for Temporary Restraining Order and the arguments of counsel, the Court finds that sufficient cause exists for entry of this order, and that counsel for Plaintiff and for Defendants appeared at the hearing. THEREFORE, it is hereby ORDERED that Plaintiff's Motion for Temporary Restraining Order be GRANTED IN PART and it is therefore ORDERED that the deadline for the submission of sealed bids in response to the Voting Machines Request for Proposal No. ITS-002724 is extended as to Diebold Election Systems, Inc. until 12:30 P.M. on Monday, November 7, 2005.

IT IS FURTHER ORDERED that Plaintiff Diebold Election Systems, Inc. and all others submitting bids in response to Proposal No. ITS-002724 shall be afforded protection from criminal and civil penalties found in N.C.G.S. § 163-165.9A(b) [Session Law 2005-323] to the

extent any such submission shall be in conflict with N.C.G.S. § 163-165.9A(a) [Session Law 2005-323] and N.C.G.S. § 163-165.7(a)(6). No bond is required.

Entered at 1:45 o'clock p.m. this, 4th day of November, 2005.


HOWARD E. MANNING, JR.
SUPERIOR COURT JUDGE PRESIDING