
**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

NO MID-CURRITUCK BRIDGE-CONCERNED CITIZENS AND VISITORS
OPPOSED TO THE MID-CURRITUCK BRIDGE; NORTH CAROLINA
WILDLIFE FEDERATION,
Plaintiffs-Appellants,

v.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION; FEDERAL
HIGHWAY ADMINISTRATION; EDWARD T. PARKER, in his official
capacity as Assistant Division Administrator, Federal Highway
Administration; ERIC BOYETTE, in his official capacity as Secretary, N.C.
Department of Transportation,
Defendants-Appellees,

and

JAMES H. TROGDON, III,
Defendant.

Appeal from the United States District Court for the
Eastern District of North Carolina
No. 2:19-cv-00014-FL (Hon. Louise W. Flanagan)

**UNOPPOSED MOTION FOR LEAVE TO FILE *AMICUS CURIAE*
BRIEF ON BEHALF OF TOWN OF SOUTHERN SHORES, TOWN OF
DUCK, COUNTY OF CURRITUCK, DARE COUNTY TOURISM
BOARD, DUCK COMMUNITY AND BUSINESS ALLIANCE, INC.
AND CURRITUCK CHAMBER OF COMMERCE, INC. IN SUPPORT
OF DEFENDANTS-APPELLEES**

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TO THE UNITED STATES COURT OF APPEALS FOR THE
FOURTH CIRCUIT:

The named *amici curiae*, the Town of Southern Shores, Town of Duck, County of Currituck, Dare County Tourism Board, Duck Community and Business, Alliance, Inc. and Currituck Chamber of Commerce, Inc. (collectively the “Amici”) hereby request leave pursuant to Fed. R. App. P., Rule 29(a)(3) to file an *amicus curiae* brief to be filed contemporaneously with this motion and in support of the Defendant-Appellees’ Response Brief filed June 6, 2022. Counsel for the parties have consented to the filing of an amicus brief on behalf of the above-stated amici, and the proposed amicus brief is timely pursuant to Fed. R. App. P., Rule 29(a)(6).

This appeal relates to the construction of the proposed Mid-Currituck Bridge. The purposes of the future Mid-Currituck Bridge are (i) to substantially improve traffic flow and reduce travel times to and from the northern Outer Banks and the Currituck County mainland; (ii) to reduce the amount of traffic coming through the towns of Southern Shores and Duck to and from the northern Outer Banks; and (iii) to substantially reduce the hurricane and disaster evacuation time for citizens of and visitors to the northern Outer Banks. The pending

litigation, at a minimum, has caused and continues to delay the construction of the Mid-Currituck Bridge to the detriment of the citizens, visitors and members of the Amici.

Amici are local governments, government entities and business entities whose citizens, visitors, constituents and members (the “Affected Parties”) will be positively affected by the construction of the proposed bridge. Without question, there is a need for the Mid-Currituck Bridge, and the proposed bridge will reduce substantial traffic congestion and hurricane evacuation times for the Amici and the Affected Parties. All of the Amici favor construction of the Mid-Currituck Bridge over other proposed alternatives, such as substantially widening US158 and NC12. The Amici and other entities expressed their support during the EIS process and have expressed continued interest via the adoption of numerous resolutions of support going back to the 1990s.

The requested *amicus curiae* brief is desirable because it will provide the Court with a concise summary of the argument supporting the affirmation of the District Court’s grant of summary judgment in favor of the Defendant-Appellees. It will further provide information on

how the construction of the proposed Mid-Currituck Bridge will meet the National Environmental Policy Act (“NEPA”), 42 USCA § 4321 et seq., stated purpose to “stimulate the health and welfare of [the citizens, visitors and members of the Amici].” Finally, it will show that the Plaintiff-Appellants’ arguments for reversal of the District Court’s grant of summary judgment are contrary to the environmental determinations of the Defendant-Appellees and fail to meet the agency determined needs for the Mid-Currituck Bridge.

For the above stated reasons, the Amici respectfully request leave to file an *amicus curiae* brief in support of the position of the Defendant-Appellees.

Respectfully submitted, this the 13th day of June 2022.

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