

North Carolina Court of Appeals

Docket Sheet

Hart, et al v. State

Case Number: P14-659

As of: 04/17/2024

Case Closed: Yes

Close Date:

Case Type: Civil (Civil_othr)

Mediation: No

HART ET AL,

PLAINTIFFS-APPELLEES,

V.

STATE OF NORTH CAROLINA, ET AL.

DEFENDANTS,

CYNTHIA PERRY, GENNELL CURRY,
THOM TILLIS, AND PHIL BERGER

INTERVENOR-DEFENDANTS-APPELLANTS.

RICHARDSON, ET AL.

PLAINTIFFS-APPELLEES,

V.

STATE OF NORTH CAROLINA, ET AL.

DEFENDANTS,

CYNTHIA PERRY, GENNELL CURRY,
THOM TILLIS, AND PHIL BERGER

INTERVENOR-DEFENDANTS-APPELLANTS.

Docket Date:		File Date:		File Time:		Acquired Date:	08-22-2014
Bond Collected:	No	Docket Fee:	No	Pauper:	No	Print Deposit:	No
						State Appeals:	No

History

Venue: Wake (10) **Heard In:** Superior Court

To SC: **From SC:**

Lower Court Number(s)

Location: Wake (10)

Judge:

Case #: 13CVS16484 13CVS16771

Tracking/Argue

Opinion**Documents**

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) PWS	08-22-2014	08-22-2014					Special Order	08-25-2014
(2) M-TEMP-STAY	08-22-2014	08-22-2014					Special Order	08-25-2014
(3) M-GEN	08-22-2014	08-22-2014					Special Order	08-25-2014
(4) M-TEMP-STAY	09-08-2014	09-05-2014			see below		Special Order	09-09-2014
(5) PWS	09-08-2014	09-05-2014		09-22-2014	see below		Special Order	09-19-2014
(6) PWS	09-08-2014	09-05-2014					Special Order	09-22-2014

1 - PWS (Special Order) - 08-25-2014

Filed: 08-22-2014 @ 16:02:08

FOR: Cynthia Perry and Gennell Curry

BY : Mr. Robert Thomas Numbers, II

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC

The following order was entered:

The motions and petition filed in this cause by defendants State of North Carolina and the North Carolina State Education Assistance Authority and Intervenor-Defendant-Appellants Cynthia Perry, Gennell Curry, Thom Tillis, and Phil Berger on 22 August 2014 and designated 'Emergency Motion for Temporary Stay Pending Appeal, Petition for Writ of Supersedeas, And Motion for Suspension of the Rules' are decided as follows: The motions and petition are hereby dismissed without prejudice to the right of the petitioners to refile them upon the entry of the superior court's order.

By order of the Court this the 25th of August 2014.

The above order is therefore certified to the Clerk of the Superior Court, Wake County.

2 - M-TEMP-STAY (Special Order) - 08-25-2014

Filed: 08-22-2014 @ 16:17:33

FOR: Cynthia Perry and Gennell Curry

BY : Mr. Robert Thomas Numbers, II

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC

The following order was entered:

The motions and petition filed in this cause by defendants State of North Carolina and the North Carolina State Education Assistance Authority and Intervenor-Defendant-Appellants Cynthia Perry, Gennell Curry, Thom Tillis, and Phil Berger on 22 August 2014 and designated 'Emergency Motion for Temporary Stay Pending Appeal, Petition for Writ of Supersedeas, And Motion for Suspension of the Rules' are decided as follows: The motions and petition are hereby dismissed without prejudice to the right of the petitioners to refile them upon the entry of the superior court's order.

By order of the Court this the 25th of August 2014.

3 - MOTION MOTION FOR SUSPENSION OF THE RULES (Special Order) - 08-25-2014

Filed: 08-22-2014 @ 16:31:23

FOR: Cynthia Perry and Gennell Curry

BY : Mr. Robert Thomas Numbers, II
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC

The following order was entered:

The motions and petition filed in this cause by defendants State of North Carolina and the North Carolina State Education Assistance Authority and Intervenor-Defendant-Appellants Cynthia Perry, Gennell Curry, Thom Tillis, and Phil Berger on 22 August 2014 and designated 'Emergency Motion for Temporary Stay Pending Appeal, Petition for Writ of Supersedeas, And Motion for Suspension of the Rules' are decided as follows: The motions and petition are hereby dismissed without prejudice to the right of the petitioners to refile them upon the entry of the superior court's order.

By order of the Court this the 25th of August 2014.

4 - M-TEMP-STAY (Special Order) - 09-09-2014

Filed: 09-08-2014 @ 08:30:40

FOR:

BY : Mr. Noah H. Huffstetler, III
NELSON MULLINS RILEY & SCARBOROUGH, LLP

The following order was entered:

The motion filed in this cause by defendant-intervenor on 5 September 2014 and designated 'Emergency Motion for Temporary Stay Pending Appeal and Petition for Writ of Supersedeas' is decided as follows. The motion for temporary stay is denied. The petition for writ of supersedeas shall be decided upon the filing of a response by plaintiff, or upon the expiration of the period for a response, if no response is filed.

By order of the Court this the 9th of September 2014.

RESPONSE TO M-TEMP-STAY

Filed: 09-08-2014

BY : Mr. Burton Craige
PATTERSON HARKAVY LLP

RESPONSE TO M-TEMP-STAY

Filed: 09-08-2014

BY : Mr. Robert F. Orr

5 - PWS (Special Order) - 09-19-2014

Filed: 09-08-2014 @ 08:31:06

FOR:

BY : Mr. Noah H. Huffstetler, III
NELSON MULLINS RILEY & SCARBOROUGH, LLP

The following order was entered:

The petition filed in this cause by defendant-intervenor on 18 March 2014 and designated 'Emergency Motion for Temporary Stay Pending Appeal and Petition for Writ of Supersedeas' is decided as follows: The petition for writ of supersedeas is allowed in part and denied in part.

Accordingly, the order entered 28 August 2014 by Judge Robert Hobgood is stayed with respect to the disbursement of funds to the 1,878 applicants who accepted Opportunity Scholarships through the Opportunity Scholarship Program as of 21 August 2014, pending the outcome of defendant-intervenor's appeal from Judge Hobgood's order declaring the program unconstitutional. Otherwise, the petition is denied, and the permanent injunction on the distribution of any other funds remains in effect.

By order of the Court this the 19th of September 2014.

The above order is therefore certified to the Clerk of the Superior Court, Wake County.

RESPONSE TO PWS

Filed: 09-12-2014

BY : Mr. Robert F. Orr

RESPONSE TO PWS

Filed: 09-12-2014

BY : Mr. Burton Craige
PATTERSON HARKAVY LLP

6 - PWS (Special Order) - 09-22-2014

Filed: 09-08-2014 @ 08:38:42

FOR:

BY : Mr. Noah H. Huffstetler, III
NELSON MULLINS RILEY & SCARBOROUGH, LLP

The following order was entered:

The petition filed in this cause by defendant-intervenors on 5 September 2014 and designated 'Emergency Motion for Temporary Stay Pending Appeal and Petition for Writ of Supersedeas' is decided as follows: The petition for writ of supersedeas is allowed in part and denied in part.

Accordingly, the order entered 28 August 2014 by Judge Robert Hobgood is stayed with respect to the disbursement of funds to the 1,878 applicants who accepted Opportunity Scholarships through the Opportunity Scholarship Program as of 21 August 2014, pending the outcome of defendant-intervenors' appeal from Judge Hobgood's order declaring the program unconstitutional. Otherwise, the petition is denied, and the permanent injunction on the distribution of any other funds remains in effect.

By order of the Court this the 22nd of September 2014.

The above order is therefore certified to the Clerk of the Superior Court, Wake County.

Financial Information

Receipts

Date Charged	Charge Type	Amount Chaged	Amount Paid	Document	Pages	Receipt #	Date Paid
08-22-2014	Pre Docket Fees	20.00	20.00			R082033614	08-22-2014

Exhibits

Parties

Party Name	Role
Perry, Cynthia	Intervenor-Appellant
Curry, Gennell	Intervenor-Appellant
Tillis, Thom	Intervenor-Appellant
Berger, Philip E.	Intervenor-Appellant

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