

# North Carolina Court of Appeals

## Docket Sheet

### Rural Empowerment Ass'n for Cmty. Help v. State of N.C.

**Case Number:** 21-175  
**As of:** 07/03/2024  
**Case Closed:** Yes      **Close Date:** 01-10-2022      **Case Type:** Civil (Tort, Contract, Real Property)      **Mediation:** No

RURAL EMPOWERMENT ASSOCIATION  
 FOR COMMUNITY HELP, et al.,  
 Plaintiffs,

v.

STATE OF NORTH CAROLINA, et al.,  
 Defendants,

**Docket Date:** 03-25-2021      **File Date:** 03-17-2021      **File Time:** 04:58      **Acquired Date:** 03-17-2021  
**Bond Collected:** Yes      **Docket Fee:** Yes      **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:** R. Stuart Albright  
**Case #:** 19CVS8198

#### Tracking/Argue

**Argue Date:** 12-01-2021 #

#### Opinion

**Opinion Date:** 12-21-2021      **Cert Date:** 01-10-2022  
**Author:** Honorable John M. Tyson  
**Decision:** Affirmed  
**Opinion Notes:**  
**Opinion Pages:** 19      **Opinion Cost:** \$ 3.80  
**Cite:**  
**Slip Opinion:** <https://appellate.nccourts.org/opinions/?c=2&pdf=40832>

#### Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
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(1) RECORD	03-17-2021	03-17-2021				03-26-2021		
(2) M-EXT-BR	04-13-2021					04-13-2021	Allowed	04-13-2021

(3) M-AMICUS	05-17-2021	05-17-2021					Allowed	05-19-2021
(4) M-AMICUS	05-17-2021	05-17-2021					Allowed	05-19-2021
(5) APPELLANT BRIEF	05-17-2021	05-17-2021				05-18-2021		
(6) AMICUS	05-17-2021	05-17-2021				05-20-2021		
(7) AMICUS	05-18-2021	05-17-2021				05-20-2021		
(8) M-EXT-BR	06-10-2021	06-10-2021					Allowed	06-10-2021
(9) APPELLEE BRIEF	07-23-2021	07-23-2021				07-23-2021		
(10) M-AMICUS	07-23-2021	07-23-2021					Allowed	07-26-2021
(11) APPELLEE BRIEF	07-23-2021	07-23-2021				07-26-2021		
(12) APPELLEE BRIEF	07-23-2021	07-23-2021				07-26-2021		
(13) AMICUS	07-23-2021	07-23-2021				08-23-2021		
(14) M-EXT-BR	07-30-2021	07-30-2021					Allowed	08-02-2021
(15) REPLY	08-19-2021	08-19-2021				08-23-2021		
(16) COURT ORDER	11-24-2021						Special Order	11-24-2021

## 1 - RECORD

Filed: 03-17-2021 @ 16:58:44

FOR: Appellant Rural Empowerment Association For Community Help, et al

BY : Ms. Elizabeth Haddix

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

## 2 - M-EXT-BR (Allowed) - 04-13-2021

Filed: 04-13-2021 @ 11:45:19

FOR: Appellant Rural Empowerment Association For Community Help, et al

BY : Ms. Elizabeth Haddix

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

The following order was entered:

The motion filed in this cause on the 13th of April 2021 and designated 'Plaintiff-Appellants' Motion for Extension of Time to File Opening Brief' is allowed. Plaintiff-Appellants' brief shall be filed on or before 17 May 2021.

By order of the Court this the 13th of April 2021.

## 3 - M-AMICUS (Allowed) - 05-19-2021

Filed: 05-17-2021 @ 16:22:36

FOR:

BY : Mr. Matthew D. Ballew

ZAYTOUN BALLEW &amp; TAYLOR, PLLC

The following order was entered:

The motion filed in this cause on the 17th of May 2021 and designated 'Motion by the North Carolina Advocates for Justice for Leave to File Amicus Curiae Brief' is allowed. The amicus curiae brief shall be printed.

By order of the Court this the 19th of May 2021.

## 4 - M-AMICUS (Allowed) - 05-19-2021

Filed: 05-17-2021 @ 17:46:12

FOR:

BY : Ms. Blakely E. Hildebrand

The following order was entered:

The motion filed in this cause on the 17th of May 2021 and designated 'Environmental Justice Community Acton Network Motion for Leave to File Amicus Brief in Support of Plaintiff-Appellants' is allowed. The amicus curiae brief shall be printed.

By order of the Court this the 19th of May 2021.

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5 - APPELLANT BRIEF  
Filed: 05-17-2021 @ 15:42:52  
FOR: Appellant Rural Empowerment Association For Community Help, et al  
BY : Ms. Elizabeth Haddix  
LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

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6 - OTHER BRIEF AMICUS  
Filed: 05-17-2021 @ 17:50:13  
FOR:  
BY : Ms. Blakely E. Hildebrand  
THE SOUTHERN ENVIRONMENTAL LAW CENTER

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7 - OTHER BRIEF AMICUS  
Filed: 05-18-2021 @ 09:45:13  
FOR:  
BY : Mr. Matthew D. Ballew  
ZAYTOUN BALLEW & TAYLOR, PLLC

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8 - M-EXT-BR (Allowed) - 06-10-2021  
Filed: 06-10-2021 @ 09:44:51  
FOR: Appellee Moore, Timothy K. (Speaker), et al  
BY : Mr. Nathan A. Huff  
PHELPS DUNBAR LLP

The following order was entered:

The motion filed in this cause on the 10th of June 2021 and designated 'Defendant-Appellees' Joint Motion for Extension of Time to File Brief' is allowed. Defendant-Appellees shall file their respective briefs on or before 23 July 2021.

By order of the Court this the 10th of June 2021.

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9 - APPELLEE BRIEF  
Filed: 07-23-2021 @ 10:42:38  
FOR: Intervenor-Appellee N.C. Farm Bureau Federation, Inc.  
BY : Mr. Christopher G. Smith  
SMITH ANDERSON BLOUNT DORSETT MITCHELL & JERNIGAN, LLP

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10 - M-AMICUS (Allowed) - 07-26-2021  
Filed: 07-23-2021 @ 15:29:48  
FOR:  
BY : Mr. Tien Cheng  
NC DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 23rd of July 2021 and designated 'North Carolina of Agriculture and Consumer Services Motion for Leave to File Amicus Brief' is allowed. Amicus Curiae brief shall be printed.

By order of the Court this the 26th of July 2021.

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11 - APPELLEE BRIEF  
Filed: 07-23-2021 @ 17:01:52  
FOR: Appellee Moore, Timothy K. (Speaker), et al  
BY : Mr. Nathan A. Huff  
PHELPS DUNBAR LLP

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12 - APPELLEE BRIEF  
Filed: 07-23-2021 @ 17:03:00  
FOR: Defendant-Appellee State of North Carolina  
BY : Mr. Matthew Tulchin  
NC DEPARTMENT OF JUSTICE

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13 - OTHER BRIEF AMICUS  
Filed: 07-23-2021 @ 15:31:18  
FOR:  
BY : Mr. Tien Cheng  
NC DEPARTMENT OF JUSTICE

14 - M-EXT-BR (Allowed) - 08-02-2021  
 Filed: 07-30-2021 @ 17:09:00  
 FOR: Appellant Rural Empowerment Association For Community Help, et al  
 BY : Ms. Elizabeth Haddix  
 LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

The following order was entered:

The motion filed in this cause on the 30th of July 2021 and designated 'Motion for Extension of Time to File Reply Brief' is allowed. Plaintiff-Appellants' reply brief shall be filed on or before 19 August 2021.

By order of the Court this the 2nd of August 2021.

15 - APPELLANT BRIEF REPLY  
 Filed: 08-19-2021 @ 17:12:44  
 FOR: Appellant Rural Empowerment Association For Community Help, et al  
 BY : Ms. Elizabeth Haddix  
 LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

16 - CT\_ORDER COURT ORDER (Special Order) - 11-24-2021  
 Filed: 11-24-2021 @ 07:44:56  
 FOR:  
 BY : Hon. Donna Stroud

The following Order was entered:

This case was originally calendared for oral argument on Wednesday, 1 December 2021 at 2:00 p.m. before a panel consisting of Judge John Tyson, Judge John Arrowood, and Judge Jefferson Griffin.

IT IS NOW ORDERED that this case shall be orally argued on Wednesday, 1 December 2021 at 2:00 p.m. before a panel consisting of Judge John Tyson, Judge Fred Gore, and Judge Jefferson Griffin.

### Financial Information

#### Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
07-23-2021	Printing	78.75	78.75	APPELLEE BRIEF	45	R072027421	07-30-2021
05-20-2021	Printing	36.75	36.75	OTHER BRIEF	21	R062001921	06-03-2021
07-26-2021	Printing	91.00	91.00	APPELLEE BRIEF	52	R082000721	08-02-2021
07-26-2021	Printing	71.75	71.75	APPELLEE BRIEF	41	R082004221	08-09-2021
05-20-2021	Printing	42.00	42.00	OTHER BRIEF	24	R052022421	05-24-2021
03-25-2021	Docket Fee	10.00	10.00			R032041821	03-25-2021
03-25-2021	Bond	250.00	250.00			R032041821	03-25-2021
03-26-2021	Printing	372.75	372.75	RECORD	213	R042010021	04-15-2021
05-18-2021	Printing	85.75	85.75	APPELLANT BRIEF	49	R052009521	05-19-2021
08-23-2021	Printing	36.75	36.75	APPELLANT BRIEF	21	R102030221	10-25-2021
01-05-2022	Assess	0.50	0.00				
09-02-2021	Printing	45.50	45.50	OTHER BRIEF	26	R102000321	10-01-2021

#### Payments

Payment Date	Payment Type	Amount	Check Number
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#### Exhibits

## Transcript(s) Electronically Filed

rural-empowerment-v-state-12-10-20-hearing.pdf  
 rural-empowerment-v-state-12-3-20-hearing.pdf  
 rural-empowerment-v-state-10-27-20-hearing.pdf  
 rural-empowerment-v-state-7-27-20-hearing.pdf

## Parties

Party Name	Role
Rural Empowerment Association For Community Help	Plaintiff-Appellant
North Carolina Environmental Justice Network	Plaintiff-Appellant
Waterkeepers Alliance	Plaintiff-Appellant
State of North Carolina	Defendant-Appellee
Moore, Timothy K. (Speaker)	Defendant-Appellee
Berger, Philip E. (Pres. Pro Tempore)	Defendant-Appellee
N.C. Farm Bureau Federation, Inc.	Intervenor-Appellee

## Attorneys

**Attorney for Appellant - Rural Empowerment Association For Community Help, et al**

Ms. Elizabeth Haddix [Primary Attorney]

Attorney at Law

emclhaddix@gmail.com

Mr. Mark Dorosin

Attorney at Law

mdorosin@lawyerscommittee.org

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

P.O. Box 956

Carrboro, NC 27510

(919) 914-6106

**Attorney for Appellant - Rural Empowerment Association For Community Help, et al**

Mr. Burton Craige [Primary Attorney]

Attorney at Law

bcraige@pathlaw.com

Mr. Narendra K. Ghosh

Attorney at Law

ngghosh@pathlaw.com

Mr. Christopher A. Brook

Attorney at Law

cbrook@pathlaw.com

PATTERSON HARKAVY LLP

100 Europa Dr., Suite 420  
Chapel Hill, NC 27517  
(919) 942-5200

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**Attorney for Defendant-Appellee - State of North Carolina**

Mr. Matthew Tulchin [Primary Attorney]

Special Deputy Attorney General

mtulchin@ncdoj.gov

Ms. Kenzie M. Rakes

Attorney

krakes@morningstarlawgroup.com

NC DEPARTMENT OF JUSTICE

P.O. Box 629

Raleigh, NC 27602

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**Attorney for -**

Mr. Tien Cheng [Primary Attorney]

Assistant Attorney General

tcheng@ncdoj.gov

NC DEPARTMENT OF JUSTICE

P.O. Box 629

Raleigh, NC 27602

(919) 707-3244

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**Attorney for Appellee - Moore, Timothy K. (Speaker), et al**

Mr. Nathan A. Huff [Primary Attorney]

Attorney at Law

nate.huff@klgates.com

Mr. Jared M. Burtner

Attorney at Law

jared.burtner@phelps.com

Mr. W. Thomas Siler, Jr. [Primary Attorney]

Attorney at Law

tommy.siler@phelps.com

4140 ParkLake Avenue

Suite 100

Raleigh, NC 27612

(601) 352-2300

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**Attorney for Appellee - Moore, Timothy K. (Speaker), et al**

Mr. Nicholas Morisani

Attorney at Law

nicholas.morisani@phelps.com

4270 1-55 North  
Jackson, MS 39211  
(601) 352-2300

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**Attorney for Intervenor-Appellee - N.C. Farm Bureau Federation, Inc.**

Mr. Christopher G. Smith [Primary Attorney]

Attorney at Law

csmith@smithlaw.com

Mr. David R. Ortiz [Primary Attorney]

Attorney at Law

dortiz@smithlaw.com

SMITH ANDERSON BLOUNT DORSETT MITCHELL & JERNIGAN, LLP

P.O. Box 2611  
Raleigh, NC 27602  
(919) 821-1220

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**Attorney for Intervenor-Appellee - N.C. Farm Bureau Federation, Inc.**

Mr. Phillip Jacob Parker, Jr. [Primary Attorney]

Secretary & General Counsel

jake.parker@ncfb.org

NORTH CAROLINA FARM BUREAU FEDERATION, INC.

P.O. Box 27766  
Raleigh, NC 27611  
(919) 987-1244

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**Attorney for -**

Mr. Matthew D. Ballew [Primary Attorney]

Attorney at Law

mballew@zaytounlaw.com

ZAYTOUN BALLEW & TAYLOR, PLLC

3130 Fairhill Drive, Suite 100  
Raleigh, NC 27612  
(919) 832-6690

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**Attorney for -**

Ms. Blakely E. Hildebrand [Primary Attorney]

Attorney at Law

bhildebrand@selcnc.org

601 West Rosemary Street  
Suite 220  
Chapel Hill, NC 27516  
(919) 967-1450

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