

IN THE SUPREME COURT OF NORTH CAROLINA

No. 299PA12

FILED 8 MARCH 2013

NICK OCHSNER

v.

ELON UNIVERSITY and NORTH CAROLINA ATTORNEY GENERAL ROY COOPER

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, \_\_\_ N.C. App. \_\_\_, 725 S.E.2d 914 (2012), affirming two orders dismissing plaintiff's complaint entered on 1 August 2011 by Judge Michael J. O'Foghludha in Superior Court, Alamance County. Heard in the Supreme Court on 13 February 2013.

*Whitley Law Firm, by Ann C. Ochsner, for plaintiff-appellant.*

*Womble Carlyle Sandridge & Rice, LLP, by Christopher W. Jones, Beth Tyner Jones, and Amanda G. Ray, for defendant-appellee Elon University.*

*Roy Cooper, Attorney General, by David L. Elliott, Assistant Attorney General, for defendant-appellee Roy Cooper.*

*Stevens Martin Vaughn & Tadych, PLLC, by C. Amanda Martin, for Boney Publishers, Inc.; The DTH Publishing Corp.; Capitol Broadcasting Company, Incorporated; and The News and Observer Publishing Company, amici curiae.*

*Teague Campbell Dennis & Gorham, LLP, by Henry W. Gorham, for North Carolina Association of Campus Law Enforcement Administrators; Fred P. Baggett, for North Carolina Association of Chiefs of Police; and Edmond W. Caldwell, Jr., General Counsel, and Julie B. Smith, Associate General Counsel, for North Carolina Sheriffs' Association, Inc., amici curiae.*

OCHSNER V. ELON UNIV.

*Opinion of the Court*

*Poyner Spruill LLP, by Edwin M. Speas, Thomas R. West, and Pamela A. Scott, for North Carolina Independent Colleges and Universities, Inc., amicus curiae.*

*Kilpatrick Townsend & Stockton LLP, by Adam H. Charnes and Richard D. Dietz, for Student Press Law Center, Reporters Committee for Freedom of the Press, Society of Professional Journalists, Investigative Reporters & Editors, Inc., and VTV Family Outreach Foundation, amici curiae.*

PER CURIAM.

Justice JACKSON took no part in the consideration or decision of this case. The remaining members of the Court are equally divided, with three members voting to affirm and three members voting to reverse the decision of the Court of Appeals. Accordingly, the decision of the Court of Appeals is left undisturbed and stands without precedential value. *See, e.g., Amward Homes, Inc. v. Town of Cary*, 365 N.C. 305, 716 S.E.2d 849 (2011); *State v. Pastuer*, 365 N.C. 287, 715 S.E.2d 850 (2011).

AFFIRMED.