

IN THE SUPREME COURT OF NORTH CAROLINA

No. 371PA18

Filed 3 April 2020

CABARRUS COUNTY BOARD OF EDUCATION

v.

BOARD OF TRUSTEES TEACHERS' and STATE EMPLOYEES' RETIREMENT SYSTEM; DALE R. FOLWELL, STATE TREASURER, in his official capacity; STEVEN C. TOOLE, DIRECTOR, RETIREMENT SYSTEMS DIVISION, in his official capacity

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous, unpublished decision of the Court of Appeals, No. COA17-1019, 2018 WL 4441260 (N.C. Ct. App. Sept. 18, 2018), affirming a judgment entered on 30 May 2017 by Judge James E. Hardin Jr., in Superior Court, Wake County. Heard in the Supreme Court on 9 December 2019.

*Michael Crowell; and Tharrington Smith, LLP, by Deborah R. Stagner and Lindsay V. Smith, for petitioner-appellee.*

*Joshua H. Stein, Attorney General, by Matthew W. Sawchak, Solicitor General, Blake W. Thomas, Deputy General Counsel, and Ryan Y. Park, Deputy Solicitor General, for respondent-appellants.*

*Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., by Elizabeth L. Troutman and Jill R. Wilson; and Allison Brown Schafer for North Carolina School Boards Association, amicus curiae.*

PER CURIAM.

For the reasons stated in *Cabarrus Cty. Bd. of Educ. v. Dep't of State Treasurer*, No. 369PA18 (N.C. Apr. 3, 2020), the decision of the Court of Appeals is affirmed.

*Opinion of the Court*

AFFIRMED.

Justice NEWBY dissents for the reasons stated in his dissenting opinion in *Cabarrus Cty. Bd. of Educ. v. Dep't of State Treasurer*, No. 369PA18 (N.C. Apr. 3, 2020).