

IN THE SUPREME COURT OF NORTH CAROLINA

No. 105PA23

Filed 13 December 2024

DEENA DIECKHAUS, GINA MCALLISTER, BRADY WAYNE ALLEN, JACORIA STANLEY, NICHOLAS SPOONEY, and VIVIAN HOOD, each individually and on behalf of all others similarly situated

v.

BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, 287 N.C. App. 396 (2023), affirming the trial court's dismissal of plaintiffs' claims on 17 June 2021 by Judge Edwin G. Wilson Jr. in Superior Court, Orange County. Heard in the Supreme Court on 22 October 2024.

*Eric M. Poulin for plaintiff-appellants.*

*Dowling PLLC, by Craig D. Schauer and Troy D. Shelton; Joshua H. Stein, Attorney General, by Laura McHenry, Special Deputy Attorney General, and Lindsay Vance Smith, Deputy Solicitor General; and Brooks, Pierce, McLendon, Humphrey & Leonard, LLP, by Jim W. Phillips Jr., Jennifer K. Van Zant, and Katarina Wong, for defendant-appellee.*

*Ellis & Winters LLP, by Steven A. Scoggan, Kyle A. Medin, and Tyler C. Jameson, for North Carolina Chamber Legal Institute, amicus curiae.*

PER CURIAM.

Justice BARRINGER did not participate 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

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Appeals. Accordingly, the decision of the Court of Appeals is left undisturbed and stands without precedential value. *See, e.g., Batson v. Coastal Res. Comm’n*, 385 N.C. 328, 892 S.E.2d 589 (2023) (per curiam) (affirming by an equally divided vote a Court of Appeals decision leaving it as law of the case without further precedential value).

AFFIRMED.