

SUPREME COURT OF NORTH CAROLINA

HOKE COUNTY BOARD OF
EDUCATION; et al., Plaintiffs

From N.C. Court of Appeals
22-86

and

From Wake
95CVS1158

CHARLOTTE-MECKLENBURG
BOARD OF EDUCATION,
Plaintiff-Intervenor

and

RAFAEL PENN, et al., Plaintiff-
Intervenors

v.

STATE OF NORTH CAROLINA
and the STATE BOARD OF
EDUCATION, Defendants

and

CHARLOTTE-MECKLENBURG
BOARD OF EDUCATION,
Realigned Defendant

ORDER

The Defendant State of North Carolina’s Motion to Suspend Appellate Rules to Expedite Decision in the Public Interest and Motion to Supplement Issues to be Briefed, Plaintiffs’ Notice of Appeal, Plaintiff-Intervenors’ (Rafael Penn, et al.) Notice of Appeal, Defendant State of North Carolina’s Notice of Appeal, and the Legislative-

Order of the Court

Intervenors' Notice of Appeal are decided as follows: This case is before the Court on the basis of the special order entered by the Court in this case on 18 March 2022 allowing Defendant State of North Carolina's Petition for Discretionary Review Prior to Determination by the Court of Appeals and Plaintiff's Petition for Discretionary Review Prior to Determination by the Court of Appeals, with Plaintiff's Notice of Appeal Based Upon a Dissent, Plaintiff's Notice of Appeal Based Upon a Constitutional Question, Plaintiff's Petition for Discretionary Review Under N.C.G.S. § 7A-31, Plaintiff's Petition in the Alternative for Writ of Certiorari to Review Order of N.C. Court of Appeals, Plaintiff-Intervenors' (Rafael Penn, et al.) Notice of Appeal Based Upon a Dissent, Plaintiff-Intervenors' (Rafael Penn, et al.) Notice of Appeal Based Upon a Constitutional Question, Plaintiff-Intervenors' (Rafael Penn, et al.) Petition for Discretionary Review Under N.C.G.S. § 7A-31, Plaintiff-Intervenors' (Rafael Penn, et al.) Petition for Writ of Certiorari to Review Order of N.C. Court of Appeals, Controller's Motion to Dismiss Appeals, Controller's Conditional Petition for Writ of Supersedeas, and Legislative-Intervenors' Motion to Dismiss Appeals filed in No. 425A21-1 having been held in abeyance by means of a special order entered by the Court in that case on 18 March 2022. The requests for authorization to brief and argue additional issues relating to the order entered by Judge Michael L. Robinson in Superior Court, Wake County, on 26 April 2022 filed by Plaintiffs; Plaintiff-Intervenors (Rafael Penn, et al.); and Defendant State of North Carolina are allowed. The parties shall, to the extent that they have not already done so, file the record on

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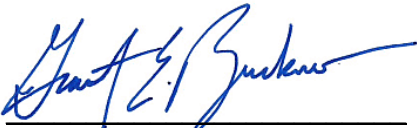
appeal by no later than 1 June 2022 or such other time as the Court may, upon motion by any party, establish; that any party's appellant brief shall be filed on or before 1 July 2022; that any party's appellee brief shall be filed on or before 1 August 2022; and that any party's reply brief shall be filed on or before 12 August 2022. This case shall be scheduled for oral argument on a date to be determined during the week of 29 August 2022, with an opinion to be filed upon a date to be chosen in the Court's discretion.

By order of the Court in Conference, this the 31st day of May 2022.

/s/Ervin, J.
For the Court

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 1st day of June 2022.




Grant E. Buckner
Clerk of the Supreme Court

Copy to:

North Carolina Court of Appeals
Hon. Robert Neal Hunter, Jr., Attorney at Law, For Combs, Linda, State Controller - (By Email)
Judge Michael L. Robinson, Attorney at Law - (By Email)
Mr. Amar Majmundar, Senior Deputy Attorney General, For State of N.C. - (By Email)
Mr. Matthew Tulchin, Special Deputy Attorney General, For State of N.C. - (By Email)
Ms. Tiffany Y. Lucas, Deputy General Counsel, For State of N.C. - (By Email)
Mr. Thomas J. Ziko, Attorney at Law, For State Board of Education - (By Email)
Mr. Neal A. Ramee, Attorney at Law, For Charlotte-Mecklenburg Schools - (By Email)
Mr. David Nolan, Attorney at Law, For Charlotte-Mecklenburg Schools - (By Email)

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Mr. H. Lawrence Armstrong, Attorney at Law, For Hoke County Board of Education, et al. - (By Email)

Ms. Melanie Black Dubis, Attorney at Law, For Hoke County Board of Education, et al. - (By Email)

Mr. Scott B. Bayzle, Attorney at Law, For Hoke County Board of Education, et al. - (By Email)

Ms. Kellie Z. Myers, Trial Court Administrator - (By Email)

Ms. Jaelyn D. Miller, Attorney at Law, For Hoke County Board of Education, et al. - (By Email)

Mr. Matthew F. Tilley, Attorney at Law, For Berger, Philip E., et al. - (By Email)

Mr. Russ Ferguson, Attorney at Law, For Berger, Philip E., et al. - (By Email)

Mr. W. Clark Goodman, Attorney at Law, For Berger, Philip E., et al. - (By Email)

Mr. David Hinojosa, Attorney at Law, For Penn, Rafael, et al. - (By Email)

Mr. Christopher A. Brook, Attorney at Law, For Penn, Rafael, et al. - (By Email)

Mr. Michael Robotti, Attorney at Law, Pro Hac Vice, For Penn, Rafael, et al. - (By Email)

N.C. Supreme Court Clerk - (By Email)

West Publishing - (By Email)

Lexis-Nexis - (By Email)