Supreme Court of North Carolina

RURAL EMPOWERMENT ASSOCIATION FOR COMMUNITY HELP, et al.

v

STATE OF NORTH CAROLINA, et al.

From N.C. Court of Appeals (21-175) From Wake (19CVS8198)

<u>ORDER</u>

Upon consideration of the notice of appeal from the North Carolina Court of Appeals, filed by the Plaintiffs on the 25th of January 2022 in this matter pursuant to G.S. 7A-30, and the motion to dismiss the appeal for lack of substantial constitutional question filed by the Defendants, the following order was entered and is hereby certified to the North Carolina Court of Appeals: the motion to dismiss the appeal is

"Allowed by order of the Court in conference, this the 13th of December 2022."

s/ Berger, J. For the Court

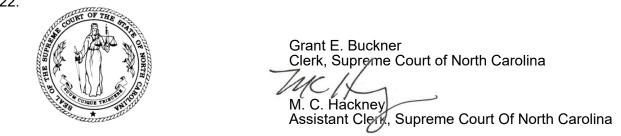
Upon consideration of the petition filed on the 25th of January 2022 by Plaintiffs in this matter for discretionary review of the decision of the North Carolina Court of Appeals pursuant to G.S. 7A-31, the following order was entered and is hereby certified to the North Carolina Court of Appeals:

"Denied by order of the Court in conference, this the 13th of December 2022."

s/ Berger, J. For the Court

Earls, J. dissenting. This petition raises significant issues of great public interest to the people of North Carolina, as it involves the constitutional rights of property owners who allege they are harmed by industrial hog farm operations. Petitioners raise fundamental constitutional questions that have not been previously decided by this Court. Our statutes provide that parties have a right to appeal in cases directly involving substantial constitutional questions. Therefore, I dissent from the Court's dismissal of this appeal without consideration of the merits and in the alternative, I dissent from the denial of the petition for discretionary review.

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 16th of December 2022.



Copy to:

North Carolina Court of Appeals

Ms. Elizabeth Haddix, Attorney at Law, For Rural Empowerment Association For Community Help, et al - (By Email) Mr. Mark Dorosin, Attorney at Law, For Rural Empowerment Association For Community Help, et al - (By Email) Mr. Burton Craige, Attorney at Law, For Rural Empowerment Association For Community Help, et al - (By Email) Mr. Narendra K. Ghosh, Attorney at Law, For Rural Empowerment Association For Community Help, et al - (By Email) Mr. Christopher A. Brook, Attorney at Law, For Rural Empowerment Association For Community Help, et al - (By Email) Mr. Matthew Tulchin, Special Deputy Attorney General, For State of North Carolina - (By Email) Ms. Kenzie M. Rakes, Assistant Attorney General, For State of North Carolina - (By Email) Mr. Nathan A. Huff, Attorney at Law, For Moore, Timothy K. (Speaker), et al - (By Email) Mr. Jared M. Burtner, Attorney at Law, For Moore, Timothy K. (Speaker), et al - (By Email) Mr. Christopher G. Smith, Attorney at Law, For N.C. Farm Bureau Federation, Inc. - (By Email) Mr. David R. Ortiz, Attorney at Law, For N.C. Farm Bureau Federation, Inc. - (By Email) Mr. Phillip Jacob Parker, Jr., Attorney at Law, For N.C. Farm Bureau Federation, Inc. - (By Email) Ms. Elizabeth M. Haddix, Attorney at Law - (By Email) West Publishing - (By Email)

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