

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)

ORDER

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.



Grant E. Buckner
Clerk, Supreme Court of North Carolina

A handwritten signature in black ink, appearing to read "M. C. Hackney".

M. C. Hackney
Assistant Clerk, Supreme Court Of North Carolina

Copy to:

North Carolina Court of Appeals

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