

Supreme Court of North Carolina

DUSTIN MICHAEL MCKINNEY, GEORGE JERMEY MCKINNEY, and JAMES ROBERT TATE, Plaintiffs

STATE OF NORTH CAROLINA, Intervenor

v

GARY SCOTT GOINS and THE GASTON COUNTY BOARD OF EDUCATION, Defendants

From N.C. Court of Appeals
(22-261)
From Wake
(21CVS7438)

ORDER

Upon consideration of the petition filed by Plaintiffs and Intervenor on the 12th of April 2022 in this matter for discretionary review under G.S. 7A-31 prior to a determination by the North Carolina Court of Appeals, the following order was entered and is hereby certified to the North Carolina Court of Appeals:

"Allowed by order of the Court in conference, this the 5th of July 2022."

s/ Ervin, J.
For the Court

Therefore the case is docketed as of the date of this order's certification. Briefs of the respective parties shall be submitted to this Court within the times allowed and in the manner provided by Appellate Rule 15(g)(1).

Newby, C.J., dissenting. This Court again allows a motion to by-pass review by the Court of Appeals. Contrary to prior practices, by-pass motions have been allowed multiple times in the last few months. There is no jurisprudential reason for allowing this motion or the others. I respectfully dissent.

Justices Berger and Barringer join in this dissent.

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 5th day of July 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

Mr. Donald S. Higley, II, Attorney at Law, For McKinney, Dustin Michael, et al - (By Email)

Ms. Lisa Lanier, Attorney at Law, For McKinney, Dustin Michael, et al - (By Email)

Mr. Robert O. Jenkins, Attorney at Law, For McKinney, Dustin Michael, et al - (By Email)

Mr. Orlando L. Rodriguez, Special Deputy Attorney General, For State of North Carolina - (By Email)

Mr. Robert J. King, III, Attorney at Law, For The Gaston County Board of Education - (By Email)

Ms. Jill R. Wilson, Attorney at Law, For The Gaston County Board of Education - (By Email)

Ms. Elizabeth L. Troutman, Attorney at Law, For The Gaston County Board of Education - (By Email)

Mr. Noah L. Hock, Attorney at Law, For The Gaston County Board of Education - (By Email)

Mr. Ryan Y. Park, Solicitor General, For State of North Carolina - (By Email)

Mr. Nicholas S. Brod, Assistant Solicitor General, For State of North Carolina - (By Email)

Mr. Zachary W. Ezor, Solicitor General Fellow, For State of North Carolina - (By Email)

West Publishing - (By Email)

Lexis-Nexis - (By Email)