

FILED

NORTH CAROLINA

COUNTY OF WAKE

WAKE CO., C.S.C.
RURAL EMPOWERMENT
ASSOCIATION FOR COMMUNITY
HELP, *et al.*,

Plaintiffs,

v.

STATE OF NORTH CAROLINA, *et al.*,

Defendants.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 19 CVS 8198

**ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS AND
DENYING PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT**

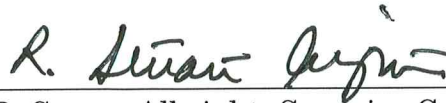
THIS MATTER came on to be heard and was heard before the undersigned upon Defendants' respective Motions to Dismiss the Complaint made pursuant to Rule 12(b)(6) of the North Carolina Rules of Civil Procedure and Plaintiffs' Motion for Summary Judgment made pursuant to Rule 56 of the North Carolina Rules of Civil Procedure.

On December 10, 2020, the Court conducted a remote hearing via WebEx; in attendance were Elizabeth Haddix and Mark Dorosin for Plaintiffs, Kenzie M. Rakes for Defendant State of North Carolina ("State Defendant"), Nathan A. Huff and W. Thomas Siler for Defendants Timothy K. Moore and Philip E. Berger ("Legislative Defendants"), and Christopher G. Smith, David R. Ortiz, and Phillip Jacob Parker, Jr. for Intervenor-Defendant North Carolina Farm Bureau Federation, Inc. ("Intervenor-Defendant"). The parties have fully and extensively briefed the respective Motions pending before this Court, and the matters were taken under advisement following the conclusion of the December 10, 2020, hearing. The parties have consented to the entry of an order on these matters out of session, out of district and out of county.

After considering the pleadings, the parties' submissions, the arguments of counsel, and the record, the Court concludes that Defendants Motions to Dismiss pursuant to North Carolina Rule of Civil Procedure 12(b)(6) should be granted. The Court also concludes that Plaintiffs' Motion for Summary Judgment pursuant to North Carolina Rule of Civil Procedure 56 should be denied as moot.

It is THEREFORE, ORDERED, ADJUDGED AND DECREED that Defendants' Motion to Dismiss is GRANTED and Plaintiffs' Complaint is hereby dismissed with prejudice. It is further ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion for Summary Judgment is DENIED as moot.

So Ordered, this the 18th day of December, 2020



R. Stuart Albright, Superior Court Judge

/s/ George C. Bell

George C. Bell, Superior Court Judge

/s/ Josephine K. Davis

Josephine K. Davis, Superior Court Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on the persons indicated below via e-mail transmission as set out in the August 19, 2020 Case Management Order, addressed as follows:

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This the 23rd day of December 2020.



Kellie Z. Myers
Trial Court Administrator
10th Judicial District