

FILED

16CV015607

STATE OF NORTH CAROLINA
COUNTY OF WAKE

2016 DEC 29 A 4 15
WAKE COUNTY, C.S.C.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
16-CVS-_____

NORTH CAROLINA STATE
BOARD OF EDUCATION,

BY _____



Plaintiff,

v.

THE STATE OF NORTH CAROLINA,
Defendant.

**CERTIFICATION OF NOTICE OF
INTENT TO SEEK TEMPORARY
RESTRAINING ORDER**

The undersigned counsel for the Plaintiff, the North Carolina State Board of Education, certify that they took the following actions to notify the Defendant, the State of North Carolina, of the Board's intent to seek a temporary restraining order:

At approximately 4:30 p.m. on December 28, 2016, the undersigned communicated with Chief Deputy Attorney General Grayson G. Kelley by e-mail and by phone to provide the State with notice that the Board intended to file the complaint in this matter on the morning of December 29, 2016, and that the Board intended to bring on for hearing a request for a temporary restraining order before The Honorable Donald W. Stephens on December 29, 2016 at 3:00 p.m. in Courtroom 10C of the Wake County Courthouse.

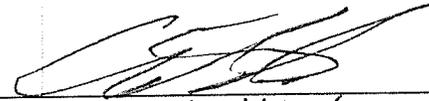
In addition, at approximately 4:45 p.m. on December 28, 2016, the undersigned communicated the same information by phone to the Office of the President Pro Tempore of the North Carolina Senate Philip E. Berger, the Office of the Speaker of the North Carolina House of Representatives Timothy K. Moore, and the Superintendent of Public Instruction-Elect Mark Johnson.

Respectfully submitted the 29th day of December, 2016.

ROBERT F. ORR, PLLC

POYNER SPRUILL LLP

By:

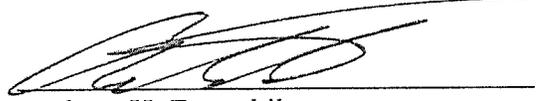


for Robert F. Orr (by AHE w/express permission)

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**COUNSEL FOR PLAINTIFF
NORTH CAROLINA STATE
BOARD OF EDUCATION**

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**COUNSEL FOR PLAINTIFF
NORTH CAROLINA STATE
BOARD OF EDUCATION**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served by hand-delivery to the following:

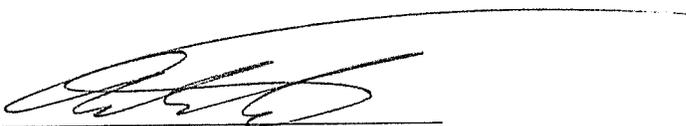
State of North Carolina
c/o Grayson G. Kelley
Chief Deputy Attorney General
North Carolina Attorney General's Office
114 W Edenton Street
Raleigh, North Carolina 27603

The Honorable Philip E. Berger
President Pro Tempore of the North Carolina Senate
Legislative Building
16 W. Jones Street, Room 2007
Raleigh, North Carolina 27601

The Honorable Timothy K. Moore
Speaker of the North Carolina House of Representatives
Legislative Building
16 W. Jones Street, Room 2304
Raleigh, North Carolina 27601

Mark Johnson
2680 Arbor Place Ct.
Winston-Salem, North Carolina 27104

This the 29th day of December, 2016.



Andrew H. Erteschik