

December 29, 2016

VIA HAND-DELIVERY

The Honorable Donald W. Stephens
Senior Resident Superior Court Judge
Wake County Superior Court
316 Fayetteville St, 10th Floor
Raleigh, NC 27601

Andrew H. Erteschik
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**RE: *State Board of Education v. State of North Carolina*
Complaint and Motion for TRO**

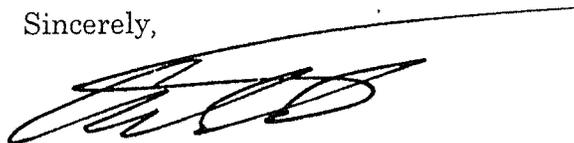
Judge Stephens:

Bob Orr and I represent the State Board of Education in the above-referenced case, which was filed moments ago. This case is a constitutional challenge to legislation that attempts to transfer the State Board of Education's constitutional powers and duties to the Superintendent of Public Instruction. Without a TRO, the majority of the legislation, which was enacted in the recent special session, would take effect this Sunday, January 1, 2017.

We understand from the Trial Court Administrator that Your Honor is available to hear our request for a TRO this afternoon at 3:00 p.m. in courtroom 10-C. Of course, if Your Honor would prefer to hear this matter sooner, we are at the Court's service.

We have enclosed for your consideration the complaint and motion for preliminary injunctive relief, as well as a certification of notice of intent to seek a TRO. We look forward to appearing before you, and we thank you in advance for your consideration.

Sincerely,



Andrew H. Erteschik
Partner

cc: Grayson G. Kelly (via hand-delivery and e-mail)
The Honorable Philip E. Berger (via hand-delivery)
The Honorable Timothy K. Moore (via hand-delivery)
Mark Johnson (via hand-delivery)