

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
95 CVS 1158

HOKE COUNTY BOARD OF
EDUCATION, et al.,

Plaintiffs,

and

CHARLOTTE-MECKLENBURG
BOARD OF EDUCATION,

Plaintiff-Intervenor

and

RAFAEL PENN, et al.,

Plaintiff-Intervenors

v.

SUPPLEMENTAL BRIEFING ORDER

STATE OF NORTH CAROLINA and
the STATE BOARD OF
EDUCATION,

Defendant

and

CHARLOTTE-MECKLENBURG
BOARD OF EDUCATION,

Realigned Defendant

and

PHILIP E. BERGER, in his official
capacity as President *Pro Tempore* of
the North Carolina Senate, and
TIMOTHY K. MOORE, in his official
capacity as Speaker of the North
Carolina House of Representatives,

Intervenor-Defendants.

1. **THIS MATTER** is before the Court sua sponte following a status conference with counsel for the parties on 24 March 2022, (*see* Notice of Conf., ECF

No. 2), and the entry of the Court's Scheduling Order and Notice of Hearing (the "Scheduling Order") (ECF No. 5).

2. During the 24 March conference, the Court discussed with the parties the issues to be considered by the Court following issuance of the Orders of the North Carolina Supreme Court on 21 March 2022.

3. In order to assist counsel in determining what issues to be included in their briefs to the Court as set forth in the Scheduling Order, the Court requests that, in addition to other issues one or more of the parties believes is relevant to this Court's compliance with the Supreme Court's Order of Remand, the parties provide to the Court in their filings, information (in the form of admissible evidence) and legal argument regarding the following subjects:

- a. The amount of the funds appropriated in the 2021 Appropriations Act, 2021 N.C. Sess. Laws 180, that directly fund the various programs and initiatives called for in the Comprehensive Remedial Plan;
- b. The amount of funds remaining in the General Fund currently both in gross and net of appropriations in the 2021 Appropriations Act;
- c. The effect of the appropriations in the 2021 Appropriations Act on the ability of the Court to order the Legislature to transfer funds to the Department of Health and Human Services, Department of Public Instruction, and the University of North Carolina System. *See Richmond Cty. Board of Education v. Cowell*, 254 N.C. App. 422 (2017).

SO ORDERED, this the 25th day of March, 2022.

/s/ Michael L. Robinson

Michael L. Robinson
Special Superior Court Judge
for Complex Business Cases