

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CASE NO. 20-CVS-8346

TAMIKA WALTER KELLY, et al.)
)
 PLAINTIFFS,)
)
 v.)
)
 THE STATE OF NORTH)
 CAROLINA, et al.)
)
 DEFENDANTS,)
)
)

**NONPARTY SCHOOLS’ MOTION
TO HAVE THREE-JUDGE PANEL
HEAR THEIR MOTION FOR
RELIEF FROM ORDER, OR
IN THE ALTERNATIVE, MOTION
FOR REVISION OF ORDER, AND
MOTION FOR SANCTIONS**
(N.C. Gen. Stat. § § 1-267.1 and 1A-1,
Rule 42(b)(4))

Non-party Subpoena Recipients Bethesda Christian Academy, Cresset Christian Academy, Fellowship Baptist Academy, Gorman Christian Academy, Liberty Christian Academy, and Mount Zion Christian Academy, Berean Baptist Academy, Fayetteville Christian School, Trinity Christian School of Fayetteville, Inc., Bal Perazim Christian Academy, Cornerstone Christian Academy, Cumberland County Christian School, Destiny Now Academy, Falcon Christian Academy, Greater Fayetteville Adventist Academy, and Riverside Christian Academy (collectively, “Movants”), by and through the undersigned counsel, respectfully move the Senior Resident Superior Court Judge of Wake County pursuant to N.C. Gen. Stat. §§ 1-267.1 and 1A-1, Rule 42(b)(4) to transfer to a three-judge panel for resolution Movants’ May 1, 2023 motion to set aside: (1) the Order Granting Plaintiff’s Amended

Motion to Compel and Denying Third-Party Subpoena Recipients' Motion For Protective Order and Motion to Quash filed in this matter in Durham County on October 12, 2021 (the “Durham Order”) and (2) the Order Denying Third-Party Subpoena Recipients Motion to Quash filed in this matter in Cumberland County on February 15, 2022 (the “Cumberland Order”), pursuant to North Carolina Rule of Civil Procedure 60(b)(5), or in the alternative Rule 54(b), and for the imposition of sanctions pursuant to Rule 45 (c)(1).

Respectfully submitted, this is the 13th day of July, 2023.

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document has been sent to the attorneys below, per agreement among the parties by e-mail to the addresses below on this the 13th day of July, 2023.

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