

NORTH CAROLINA  
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
20 CVS 8346

TAMIKA WALTER KELLY,  
KRISTY MOORE,  
AMANDA HOWELL,  
KATE MEININGER,  
ELIZABETH MEININGER,  
JOHN SHERRY, AND  
RIVCA RACHEL SANOGUEIRA,

Plaintiffs,

v.

THE STATE OF NORTH CAROLINA,  
and NORTH CAROLINA STATE  
EDUCATION ASSISTANCE  
AUTHORITY

Defendants.

PHILIP E. BERGER, *in his official  
capacity*, and TIMOTHY K. MOORE,  
*in his official capacity*

Legislative Intervenor-  
Defendants

JANET NUNN,  
CHRISTOPER and NICHOLE  
PEEDIN, and  
KATRINA POWERS

Intervenor-Defendants

**WITHDRAWAL OF  
NOTICE OF APPEAL**

Pursuant to the Parties' settlement agreement, Bethesda Christian Academy, Cresset Christian Academy, Fellowship Baptist Academy, Gorman Christian Academy, Liberty Christian Academy, 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 (the “Schools”) hereby withdraw their notice of appeal filed on 1 December 2023.

Respectfully submitted,

1 December 2023

STAM LAW FIRM, PLLC

/s/ R. Daniel Gibson  
R. Daniel Gibson  
N.C. State Bar No. 49222  
510 W. Williams Street  
Apex, NC 27502  
Tel: 642-8977  
Fax: 919-387-7329  
Dan@stamlawfirm.com

CERTIFICATE OF SERVICE

I certify that I have this day served all parties with a copy of the foregoing,  
proper postage paid, addressed as follows:

Matthew F. Tilley  
Email: matthew.tilley@wbd-us.com  
Russ Ferguson  
Email: russ.ferguson@wbd-us.com  
WOMBLE BOND DICKINSON (US) LLP  
301 S. College Street, Suite 3500  
Charlotte, NC 28202  
Tel: 704-350-6361

Brian K. Kelsey  
Email: bkelsey@libertyjusticecenter.org  
Daniel R. Suhr  
Email: dsuhr@libertyjusticecenter.org  
LIBERTY JUSTICE CENTER  
208 S. LaSalle Street, Suite 1690  
Chicago, IL 60604  
Tel: 312-637-2280

*Attorneys for Intervenor-Defendants*

***Philip E. Berger and Timothy K. Moore***

John E. Branch, III  
Email: john.branch@nelsonmullins.com  
Andrew D. Brown  
Email: andrew.brown@nelsonmullins.com  
Nelson Mullins Riley & Scarborough, LLP  
4140 Parklake Avenue, 2<sup>nd</sup> Floor  
Raleigh, NC 27612  
Tel: 919-329-3800  
Fax: 919-329-3799

Marie Miller *Pro Hac Vice*  
Institute for Justice  
901 N. Glebe Road, Suite 900  
Arlington, VA 22203  
Email: mmiller@ij.org  
Tel: 703-682-9320  
Fax: 703-682-9231

Ari Bargil *Pro Hac Vice*  
2 South Biscayne Blvd., Suite 3180  
Miami, FL 33151  
Email: abargil@ij.org  
Tel: 305-721-1600  
Fax: 305-721-1601

Michael Bindas *Pro Hac Vice*  
600 University Street, Suite 1730  
Seattle, WA 98101  
Email: mbindas@ij.org  
Tel: 206-957-1300  
Fax: 206-957-1301

***Attorneys for Intervenor-Defendants Janet Nunn,  
Christopher and Nichole Peedin and Katrina Powers***

Christopher A. Brook  
Email: cbrook@pathlaw.com  
Burton Craige  
Email: bcraige@pathlaw.com  
Paul E. Smith  
Email: psmith@pathlaw.com  
Narendra K. Ghosh  
Email: nghosh@pathlaw.com  
Trisha S. Pande  
Email: tpande@pathlaw.com  
100 Europa Drive, Suite 420  
Chapel Hill, NC 27517  
Tel: 919-942-5200  
Fax: 866-397-8671

***Attorneys for Plaintiffs***

Joshua H. Stein  
Attorney General  
Laura H. McHenry  
Special Deputy Attorney General  
Email: lmchenry@ncdoj.gov  
Tamika L. Henderson  
Special Deputy Attorney General  
Email: tlhenderson@ncdoj.gov  
North Carolina Department of Justice  
P.O. Box 629  
Raleigh, NC 27602  
Tel: 919-716-6900  
Fax: 919-716-6763  
*Attorneys for State Defendants*

1 December 2023

STAM LAW FIRM, PLLC

/s/ R. Daniel Gibson  
R. Daniel Gibson  
*Attorneys for Schools*