

NORTH CAROLINA )  
WAKE COUNTY )

IN THE GENERAL COURT OF )  
JUSTICE )  
SUPERIOR COURT DIVISION )  
WAKE CTY: 24 CV 013410-910 )  
RANDOLPH CTY: 23 CVS 1479 )

RANDOLPH COUNTY BOARD OF )  
EDUCATION, ex rel JONATHAN )  
BURRIS, )

Plaintiff )

vs. )

**PLAINTIFF'S MOTION FOR )  
SUMMARY JUDGMENT )**

JOSH STEIN, in his official capacity )  
as North Carolina Attorney General, )  
NELS ROSELAND, in his official )  
capacity as North Carolina )  
Controller, ROY COOPER in his )  
official capacity as North Carolina )  
Governor. )

Defendants. )

Plaintiff, Randolph County Board of Education, ex rel Jonathan Burris, moves for Summary Judgment pursuant to Rule 56 of the Rules of Civil Procedure on the grounds that the materials listed below (and any others submitted by Defendants) demonstrate that there is no genuine issue of material fact and that Plaintiff is entitled to judgment as a matter of law. Materials submitted include:

1. The Complaint, as amended and as verified.
2. The Defendants' Memorandum in Support of its Amended Motion to Dismiss served April 3, 2024 attached as Exhibit A to this Motion.

3. Plaintiff's demand on the Randolph County School Board dated April 17, 2023 verified by affidavit of Jonathan Burris, attached as Exhibit B to this Motion.
4. Certified copy by the Clerk of the Randolph County Board of Education's resolution denying the Demand of Relator, Jonathan Burris, attached as Exhibit C to this Motion.

The following responses of the Defendant's to Plaintiff's interrogatories:

5. Plaintiff's 1<sup>st</sup> Set of Interrogatories #5, Plaintiff asked, "What is the total Agreement funds deposited by the Attorney General into the State Treasury from 1 July, 2019 through 30 November, 2023. See Complaint paragraph 15."

Defendants answered "[T]he Attorney General has deposited a total of \$10,224,567.98 into Fund 2204 Smithfield EEG of the State Treasury for fiscal years 2019-20, 2020-21, 2021-22, 2022-23, and 2023-24 up to and including November 30, 2023."

6. Plaintiff's 1<sup>st</sup> Set of Interrogatories #6, asked, "What is the total amount the Attorney General or the Department of Justice 'requisitioned' or otherwise received from the State Treasury from 1 July, 2019 to 30 November, 2023. See Complaint paragraph 1."

Defendants answered, "... \$5,162,604.75 has been disbursed from Fund 2204 Smithfield EEG for fiscal years 2019-20, 2020-21, 2021-22, 2022-23, and 2023-24 up to and including November 30, 2023."

and Defendants' responses:

















































































