

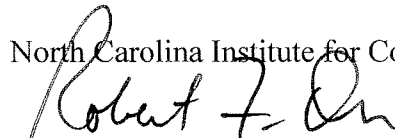
they relate to the North Carolina and the U.S. Constitutions. Specific issues that NCICL may address through public interest litigation include business subsidies and other targeted incentives for designated corporations, unconstitutional tax policies, and taxpayer funding for programs or activities beyond the State's proper constitutional scope.

Amicus NCICL has a direct interest in North Carolina's standing requirement in that standing, especially taxpayer standing and constitutional standing, is the gateway to all cases NCICL has initiated or may initiate in the future. In the event this Court grants review of this case, the resulting decision may either expand or restrict citizens' opportunity to challenge the constitutionality of actions by state and local government. This case involves legal principles of major significance to the jurisprudence of North Carolina. Accordingly, given *amicus's* direct interest in the proper resolution of those issues, it desires to file a brief *amicus curiae* should the Court grant review of the above-referenced case. In view of the nature and significance of this case for officials and the citizens of the State of North Carolina, *amicus* respectfully submits that the issues to be addressed in the brief may assist the Court in its consideration of the appeal.

For the foregoing reasons, *amicus* respectfully requests that this Motion for Leave to File Brief *Amicus Curiae* be granted.

This the 9 day of November, 2005.

North Carolina Institute for Constitutional Law



Robert F. Orr (State Bar No. 6798)
Pamela B. Cashwell (State Bar No. 19542)
Jeanette Doran Brooks (State Bar No. 29127)
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Raleigh, North Carolina 27619
Phone: (919) 838-5313
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was served upon counsel of record by depositing a true copy thereof in the United States Mail, first class postage prepaid, addressed as follows:

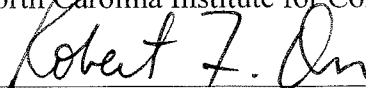
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Special Litigation Section
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This the 9 day of November, 2005.

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SUPREME COURT OF NORTH CAROLINA

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3 March 2006

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Attorney at Law
N.C. Institute for Constitutional Law
225 Hillsborough Street
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Raleigh, NC 27619

From NC Court of Appeals
(COA04-593)
From Wake
(02CVS015253)

Re: Goldston & Harrington v State & Easley - No. 328PA04-2

Dear Mr. Orr:

The following order has been entered on the motion filed on the 9th day of November 2005 by N.C. Institute for Constitutional Law for leave to file Amicus Curiae Brief :

"Motion Allowed. Unless already submitted, the Amicus Brief shall be submitted to the court within the times allowed and in the manner provided by Appellate Rule 28(i). By order of the Court in conference this the 2nd day of March 2006.

s/ Timmons-Goodson, J.
For the Court"

Very truly yours,

Christie Speir Cameron
Clerk of Supreme Court


Shaula A. Brannan
Assistant Clerk

Copy to:

West Publishing (by E-Mail)

Lexis-Nexis (by E-Mail)

LOIS Law (by E-Mail)

Mr. Ralph A. White, Appellate Reporter (By E-Mail)

Mr. R. Daniel Boyce, Attorney at Law, For Goldston and Harrington

Mr. G. Eugene Boyce, Attorney at Law, and Mr. Philip R. Isley, Attorney at Law, for Goldston and Harrington

Mr. Anthony M. Brannon, Attorney at Law, For Goldston and Harrington

Mr. John Maddrey, Special Deputy Attorney General, For State of NC

Ms. Norma S. Harrell, Special Deputy Attorney General, for the State

Ms. Norma S. Harrell, Special Deputy Attorney General, For State (by E-Mail)

Ms. Pamela B. Cashwell, Attorney at Law, for NCICL

Ms. Jeanette Doran Brooks, Attorney at Law, for NCICL

SUPREME COURT OF NORTH CAROLINA

(Goldston & Harrington v State & Easley)

W.D. GOLDSTON, JR. JAMES E. HARRINGTON, and citizens, taxpayers and bondholders similarly situated

v

STATE OF NORTH CAROLINA and MICHAEL F. EASLEY, Governor, individually and in his official capacity

From NC Court of Appeals
 (COA04-593)
 From Wake
 (02CVS015253)

ORDER

Upon consideration of the notice of appeal from the North Carolina Court of Appeals, filed by the Plaintiffs on the 25th day of October 2005 in this matter pursuant to G.S. 7A-30, and the motion to dismiss the appeal for lack of substantial constitutional question filed by the Defendants, the following order was entered and is hereby certified to the North Carolina Court of Appeals: the motion to dismiss the appeal is

"Allowed by order of the Court in conference, this the 2nd day of March 2006.

**s/ Timmons-Goodson, J.
 For the Court"**

Upon consideration of the petition filed on the 25th day of October 2005 by Plaintiffs in this matter for discretionary review of the decision of the North Carolina Court of Appeals pursuant to G.S. 7A-31, the following order was entered and is hereby certified to the North Carolina Court of Appeals:

"Allowed by order of the Court in conference, this the 2nd day of March 2006.

**s/ Timmons-Goodson, J.
 For the Court"**

Upon consideration of the petition filed on the 25th day of October 2005 by Plaintiffs in this matter for discretionary review of constitutional issues of the North Carolina Court of Appeals pursuant to G.S. 7A-31, the following order was entered and is hereby certified to the North Carolina Court of Appeals:

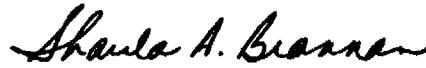
"Denied by order of the Court in conference, this the 2nd day of March 2006.

**s/ Timmons-Goodson, J.
 For the Court"**

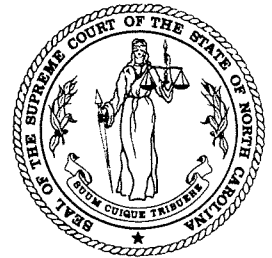
Therefore the case is docketed as of the date of this order's certification. Briefs of the respective parties shall be submitted to this Court within the times allowed and in the manner provided by Appellate Rule 15(g)(2).

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 3rd day of March 2006.

Christie Speir Cameron
Clerk, Supreme Court of North Carolina



Shaula A. Brannan
Assistant Clerk



Copy to:

North Carolina Court of Appeals

Mr. Ralph A. White, Appellate Reporter (By E-Mail)

Mr. R. Daniel Boyce, Attorney at Law, For Goldston and Harrington

Mr. G. Eugene Boyce, Attorney at Law, and Mr. Philip R. Isley, Attorney at Law, for Goldston and Harrington

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