

STATE OF NORTH CAROLINA
COUNTY OF WAKE

2006 APR 10
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IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
05 CVS 17197

CHARLES HEATHERLY; THOMAS
SPAMPINATO; W. EDWARD GOODALL, JR.;
PAUL STAM; WAKE COUNTY TAXPAYERS
ASSOCIATION; and THE NORTH CAROLINA
FAMILY POLICY COUNCIL,

Plaintiffs,

WILLIS WILLIAMS; NORTH CAROLINA
FAIR SHARE; and NORTH CAROLINA
COMMON SENSE FOUNDATION,

Plaintiff-Intervenors,

v.

**DEFENDANTS'
NOTICE OF APPEAL**

STATE OF NORTH CAROLINA; CHARLES A.
SANDERS, BRYAN E. BEATTY, LINDA
CARLISLE, ROBERT A. FARRIS, JR., JOHN R.
MCARTHUR, JIM WOODWARD, and
ROBERT W. APPLETON, Members of the North
Carolina Lottery Commission, in their official
capacity; NORTH CAROLINA LOTTERY
COMMISSION; THOMAS N. SHAHEEN,
Executive Director of the North Carolina
Education Lottery, in his official capacity;
MICHAEL F. EASLEY, Governor of the State of
North Carolina, in his official capacity;
RICHARD H. MOORE, Treasurer of the State of
North Carolina, in his official capacity,

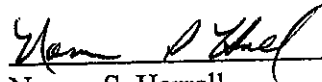
Defendants.

NOW COME all the defendants to this action, by and through their undersigned counsel, and
hereby give notice of appeal to the North Carolina Court of Appeals from the Order on Motion for

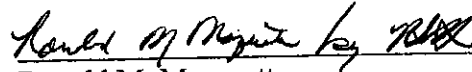
Dismissal under Rules 12(b)(1), (2), and (6) entered in this case in the Wake County Superior Court on 15 February 2006.

Respectfully submitted, this the 10th day of April, 2006.

ROY COOPER
Attorney General



Norma S. Harrell
Special Deputy Attorney General
State Bar No. 6654
E-mail: nharrell@ncdoj.com



Ronald M. Marquette
Special Deputy Attorney General
State Bar No. 5739
E-mail: rmarq@ncdoj.com

N.C. Department of Justice
114 W. Edenton Street
Post Office Box 629
Raleigh, North Carolina 27602
Telephone: (919) 716-6900
Fax: (919) 716-6763

Counsel for the Defendants

CERTIFICATE OF SERVICE

I do hereby certify that I have served a copy of the foregoing in the above titled action upon all other parties to this cause by:

- Transmitting a copy hereof to each said party via facsimile transmittal; and
- Depositing a copy hereof, first class postage pre-paid in the United States mail, properly addressed to:


Robert F. Orr
Pamela B. Cashwell
Jeanette Doran Brooks
NORTH CAROLINA INSTITUTE FOR
CONSTITUTIONAL LAW
225 Hillsborough Street, Suite 280
Raleigh, NC 27619
Attorney for Plaintiffs

Fax #: 838-5316

Jack Holtzman, Esq.
NORTH CAROLINA JUSTICE CENTER
224 South Dawson Street
P.O. Box 28068
Raleigh, NC 27611
Attorney for Plaintiff-Intervenor applicants

Fax #: 856-2175

This the 10th day of April, 2006.



Norma S. Harrell
Special Deputy Attorney General