

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
09-CVS-23289

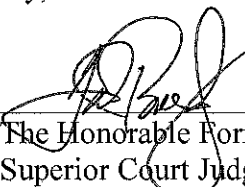
SUGAR CREEK CHARTER SCHOOL, )  
INC., et al., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
STATE OF NORTH CAROLINA, et al., )  
 )  
Defendants. )

**ORDER**

This matter came before the undersigned by mutual agreement of the parties during the May 3, 2010 term of court on Defendants' Motions to Dismiss pursuant to N. C. R. Civ. P. 12(b)(6). Plaintiffs were represented by Robert Orr and Jason Kay. Defendant State of North Carolina was represented by Mark Davis. The County Defendants (the Counties of Mecklenburg, Rutherford, Union, Edgecombe, Nash, Halifax, and Cleveland) were represented by Matthew Little. The Board of Education Defendants (the Charlotte-Mecklenburg Board of Education, Union County Board of Education, Nash-Rocky Mount Board of Education, Halifax County Board of Education, Edgecombe County Board of Education, Rutherford County Board of Education, and Cleveland County Board of Education) were represented by Robert King and Julia Ambrose.

Having considered the First Amended Complaint, the briefs and authorities submitted by the parties, and the arguments of counsel, the Court has determined that the First Amended Complaint fails to state a claim upon which relief can be granted under either the statutory or constitutional claims contained in Plaintiffs' First Amended Complaint and that the Defendants' Motions to Dismiss should be granted. Accordingly, it is hereby ORDERED that Plaintiffs' claims are hereby DISMISSED for failure to state a claim upon which relief can be granted, pursuant to N. C. R. Civ. P. 12(b)(6).

SO ORDERED, this the 25th day of May, 2010.

  
The Honorable Forrest Donald Bridges  
Superior Court Judge Presiding