

CHARLES HEATHERLY; THOMAS SPAMPINATO; W. EDWARD GOODALL, JR.; PAUL STAM; WAKE COUNTY TAXPAYERS ASSOCIATION; and THE NORTH CAROLINA FAMILY POLICY COUNCIL, Petitioner-Appellants; WILLIS WILLIAMS; and NORTH CAROLINA COMMON SENSE FOUNDATION, Petitioner-Intervenor-Appellants v 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

No. 317P06

SUPREME COURT OF NORTH CAROLINA

639 S.E.2d 649; 2006 N.C. LEXIS 1320

December 14, 2006, Decided

NOTICE: [**1] DECISION WITHOUT PUBLISHED OPINION

OPINION BY: Timmons-Goodson

PRIOR HISTORY: From NC Court of Appeals. (06-770). From Wake. (05CVS17197).

OPINION

[*650] **ORDER**

COUNSEL: Mr. Robert F. Orr, Attorney at Law, For Charles Heatherly, et al.

[**2] Upon consideration of the petition filed by Petitioners and Petitioner Intervenor on the 15th day of June 2006 in this matter for discretionary review under *G.S. 7A-31* prior to a determination by the North Carolina Court of Appeals, the following order was entered and is hereby certified to the North Carolina Court of Appeals:

Ms. Jeanette D. Brooks, Attorney at Law, for Heatherly, et al.

"Denied by order of the Court in conference, this the 14th day of December 2006.

Mr. Jack Holtzman, Attorney at Law, For Willis Williams, et al.

s/ Timmons-Goodson, J.

Ms. Norma S. Harrell, Special Deputy Attorney General, For State of NC, et al.

For the Court"

JUDGES: Timmons-Goodson, J.