

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

FILED
2008 MAR 29 PM 12:55
5 CVS 17197
WAKE COUNTY, O.S.C.

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

BY _____

Plaintiffs,)
and)

WILLIS WILLIAMS, NORTH)
CAROLINA FAIR SHARE, NORTH)
CAROLINA COMMON SENSE)
FOUNDATION,)

PLAINTIFFS'
NOTICE OF APPEAL

Plaintiff-Intervenors,)

v.)

THE 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.

Plaintiffs, by and through the undersigned counsel, pursuant to Rule 3 of the North Carolina Rules of Appellate Procedure, hereby respectfully give notice of appeal to the North Carolina Court of Appeals from the Order entered in Wake County Superior Court on March 21,

FILED
2008 MAR 29 PM 12:55
WAKE COUNTY, O.S.C.
BY _____

2006, by the Honorable Henry W. Hight, Jr., entering judgment in favor of the Defendants as to all claims, dismissing Plaintiffs' and Plaintiff-Intervenors' complaints and taxing costs of the lawsuit upon Plaintiffs and Plaintiff-Intervenors.

This the 21 day of March, 2006.

NORTH CAROLINA INSTITUTE FOR
CONSTITUTIONAL LAW
225 Hillsborough Street, Suite 280
Raleigh, NC 27619
Telephone: (919) 838-5313
Facsimile: (919) 838-5316



Robert F. Orr (N.C. Bar No. 6798)

Jeanette Doran Brooks (N.C. Bar No. 29127)

Counsel for Plaintiffs Charles Heatherly, Thomas Spampinato; W. Edward Goodall, Jr.; Paul Stam; Wake County Taxpayers Association; and the North Carolina Family Policy Council

CERTIFICATE OF SERVICE


The undersigned hereby certifies that he has this day served a copy of the foregoing document upon all parties to this action by facsimile transmission and by placing a copy of same in the United States mail, postage prepaid, addressed as follows:

Norma S. Harrell, Special Deputy Attorney General
Ronald M. Marquette, Special Deputy Attorney General
Post Office Box 629
114 W. Edenton Street
Raleigh, North Carolina 27602
Counsel for Defendants

Jack Holtzman, Esq.
North Carolina Justice Center
P.O. Box 28068
Raleigh, NC 27611
Counsel for Plaintiff-Intervenors

This 29 day of March, 2006.

NORTH CAROLINA INSTITUTE FOR
CONSTITUTIONAL LAW
225 Hillsborough Street, Suite 280
Raleigh, NC 27619
Telephone: (919) 838-5313
Facsimile: (919) 838-5316



Jeanette Doran Brooks (N.C. Bar No. 29127)