

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.)

**JOINT MOTION FOR DESIGNATION
AS AN EXCEPTIONAL CASE AND
APPOINTMENT OF A DESIGNATED
SUPERIOR COURT JUDGE**

NOW COME all parties to this action, by and through counsel, and respectfully request that the Honorable Robert P. Johnston, Senior Resident Superior Court Judge for Mecklenburg County, recommend to the Chief Justice of the Supreme Court of North Carolina that this case be designated an exceptional civil case pursuant to Rule 2.1 of the General Rules of Practice for the Superior and District Courts, and that this case be assigned to Judge Forrest D. Bridges to preside over all hearings, motions, pre-trial conferences, and any trial in this matter. In support of this motion, the parties show the Court the following:

1. Plaintiffs' Complaint alleges that the statutes enacted by the General Assembly setting out the funding mechanism for charter schools are unconstitutional.

2. There are fifteen total defendants, including the State of North Carolina along with a number of local school boards and counties located throughout North Carolina. There are sixty-three total plaintiffs, including charter school students, their parents, and their charter schools located throughout North Carolina.

3. Each of the Defendants has filed Motions to Dismiss pursuant to Rule 12 of the North Carolina Rules of Civil Procedure.

4. This case involves significant constitutional issues. The parties jointly believe that the resolution of these issues would be best served by appointment of a designated Superior

Court Judge.

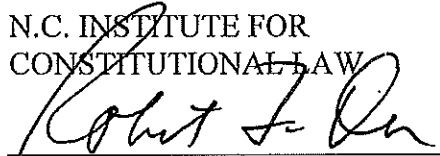
5. Moreover, the efficient administration of justice would likewise be furthered because a single Judge could more expeditiously hear and rule upon motions and other issues as they arise, bearing a thorough knowledge of the history of the case and of the questions presented for judicial resolution.

6. Counsel for all parties respectfully request that the Honorable Forrest D. Bridges be designated as the Rule 2.1 Judge for this matter. The undersigned counsel have consulted with Judge Bridges, who has stated that he consents to and will accept the designation requested herein.

WHEREFORE, the parties respectfully request that this Court recommend to the Chief Justice that the present case be designated as an exceptional case pursuant to Rule 2.1 of the General Rules of Practice and that this case be assigned to Superior Court Judge Forrest D. Bridges for all further matters.


This the 8th day of January, 2010.

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