09C7018806

STATE OF NORTH CAROLINA COUNTY OF WAKE	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
JASON R. SAINE; and DONALD D. REID, Plaintiffs, v. STATE OF NORTH CAROLINA; BEVERLY PERDUE, Governor of the State of North Carolina, in her official capacity; J. KEITH CRISCO, Secretary of the North Carolina Department of Commerce, in her official capacity; JOHNSON AND WALES UNIVERSITY, Defendants.	COMPLAINT AND PETITION FOR DECLARATORY JUDGMENT

FILED
2009 SEP 16 PM 12:28
WAKE COUNTY, C.S.C.

Plaintiffs, by and through undersigned counsel, complaining of the Defendants, allege and say,

INTRODUCTION

1. This action is brought pursuant to the Uniform Declaratory Judgment Act, N.C. GEN. STAT.§ 1-253 to challenge the constitutionality of certain appropriations by the General Assembly to Johnson and Wales University, a private, nonprofit culinary school, in connection with its location in Charlotte, North Carolina.

2. This action arises from multiple pieces of legislation adopted by the North Carolina General Assembly beginning in 2003 providing millions of dollars in cash grants to Johnson and Wales. Such legislation was the result of, among other things, a commitment by then Speaker of the North Carolina House of Representatives Jim Black to provide $10 million of state funds to support Johnson and Wales' relocation to and expansion in Charlotte, North