

FILED

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
COUNTY OF WAKE 2012 DEC 18 PM 4: 54 09 CVS 404

NORTH CAROLINA ASSOCIATION )  
OF EDUCATORS, INC., NASHONDA )  
LEIA COOKE, JASMINE LORANE )  
HART, LAWRENCE ANTHONY )  
NILLES III, and PAUL ALAN )  
TROGDON )

Plaintiffs, )  
)

VS. )

THE STATE OF NORTH CAROLINA )  
Defendant )

ORDER GRANTING  
PLAINTIFF'S MOTION FOR  
JUDGMENT ON THE PLEADINGS

This matter is before the court on the Plaintiff's Motion for Judgment on the Pleadings pursuant to Rule 12(c) of the North Carolina Rules of Civil Procedure which was filed on November 9, 2012.

The parties have informed the Court that they agree that the merits of Count 2 of the Amended Verified Complaint, which alleges a claim for declaratory relief of retaliatory viewpoint discrimination, were fully briefed and argued during the preliminary injunction hearing held in this matter on March 30, 2012 and that the Court may consider this motion for judgment on the pleadings on Count 2 on the present record.

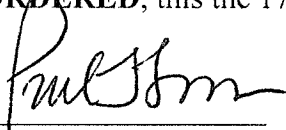
This Court has reviewed the motion before the court, the briefs of the parties, and considered the authorities cited and the arguments of counsel, and finds the Plaintiffs are entitled to judgment on the pleadings on Count 2 of the Amended Verified Complaint pursuant to Rule 12 (c) of the North Carolina Rules of Civil Procedure.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that:

1. The Plaintiffs Motion for Judgment on the Pleadings on Count 2 of the Amended Verified Complaint is **ALLOWED**;

2. The implementation and enforcement of North Carolina Session Law 2012-1 is **PERMANENTLY ENJOINED** because it constitutes retaliatory viewpoint discrimination and violates Article 1, Section 14 of the North Carolina State Constitution.

**SO ORDERED**, this the 17<sup>th</sup> day of December, 2012.

A handwritten signature in black ink, appearing to read "Paul Gessner", written over a horizontal line.

Paul G. Gessner  
Resident Superior Court Judge

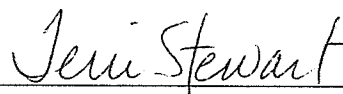
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing document was served on the parties listed below by mailing and/or hand-delivering a copy thereof to each of said parties, addressed, postage prepaid, as follows:

Robert F. Orr  
Poyner Spruill LLP  
301 Fayetteville St., Ste. 1900  
Raleigh, NC 27601

Thomas J. Ziko  
Senior Deputy Attorney General  
NC Department of Justice  
PO Box 629  
Raleigh, NC 27602

This, the 20<sup>th</sup> day of December, 2012.



\_\_\_\_\_  
Terri Stewart  
Trial Court Coordinator  
Wake County Superior Court Judges' Offices