

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
20-CVS-8346

TAMIKA WALKER KELLY, KRISTY  
MOORE, AMANDA HOWELL, KATE  
MEININGER, ELIZABETH MEININGER,  
JOHN SHERRY, and RIVCA RACHEL  
SANOGUEIRA

Plaintiffs,

v.

STATE OF NORTH CAROLINA and  
NORTH CAROLINA STATE  
EDUCATIONAL ASSISTANCE  
AUTHORITY,

Defendants, and

PHILIP E. BERGER *in his official capacity as  
President Pro Tempore of the North Carolina  
Senate, and* TIMOTHY K. MOORE *in his  
official capacity as Speaker of the North  
Carolina House of Representatives,*

Intervenor-Defendants, and

JANET NUNN, CHRISTOPHER AND  
NICHOLE PEEDIN, and KATRINA  
POWERS,

Intervenor-Defendants.

### **NOTICE OF VOLUNTARY DISMISSAL**

Pursuant to Rule 41(a)(1) of the North Carolina Rules of Civil Procedure, Plaintiffs hereby notice the dismissal of all claims against all Defendants. Plaintiffs have consulted with all parties regarding costs and all parties agree that each side will bear their own costs. The State

Defendants reserve the right to pursue costs should Plaintiffs re-file this lawsuit within one year of this filing.

This the \_\_\_ day of April, 2023

Respectfully submitted,

/s/ Christopher A. Brook

Christopher A. Brook, NC Bar No. 33838

Paul E. Smith, NC Bar No. 45014

Burton Craige, NC Bar No. 9180

Narendra K. Ghosh, NC Bar No. 37649

Trisha S. Pande, NC Bar No. 53573

PATTERSON HARKAVY LLP

100 Europa Drive, Suite 420

Chapel Hill, NC 27517

Telephone: (919) 942-5200

CBrook@pathlaw.com

BCraige@pathlaw.com

NGhosh@pathlaw.com

PSmith@pathlaw.com

TPande@pathlaw.com

*Attorneys for Plaintiffs*

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date listed below, a copy of the foregoing document was served upon all parties to this matter by placing a copy in the United States Mail, First Class, postage prepaid and addressed as follows:

Laura H. McHenry  
Tamika Henderson  
Special Deputy Attorney General  
North Carolina Department of Justice  
114 W. Edenton St.  
Raleigh NC 27603

*Attorneys for Defendants State of North  
Carolina and North Carolina  
Education Assistance Authority*

Matthew F. Tilley  
Russ Ferguson  
Womble Bond Dickinson  
One Wells Fargo Center, Ste. 3500  
301 S. College St.  
Charlotte, NC 28202

Brian K. Kelsey  
Reilly Stephens  
Liberty Justice Center  
190 S. Lasalle St., Ste. 1500  
Chicago, IL 60603

*Attorneys for Legislative  
Intervenor-Defendants*

John E. Branch III, NCSB #32598  
Andrew D. Brown, NCSB 45898  
128 E. Hargett St., Ste. 300  
Raleigh, NC 27601  
Telephone: (919) 856-9494  
jbranch@shanahanlawgroup.com  
abrwon@shanahanlawgroup.com

**Institute for Justice**  
Timothy Keller, AZ Bar No. 019844  
398 S. Mill Ave., Ste. 301  
Tempe, AZ 85281  
Telephone: (480) 557-8300  
tkeller@ij.org

Ari Bargil, FL Bar No. 71454  
2 South Biscayne Blvd., Ste. 3180  
Miami, FL 33131  
Telephone: (305) 721-1600  
abargil@ij.org

Marie Miller  
901 N. Glebe Rd., Ste. 900  
Arlington, VA 22203

Telephone: (703) 682-9320  
mmiller@ij.org

*Attorneys for Nunn Intervenor-  
Defendants*

This the \_\_\_\_ day of April, 2023.

/s/ Christopher A. Brook  
Christopher A. Brook  
cbrook@pathlaw.com  
PATTERSON HARKAVY LLP  
100 Europa Dr., Suite 420  
Chapel Hill, North Carolina 27517  
(919) 942-5200