

**Legislative Report**  
**Pending Cases Seeking \$1,000,000 or more in Damages or**  
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Case Name	Case Number	Court/Agency	Claim Amount	Million Dollar Claim	Constitutionality Claim/Statute or Provision Challenged	Summary
ACLU v. State of North Carolina et al	05CVS9872	NC Superior Court			NC Gen. Stat. § 11-2	Declaratory judgment action that NC Gen. Stat. §11-2 (statute governing oaths for witnesses) allows for religious texts other than Christian Bible to be used to swear witnesses, or if statute does not allow for other texts a declaration that it is unconstitutional in that it violates the Establishment Clause of the U.S. Constitution.
Adams, Alan v. Sherrill, Harold, et al	1:05CV712	Federal District Court	\$50,000,000.00	X		Prisoner Litigation
Ali, Sharif Abdul v. Bennett, Boyd, et al	5:04-CT-948-FL	Federal District Court	\$5,000,000.00	X		Prisoner Litigation
Allen, John v. Hatley, Jimmy, et al	3:05-CV-00044	Federal District Court	\$1,500,000.00	X		Prisoner Litigation
Beasley, Marion v. Wood, Don, et al	1:05CV00850	Federal District Court	\$5,800,000.00	X		Prisoner Litigation
Bethea, Kelvin v. Perritt, B., et al	1:05CV00942	Federal District Court	\$2,000,000.00	X		Prisoner Litigation
Blinson v. State of North Carolina	05 CVS 8378	NC Superior Court			NC Session Law 2004-204	Multiple State and federal constitutional claims challenging validity of incentives given by State and local governmental entities to Dell Manufacturing.
Blankenship v. Barlett	05 CVS 16827	NC Court of Appeals			Session Law 1993-321	Superior Court Judge held that the session law setting up District 10 of Wake County Superior Court is unconstitutional.
Blundell, Paul J. v. UNCG	1:03 CV 998	Federal District Court	\$6,000,000.00	X		UNCG terminated enrollment in nursing program after plaintiff was released from a clinical program. Plaintiff claims employment discrimination.
Britt v. North Carolina	05 CVS 12952	NC Superior Court			NC Gen. Stat. § 14-415.1	Plaintiff is a convicted felon challenging the constitutionality of North Carolina's Felony Firearms Act.
Bryant-Bunch, June v. Beck, Theodis	2:02-CV-34-BO1	Federal District Court	\$7,000,000.00	X		Prisoner Litigation
Bryant-Bunch, June v. Northampton County, et al	2:05-CV-00034	Federal District Court	\$8,800,000.00	X		Plaintiff, a spouse of an inmate, filed a civil complaint claiming violation of civil rights during visitation with spouse.
Burill v. James Long, Commissioner of Insurance, et al.	03 CVS 13415	NC Superior Court			NC Gen. Stat. § 58-36-65	Claim that auto insurance point system is unconstitutional because of an alleged unconstitutional delegation of judicial power to insurance companies.
Caldwell County Election Protest of Roger Lee Hutchings & William F. Wall	445P04	NC Supreme Court			NC Gen. Stat. § 163-182.10(d)(2)e3, NC Gen. Stat. § 7A-31	Plaintiffs protested election results and demanded new elections claiming votes had been sold near the Board of Elections office in Lenoir.
Cape Hatteras v. Tolson	00-CVS-714	NC Superior Court	\$2,000,000.00	X	NC Gen. Stat. §105-164.4(4a) and §105-116	Taxpayer seeks refund of franchise and sales tax claiming exempt from tax.
Carandola v. Fulton	1:01 CV 115	Federal District Court			NC Gen. Stat. §18B-1005.1	Challenges the constitutionality of new NC Gen. Stat. §18B-1005.1 - Sexually explicit conduct on licensed premises.
Carillon Assisted Living, LLC v. NCDHHS	54 A 06	NC Supreme Court			NC Gen. Stat. § 131E-175	Plaintiff claims statute placing adult care home under the certificate of need process is unconstitutional on its face and as applied to Carillon.

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Central Telephone Company v. Tolson, E. Norris	COA04-1224	NC Court of Appeals	\$10,000,000.00	X	Due process and commerce clause; NC Gen. Stat. § 105-130.4	Plaintiff seeks refund of corporate income tax. Court of Appeals ruled in favor of state; taxpayer's PDR pending in NC Supreme Court.
City of Raleigh v. Tolson	03 CVS 016956	NC Superior Court	\$2,000,000.00	X		Six counties and three municipalities demand that the State release local tax reimbursements and shared revenue payments withheld by Governor.
Coley v. Tolson	607A05	NC Supreme Court	\$76,000,000.00	X	NC Gen. Stat. §105-134.2; N.C. Const. Art. I, sec. 16	Purported class action filed claiming refund of individual income tax paid at 8.25% for 2001.
Conseco Finance Servicing Corp v Tolson	04-CVS-1467	NC Court of Appeals			Due process and commerce clause; N.C. Gen. Stat. §105-83	Tax refund suit for installment paper dealer tax. Trial Court affirmed Administrative Decision; taxpayer filed notice of appeal.
Crossley Construction Corporation	05 CVS 000075	NC Superior Court	\$2,341,342.00	X		Construction Contract Claim
Crossley Construction Corporation	05 CVS 002945	NC Superior Court	\$3,276,483.82	X		Construction Contract Claim
Dalton, Pinkey Richard, et al. and the class of those similarly situated	03CVS12287	NC Superior Court			NC Gen Stat. § 116B-64	Claim for payment of interest, earned by Treasurer, on refunds, made to owners of property held in the Escheat Fund.
Davis, Willie J. v. Beck, Theodis	5:01-CT-909-F3	Federal District Court	\$1,500,000.00	X		Prisoner Litigation
Delaney, Paul; Mary Elizabeth Boyd; Cynthia Wyatt	1:02-CV-00741	Federal District Court			NC Gen. Stat. §163-122	Order allowed Re: Plaintiff's Motion for Statutory Attorney's fees on 1/18/05.
Directv, Inc. v. State of North Carolina	COA05-1250	NC Court of Appeals	\$60,000,000.00	X	Commerce clause and equal protection; NC Gen. Stat. § 105-164.4(a)(6)	Satellite tv companies suing for a tax refund-arguing that taxes imposed on them and not on cable tv is in violation of several constitutional provisions as discriminatory.
DOT v. B.T. and Betsy Henderson Family, LLC	05 CVS 04144	NC Superior Court	\$2,000,000.00	X		Highway Condemnation
DOT v. Ballinger, Max, Trustee	98 CVS 10485	NC Superior Court	\$1,500,000.00	X		Highway Condemnation
DOT v. Biltmore Commercial Properties, LLC	04 CVS 4833	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
DOT v. Biltmore Oil Co.	04 CVS 3631	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
DOT V. Blythe Property Inv., LLC	06 CVS 0599	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
DOT v. Burgess, Robert L.	05 CVS 0627	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
DOT v. Cameron, Bruce B., Trustee	06 CVS 0577	NC Superior Court	\$2,000,000.00	X		Highway Condemnation
DOT v. Carolina Tractor and Equipment	01 CVS 8978	NC Superior Court	\$2,000,000.00	X		Highway Condemnation
DOT v. Chiotakis, Juanita M.	04 CVS 2120	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
DOT v. Coble Family Farm Ltd Partnership	04 CVS 1515	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
DOT v. Columbia Enterprises, Inc.	04 CVS 0010	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
DOT v. Doris C. Forbes Family Limited Partnership	04 CVS 0891	NC Superior Court	\$1,673,470.00	X		Highway Condemnation

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DOT v. Edward A. Johnson Family Limited Partnership	03 CVS 6682	NC Superior Court	\$3,500,000.00	X		Highway Condemnation
DOT v. Metrolina Properties Limited	04 CVS 12434	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
DOT v. Oak Hills, Inc.	04 CVS 12434	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
DOT v. Olinger, Linda	02 CVS 7543	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
DOT v. Stagecoach Village	02 CVS 3344	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
DOT v. Trask, Raiford G., Jr., et al	04 CVS 0642	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
DOT v. Williams, John A. & Riddle, William	01 CVS 879	NC Superior Court	\$2,000,000.00	X		Highway Condemnation
Dozier, Angela v. Fountain Correctional Center for Women, et al	5:05-CT-292-BO	Federal District Court	\$500,000,000.00	X		Prisoner Litigation
Dunn, Lessie v. State of North Carolina	COA05-1178	NC Court of Appeals			Commerce clause; NC Gen. Stat. §105-134.6(c)1	Plaintiffs seek tax refund for taxes assessed on the interest upon the obligations of states other than North Carolina under the commerce clause.
Ellis-Don v. NC Department of Correction	04 CVS 13312	NC Superior Court	\$1,559,904.00	X		Construction Contract Claim
Ewers v. State of North Carolina, et al.	5:05-CV-107-BO(1)	Federal District Court	\$3,000,000.00	X		Unspecified federal action claiming damages in the millions by party to an equitable distribution action in state court.
Faircloth, James v. Lee, R.C., et al	5:04-CT-608-FL	Federal District Court	\$1,000,000.00	X		Prisoner Litigation
Floyd, Jacques v. Boyd Bennett, et. al.	5:03-CT-736-FL	Federal District Court	\$9,110,000.00	X		Prisoner Litigation
Gatti, Benjamin v. NC State Bd. Of Elections & Union County. Bd. Of Elections	04-CV-000920	NC Superior Court			NC Gen. Stat. § 163-274	Appellant arrested for removal of campaign signs.
Gilbert Southern Corp. v. NC DOT	05 CVS 7095	NC Superior Court	\$10,036,464.00	X		Highway Construction Contract Claim
Glover Construction v. NCDOT	02 CVS 118	NC Court of Appeals	\$1,359,365.00	X		Highway Construction Contract Claim
Goldston, et al. v. State of North Carolina and Easley	02 CVS 015253	NC Court of Appeals			NC Session Laws 2001-424 and 2002-126	Plaintiffs challenge the constitutionality of actions by the Governor and the Legislature diverting highway trust funds.
Gordon, Gregory v. Cooper, Roy/Easley, Mike	05CVS1061	NC Superior Court			NC Gen. Stat. §90.95(d)(2)	Prisoner Litigation:
Gorham, William v. Kentworthy, George, et al	5:05-CT-42-H	Federal District Court	\$5,000,000.00	X		Prisoner Litigation
Greenfield v. Dudley, et als.	5:05-CT-484-BO	Federal District Court	\$1,000,000.00	X		Plaintiff filed section 1983 action for violation of civil rights against assistant district attorney.
Gust, Thomas E., et al, v. Tolson, E. Norris, et al.	3:05-CV-444	Federal District Court	\$1,000,000.00	X	Due process; NC Gen. Stat. § 105 241.1	Plaintiffs alleging civil rights violations by NCDOR employees.
Hamilton, Lacy v. Asst Supt Huggins, J.C., et al	1:05-CV-00211	Federal District Court	\$5,000,000.00	X		Prisoner Litigation

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Hardy, Vicky v. Sutton, Ernest, et al	5:05-CT-491-FL	Federal District Court	\$2,500,000.00	X		Prisoner Litigation
Head, Timothy Daniel v. State of North Carolina, Magistrate Putman, et al.	COA05-1015	NC Court of Appeals	\$9,036,900.00	X		Plaintiff seeks relief for claimed violation of due process of law.
Heatherly v. State of North Carolina	05 CVS 017197	NC Superior Court			NC Session Law 2005-344 as amended by NC Session Law 2005-276 §31.1	Plaintiff challenges the Lottery Act on the grounds that it imposes a tax and thereby pledges the faith and credit of the State without being enacted according to the Constitution.
Hobbs v. Cooper, Smith, David and State of North Carolina	05 CVS 267	NC Superior Court			NC Gen. Stat. § 14-184	Seeks to declare statute unconstitutional which charges a misdemeanor for non-married men and women who associate, bed and cohabit together.
Hoke County Board of Education et al v. State of North Carolina	95 CVS 1158	NC Supreme Court			Article I, Sec. 15 and Article IX, Sec. 2, Chapter 115C of NC Gen. Statutes	Plaintiffs seek declaratory relief based on the public education provisions of the NC Constitution.
In Re Election dispute of William "Bill" Fletcher	04 CVS 16823	NC Superior Court			NC Gen. Stat. §163-166.11	Contest in the election for Superintendent of Public Instruction. Protest raises issue of the proper application of Art. VI, Sec. V of NC Constitution.
Isaac v. NC DOT	COA 05-1680	Federal Appellate Court	\$2,100,000.00	X		Plaintiffs claim hostile work environment resulting from racial discrimination.
James v. Bartlett	04 CVS 15863	NC Superior Court			NC Gen. Stat. §163-130.1	Plaintiff challenges out-of-precinct voting under Article VI, Section II of the North Carolina Constitution.
James, Terrance v. Lightsey, Joseph	5:05-CT-210-H	Federal District Court	\$1,000,000.00	X		Prisoner Litigation
Jennings, Melissa v. UNC-CH	98 C 5261	NC Superior Court	\$12,000,000.00	X		Discrimination and sexual harassment; Debbie Keller settled her claim for \$70,000.00. The law suit of Melissa Jennings remains open.
Johnson, Steven Glenn v. NC State Bd. Of Elections	04-CV-006472	NC Superior Court			NC Gen. Stat. § 123-5; 50 Op. Attorney. Gen. NC 107 (1981)	Plaintiff felt rights were violated because he was denied the right to be eligible to be elected to NC COA & P.
Kellogg Brown & Root v. NCDOT	04 CVS 13389	NC Superior Court	\$8,966,552.18	X		Highway Construction Contract Claim
KFC Corp. v. Tolson	04 CVS 10447	NC Superior Court			Commerce clause and due process; NC Gen. Stat. § 105-130.4	Corporate income tax refund.
Kindley, Marcus D. v. Bartlett, Gary O., Leake, Larry, Cordle, Robert	5:05-CV-177-BO(1)	NC Superior Court			NC Gen. Stat. §163-166.11	Plaintiffs challenge NC provisional ballot requirements.
Latta v. State of North Carolina, et al.	01 CVS 15577	NC Superior Court			Chapter 2 of the 1999 Session Laws	Plaintiffs challenge constitutionality of legislation and consent order directing that 50% of NC's payments from Master Settlement Agreement be directed to a non-profit corporation.
Libertarian Party of North Carolina v. State Board of Education	05 CVS 13073	NC Superior Court			NC Gen. Stat. § 163-96	Plaintiffs challenge a number of party registration laws as unconstitutional.
McKenzie, John v. Williams, Lisa, et al	5:04-CT-1002-H	Federal District Court	\$15,500,000.00	X		Prisoner Litigation

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McPherson, Stanford E.C. v. McCabe, Sherwood, et al	5:04-CT-990-FL	Federal District Court	\$12,000,000.00	X		Prisoner Litigation
Morton, Gary v. Delaport, Debbie & Brewer, Donna	1:04-CV-58	Federal District Court	\$3,000,000.00	X		Prisoner Litigation
Navistar v Tolson	COA05-352	NC Court of Appeals			Commerce clause and due process	Refund action for installment paper dealer taxes. COA ruled in favor of state; PDR expected.
NC Right to Life, Inc. et. al. v. Larry Leake, et.	02-2052/2053	Federal Appellate Court			NC Gen. Stat. §§ 163-278.6(14), 163-278.13, and 163-278.14A(a)(2)	Plaintiffs' challenged all three provisions regulating campaign finance under the First Amendment.
Nello L. Teer Company v. NC DOT	06 CVS 2046	NC Superior Court	\$12,059,395.00	X		Highway Construction Contract Claim
Nello L. Teer v. NCDOT	03 CVS 16710	NC Supreme Court	\$8,924,296.00	X		Highway Construction Contract Claim
North Carolina Department of Health and Human Services	Docket No. A-05-80	Federal Administrative A	\$95,437,157.00	X		Administrative appeal of disallowance of claims for federal financial participation under the Title IV-E Foster Care Program.
Odebrecht Construction Corp. v. NC DOT	05 CVS 12594	NC Superior Court	\$9,217,530.00	X		Highway Construction Contract Claim
Ollis, Johnny v. Mitchell, David, et al	1:04-CV-219-1-MU	Federal District Court	\$5,995,000.00	X		Prisoner Litigation
Open Plan Systems, Inc.	02-284491	US Bankruptcy Court			Eleventh Amendment	Action by trustee to recover allegedly preferential transfer, amount in controversy \$16,000.00.
Patton, Kenneth v. Lancaster, Thomas, et al	1:05-CV251-MU	Federal District Court	\$3,900,000.00	X		Prisoner Litigation
Patton, Kenneth v. Mitchell, David, et al	1:05CV238-MU-02	Federal District Court	\$3,800,000.00	X		Prisoner Litigation
Pender County v. Bartlett	04-CVS-6966	NC Superior Court			NC Gen. Stat. §120-2	Challenge to the House districts in Pender County.
Philip Morris v Tolson	COA05-340	NC Court of Appeals	\$30,000,000.00	X	Separation of powers; NC Gen. Stat. § 105-130.4	Plaintiff seeks refund of corporate income tax based on apportionment formula. COA ruled in favor of state; PDR expected.
Pucket v. Carter, et als.	1:05 CV 283	Federal District Court	\$1,000,000.00	X		Plaintiff filed section 1983 action claiming violation of due process against the District Attorney and Assistant District Attorney.
Pugh, Alan v. Fellowship Hall, Inc. and NCDHHS	1:05 CV 0084	Federal District Court			NC Gen. Stat. §131E-77, 10A NCAC 27G.6001	Plaintiff contends that the licensing as an alcohol/drug treatment center by NCDHHS constitutes establishment of religion violating Constitutions.
Reep, Jamie v. Beck, Theodis	02 CVS 16880	NC Superior Court			NC Gen. Stat. §15A-1340.13(d)	Prisoner Litigation
Revels, Pearlean v. Robeson County Board of Elections & N.C. State Board	COA03-1687	NC Court of Appeals			NC Gen. Stat. § 163-35	Plaintiff claims defendant denied due process of law by terminating employment without the opportunity to be heard.

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Reyes v. Pueshel, et al.	5:05-CV-350-BO(1)	Federal District Court	\$1,500,000.00	X		Federal action against state judicial officials arising out of state criminal proceeding. Plaintiff claims wrongful imprisonment, violation of ADA and civil rights.
Rowlette, Kevin Patrick et. al. v. Richard Moore, State Treasurer	05 CVS 2677	NC Superior Court	\$1,000,000.00	X	NC Gen. Stat. §116B-64	Claim for payment of interest, earned by the Treasurer, on refunds, made to owners of property held in the Escheat Fund.
Royster, Jeremiah v. Pooley, Paul, et al	5:05-CT-43-FL	Federal District Court	\$1,500,000.00	X		Prisoner Litigation
Sam's East, Inc. v. Tolson	06 CVS 3929	NC Superior Court	\$3,527,599.60	X	Due process; commerce clause; law of the land clause; NC Gen. Stat. §105-130.6	Plaintiff seeks refund of corporate income tax.
Sanders v. State Personnel Commission	COA 06-149	NC Court of Appeals	\$1,000,000.00	X		Plaintiffs request court to find that any temporary State employee of more than 12 months be considered permanent and accorded benefits.
SEANC v. State	COA01-1568	NC Superior Court	\$129,000,000.00	X		SEANC seeks repayment of employer retirement contribution funds withheld by the Governor to balance the budget.
Simba, Jelani Husani v. Walker, Dean R.	1:02CV211-MU-1	Federal District Court	\$4,000,000.00	X		Prisoner Litigation
Small, Phillip v. Jackson, Rita, et al	04-CV-193	NC Superior Court	\$2,000,000.00	X		Prisoner Litigation
State ex rel. Cooper and DENR v. McClure, et al.	03 CVS 5617	NC Superior Court			NC Gen. Stat. §75-1.1	Antitrust and unfair trade enforcement action against environmental consulting firms; Defendant contends statute unconstitutional as applied to invitation to collude.
State of Alabama, et al. v. State of North Carolina	US Sup Ct ORIG 132	US Supreme Court	\$190,000,000.00	X		Southeast Interstate Low-Level Waste Management Commission filed claims against NC for failure to construct a low-level radioactive waste facility.
State v. Bryant	173P04	NC Supreme Court			NC Gen. Stat. § 14-208.11	Constitutional challenge to NC sex offender registration laws.
State v. Rhodes	COA04-193	NC Court of Appeals			NC Gen. Stat. § 15A-1340.14	Challenge alleging that the imposition of an aggravated sentence on the basis of aggravating circumstances not alleged in the indictment violate 6th Amendment.
Stone v. State	02 CVS 7931	NC Superior Court	\$129,000,000.00	X		Challenge to the withholding of retirement contribution withheld by the Governor to balance the budget.
Sullivan v. State of North Carolina and Progress Energy	7:05-CV-132-BR	Federal District Court			NC Gen. Stat. § 143-143.2	Challenges statute that prohibits providing electrical current to any building that has not first passed an electrical inspection.
Swears, Stephen v. Beck, Theodis, et al	5:04-CT-612-BO	Federal District Court	\$2,700,000.00	X		Prisoner Litigation
Sylvia, Ronnie v. Maddox, Tommy, et al	5:05-CV13-02-MU	Federal District Court	\$1,300,000.00	X		Prisoner Litigation
Tolbert, Eric v. Dr. Lightsey, et al	5:05-CT-428-BO	Federal District Court	\$1,500,000.00	X		Prisoner Litigation

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TRISM, Inc., d/b/a/ "Bedtime Stories" et. al. v. Cooper	1:06-CV-25-H	Federal District Court	\$1,000,000.00	X	NC Gen. Stat. §§ 14-202.10 and 14-202.12	Plaintiff seeks to declare statute as unconstitutional that prohibits any adult entertainment business to "contain multiple purposes" or to sell, display or exhibit sexually oriented devices on the basis that it violates due process and privacy rights.
Tuggle, Renard W. v. Langley, Jennifer, et al	5:04-CT-00755-BO	Federal District Court	\$20,000,000.00	X		Prisoner Litigation
UNC Hospital Systems, et al.	04 CVS 014219	NC Superior Court	\$22,113,678.00	X		Construction Contract Claim
Wal-Mart Stores East, Inc. v. Tolson	06 CVS 3928	NC Superior Court	\$30,230,338.89	X	Due process; commerce clause; law of the land clause; NC Gen. Stat. §105-130.6	Plaintiff seeks refund for corporate income tax.
Wright Bros. Construction Co. v. NCDOT	04 CVS 1912	NC Superior Court	\$19,105,159.00	X		Highway Construction Contract Claim
Wright v. Swing, et al.	1:05-CV-269	Federal District Court	\$25,000,000.00	X		Federal civil rights action against state public defender alleging misconduct in state criminal trial.
Young, Danny William v. Boyles, William, et al	5:04-CT-741-FL	Federal District Court	\$7,600,000.00	X		Prisoner Litigation