

# Legislative Report

## Pending Cases Seeking \$1,000,000 or more in Damages or Challenging the Constitutionality of an Act of the Legislature, G.S. §114-2.6

	Case Name	Case Number	Court/Agency	Claim Amount	Million Dollar Claim	Constitutionality Claim/Statute or Provision Challenged	Summary
	A & F Trademark v. Tolson	COA03-1203	NC Court of Appeals	\$2,000,000.00	X	Commerce Clause; NC Gen. Stat. § 105-130.3	Nine corporations seek refund of corporate income and franchise taxes.
*	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
	Barnett, Jr., Lester v. John Hamlin, et. al.	03-CV-1069	Federal District Court	\$1,000,000.00	X		Prisoner Litigation
	Bio-Medical Applications of NC v. Carmen Hooker Odom and Mark	5:05-CV-135-FL(1)	NC Superior Court	\$24,000,000.00	X		Plaintiffs are seeking damages for Medicaid reimbursement improperly withheld and damages for unfair and deceptive trade practices by DHHS.
	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.	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	N.C. Gen. Stat. §105-164.4(4a) and §105-116	Taxpayer seeks refund of franchise and sales tax claiming exempt from tax.
	Carandola v. Bason	1:01-CV-115	Federal District Court			NC Gen. Stat. §14-306.1 and §14-298; NC Gen. Stat. §18B-1005.1	Constitutional challenge to NC's law prohibiting nude dancing in licensed ABC establishments.
	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	COA05-135	NC Superior 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.
	Central Telephone Company v. Tolson, E. Norris	COA04-1224	NC Court of Appeals	\$4,000,000.00	X	Due process and commerce clause; NC Gen. Stat. § 105-130.4	Seeks refund of corporate income tax
	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.

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	Coley, et al v. Tolson, E. Norris	COA04-1141	NC Court of Appeals	\$76,000,000.00	X	NC Gen. Stat. §105-134.2; NC 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 Superior Court			Due Process and Commerce Clause; N.C. Gen. Stat. §105-83	Tax refund suit for installment paper dealer tax.
	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			N.C. 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. & EchoStar Satellite Corp v State of NC; E Norris Tolson	03 CVS 13324	NC Superior Court	\$32,000,000.00	X	NC Gen. Stat. §§105-267 & 164.4(a)(6); Art. I Sec. 19 NC Const; & Art. V, Sec. 2 NC Const. Commerce clause; equal protection clause	Plaintiffs claim that sales tax levied on satellite TV companies and not on cable television is 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. BRE/MAAC Woodstream, LLC	02 CVS 5321	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
	DOT v. Byerly, Joe	98 CVS 3991	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. Davidland, LLC, et al	04 CVS 7156	NC Superior Court	\$2,323,000.00	X		Highway Condemnation
	DOT v. Doris C. Forbes Family Ltd. Partnership	04 CVS 0891	NC Superior Court	\$1,673,470.00	X		Highway Condemnation
	DOT v. Duke-Weeks Realty Limited Partnership, et al	04 CVS 3134	NC Superior Court	\$1,000,000.00	X		Highway Condemnation

\* indicates a new reported case

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	DOT v. Edward A. Johnson Family Ltd Partnership	03 CVS 6682	NC Superior Court	\$3,500,000.00	X		Highway Condemnation
	DOT v. F. K. Borden Farm, LLC	03 CVS 0489	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
	DOT v. Heartland Durham/Cary Limited Partnership	04 CVS 2132	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
	DOT v. Hendrickson, C. Thomas, Trustee	03 CVS 8233	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
	DOT v. Huffman Oil Company	03 CVS 0108	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
	DOT v. Jordan Self Serve of Asheville, Inc.	02 CVS 3758	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
	DOT v. Lutheran Retirement Ministries	03 CVS 0306	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
	DOT v. Marshall C. Collins Family LP	01 CVS 218	NC Superior Court	\$1,600,000.00	X		Highway Condemnation
	DOT v. Martin Marietta Materials	02 CVS 1251	NC Superior Court	\$10,000,000.00	X		Highway Condemnation
	DOT v. McLean, Ed Williams	02 CVS 2283	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
	DOT v. Metrolina Properties Limited	04 CVS 12434	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
	DOT v. Nixon, Wayne, CAFNS	99 CVS 784	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. Reams, Willie Chadwick, et al	04 CVS 1478	NC Superior Court	\$1,000,000.00	X		Highway Condemnation
	DOT v. RTGC Properties LLC	04 CVS 0711	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. Triangle Brick Company	04 CVS 3559	NC Superior Court	\$2,089,650.00	X		Highway Condemnation
*	DOT v. White, Mary Powell Ward	05 CVS 4374	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 NC	04 CVS 844	NC Superior Court			NC Gen. Stat. §105-134.6(c)1; commerce clause	Plaintiffs seek refund of non N.C. interest under Commerce Clause. Claim amount is estimated and could be many millions.
	Eaddy, Lawrence v. Officer Downey, et. al.	5:03-CT-797-FL	Federal District Court	\$8,000,000.00	X		Prisoner Litigation
	Edmonson v. UNC-CH	03 CVS 1420	NC Superior Court			NC Const., Art. I, Sec. 19	Plaintiff's admission into UNC-CH was revoked/ failure to perform at the UNC-CH level of acceptance.

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	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	\$1,000,000.00	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
	Fowler v. Sessoms & Associates, et al.	1:04CV237	Federal District Court			NC Gen. Stat. §1C-1601, et. seq.	Challenges statutory scheme for post-judgment debt collection.
	Gatti, Benjamin v. NC State Bd. Of Elections & Union County. Bd. Of	04-CV-000920	NC Superior Court			NC Gen. Stat. § 163-274	Appellant arrested for removal of campaign signs.
	Ghaffar, Shafeeq Abdul v. Bennett, Boyd	1:02CV00944	Federal District Court	\$1,500,000.00	X		Prisoner Litigation
	Giampa, Richard L. et al. v. Currituck County, et al.	98 CVS 0153	NC Superior Court			NC Gen. Stat. §77-20(d) and (e)	Plaintiffs contest public right to use dry sand beach, and seek damages in inverse compensation from such use.
	Gibbs, Tykeena L. and on behalf of all persons similarly situated v. State	5:04-CV-788-BD(1)	Federal District Court	\$1,000,000.00	X		Violation of Civil Rights and discrimination under the 5th, 6th, and 14th amendments.
*	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 Superior Court	\$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.
	Googerdy, Ashgar v. NCA&T	2003 CVS 10981	NC Superior Court			Deprived of right under state constitution due to national origin	Plaintiff was non-renewed to adjunct assistant professor. He claims due to his being Iranian.
*	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
	Griffin, Jerry v. DOC, et al	5:04-CT-177-FL	NC Superior Court	\$23,000,000.00	X		Prisoner Litigation
	H. B. Rowe & Co., Inc. v. Lyndo Tippet, et al.	5:03-CV-278-BO(3)	Federal District Court			NC Gen. Stat. §136-28.4	Contests DOT's policy regarding participation of disadvantaged business in specific highway construction contracts as violation of Equal Protection.
*	Hamilton, Lacy v. Asst Supt Huggins, J.C., et al	1:05-CV-00211	Federal District Court	\$5,000,000.00	X		Prisoner Litigation
*	Hardy, Vicky v. Sutton, Ernest, et al	5:05-CT-491-FL	Federal District Court	\$2,500,000.00	X		Prisoner Litigation
*	Heilig-Meyers Company, et al	00-34533	US Bankruptcy Court	\$3,600,000.00	X		Chapter 11 bankruptcy case in which debtor claims objections to installment paper tax, franchise tax with penalties and interest.
	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. Plaintiffs allege that defendants are violating their constitutional right to the opportunity to receive a sound basic education.

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	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 Constitution.
*	Insilco Technologies, Inc., et al.	02-13672 (KJC)	US Bankruptcy Court	\$1,200,000.00	X		Chapter 11, Debtor filed motion for corporate tax refund.
	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.
	Johnson, Wayne Thomas v. Carroll, Thomas, et al	4-CV-03619	NC Superior Court	\$1,250,000.00	X		Prisoner Litigation
	Jones Brothers v. NCDOT	04 CVS 5989	NC Superior Court	\$3,091,037.00	X		Highway Construction Contract Claim
	KFC Corp. v. Tolson	04 CVS 10447	NC Superior Court			process; NC Gen. Stat. § 105-130.4	Corporate income tax refund
	Kellogg Brown & Root v. NCDOT	04 CVS 13389	NC Superior Court	\$8,966,552.18	X		Highway Construction Contract Claim
	Kindley, Marcus D. v. Bartlett, Gary O., Leake, Larry, Cordle, Robert	5:05-CV-177-BO(1)	NC Superior Court			N.C. Gen. Stat. 163-166.11	Order extending time to file Answer based on Def. June Atkinson's Motion is allowed until 4/24/05.
	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 non-profit corp.
*	Libertarian Party of North Carolina v. State Board of Education	05 CVS 13073	NC Superior Court			NC Gen. Stat. § 163-96	Plaintiff raises multiple challenges to North Carolina ballot access laws.
	McGee v. NC State Bar, et al.	5:04CV860FL(1)	Federal District Court	\$3,000,000.00	X		Plaintiff alleges that the State Bar disciplinary action violated his state and federal constitutional rights.
	McGibbon, Gary/Chairman Wake County Community LLP Emergency Task Force	TA-15365	NC Administrative Agency	\$500,000.00	X		Part of a consolidation of 205 tort claims for negligence in 1985 issuance of permits for low-pressure pipe systems in 10 different subdivisions.
*	McKenzie, John v. Williams, Lisa, et al	5:04-CT-1002-H	Federal District Court	\$15,500,000.00	X		Prisoner Litigation
*	McPherson, Stanford E.C. v. McCabe, Sherwood, et al	5:04-CT-990-FL	Federal District Court	\$12,000,000.00	X		Prisoner Litigation
	Medical Mutual Insurance Company of North America v Board Of Governors and ECU	03 CV 003622	NC Superior Court	\$26,700,000.00	X		Breach of contract to provide malpractice insurance for doctors at medical school.
	Morton, Gary v. Delaport, Debbie & Brewer, Donna	1:04-CV-58	NC Superior Court	\$3,000,000.00	X		Prisoner Litigation
	Navistar v Tolson	03-CVS-8569	NC Court of Appeals			Commerce Clause and Due Process	Refund action for installment paper dealer taxes

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	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 v. NCDOT	02 CVS 118	NC Court of Appeals	\$2,062,663.09	X		Highway Construction Contract Claim
	Nello L. Teer v. NCDOT	03 CVS 16710	NC Superior 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.
	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.	02-64657-DOT	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
	Peacock, Tryphon v. Smith, James, et al	5:03-CT-566-H	NC Superior Court	\$100,000,000.00	X		Case dismissed for frivolity by EDNC. Remanded, partially, by 4th Cir COA, for medical treatment against inmates will.
	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	00 CVS 6663	NC Court of Appeals	\$30,000,000.00	X	Equal protection; separation of powers; NC Gen. Stat. § 105-130.4	Plaintiff seeks refund of corporate income tax based on apportionment formula.
	Pigford, Cornelius Jamari v. UNCC	04 CVS 17368	NC Superior Court			N.C. Const. Article I, 19	Plaintiff seeks injunctive relief and requests that the Court enjoins UNCC, et al. from enforcing plaintiff's suspension for the Fall 2004 term.
*	Property Rights Advocacy Group v. Town of Oak Island and State of NC	COA04-1374	NC Court of Appeals			Session Law 1998-83	Plaintiffs challenge the constitutionality of session law permitting passing ordinances for developing and operating parks on dead-end streets.
	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.
	Rankin v. Martin, et als	5:03 CV 99H	Federal District Court	\$11,300,000.00	X		1983 Civil Rights Action
	Rankin, Delbert L. v. Cranford, John, et al	5:03-CV-99	Federal District Court	\$11,300,000.00	X		Prisoner Litigation
	Reaves v. State of North Carolina, et al.	05CP400662	State Court (other than N	\$1,200,000.00	X		Child Custody case in South Carolina Court of Common Pleas.
	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 opportunity to be heard.
	Revenue, Dept of v. Vanderburg, Michael H	COA04-554	NC Court of Appeals				Revenue appealing decision by Superior Court holding that it dismissed petition for exercising constitutionally protected freedom of religious expression.

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*	Reyes v. Pueshel, et al.	5:05-CV-350-BO(1)	Federal District Court	\$1,000,000.00	X		Federal action against state judicial officials arising out of state criminal proceeding. Plaintiff claims wrongful imprisonment, violation of ADA and civil rights.
*	Row, Rodney R. v. Leigh A. Row (Deese)	00 CVD 002694	NC District Court			NC Gen. Stat. §50-13.4	Plaintiff challenges the current child support guidelines.
	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
	School Boards Association, et al. v. Moore, et al.	569A03	NC Supreme Court	\$85,000,000.00	X		Suit by local school boards claiming that various payments are fines or penalties required under the Constitution to be paid to local boards.
	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
	Skwerer, Robert Gordon v. NC Department of Revenue & Unauthorized Substance	COA04-674	NC Court of Appeals			Double Jeopardy; Due Process; Equal Protection clauses	Dr. unlawfully prescribed controlled substances to himself using various aliases; sought judicial review but failed to pay tax or post bond required.
	Small, Phillip v. Jackson, Rita, et al	04-CV-193	NC Superior Court	\$2,000,000.00	X		Prisoner Litigation
	Southern Region Industrial v. DOT	97 CVS 10177	NC Superior Court	\$1,987,000.00	X		Highway Condemnation (Inverse)
	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 ex rel. Cooper v. Debt Management Foundation Services,	03 CVS 15751	NC Superior Court			NC Gen. Stat. §75-100 et seq.	Enforcement action in which defendant challenges the constitutionality of Telephone Solicitations Act of 2003.
	State ex rel. Cooper v. F.G.H. International Corp., et al.	03 CVS 9832	NC Superior Court			NC Gen. Stat. §§ 66-260 et seq.	Enforcement action in which defendant challenges the constitutionality of the Telephonic Seller Registration and Bond Requirement Act.
	State ex rel. Cooper v. FACE National Models and Talent, LLC, et al.	03 CVS 3665	NC Superior Court			NC Gen. Stat. § 75-1.1	Enforcement action in which defendants challenge the constitutionality of G.S. § 75-1.1 as applied to contracts entered into outside the State of NC.
	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. §§ 14-360; NC Gen. Stat. §§ 14-208.11	Constitutional challenge to NC sex offender registration laws.
	State v. Rhodes	COA04-193	NC Court of Appeals			N.C. Gen. Stat. §§ 14-208.5 et. seq. ; 18B-102.1; 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.

\* indicates a new reported case

**Legislative Report**  
**Pending Cases Seeking \$1,000,000 or more in Damages or**  
**Challenging the Constitutionality of an Act of the Legislature, G.S. §114-2.6**

	<b>Case Name</b>	<b>Case Number</b>	<b>Court/Agency</b>	<b>Claim Amount</b>	<b>Million Dollar Claim</b>	<b>Constitutionality Claim/Statute or Provision Challenged</b>	<b>Summary</b>
	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
	Taylor, Freddie v. Fieckert, Kathy, et al	1:04CV24-MU-02	NC Superior Court	\$1,200,000.00	X		Prisoner Litigation
	Tilley, Thomas Trustee	00 EHR 1668	NC Administrative Agency			NC Gen. Stat. §150B-49	Administrative appeal of issuance of NPDES permit to Riverview Mobile Home Park.
	Tilley, Thomas Trustee	02 CVS 7037	NC Superior Court			NC Gen. Stat. §150B-49	Judicial review of administrative appeal of issuance of NPDES permit to Riverview Mobile Home Park.
*	Tolbert, Eric v. Dr. Lightsey, et al	5:05-CT-428-BO	Federal District Court	\$1,500,000.00	X		Prisoner Litigation
	Tuggle, Renard W. v. Langley, Jennifer, et al	3:04-CV-215	NC Superior 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
	Wake County on behalf of David Stell v. Lisa Mims (Stell)	02 CVD 15001	NC District Court			N.C. Gen. Stat. §110-139.2(b1)	Plaintiffs challenge ruling declaring NC Gen. Stat. §110-139.2(b1) unconstitutional which allows the State to notify financial institutions of an eligible levy to be placed on obligor's account for delinquent child support.
	Williams, Braxton Van v. State of NC	4:03-CV-119-H(4)	NC Superior Court	\$50,000,000.00	X		Prisoner Litigation
	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	\$1,000,000.00	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

\* indicates a new reported case