

**Final Legislative Report- April, 2007
N.C. Gen. Stat. §114-2.6**

	Case Name	Case Number	Court/Agency	Claim Amount	Million \$ Claim	Constitutionality Claim	Statute/Provision Challenged	Summary
	ACLU v. State of North Carolina et al.	COA06-62	NC Superior Court			X	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.
*	Amusements, Inc. v. State	07 CVS 00223	NC Superior Court			X	N.C. Session Law 2006-06	Plaintiff challenges the constitutionality of SL 2006-06 which phases out video poker machines.
	Baker, Kendrick v. Fountian, Lieutenant, et al	5:06-CT-3038-BO	Federal District Court	\$3,000,000.00	X			Prisoner Litigation
*	Balfour Beatty Construction, Inc. v. NC DOT	06 CVS 736	NC Superior Court	\$16,336,658.50	X			Highway Construction Contract Claim
	Beasley, Marion v. Wood, Don, et al	1:05CV00850	Federal District Court	\$5,800,000.00	X			Prisoner Litigation
*	Belk, Ronnie v. Saunders, Sorrell, et al	5:06-CT-3071-H	Federal District Court	\$25,000,000.00	X			Prisoner Litigation
*	Bishop v. Bartlett	5:06-CV-00462-FL	Federal District Court			X	NC Session Law 2003-403	Plaintiff challenges the constitutionality of SL 2003-403 which allows project development financing by local governments without a referendum.
*	Blake, Shawn v. Walden, Marva	5:06-CT-3105-BO	Federal District Court	\$1,000,000.00	X			Prisoner Litigation
	Blankenship, Brian, et. Al. v. Bartlett, Gary, as Exe. Dir. of the SBOE	COA06-1012	NC Court of Appeals			X	NC Session Law 1993-321; N.C. Gen. Stat. § 7A-41(b)(3)(6)	Plaintiffs challenge the constitutionality of the superior court districts in Wake County. Plaintiff alleges district violates the Equal Protection Clause.
	Blinson v. State of North Carolina	06 CVS 1012	NC Court of Appeals			X	NC Session Law 2004-204	Multiple State and federal constitutional claims challenging validity of incentives given by State and local governmental entities to Dell Mfg.
	Blythe Development Co. v. NC DOT	06 CVS 8895	NC Superior Court	\$2,093,553.41	X			Highway Construction Contract Claim
	Bowen, John v. Langley, Jennifer, et al	1:06-CV-00612	Federal District Court	\$10,000,000.00	X			Prisoner Litigation
	Boyce v. NC Department of Commerce	04 OSP 0298	NC Administrative Ager	\$10,000,000.00	X			Employment case alleging discrimination and retaliation.
	Boykin, Ronald v. Beck, Theodis, et al	5:05-CT-00741-BO	Federal District Court	\$8,000,000.00	X			Prisoner Litigation
	Britt v. North Carolina	05 CVS 12952	NC Court of Appeals			X	NC Gen. Stat. § 14-415.1	Plaintiff is a convicted felon challenging the constitutionality of North Carolina's Felony Firearms Act. Awaiting determination by Court of Appeals on Plaintiff's appeal.

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	Bryant-Bunch, June v. Beck, Theodis	2:02-CV-34-BO1	Federal District Court	\$7,000,000.00	X			Prisoner Litigation
	Burrill v. James Long, Commissioner of Insurance, et al.	COA06-955	NC Court of Appeals	\$1,000,000.00	X	X	NC Gen. Stat. § 58-36-65	Plaintiffs claim that auto insurance point system is unconstitutional because of an alleged unconstitutional delegation of judicial power to insurance companies.
	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			X	NC Gen. Stat. §§ 18B-1005.1, 14-208.11	Constitutional challenge to North Carolina's law prohibiting nude dancing in licensed ABC establishments. Plaintiffs are expected to petition US Supreme Court.
	Carandola v. Fulton	1:05 CV 2308	Federal Appellate Court			X	NC Gen. Stat. §18B-1005.1	Challenges the constitutionality of new NC Gen. Stat. §18B-1005.1 - Sexually explicit conduct on licensed premises
*	Carson, Thomas v. Ross, Polly	3:06-CV-2057	Federal District Court	\$10,000,000.00	X			Prisoner Litigation
	City of Asheville v. State of North Carolina	05 CVS 10743	NC Superior Court			X	Session Law 2005-139; NC Gen. Stat. §§160A-31(a), 160A-58.1(c) and 160A-312	Plaintiff seeks to declare statutes unconstitutional that prohibit charging customers outside its municipal limits more for services than those inside limits.
	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.
	Dalton, Pinkey Richard, et al. and the class of those similarly situated	03CVS12287	NC Superior Court	\$1,000,000.00	X	X	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.
	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. 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. Dale, E.G.	06 CVS 1987	NC Superior Court	\$1,000,000.00	X			Highway Condemnation
*	DOT v. Gurley, Malcolm Z.	06 CVS 2751	NC Superior Court	\$1,000,000.00	X			Highway Condemnation
*	DOT v. Hill, Carole G.	06 CVS 1528	NC Superior Court	\$1,000,000.00	X			Highway Condemnation
	DOT v. J.B. Harrison Properties, LLC	06 CVS 1470	NC Superior Court	\$1,281,400.00	X			Highway Condemnation
	DOT v. Quality Oil Company	06 CVS 0508	NC Superior Court	\$1,000,000.00	X			Highway Condemnation

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*	DOT v. Salem Brass, Inc.	06 CVS 02845	NC Superior Court	\$1,000,000.00	X			Highway Condemnation
*	DOT v. South Shore Real Estate, LLC	07 CVS 1987	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. Wolbert, Doris Elizabeth	06 CVS 5243	NC Superior Court	\$1,000,000.00	X			Highway Condemnation
*	Dozier, Angela v. Champion, Anna, et al	5:06-CT-3041-H	Federal District Court	\$1,000,000.00	X			Prisoner Litigation
	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
*	Duke University and Durham Regional V. NC DHHS, DFS, Con Section	06 COA 13481	NC Court of Appeals			X	NC Session Law 2005-346	Plaintiffs are challenging the constitutionality of the certificate of need sections application of Session Law 2005-346.
	Dunn, Lessie v. State of NC	COA05-1178	NC Court of Appeals			X	Commerce clause; N.C. Gen. Stat. §105-134.6(c)1	Plaintiffs argue that North Carolina unlawfully treats interest income from government bonds originating in North Carolina differently from bonds from other states.
	Faircloth, James v. Lee, R.C., et al	5:04-CT-608-FL	Federal District Court	\$1,000,000.00	X			Prisoner Litigation
*	Faulkner v. Medical Board	07 CVS 3306	NC Superior Court			X	NC Gen. Stat. §90-2	Plaintiffs challenge the constitutionality of the statutory scheme providing for the appointment of Medical Board members.
*	Forsyth Medical Center and Community Gen. Health Partners v. NC DHHS, DFS et	06 COA 1572	NC Court of Appeals			X	NC Gen. Stat. § 131E-188; NC Gen. Stat. Article 9	Plaintiff is raising constitutional claim that Article 9 (certificate of need law) is unconstitutional as applied, resulting in denial of due process.
	Goldston, et al. v. State of North Carolina and Easley	02 CVS 015253	NC Superior Court			X	NC Session Laws 2001-424 and 2002-126 §2.2(g)	Plaintiffs challenge the constitutionality of actions by the Governor and the Legislature diverting highway trust funds.
	Gorham, William v. Kenworthy, George, et al	5:05-CT-42-H	Federal District Court	\$5,000,000.00	X			Prisoner Litigation
*	Grand River Enterprises Six Nations, Ltd. Et al v. Pryor, Cooper, et al	02 5068	Federal District Court			X	NC Gen. Stat. §66-290 and Tobacco Master Settlement Agreement	Plaintiffs challenge the Master Settlement Agreement and the State Escrow Statute violate antitrust provisions and Dormant Commerce Clause of US Constitution.
	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.
	H. B. Rowe & Co., Inc. v. Lyndo Tippet, et al.	5:03-CV-278-BO(3)	Federal District Court			X	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.
	Hardy, Vicky v. Sutton, Ernest, et al	5:05-CT-491-FL	Federal District Court	\$2,500,000.00	X			Prisoner Litigation

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	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	31 P 06	NC Supreme Court			X	NC Session Law 2005-344 as amended by NC Session Law 2005-276 §31.1	Plaintiffs challenge the Lottery Act on the grounds that it imposes a tax and thereby pledges the faith and credit of the State without being enacted by Constitutional Amendment.
*	High Rock Lake Partners, LLC v. NC DOT, Ivey, Pat, and Corriher, Chris T.	06 CVS 2434	NC Superior Court	\$1,000,000.00	X	X	NC Gen Stat §136-18	Highway Construction Contract Claim
	Hoke County Board of Education et al v. State of North Carolina	95 CVS 1158	NC Supreme Court			X	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.
	Jackson, Barbara, NC Right to Life Committee Fund et al v. Larry Leak	5:06-CV-324-BR	Federal District Court			X	N.C. Gen. Stat. § 163-278.12, § 163-278.66 & .67	Plaintiffs assert constitutional challenges to the NC Public Campaign Financing Fund.
	Jackson, James v. Dr. Matkio, et al	5:06-CT-59-FL	Federal District Court	\$1,000,000.00	X			Prisoner Litigation
	James, Terrance v. Lightsey, Joseph	5:05-CT-210-H	Federal District Court	\$1,000,000.00	X			Prisoner Litigation
	Jeffries, David v. Catawba Valley Hospital, et al	06-CVS-3143	NC Superior Court	\$1,101,000.00	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, Derrick v. C/O Griffin, et al	5:06-CT-3040-FL	Federal District Court	\$3,000,000.00	X			Prisoner Litigation
*	Johnson, Zane v. Huggins, Larry, et al	5:06-CT-3142-FL	Federal District Court	\$1,300,000.00	X			Prisoner Litigation
	Koerber, Holly Lynn & RGA, the v. NC Board of Election	2:04-CV-36-BO(1)	Federal District Court			X	N.C. Gen. Stat. § 163-278.6(14); 42 U.S.C. § 1988	Plaintiffs request to be awarded reasonable attorney fees.
	Latta v. State of North Carolina, et al.	01 CVS 15577	NC Superior Court			X	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.
	Libertarians v. State Board of Elections	05 CVS 13073	NC Superior Court			X	NC Gen. Stat. §§ 163-96 through 163-99	Plaintiffs challenge a number of party registration laws as unconstitutional.
	Lorillard Tobacco Co. v. Tolson, E. Norris, et al.	06-CVS-9616	NC Superior Court	\$2,734,799.00	X	X	Commerce clause and other constitutional challenges, N.C. Gen. Stat. § 105-130.6	Taxpayer has filed suit in superior court to dispute its corporate income tax liability.

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	Mangum, C.C. v. NC DOT	06 CVS 6136	NC Superior Court	\$1,249,202.00	X			Highway Construction Contract Claim
*	MAPCO v. NC DOT	06 CVS 6107	NC Superior Court	\$1,000,000.00	X			Highway Construction Contract Claim
	McCoy, Anthony v. Wilt, George	5:06-CT-3093-BO	Federal District Court	\$1,000,000.00	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
	Mealy, Calvin v. Officer Byrd, et al	5:05-CT-00566-D	Federal District Court	\$3,000,000.00	X			Prisoner Litigation
	NC Right to Life, Inc., et. al. v. Larry Leake, et. al.	5:99-CV-798-BO(3)	Federal District Court			X	NC Gen. Stat. §§ 163-278.6(14), 163-278.13, and 163-278.14A(a)(2)	Plaintiff challenges 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. NC DOT	03 CVS 16710	NC Supreme Court	\$8,924,296.00	X			Highway Construction Contract Claim
	Odebrecht Construction v. NC DOT	06 CVS 11169	NC Superior Court	\$7,841,058.42	X			Highway Construction Contract Claim
*	Open Plan Systems, Inc.	02-64657	US Bankruptcy Court			X	Eleventh Amendment	Action by trustee to recover an 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
	Pender County v. Bartlett	04-CVS-6966	NC Supreme Court			X	NC Gen. Stat. §120-2	Plaintiffs challenge the House districts in Pender County.
*	Petroleum Traders Corporation v. State of North Carolina	06 CVS 10405	NC Superior Court			X	NC Constitution Article II, §23	Plaintiffs challenge e-procurement charges. Plaintiffs claim it violates NC and US Constitutions taking clauses.
	Pittman, Donnell v. Woods, Don, et al	1:05-CV-00383	Federal District Court	\$4,400,000.00	X			Prisoner Litigation
	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.
*	Pulliam, Timothy John v. Lt Jacob	1:05-CV-01000	Federal District Court	\$5,100,000.00	X			Prisoner Litigation
	Reid, Joseh v. Polk, Gary, et al	5:05-CT-00459-D	Federal District Court	\$1,000,000.00	X			Prisoner Litigation
	Republican Governors Asso., et. al. v. N.C. State Board of Elections, et. al	05-CVS-017243	NC Superior Court			X	N.C. Gen. Stat. § 6-191.1	Plaintiffs request to be awarded reasonable attorney fees.
	Row, Rodney R. v. Leigh A. Row (Deese)	COA06-1692	NC Court of Appeals			X	NC Gen. Stat. §50-13.4	Plaintiff challenges the current child support guidelines as unconstitutional. Trial Court ruled that the guidelines were constitutional.

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Rowlett, Kevin Patrick et. al. v. Richard Moore, State Treasurer	05 CVS 2677	NC Superior Court	\$1,000,000.00	X	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.
Sam's East, Inc. v. Tolson	06 CVS 3929	NC Superior Court	\$3,527,599.60	X	X	Commerce clause, due process and other constitutional challenges; N.C. Gen. Stat. §§ 105-130.6 and 105-130.16	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 Supreme 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
Sorto, Julio Zelaya v. Polk, Marvin, et al	5:06-CT-3028-H	Federal District Court	\$2,500,000.00	X			Prisoner Litigation
State ex rel. Cooper and DENR v. McClure, et al.	03 CVS 5617	NC Superior Court			X	NC Gen. Stat. §75-1.1	Antitrust and unfair trade enforcement action against environmental consulting firms; Defendant contends the statute is 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	\$90,000,000.00	X			Southeast Interstate Low-Level Waste Management Commission filed claims against NC for failure to construct a low-level radioactive waste facility.
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, James v. Caledonia CI, et al	5:06-CT-3046-FL	Federal District Court	\$8,000,000.00	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. Burke, Lt, et al	5:06-CT-3077-FL	Federal District Court	\$5,500,000.00	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
TRISM, Inc., d/b/a/ "Bedtime Stories" et. al. v. Cooper	1:06-CV-25-H	Federal District Court	\$1,000,000.00	X	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.

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*	Tyson, Noel John v. Matthews, Jon	5:07-CT-3009-D	Federal District Court	\$100,000,000.00	X			Prisoner Litigation
	Wal-Mart Stores East, Inc. v. Tolson	06 CVS 3928	NC Superior Court	\$30,230,338.89	X	X	Due process; commerce clause; law of the land clause; N.C. Gen. Stat. § 105-130.6	Plaintiff seeks refund for corporate income tax.
	Williams, Stanley v. McLeod-Duncan, Debra	06-CVS-606	NC Superior Court	\$5,500,000.00	X			Prisoner Litigation
	Williamson, Nathaniel v. Smith, Raymond, et al	1:06-CV-00484	Federal District Court	\$1,500,000.00	X			Prisoner Litigation
	Willis v. Henderson	4:06-CV-143	Federal District Court	\$1,000,000.00	X			Plaintiff is suing Jones County Clerk of Court claiming clerk has refused to give a document from the files of the Office of the Clerk.
*	Willis v. NC DOT	4:07 CV 46	Federal District Court	\$160,000,000.00	X			Plaintiff contends agency violated Titles VI and VII of the Civil Rights Act of 1964 and his rights under the 1st and 14th Amendments.
	Young, Danny William v. Boyles, William, et al	5:04-CT-741-FL	Federal District Court	\$7,600,000.00	X			Prisoner Litigation

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