

NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

WAKE COUNTY

2021 APR 26 FILED NO. 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
EDUCATION 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,

Parent-Intervenors.

**PARENT-INTERVENORS'
AMENDED MOTION FOR DISMISSAL**

Parent-Intervenors Janet Nunn, Christopher and Nichole Peedin, and Katrina Powers respectfully move this Court to dismiss Plaintiffs' Complaint under North Carolina Rule of Civil Procedure 12(b)(1).

This Court should dismiss the Plaintiffs' claims under Rule 12(b)(1) because Plaintiffs lack standing and thus the Court lacks jurisdiction over the subject matter.¹

WHEREFORE, Parent-Intervenors Janet Nunn, Christopher and Nichole Peedin, and Katrina Powers respectfully request that this Court dismiss Plaintiffs' Complaint.

This 26th day of April 2021.

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¹ Parent-Intervenors hereby withdraw—without prejudice—their motion for judgment on the pleadings under Rule 12(c), which they filed on April 1, 2021.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date listed below a copy of the foregoing Parent-Intervenors' Amended Motion for Dismissal was served upon all parties to this matter via electronic mail and by placing a copy in the United States Mail, First Class, postage prepaid and addressed as follows:

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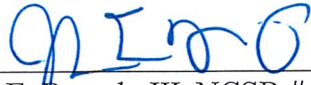
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Dated: April 26, 2021.

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