

STATE OF NORTH CAROLINA

FILED

COUNTY OF HALIFAX

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IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

FILE NO. 15 CVS 767

HALIFAX COUNTY, C.S.C.

LATONYA SILVER, individually and
as guardian ad litem of BRIANNA
SILVER, LARRY SILVER III, and
DOMINICK SILVER; BRENDA
SLEDGE, individually and as guardian
ad litem of ALICIA JONES; FELICIA
SCOTT, individually and as guardian
ad litem of JAMIER SCOTT;
COALITION FOR EDUCATION
AND ECONOMIC SECURITY;
HALIFAX COUNTY BRANCH
#5401, NATIONAL ASSOCIATION
FOR THE ADVANCEMENT OF
COLORED PEOPLE,

Plaintiffs,

v.

THE HALIFAX COUNTY BOARD
OF COMMISSIONERS,

Defendant.

**MOTIONS TO DISMISS,
MOTION TO STRIKE AND
ANSWER**

NOW COMES the Defendant, the Halifax County Board of Commissioners, by and through counsel, and responds to the Complaint of the Plaintiffs as follows:

**I. MOTION TO DISMISS
Rule 12(b)(6) as to Entire Action**

The Defendant moves the Court to dismiss the complaint of the Plaintiffs, pursuant to Rule 12(b)(6) of the North Carolina Rules of Civil Procedure, in that it fails to state a claim upon which relief can be granted, i.e., there is no law which supports the claims.

II. MOTION TO DISMISS
Rule 12(b)(6) as to Attorney's Fees

The Defendant moves the Court, pursuant to North Carolina Rule of Civil Procedure 12(b)(6), to dismiss that specific portion of the Plaintiffs' Complaint relating to a demand for attorney's fees, or in the alternative, to strike that portion pursuant to North Carolina Rule of Civil Procedure 12(f), and in support thereof, shows the Court the following:

1.

The law is well established in North Carolina that "the non-allowance of counsel fees has prevailed as the policy of this state at least since 1879" and a "successful litigant may not recover attorneys' fees, whether as costs or as an item of damages, unless such recovery is expressly authorized by statute." [citations omitted]

Nucor Corp. v. General Bearing Corp., 333 N.C. 148, 154, 423 S.E.2d 747, 751 (1992).

2. The Plaintiffs have not alleged a statutory basis for attorney's fees in its Complaint.

3. The only putative statutory basis for seeking attorney's fees is N.C. Gen. Stat. §6-21.7 which is not applicable to the facts or law alleged.

4. N.C. Gen. Stat. §6-21.7 reads as follows:

In any action in which a city or county is a party, upon a finding by the court that the city or county acted outside the scope of its legal authority, the court may award reasonable attorneys' fees and costs to the party who successfully challenged the city's or county's action, provided that if the court also finds that the city's or county's action was an abuse of its discretion, the court shall award attorneys' fees and costs.

5. An objective reading of the Plaintiffs' Complaint would indicate the Plaintiffs are suing the Defendant Board of County Commissioners for not doing something it should do (to which the Defendant disagrees) as opposed to doing something it does not have the authority to do.

III. MOTION TO DISMISS
Rule 12(b)(1), Rule 9 and Rule 17 as to Certain Plaintiffs

The Defendant, pursuant to North Carolina Rules of Civil Procedure 12(b)(1) and 17(c)(1), moves the Court to dismiss the Complaint of the Plaintiffs Latonya Silver individually and as guardian ad litem for Brianna Silver, Larry Silver, III and Dominick Silver; Brenda Sledge, individually and as guardian ad litem for Alicia Jones; and Felicia Scott, individually and as guardian ad litem for Jamier Scott, Coalition for Education and Economic Security and Halifax County Branch #5401, National Association for the Advancement of Colored People and, in support thereof, shows the Court the following:

1.

Standing is properly challenged by a N.C. Gen. Stat. § 1A-1, N.C. R. Civ. P. 12(b)(1) (2003) motion to dismiss, and a showing must be made that the plaintiff has been injured or threatened by injury or has a statutory right to institute an action. If a party does not have standing to bring a claim, a court has no subject matter jurisdiction to hear the claim. [citations omitted]

Peninsula Prop. Owners Ass'n v. Crescent Res., LLC, 171 N.C. App. 89, 93, 614 S.E.2d 351, 354 (2005).

2.

Standing refers to whether a party has a sufficient stake in an otherwise justiciable controversy such that he or she may properly seek adjudication of the matter. Standing is a necessary prerequisite to a court's proper exercise of subject matter jurisdiction. The party seeking to invoke jurisdiction has the burden of proving the elements of standing. [citations omitted]

Peninsula Prop. Owners Ass'n v. Crescent Res., LLC, 171 N.C. App. 89, 92-93, 614 S.E.2d 351, 353-354, (2005).

3. The Plaintiff Latonya Silver is not the guardian ad litem of the minor children Brianna Silver, Larry Silver III and Dominick Silver as alleged in the complaint.

4. The Plaintiff Brenda Sledge is not the guardian ad litem of the minor child Alicia Jones as alleged in the complaint.

5. The Plaintiff Felicia Scott is not the guardian ad litem of the minor child Jamier Scott as alleged in the complaint.

6. These minor children can only bring this action through a general guardian, a testamentary guardian or by a guardian ad litem duly appointed pursuant to Rule 17(c)(1) of the North Carolina Rules of Civil Procedure.

7. The Plaintiffs Latonya Silver, Brenda Sledge and Felicia Scott, in their individual capacities, are not real parties in interest pursuant to Rule 17(a) of the North Carolina Rules of Civil Procedure.

8. The Plaintiffs Coalition for Education and Economic Security and Halifax County Branch #5401, National Association for the Advancement of Colored People are not real parties in interest pursuant to Rule 17(a) of the North Carolina Rules of Civil Procedure.

9. Furthermore, these Plaintiffs have failed to make sufficient averment regarding their legal existence or their capacity and authority to bring this action "to vindicate the rights of Halifax County's schoolchildren to receive a sound basic education" in a representative capacity as required by Rule 9(a) of the N.C. Rules of Civil Procedure.

IV. MOTION TO DISMISS Rule 12(b)(7) and 19 Failure to Join Necessary Parties

The Defendant moves the Court, pursuant to North Carolina Rules of Civil Procedure 12(b)(7) and 19 (and N.C. Gen. Stat. §1-257 and N.C. Gen. Stat. §1-260), to dismiss the Complaint for failure to join necessary parties, to wit, at the minimum, the following: the State of North Carolina, the State Board of Education, the Board of Education for the Roanoke Rapids Graded School District, the Board of Education for the Weldon City Schools, the Board of Education for the Halifax County Public Schools and the respective members of those local school boards, and in support thereof, shows the Court the following:

1. The Complaint of the Plaintiffs is, *inter alia*, a Declaratory Judgment Action requesting the Court, *inter alia*, to “find and conclude that Defendant’s maintenance of three separate school districts obstructs Halifax County students from securing the opportunity to receive a sound basic education” and to “find and conclude that Defendant’s maintenance of three separate school districts denies at-risk students in Halifax County the opportunity to receive a sound basic education.”

2. The Complaint of the Plaintiffs goes on to ask the Court to “exercise its equitable powers and order the Board to develop and implement a plan to remedy the constitutional violations of its present education delivery mechanism and to ensure that every student in Halifax County is provided the opportunity to receive a sound basic education.”

3. An objective reading of the Plaintiffs’ Complaint, *in toto*, indicates that the means of such “correction” would be consolidation and merger of the three school districts.

4. The Plaintiffs’ alleged legal underpinning for such action is the North Carolina Constitution and, more particularly, the North Carolina Constitution as applied by two Supreme Court cases interpreting our constitution which the Plaintiffs have referred to as “Leandro I” and “Leandro II”

5. In addition to the Plaintiffs’ misapplication of the constitutional requirements as shown by the clear language of the North Carolina Constitution and the two referenced Supreme Court decisions, the Plaintiffs, in an attempt to support such action, have failed to include (as defendants) in this lawsuit the parties most directly affected thereby.

6. “Parties. When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceedings. . .” N.C. Gen. Stat. § 1-260.

7. "Discretion of the Court. The court may refuse to render or enter a declaratory judgment or decree where such judgment or decree, if rendered or entered, would not terminate the uncertainty or controversy giving rise to the proceeding. . ." N.C. Gen. Stat. §1-257.

8. It should be noted from the outset, and always kept in mind, that the **Plaintiffs** in Leandro I and II included, *inter alia*, the Hoke County Board of Education, the **Halifax County Board of Education**, the Robeson County Board of Education the Cumberland County Board of Education and the Vance County Board of Education and it was these local boards of education that were suing the **Defendants, the State of North Carolina and the State Board of Education** and, therefore, the Supreme Court mandates for constitutional adherence in education was directed at the State and not any local county board of commissioners, such as the Halifax County Board of Commissioners.

9. "The state constitution assigns shared responsibility for public education to the General Assembly, the State Board of Education, and the Superintendent of Public Instruction." Millonzi, Kara, A., *County and Municipal Government in North Carolina*, (2d.Ed.) at p. 771.
For example:

Section 2. Uniform system of schools

(1) *General and uniform system: term.* The General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools, which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students.

(2) *Local responsibility.* The General Assembly may assign to units of local government such responsibility for the financial support of the free public schools as it may deem appropriate. The governing boards of units of local government with financial responsibility for public education may use local revenues to add to or supplement any public school or post-secondary school program.

Section 4. State Board of Education . . .

(2) *Superintendent of Public Instruction.* The Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education.

Section 5. Powers and duties of Board

The State Board of Education shall supervise and administer the free public school system and the educational funds provided for its support . . . and shall make all needed rules and regulations in relation thereto, subject to laws enacted by the General Assembly.

North Carolina Constitution, Article IX.

10. These specific grants of constitutional power to the General Assembly and the State Board of Education to supervise and administer our system of public education are more fully developed in the following statutory provisions:

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly . . .

N.C. Gen. Stat. §115C-12.

As provided in Article IX, Sec. 4(2) of the North Carolina Constitution, the Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education. As secretary and chief administrative officer of the State Board of Education, the Superintendent manages on a day-to-day basis the administration of the free public school system, subject to the direction, control, and approval of the State Board. Subject to the direction, control, and approval of the State Board of Education, the Superintendent of Public Instruction shall carry out the duties prescribed under *G.S. 115C-21*.

N.C. Gen. Stat. § 115C-19.

11. One of the responsibilities of the State Board of Education as it may relate to the matters *sub judice* is:

(7) Power to Alter the Boundaries of City School Administrative Units and to Approve Agreements for the Consolidation and Merger of School Administrative Units Located in the Same County. -- The Board shall have

authority, in its discretion, to alter the boundaries of city school administrative units and to approve agreements submitted by county and city boards of education requesting the merger of two or more contiguous city school administrative units and the merger of city school administrative units with county school administrative units and the consolidation of all the public schools in the respective units under the administration of one board of education: Provided, that such merger of units and reorganization of school units shall not have the effect of abolishing any special taxes that may have been voted in any such units.

N.C. Gen. Stat. §115C-12

12. Some of the responsibilities of the Superintendent of Public Instruction as it may relate to the matters *sub judice* is:

(2) To keep the public informed as to the problems and needs of the public schools by constant contact with all school administrators and teachers, by personal appearance at public gatherings, and by information furnished to the press of the State.

(3) To report biennially to the Governor 30 days prior to each regular session of the General Assembly, such report to include information and statistics of the public schools, with recommendations for their improvement and for changes in the school law.

N.C. Gen. Stat. § 115C-21(a)

(3) To make recommendations to the Board with regard to the problems and needs of education in North Carolina.

N.C. Gen. Stat. § 115C-21(b)

13. Furthermore,

It is the policy of the State of North Carolina to create a public school system that graduates good citizens with the skills demanded in the marketplace, and the skills necessary to cope with contemporary society, using State, local and other funds in the most cost-effective manner. . .

N.C. Gen. Stat. § 115C-408(a)

14. In addition to these general State of North Carolina responsibilities, it is the North Carolina General Assembly that established the three-district school system of which the Plaintiffs complain.

15. The North Carolina General Assembly not only established the Roanoke Rapids Graded School District and the Weldon City Schools by special legislation over a hundred years ago, but the North Carolina General Assembly has continued to maintain and, when it deemed necessary, change the three district school system in Halifax County by on-going amendments to its original legislative authorization.

16. In addition to having the capacity to legislatively merge the three districts by special legislation, the General Assembly recently adopted general legislation (N. C. Gen. Stat. § 115C-66.5) whereby the State Board of Education could do so; the North Carolina General Assembly and the North Carolina State Board of Education not taking steps to do so would indicate that it is the public policy of the State of North Carolina that the three districts in Halifax County remain as such and to do otherwise would impinge upon the rights (constitutional, statutory and otherwise) of the State of North Carolina and the State Board of Education, i.e., they are necessary parties.

17. As to the local boards of education:

In the scheme of public education adopted by the General Assembly, the "general control and supervision of all matters pertaining to the public schools in their respective administrative units" is delegated to the county and city boards of education, subject to any paramount powers vested by law in the State Board of Education or any other authorized agency.

Hughey v. Cloninger, 297 N.C. 86, 94, 253 S.E.2d 898, 903 (1979).

18. The North Carolina General Assembly has created legislation providing for the authority, rights and responsibilities of local boards of education. For example, N.C. Gen. Stat. §115C provides local boards of education with certain corporate authority and rights:

The board of education of each county in the State shall be a body corporate by the name and style of "The ___ County Board of Education," and the board of education of each city administrative school unit in the State shall be a body

corporate by the name and style of "The ____ City Board of Education." The several boards of education, both county and city, shall hold all school property and be capable of purchasing and holding real and personal property, of building and repairing schoolhouses, of selling and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation.

Local boards of education, subject to any paramount powers vested by law in the State Board of Education or any other authorized agency shall have general control and supervision of all matters pertaining to the public schools in their respective local school administrative units; they shall execute the school laws in their units; and shall have authority to make agreements with other boards of education to transfer pupils from one local school administrative unit to another unit when the administration of the schools can be thereby more efficiently and more economically accomplished.

N.C. Gen. Stat. § 115C-40.

19. Each board of education in Halifax County owns real estate, personal property, employs people, and enjoys other certain basic corporate rights which would be dramatically affected by this lawsuit's effort to alter their structures by consolidation, i.e., they are necessary parties.

20. Furthermore, pursuant to N.C. Gen. Stat. §115C-47(1), it is the duty of each local board of education "to provide adequate school systems within their respective local school administrative units as directed by law."

21. Each member of the three boards of education in Halifax County are duly elected for a set term of office, are provided compensation for their service and exercise certain authority over the educational process within their district; these statutory rights would be dramatically affected by this lawsuit's effort to alter their respective boards' structures by consolidation, i.e., they are necessary parties.

22. Additionally, the Roanoke Rapids Graded School District board of education and the Weldon City Schools board of education, upon proper notice, have the ability to

independently dissolve themselves, thereby unilaterally compelling the State Board of Education to formulate a plan of consolidation and merger.

If a city board of education notifies the State Board of Education that it is dissolving itself, the State Board of Education shall adopt a plan of consolidation and merger of that city school administrative unit with the county school administrative unit in the county in which the city unit is located; provided, however, if a city school administrative unit located in more than one county notifies the State Board of Education that it is dissolving itself, the State Board shall adopt a plan that divides the city unit along the county line and consolidates and merges the part of the city unit in each county with the county unit in that county and the plans shall take effect on the same day. The plans shall be prepared and approved in accordance with G.S. 115C-67 as provided by general law, and G.S. 115C-68 as provided by general law, as applicable, except that the county and city boards of education and the boards of commissioners shall not participate by preparing, entering into, submitting, or agreeing to a plan, and the plan shall not be contingent upon approval by the voters.

N.C. Gen. Stat. § 115C-68.2

23. All three boards of education have the authority to initiate consolidation and merger.

City school administrative units may be consolidated and merged with contiguous city school administrative units and with county school administrative units upon approval by the State Board of Education of a plan for consolidation and merger submitted by the boards of education involved and bearing the approval of the board of county commissioners. . .

N.C. Gen. Stat. § 115C-67

24. The primary role of a County in North Carolina is to provide funding for certain activities as dictated by the North Carolina General Assembly, i.e., "Schools - To provide for the county's share of the cost of kindergarten, elementary, secondary, and post-secondary public education." N.C. Gen. Stat. §153A-149(b)(7).

25. As compared to the North Carolina General Assembly, the North Carolina State Board of Education, the North Carolina Superintendent of Public Instruction and the local boards of education, county boards of commissioners have the least impact on the structure and effectiveness of public education in North Carolina, including the County of Halifax.

26. While it may be possible to somehow effectuate the Plaintiffs' stated goals without the involvement of the Halifax County Board of Commissioners, it is impossible to try to effectuate those goals through litigation without joining other necessary parties and, therefore, the Plaintiffs' Complaint should be dismissed.

V. MOTION TO STRIKE
Rule 12(f) and 10(b) as to "Introduction"

The Defendant moves the Court pursuant to North Carolina Rules of Civil Procedure 12(f) and 10(b) to strike the so-called "Introduction" of the Plaintiffs' Complaint and, in support thereof, shows the Court the following:

1. It is pled in a manner in violation of North Carolina Rule of Civil Procedure 10(b) making it difficult to respond by reference to numbered paragraphs.
2. It reads more like a press release for political purposes than a proper portion of a Complaint and is redundant and impertinent when considered with the actual numbered paragraphs of the Complaint.

VI. ANSWER

The Defendant responds to the allegations in the Complaint as follows:

As to the various unnumbered allegations made in the "Introduction" of the Complaint, which is comprised of a conglomeration of legal opinions, undefined terms, characterizations and factual allegations, the Defendant makes its best effort to answer by saying:

- a. With regard to the first paragraph of the "Introduction" it is denied that the Halifax County Board of Commissioners (the Board) is obligated to "structure a system of public education" of any kind because the Board is not legally authorized to structure a system of public

education. Therefore, all of the factual allegations of the first paragraph of the "Introduction" are denied and all of the legal conclusions stated therein are disputed.

b. With regard to the second paragraph of the "Introduction" it is admitted that the majority of the students in the Halifax County Public Schools and the Weldon City Schools are black, and that the majority of students in the Roanoke Rapids Graded School District are white. The remaining factual allegations are denied and the legal opinions or conclusions stated therein are disputed.

c. With regard to the third paragraph of the "Introduction" the Defendant alleges that, according to the holdings in the *Leandro* cases, the only entity in Halifax County that has a constitutional obligation to provide every schoolchild in Halifax County with the opportunity to receive a sound basic education is the State of North Carolina (not the Board). It is further alleged that the Board does not even have the legal authority to create an "education delivery system/mechanism", whatever that means, nor does the Board have the legal authority to address alleged "inherent structural deficiencies" in said "educational delivery system" except through such local financial support as may be required by the North Carolina General Assembly. Accordingly, all of the factual allegations of the third paragraph of the "Introduction" are denied and all of the legal opinions or conclusions stated therein are disputed.

As to the numbered paragraphs of Plaintiffs' Complaint, the Defendant responds as follows:

1. As to Paragraph 1 of the Complaint, it is denied that Latoya Silver is the duly appointed guardian ad litem of Brianna Silver, Larry Silver III, and Dominic Silver. Because the remaining allegations of Paragraph 1 are beyond the knowledge of the Defendant, they are denied.

2. As to Paragraph 2 of the Complaint, it is denied that Brenda Sledge is the duly appointed guardian ad litem of Alicia Jones. It is also denied that the Gaston College Preparatory School is a public charter school in Halifax County, inasmuch as it is actually located in Gaston, Northampton County, North Carolina. Because the remaining allegations of Paragraph 2 are beyond the knowledge of the Defendant, they are denied.

3. As to Paragraph 3 of the Complaint, it is denied that Felicia Scott is the duly appointed guardian ad litem of Jamier Scott. Because the remaining allegations of Paragraph 3 are beyond the knowledge of the Defendant, they are denied.

4. The allegations of Paragraph 4 of the Complaint are beyond the knowledge of the Defendant and are therefore denied. It is specifically denied that the Coalition for Education and Economic Security is a real party in interest or has authority or standing to bring this action in any representative capacity.

5. As to the allegations of Paragraph 5 of the Complaint, it is admitted that the National Association for the Advancement of Colored People is a civil rights organization. The remaining allegations of Paragraph 5 are either characterizations or are beyond the knowledge of the Defendant and are therefore denied. It is specifically denied that the Plaintiff identified in Paragraph 5 is a real party in interest or has authority or standing to bring this action in any representative capacity.

6. The allegations of Paragraph 6 are denied. The Halifax County Board of Commissioners is not a corporate body. Pursuant to N. C. Gen. Stat. §153A-10, Halifax County is one of the 100 counties in North Carolina. Under N. C. Gen. Stat. §153A-11, the inhabitants of Halifax County are a body politic and corporate (not the board of commissioners). Under N. C. Gen. Stat. §153A-12, except as otherwise directed by law, the various powers, rights, duties,

functions, privileges and immunities of the corporate body comprised of the inhabitants of Halifax County is exercised by their elected representatives on the county the board of commissioners. Moreover, it is especially denied that the Halifax County Board of Commissioners "has broad governance powers . . . specifically related to the provision of public education."

7. The allegations of Paragraph 7 constitute a legal conclusion and are denied.

8. The allegations of Paragraph 8 constitute a legal conclusion and are denied.

9. The allegation of Paragraph 9 is a not a factual allegation, but rather a misstatement, misinterpretation or misunderstanding of the holdings in the *Leandro* cases. Those allegations, to the extent that they are deemed to be "factual", are denied.

10. The allegations of Paragraph 10 are denied, and it is specifically denied that the Board must structure any educational system because the Board has no legal authority to structure an educational system.

11. The allegations of Paragraph 11 are denied, and it is specifically denied that the Board has chosen to maintain a[n] [educational] structure because the Board has no legal authority to structure an educational system.

12. As to the allegations of Paragraph 12, to the extent that those allegations reflect a correct reading of the decision of the N. C. Supreme Court in *Leandro I*, they are admitted. To the extent that they do not, they are denied.

13. As to the allegations of Paragraph 13, to the extent that those allegations reflect a correct reading and interpretation of the various state statutes that pertain to the responsibilities imposed upon counties for the local funding of public education, they are admitted. To the extent that they do not, they are denied.

14. As to the allegations of Paragraph 14, to the extent that those allegations reflect a correct reading and interpretation of the various state statutes that pertain to the responsibilities imposed upon counties for the local funding of public school facilities, they are admitted. To the extent that they do not, they are denied.

15. The allegations of Paragraph 15 are denied and reflect a misstatement, misinterpretation or misunderstanding of a role of the county board of commissioners with respect to setting the local current operating expenses of a local board of education.

16. The allegations of Paragraph 16 are denied.

17. As to the allegations of Paragraph 17, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

18. As to the allegations of Paragraph 18, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

19. The allegations of Paragraph 19 are denied, and they are particularly denied in that it is implied that the Board has the legal authority to create and maintain an "education delivery mechanism", authority which the Board clearly does not have under the laws of this state.

20. As to the allegations of Paragraph 20, to the extent that those allegations imply that the Board is responsible for furnishing an "education delivery system" or an "education delivery mechanism", they are denied. To the extent that those allegations reflect a correct reading of *Leandro II*, they are admitted. To the extent that they do not, they are denied.

21. The allegations of Paragraph 21 are not factual allegations, but are commentary on some unsourced rule of evidence proffered by the Plaintiff. For that reason, they are denied.

22. The allegations of Paragraph 22 are denied, and they are particularly denied in that the Board has no legal authority to structure an "education delivery system".

23. As to the allegations of Paragraph 23, to the extent that those allegations reflect a correct reading of *Leandro II*, they are admitted. To the extent that they do not, they are denied.

24. As to the allegations of Paragraph 24, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

25. As to the allegations of Paragraph 25, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

26. As to the allegations of Paragraph 26, it is admitted that there are three "local school administrative units" governed by three "local boards of education" all located geographically in Halifax County. It is particularly denied that the Defendant "has" or "possesses" any type of three-district educational system as to creation, operation or otherwise. To the extent that any entity "has" or "possesses" an educational system in Halifax County, the Plaintiffs, for some reason, have failed to make them parties to this action. As to all other allegations of Paragraph 26 they are conclusory statements, but nonetheless are denied.

27. As to the allegations of Paragraph 27, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

28. As to the allegations of Paragraph 28, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

29. As to the allegations of Paragraph 29, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

30. As to the allegations of Paragraph 30, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

31. The allegations of Paragraph 31 are denied, and especially denied is the characterization implying that the education system in Halifax County is "the Board's" education system.

32. The allegations of Paragraph 32 are denied, and especially denied is the characterization implying that the education system in Halifax County is "the Board's" education system.

33. As to the allegations of Paragraph 33, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

34. As to the allegations of Paragraph 34, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

35. As to the allegations of Paragraph 35, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

36. As to the allegations of Paragraph 36, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

37. As to the allegations of Paragraph 37, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

38. As to the allegations of Paragraph 38, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

39. As to the allegations of Paragraph 39, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

40. As to the allegations of Paragraph 40, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

41. As to the allegations of Paragraph 41, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

43. As to the allegations of Paragraph 43, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

44. As to the allegations of Paragraph 44, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

45. As to the allegations of Paragraph 45, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

46. As to the allegations of Paragraph 46, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

47. As to the allegations of Paragraph 47, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

48. As to the allegations of Paragraph 48, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

49. As to the allegations of Paragraph 49, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

50. As to the allegations of Paragraph 50, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

51. As to the allegations of Paragraph 51, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

52. As to the allegations of Paragraph 52, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

53. As to the allegations of Paragraph 53, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

54. As to the allegations of Paragraph 54, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

55. The allegations of Paragraph 55 are denied, and especially denied is the characterization implying that the education system in Halifax County is "the Board's" education system.

56. The allegations of Paragraph 56 are denied.

57. As to the allegations of Paragraph 57, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

58. As to the allegations of Paragraph 58, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

59. As to the allegations of Paragraph 59, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

60. As to the allegations of Paragraph 60, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

61. As to the allegations of Paragraph 61, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

62. As to the allegations of Paragraph 62, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

63. As to the allegations of Paragraph 63, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

64. As to the allegations of Paragraph 64, it is admitted that RRGSD's high school has undergone renovations in the past and was most recently renovated in 2004. The remaining allegations or characterizations are denied.

65. The allegations of Paragraph 65 are denied.

66. The allegations of Paragraph 66 are admitted.

67. As to the allegations of Paragraph 67, except to say that the RRGSD high school facility has undergone renovations over the years of its existence, the Defendant is without

knowledge or information sufficient to form a belief as to the truth of the specific allegations in Paragraph 67, and they are therefore denied.

68. As to the allegations of Paragraph 68, except to say that the RRGSD high school facility does include a physical education and music building, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the specific allegations or characterizations in Paragraph 67, and they are therefore denied.

69. As to the allegations of Paragraph 69, except to say that the Manning Elementary School has undergone renovations over the years of its existence, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the specific allegations in Paragraph 69, and they are therefore denied.

70. As to the allegations of Paragraph 70, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

71. As to the allegations of Paragraph 71, it is admitted that the Board approved a proposal by the RRGSD board to construct a new elementary school on the current site of Manning Elementary School and property adjoining that current site. Any allegations in Paragraph 71 not consistent with this admission are denied.

72. The allegations of Paragraph 72 are admitted.

73. As to the allegations of Paragraph 73, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

74. The allegations of Paragraph 74 are denied, and especially denied is the characterization implying that the education system in Halifax County is "the Board's" education system.

75. As to the allegations of Paragraph 75, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

76. As to the allegations of Paragraph 76, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

77. As to the allegations of Paragraph 77, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

78. As to the allegations of Paragraph 78, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

79. As to the allegations of Paragraph 79, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

80. As to the allegations of Paragraph 80, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

81. As to the allegations of Paragraph 81, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

82. As to the allegations of Paragraph 82, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

83. As to the allegations of Paragraph 83, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

84. As to the allegations of Paragraph 84, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

85. As to the allegations of Paragraph 85, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

86. As to the allegations of Paragraph 86, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

87. As to the allegations of Paragraph 87, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

88. As to the allegations of Paragraph 88, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

89. As to the allegations of Paragraph 89, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

90. As to the allegations of Paragraph 90, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

91. As to the allegations of Paragraph 91, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

92. As to the allegations of Paragraph 92, the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

93. The allegations of Paragraph 93 are denied, and especially denied is the characterization implying that the education system in Halifax County is "the Board's" education system.

94. As to the allegations of Paragraph 94 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

95. As to the allegations of Paragraph 95 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

96. As to the allegations of Paragraph 96 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

97. As to the allegations of Paragraph 97 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

98. As to the allegations of Paragraph 98 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

99. As to the allegations of Paragraph 99 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

100. As to the allegations of Paragraph 100 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

101. As to the allegations of Paragraph 101 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

102. As to the allegations of Paragraph 102 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

103. As to the allegations of Paragraph 103 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

104. As to the allegations of Paragraph 104 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

105. As to the allegations of Paragraph 105 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

106. As to the allegations of Paragraph 106 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

107. The allegations of Paragraph 107 are denied, and especially denied is the characterization implying that the education system in Halifax County is "the Board's" education system.

108. As to the allegations of Paragraph 108 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

109. As to the allegations of Paragraph 109 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

110. As to the allegations of Paragraph 110 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

111. As to the allegations of Paragraph 111 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

112. As to the allegations of Paragraph 112 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

113. As to the allegations of Paragraph 113 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

114. As to the allegations of Paragraph 114 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

115. As to the allegations of Paragraph 115 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

116. As to the allegations of Paragraph 116 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

117. As to the allegations of Paragraph 117 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

118. As to the allegations of Paragraph 118 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

119. As to the allegations of Paragraph 119 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

120. As to the allegations of Paragraph 120 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

121. As to the allegations of Paragraph 121 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

122. As to the allegations of Paragraph 122 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

123. As to the allegations of Paragraph 123 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

124. As to the allegations of Paragraph 124 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

125. The allegations of Paragraph 125 are denied, and especially denied is the characterization implying that the education system in Halifax County is "the Board's" education system.

126. The allegations of Paragraph 126 are denied, and especially denied is the characterization implying that the education system in Halifax County is "the Board's" education system.

127. The allegations of Paragraph 127 are denied, and especially denied is the characterization implying that the education system in Halifax County is "the Board's" education system to maintain.

128. The allegations of Paragraph 128 are denied, and especially denied is the characterization implying that the education system in Halifax County is "the Board's" education system.

129. The allegations of Paragraph 129 are denied, and especially denied is the characterization implying that the education system in Halifax County is "the Board's" education system.

130. The allegations of Paragraph 130 are denied, and especially denied is the characterization implying that the education system in Halifax County is “the Board’s” education system to maintain.

131. As to the allegations of Paragraph 131, it is admitted that on August 7, 2011, Halifax County published an RFQ (request for qualifications) which stated the following: “Halifax County announces its intent to secure the services of a qualified consulting firm to provide an in-depth study of Halifax County’s three public school systems and to submit to Halifax County a comprehensive feasibility study and options for consolidating two or more school systems and the pros and cons of each option.” Any allegations in Paragraph 131 not consistent with this admission, and especially the characterization implying that the education system in Halifax County is “the Board’s” education system, are denied.

132. As to the allegations of Paragraph 132, it is admitted that Evergreen Solutions submitted a proposal to Halifax County on or about August 29, 2011. It is also admitted the words quoted in Paragraph 132 *appear* on page 1-12 in Evergreen’s proposal. However, the words quoted were *not* Evergreen’s statement or conclusion. Rather, the quoted language was from page 34 of a report done specifically for the UNC School of Law Center for Civil Rights. The Plaintiffs have attempted to mislead the Court into believing that Evergreen made the statement or reached that conclusion contained in the quotation marks in Paragraph 132. Those misleading allegations are denied.

133. As to the allegations of Paragraphs 133, it is admitted that the official minutes of the December 9, 2011, meeting of the Board of Commissioners reflect that consolidation *would be considered* within the study, but it would not be the *intent* of the study. To the extent that the

allegations and characterizations contained in Paragraph 133 are inconsistent with this admission, they are denied.

134. As to the allegations of Paragraphs 134, it is again admitted that the official minutes of the December 9, 2011, meeting of the Board of Commissioners reflect that consolidation *would be considered* within the study, but it would not be the *intent* of the study. To the extent that the allegations and characterizations contained in Paragraph 134 are inconsistent with this admission, they are denied.

135. As to the allegations of Paragraph 135, the Evergreen report speaks for itself, and any allegations or characterizations made in Paragraph 135 inconsistent with the Evergreen report are denied.

136. As to the allegations of Paragraph 136, the Evergreen report speaks for itself, and any allegations or characterizations made in Paragraph 136 inconsistent with the Evergreen report are denied. Also denied is the characterization implying that the education system in Halifax County is "the Board's education system".

137. The allegations of Paragraph 137 are deliberately misleading and are therefore denied. The truth is that the Evergreen Report (on page 5-38) recommended that the Halifax County Board of Education (not the Board of County Commissioners) should close two of their elementary schools and redraw the HCPS attendance zones so that students will attend the nearest excess capacity.

138. The allegations of Paragraph 138 are denied.

139. The allegations of Paragraph 139 are denied.

140. As to the allegations of Paragraph 140, it is admitted that the Board has always elected to use the ad valorem method of tax distribution in determining how to have the

Secretary of Revenue distribute local sales and use taxes between the county and the seven municipalities within the county. The ability to generate local sales and use tax revenues allows both the county and the municipalities in the county to maintain a lower property tax rate for their respective units of government. Pursuant to N. C. Gen. Stat. §105-472(b)(2), whenever the ad valorem method of sales tax distribution is used, each county and municipality receiving a distribution of local sales and use taxes must share a portion of its share of local sales and use taxes with each taxing district that is included in its property tax levy. In addition to a general county-wide property tax, Halifax County has 13 separate tax districts (11 rural fire protection districts, the Scotland Neck Hospital District, and the Weldon City Schools District). The county board of commissioners sets the property tax rate for each of these tax districts and includes those property taxes in its property tax levy each year. None of the municipalities in Halifax County have separate tax districts within their corporate boundaries. However, in 1973 the General Assembly enacted legislation that requires the City of Roanoke Rapids to treat the Roanoke Rapids Graded School District as if it was a tax district of the city, so long as the ad valorem method of sales tax distribution is used, and so long as the City of Roanoke Rapids is under a contractual obligation to collect property taxes for the Roanoke Rapids Graded School District. Therefore, property taxes levied by the Roanoke Rapids Graded School District are "counted" in the property tax levy of the City of Roanoke Rapids. Therefore, the City of Roanoke Rapids shares a portion of its share of local sales and use taxes with the Roanoke Rapids Graded School District. As with the county and the seven municipalities, this allocation of a portion of the local sales and use taxes to the tax districts under the ad valorem method of distribution helps to keep property tax rates lower in those tax districts than they otherwise would be. All allegations in Paragraph 140 not addressed by the above admission are denied.

141. The allegations of Paragraph 141 are admitted.

142. The allegations of Paragraph 142 are admitted.

143. As to the allegations of Paragraph 143, it is inaccurate to state that local sales and use taxes must be "divided" between "tax entities" in the county. Please refer to paragraph 140 above. To the extent that the allegations of Paragraph 143 are inconsistent with the admissions set out in paragraph 140 above, they are denied.

144. As to the allegations of Paragraph 144, it is admitted that RRGSD has authority from the General Assembly to levy and collect property taxes at rates established by the RRGSD Board of Trustees. Although the RRGSD is authorized to collect its own taxes, it contracts with the City of Roanoke Rapids for the collection of its property tax levy. It is further admitted that the Weldon City School District is a tax district for which supplemental school taxes are levied and collected by Halifax County. The Defendant does not know what the Plaintiffs mean by the term "taxing entity". The property tax rate for the WCS supplemental school tax is recommended by the Weldon City Schools Board of Education, subject to approval and levy by the Halifax County Board of Commissioners pursuant to the procedures and limitations imposed by N. C. Gen. Stat. §115C-511. To the extent that the allegations of Paragraph 144 are inconsistent with the admissions set out above, they are denied.

145. The allegations of Paragraph 145 are admitted. It is further noted that the voters residing in the HCPS district rejected referenda proposing a supplemental school tax for HCPS in 1986 and 2012.

146. The allegations of Paragraph 146 are admitted.

147. As to the allegations of Paragraph 146 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

148. As to the allegations of Paragraph 148 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

149. As to the allegations of Paragraph 149, it is admitted that HCPS have never received any share of the local sales and use taxes which were distributed to Halifax County. All other allegations of Paragraph 149 are denied.

150. As to the allegations of Paragraph 150, it is admitted that HCPS have never received any share of the local sales and use taxes which were distributed to Halifax County. All other allegations of Paragraph 150 are denied.

151. The allegations of Paragraph 151 are denied.

152. As to the allegations of Paragraph 152, it is admitted that each year the Board has the opportunity to select the per capita method of distribution of local sales and use taxes between the county and the seven municipalities in the county. The remainder of the allegations in Paragraph 152 are denied.

153. As to the allegations of Paragraph 153, it is admitted that the Board has always elected to use the ad valorem method of distribution of local sales and use taxes between the county and the seven municipalities in the county. The remainder of the allegations and characterizations in Paragraph 153 are denied.

154. The allegations of Paragraph 154 are denied inasmuch as the loss of local sales and use taxes to the various tax districts, including the rural fire districts, the Scotland Neck Hospital

District, and the two city school districts with supplemental school taxes, would likely have to be made up by an increase in their respective tax district property tax rates. They would not necessarily be made up from the general revenues of the county. In other words, the alleged "funding disparities" are a result of the fact that the residents of the two city school districts voted to impose a supplemental school tax on themselves, and not from the selection of the ad valorem tax method of distribution of sales and use taxes. It should be noted that voters in the HCPS district rejected referenda proposing a supplemental school tax for HCPS in 1986 and 2012, which if passed, would have afforded HCPS the same opportunity to share in the distribution of sales and use taxes.

155. As to the allegations of Paragraph 155, it is admitted that the Weldon City School District was initially established by the General Assembly in 1903, including the authority to issue bonds and impose a school district property tax, both subject to voter approval, and that the initial 1903 legislation has been amended from time to time. It is further admitted that the Roanoke Rapids Graded School District was initially established by the General Assembly in 1907, including the authority to issue bonds and impose a school district property tax, both subject to voter approval, and that the initial 1907 legislation has been amended from time to time. That legislation speaks for itself. To the extent that the allegations of Paragraph 155 are evidenced by that legislation, they are admitted. All other allegations of Paragraph 155 are denied.

156. As to the allegations of Paragraph 156, it is admitted that the property tax rate for the WCS supplemental school tax is recommended to the Board of Commissioners by the Weldon City Schools Board of Education, subject to approval and levy by the Board of Commissioners pursuant to the procedures and limitations imposed by N. C. Gen. Stat. §115C-

511. It is also admitted that the current property tax rate for the Weldon City Schools supplemental tax is \$0.1818 per \$100 of property valuation. Any allegations in Paragraph 156 that are inconsistent with these admissions are denied.

157. The allegations of Paragraph 157 are admitted, except that the current property tax rate for the RRGSD supplemental tax is \$0.2250 per \$100 of property valuation.

158. As to the allegations of Paragraph 158 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

159. As to the allegations of Paragraph 159 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

160. As to the allegations of Paragraph 160 it is admitted that the voters living in the HCPS district declined to approve a supplemental school tax in 1986 and 2012, and thus HCPS does not receive the benefit of a supplemental school tax. The allegations of Paragraph 160 are otherwise denied.

161. All of the characterizations, opinions and factual allegations (if any) in Paragraph 161 are denied.

162. All of the characterizations, opinions and factual allegations (if any) in Paragraph 162 are denied.

163. As to the allegations of Paragraph 163 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

164. As to the allegations of Paragraph 164 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

165. As to the allegations of Paragraph 165 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

166. As to the allegations of Paragraph 166 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

167. As to the allegations of Paragraph 167 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

168. As to the allegations of Paragraph 168 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

169. As to the allegations of Paragraph 169 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

170. As to the allegations of Paragraph 170 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

171. As to the allegations of Paragraph 170 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

172. The statements in Paragraph 172 constitute a legal conclusion and are denied.

173. As to the allegations of Paragraph 173 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

174. The statements in Paragraph 174 constitute a legal conclusion and are denied.

175. The allegations of Paragraph 175 are denied, and especially denied is the characterization implying that the education system in Halifax County is "the Board's" education system.

176. As to the allegations of Paragraph 176 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

177. As to the allegations of Paragraph 177 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

178. As to the allegations of Paragraph 178 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

179. As to the allegations of Paragraph 179 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

180. As to the allegations of Paragraph 180 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

181. As to the allegations of Paragraph 181 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

182. As to the allegations of Paragraph 182 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

183. As to the allegations of Paragraph 183 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

184. As to the allegations of Paragraph 184 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

185. As to the allegations of Paragraph 185 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

186. As to the allegations of Paragraph 186 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

187. As to the allegations of Paragraph 187 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

188. As to the allegations of Paragraph 188 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

189. As to the allegations of Paragraph 189 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

190. As to the allegations of Paragraph 190 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

191. As to the allegations of Paragraph 191 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

192. The allegations of Paragraph 192 appear to be a legal conclusion, but in any event the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

193. As to the allegations of Paragraph 193 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

194. As to the allegations of Paragraph 194 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

195. As to the allegations of Paragraph 195 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

196. As to the allegations of Paragraph 196 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

197. As to the allegations of Paragraph 197 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

198. As to the allegations of Paragraph 198 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

199. As to the allegations of Paragraph 199 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

200. As to the allegations of Paragraph 200 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

201. As to the allegations of Paragraph 201 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore

denied. The status or purpose of the color pictures below Paragraph 201 is unclear, but, if necessary, they are similarly denied.

202. As to the allegations of Paragraph 202 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

203. As to the allegations of Paragraph 203 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied. The status or purpose of the color pictures below Paragraph 203 is unclear, but, if necessary, they are similarly denied.

204. As to the allegations of Paragraph 204, obviously students living in the HCPS district or the WCS district attend schools in those districts, whether they live within the corporate limits of the City of Roanoke Rapids or not. Except for admitting this obvious fact, the allegations of Paragraph 204 are denied.

205. As to the allegations of Paragraph 205 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

206. The allegations and characterizations of Paragraph 206 are denied. and especially denied is the characterization implying that the education system in Halifax County is "the Board's" education system or that the Board "maintains" and educational system.

207. As to the allegations of Paragraph 207 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

208. The allegations of Paragraph 208 are denied, and especially denied is the characterization implying that the education system in Halifax County is "the Board's" education system or that the Board maintains and educational system.

209. The allegations of Paragraph 209 are denied, and the Defendant points out that the Plaintiffs have again misled the Court by alleging that experts hired by the Defendant say that consolidation is a "no-brainer". The truth is that this statement comes from the author of a report done for the UNC School of Law Center for Civil Rights. Please refer to paragraph 132 above.

210. The allegations of Paragraph 210 are denied.

211. The allegations of Paragraph 211 are denied, and especially denied is the characterization implying that the education system in Halifax County is "the Board's" education system or that the Board maintains and educational system.

212. The allegations of Paragraph 212 are denied.

213. The allegations of Paragraph 213 are denied.

214. The allegations of Paragraph 214 are denied.

215. The allegations of Paragraph 215 are denied.

216. As to the allegations of Paragraph 216 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

217. As to the allegations of Paragraph 217 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

218. As to the allegations of Paragraph 218 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

219. As to the allegations of Paragraph 219 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

220. As to the allegations of Paragraph 220 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

221. As to the allegations of Paragraph 221 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

222. As to the allegations of Paragraph 222 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

223. As to the allegations of Paragraph 223 the Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations, and they are therefore denied.

VII. GENERAL DENIAL

Any allegations not specifically admitted hereinabove are denied, including, if necessary, statements, characterizations or conclusions made in the lettered or numbered headings or subheadings. Especially denied are all statements, characterizations or conclusions implying that

the education system in Halifax County is "the Board's" education system or that the Board has "created" or "maintains" the educational system in Halifax County.

VIII. AFFIRMATIVE DEFENSES

1. The Defendant asserts as an affirmative defense such sovereign, governmental, discretionary or legislative immunity as may pertain to this action as a bar to recovery by the Plaintiffs.

2. The Defendant asserts as an affirmative defense and as a bar to the prosecution of this action that the Plaintiff group, as a whole, does not constitute the real parties in interest in this litigation and that the Complaint of the Plaintiffs should therefore be dismissed.

3. The Defendant asserts as an affirmative defense the Plaintiffs' failure to exhaust administrative or other remedies as a bar to recovery by the Plaintiffs.

4. The Defendant asserts as an affirmative defense any intervening and/or insulating actions or inactions of the Plaintiffs or any third parties causing the putative injuries asserted in the Complaint are plead as a bar to any claims of the Plaintiffs.

5. The Defendant asserts as an affirmative defense the Plaintiffs' failure to mitigate their alleged damages as a bar to recovery by the Plaintiffs.

6. The Defendant asserts as an affirmative defense the doctrine of impossibility in that it is impossible for the Defendant, without the involvement of other parties, to effectuate the action or actions requested in the Complaint (e.g., State Board of Education) and the same is plead as a bar to recovery by the Plaintiffs.

WHEREFORE, the Defendant prays the Court for the following relief:

1. That the Complaint of the Plaintiffs, in whole or in part as heretofore requested, be dismissed.
2. That the Plaintiffs claims be denied.
3. That portions of the Complaint, as heretofore requested, be stricken.
4. That the costs of this action be taxed against the Plaintiffs.
5. For such other and further relief as the Court deems appropriate.

This the 2nd day of November, 2015.



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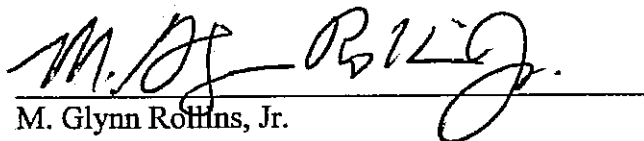
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CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing Motions to Dismiss, Motion to Strike and Answer has been duly served upon the below named individual by depositing the same in the mail with the U.S. Postal Office to the following address:

**Mr. Mark Dorosin
Ms. Elizabeth Haddix
UNC Center for Civil Rights
323 West Barbee Chapel Road
Chapel Hill NC 27517**

This the 2nd day of November, 2015.



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