

SUPREME COURT OF NORTH CAROLINA

HOKE COUNTY BOARD OF
EDUCATION, et al.,

Plaintiffs,

and

CHARLOTTE-MECKLENBURG
BOARD OF EDUCATION,

Plaintiff-Intervenor

and

RAFAEL PENN, et al.,

Plaintiff-Intervenors

v.

STATE OF NORTH CAROLINA and
the STATE BOARD OF
EDUCATION,

Defendant

and

CHARLOTTE-MECKLENBURG
BOARD OF EDUCATION,

Realigned Defendant

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.

REQUEST FOR EXTENSION OF TIME
TO FILE ORDER ON REMAND

From Wake County 95 CVS 1158

The undersigned Special Superior Court Judge requests that the Supreme Court of North Carolina grant a seven-day extension of time for the undersigned to make findings of fact and conclusions of law and to certify any amended order that it chooses to enter as a result of the Supreme Court's Order of remand entered in this action on the 21st day of March 2022.¹ By the Supreme Court's Order of remand, the Superior Court was granted a period of thirty days, to and through 20 April 2022, to allow the trial court "to determine what effect, if any, the enactment of the State Budget has upon the nature and extent of the relief that the trial court granted in its 11 November 2021 order."

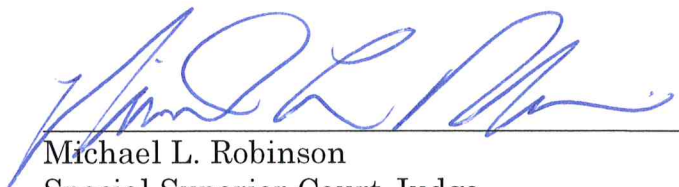
In support of his request, the undersigned shows the Supreme Court that, following remand to the Superior Court and assignment to the undersigned by the Chief Justice, this Court directed counsel to file briefs and provide evidence in the form of affidavits and other documents, which resulted in the submission by the parties of a large number of position papers, affidavits, and documents including calculations and contentions by a number of the parties of the amounts of the Comprehensive Remedial Plan funded by the 2021 Budget Act. (*See* ECF Nos. 7–12, 18–35.) In addition to the parties' initial record submissions, on 13 April 2022, the Court conducted a lengthy hearing in Wake County Superior Court at which counsel for the parties made oral arguments regarding their respective positions and answered questions of the undersigned. Subsequent to the hearing, the Court requested and received additional written submissions from a number of parties

¹ The Order of remand was signed on 18 March 2022, but was certified by the Honorable Grant E. Buckner, Clerk, Supreme Court of North Carolina on 21 March 2022.

regarding the effect of the 2021 Budget Act on the findings and conclusions, and decree, made by the trial court in its 10 November 2021 Order. (See ECF Nos. 37–40.) The parties are not in complete agreement on the amount of funding provided in the Budget Act for the programs contained in the Comprehensive Remedial Plan and there is also disagreement regarding how the Court should interpret certain appropriations made in the Budget Act as well as the proper treatment for federal grants available to the State.

In order to carefully consider the submissions and arguments of counsel for the parties and issue an appropriate order detailing its findings and conclusions, the undersigned is in need of, and therefore requests, an extension of seven days, to and through 27 April 2022, within which to submit its certified order to the Supreme Court in compliance with the Supreme Court’s Order of remand. This request is made in good faith and not for any improper purpose.

Submitted this the 19th day of April, 2022.



Michael L. Robinson
Special Superior Court Judge