

# 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, Defendants**

**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**

From N.C. Court of Appeals  
( 22-86,23-788 )  
From Wake  
( 95CVS1158 )

## **ORDER OF THE COURT**

Upon consideration of the petition filed by Plaintiffs on the 7th day of May 2026 for rehearing of the decision of this Court pursuant to Rule 31, N. C. Rules of Appellate Procedure, the following order was entered and is hereby certified to the North Carolina Court of Appeals:

Petition denied.

By order of the Court this the 15th day of May 2026.

Earls, J., and Riggs, J., dissent from this order.

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 15th day of May 2026.



Grant E. Buckner  
Clerk, Supreme Court of North Carolina

  
M. C. Hackney  
Assistant Clerk, Supreme Court Of North Carolina

Copy to:

North Carolina Court of Appeals

Mr. Robert Neal Hunter, Jr., Attorney at Law, For Combs, Linda, State Controller - (By Email)

Judge Michael L. Robinson, Attorney at Law - (By Email)

Mr. Thomas J. Ziko, Attorney at Law, For State Board of Education - (By Email)

Mr. Neal A. Ramee, Attorney at Law, For Charlotte-Mecklenburg Board of Education - (By Email)

Mr. David B. Noland, Attorney at Law, For Charlotte-Mecklenburg Board of Education - (By Email)

Mr. H. Lawrence Armstrong, Attorney at Law, For Hoke County Board of Education, et al. - (By Email)

Ms. Melanie Black Dubis, Attorney at Law, For Hoke County Board of Education, et al. - (By Email)

Mr. Scott B. Bayzle, Attorney at Law, For Hoke County Board of Education, et al. - (By Email)

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Mr. W. Clark Goodman, Attorney at Law, For Berger, Philip E., et al. - (By Email)

Ms. Lindsay V. Smith, Deputy Solicitor General, For State of N.C. - (By Email)

Ms. Jane R. Wettach, Attorney at Law, For Prof. Derek Black, et al. - (By Email)

Mr. Daniel P. Mosteller, Associate Deputy General Counsel, For State of N.C. - (By Email)

Mr. Todd R. Russell, Special Deputy Attorney General, For State of N.C. - (By Email)

The Honorable Clerk of Superior Court, Wake County

West Publishing - (By Email)

Lexis-Nexis - (By Email)