

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
09CVS06655

JUNE ST. CLAIR ATKINSON,)
individually and in her official capacity as)
Superintendent of Public Instruction of the)
State of North Carolina;)
Plaintiff,)
v.)
STATE OF NORTH CAROLINA; et al.,)
Defendants.)

**MOTION FOR SUMMARY
JUDGMENT**
(Rule 56)

NOW COMES the Plaintiff, June St. Clair Atkinson, by and through the undersigned counsel, pursuant to Rule 56 of the North Carolina Rules of Civil Procedure and hereby prays for an order granting summary judgment against the Defendants on the grounds that the Plaintiff is entitled to judgment as a matter of law because there is no genuine issue as to any material fact as established by the pleadings and other relevant materials in this case.

Respectfully submitted this the _____ day of June, 2009.

Robert F. Orr (N.C. Bar No. 6798)

Jeanette K. Doran (N.C. Bar No. 29127)

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Pro Bono Counsel for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT was served on all parties by depositing true copies thereof with the United States Postal Service, first class postage prepaid, addressed to the following:

Mark Davis, Special Deputy Attorney General
Gary Govert, Special Deputy Attorney General
N.C. Dept. of Justice
P.O. Box 629
Raleigh, NC 27602-0629

This the _____ day of June, 2009.

Jeanette K. Doran (State Bar No.29127)

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