



NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE BUILDING

RALEIGH 27601

March 28, 2014

VIA HAND DELIVERY

The Honorable Roy Cooper
Attorney General of North Carolina
9001 Mail Service Center
Raleigh, NC 27699-9001

Dear Mr. Cooper:

We strongly urge you to revisit your decision not to appeal the February 28, 2014 entry of preliminary injunctions in the companion cases of *Richardson et al. v. North Carolina* and *Hart et al. v. North Carolina* pending in Wake County Superior Court. Your office advises that the deadline for appeal runs this Monday, March 31, 2014.

An immediate, expedited appeal is the only option, given the realities of the academic calendar. Without an expedited appeal, these injunctions likely will deprive North Carolina's parents of access to the school of their choice for an entire academic year. For us, the coming year may seem like just another year among many in our lives, but for the children presently in school, it will be 1/13th of their entire childhood education. This is a year they will not get back.

The North Carolina General Assembly has a strong interest in obtaining immediate appellate review of a single trial court's injunctions preventing enacted laws from taking effect statewide, especially, as here, where the plaintiffs waited nearly five months post-enactment to file their lawsuits. While we understand that you cannot guarantee that the appellate courts will hear the appeal, failing to file a simple notice of appeal by Monday afternoon guarantees they will not.

Litigating the case to completion in the trial court—and then appealing—is not a viable option for the families waiting to embark on a new phase in their children's educational lives. Nor is it viable for the General Assembly's substantial interests at stake.

We urge you to join with the parent-intervenors who have already done so and timely appeal both preliminary injunctions on behalf of the State of North Carolina.

Sincerely,

Handwritten signature of Thom Tillis in cursive.

Thom Tillis, Speaker
North Carolina House of Representatives

Handwritten signature of Phil Berger in cursive.

Phil Berger, President Pro Tempore
North Carolina Senate

CC: John F. Maddrey, Solicitor General