

STATE OF NORTH CAROLINA
COUNTY OF GASTON

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
12-CVS-1547

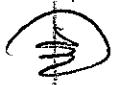
I. BEVERLY LAKE, JOHN B. LEWIS, JR., EVERETTE M. LATTA, PORTER L. McATEER, ELIZABETH S. McATEER, ROBERT C. HANES, BLAIR J. CARPENTER, MARILYN L. FUTRELLE, FRANKLIN E. DAVIS, JAMES D. WILSON, BENJAMIN E. FOUNTAIN, JR., FAYE IRIS Y. FISHER, STEVE FRED BLANTON, HERBERT W. COOPER, ROBERT C. HAYES, JR., STEPHEN B. JONES, MARCELLUS BUCHANAN, DAVID B. BARNES, BARBARA J. CURRIE, CONNIE SAVELL, ROBERT B. KAISER, JOAN ATWELL, ALICE P. NOBLES, BRUCE B. JARVIS, ROXANNA J. EVANS, and JEAN C. NARRON, and all others similarly situated,

Plaintiffs,

vs.

STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, a corporation, formerly Known as the North Carolina Teachers and State Employees' Comprehensive Major Medical Plan, TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OF NORTH CAROLINA, a corporation, BOARD OF TRUSTEES TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OF NORTH CAROLINA, a body politic and corporate, JANET COWELL, in her official capacity as Treasurer of the State of North Carolina, and the STATE OF NORTH CAROLINA,

Defendants.

2013 MAY 23 AM 9:03
GASTON COUNTY, C.S.C.
BY 

FILED

**ORDER DENYING
DEFENDANTS' MOTION TO
DISMISS**

THIS MATTER came on to be heard before the undersigned Superior Court Judge duly assigned and presiding pursuant to Rule 2.1 of the General Rules of Practice on Defendants' Motion to Dismiss under Rules 12(b)(1), 12(b)(2), and 12(b)(6) of the North Carolina Rules of Civil Procedure. Plaintiffs were represented by Michael L. Carpenter and Gary W. Jackson and Defendants were represented by Marc Bernstein, Special Deputy Attorney General. The Court having considered the Motion, the Complaint, the parties' briefs, and the presentations of counsel, concludes that the Motion should be denied.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED as follows:

1. That Defendants' Motion to Dismiss is **DENIED** in its entirety; and
2. That Defendants shall have forty-five (45) days from the date of service of this Order in which to serve an Answer to Plaintiffs' Complaint.

SO ORDERED, this the 21 day of May, 2013.

Edwin G. Wilson, Jr.

Edwin G. Wilson, Jr.
Designated Superior Court Judge (Rule 2.1)