

Supreme Court of North Carolina

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, JEAN C. NARRON, and all others similarly situated

v

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 of the 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

From N.C. Court of Appeals
(17-1280 13-1006 17-1280)
From Gaston
(12CVS1547)

ORDER

Upon consideration of the notice of appeal from the North Carolina Court of Appeals, filed by the Plaintiffs on the 9th of April 2019 in this matter pursuant to G.S. 7A-30, and the motion to dismiss the appeal for lack of substantial constitutional question filed by the Defendants, the following order was entered and is hereby certified to the North Carolina Court of Appeals: the motion to dismiss the appeal is

"Allowed by order of the Court in conference, this the 26th of February 2020."

Newby, J. and Ervin, J. recused

s/ Davis, J.
For the Court

Upon consideration of the petition filed on the 9th of April 2019 by Plaintiffs in this matter for discretionary review of the decision of the North Carolina Court of Appeals pursuant to G.S. 7A-31, the following order was entered and is hereby certified to the North Carolina Court of Appeals:

"Allowed by order of the Court in conference, this the 26th of February 2020."

Newby, J. and Ervin, J. recused

s/ Davis, J.
For the Court

Upon consideration of the petition filed by Plaintiffs on the 9th of April 2019 in this matter for a writ of certiorari to review the decision of the North Carolina Court of Appeals, the following order was entered and is hereby certified to the North Carolina Court of Appeals:

"Dismissed as moot by order of the Court in conference, this the 26th of February 2020."

Newby, J. and Ervin, J. recused

**s/ Davis, J.
For the Court**

Therefore the case is docketed as of the date of this order's certification. Briefs of the respective parties shall be submitted to this Court within the times allowed and in the manner provided by Appellate Rule 15 (g)(2).

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 28th of February 2020.



Amy L. Funderburk
Clerk, Supreme Court of North Carolina

A handwritten signature in black ink, appearing to read "M. C. Hackney".

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

Copy to:

North Carolina Court of Appeals

Mr. Marc Bernstein, Special Deputy Attorney General, For State Health Plan For Teachers And State Employees, et al - (By Email)

Mr. Robert M. Curran, Special Deputy Attorney General - (By Email)

Ms. Heather H. Freeman, Assistant Attorney General - (By Email)

Mr. Christopher M. Whelchel, Attorney at Law, For Lake, I. Beverly, et al - (By Email)

Mr. Michael L. Carpenter, Attorney at Law, For Lake, I. Beverly, et al - (By Email)

Mr. Marcus R. Carpenter, Attorney at Law, For Lake, I. Beverly, et al - (By Email)

Mr. Gary W. Jackson, Attorney at Law, For Lake, I. Beverly, et al - (By Email)

Mr. Sam McGee, Attorney at Law, For Lake, I. Beverly, et al - (By Email)

Mr. Matthew W. Sawchak, Solicitor General, For State of North Carolina - (By Email)

N.C. Supreme Court Clerk

Mr. Marshall P. Walker, Attorney at Law, For Lake, I. Beverly, et al - (By Email)

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