

NORTH CAROLINA
WAKE COUNTY

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
16 CVS 15607

NORTH CAROLINA STATE
BOARD OF EDUCATION,

2017 SEP) 8 A 10:16

WAKE COUNTY, C.S.C.

Plaintiff,

v.

STATE OF NORTH CAROLINA and
MARK JOHNSON, in his official capacity,

Defendants.

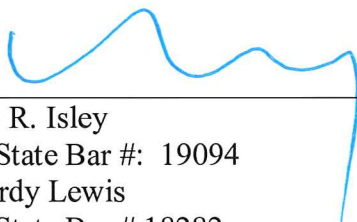
**SUPERINTENDENT'S RESPONSE
IN OPPOSITION TO PLAINTIFF'S
MOTION FOR TEMPORARY STAY
AND NOTICE OF FILING**

The North Carolina Superintendent of Public Instruction Mark Johnson (hereinafter referred to as the "Superintendent"), through undersigned counsel, respectfully submits this response to plaintiff North Carolina State Board of Education's (hereinafter referred to as the "State Board") motion for temporary stay of this Court's order, filed 14 July 2017, granting summary judgment in favor of defendants State of North Carolina and the Superintendent, and against the plaintiff State Board. The Superintendent files this response to notify the Court of his opposition to the plaintiff's motion for temporary stay.

In support of his position, the Superintendent respectfully gives notice of a filing denoted Second Affidavit of North Carolina Superintendent of Public Instruction Mark Johnson. The second affidavit is being filed contemporaneously with this document.

Respectfully submitted, this the 8 day of September, 2017.

Blanchard, Miller, Lewis & Isley, P.A.



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of Public Instruction Mark Johnson*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **Superintendent's Response in Opposition to Plaintiff's Motion for Temporary Stay and Notice of Filing** was served upon the following attorneys by U.S. Mail and e-mail to the following:

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This the 8th day of September, 2017.



Philip R. Isley