

Legislative Final Report - October, 2003

N.C. Gen. Stat. §114-2.6

Case Name	Case Number	Court/Agency	Million \$ Claim	Constitutionality Claim	Statutes/Provision Challenged	Summary
A & F Trademark v. Tolson	COA03-1203	NC Court of Appeals	X			Refund of corporate income taxes
A. H. Beck, Contractor	00 CVS 1082	NC Superior Court	X			Highway Construction Contract Claim
AKINS, BILL	03 CVS 0801	NC Superior Court		X	NCGS §113A-126(a)(8)	APPEAL OF THE DECISION OF THE CRC TO DENY APPLICATION BY THE TOWN OF OCEAN ISLE BEACH FOR A CAMA PERMIT TO REPLACE PART OF EAST FIRST STREET.
ALAMAC Knit Fabrics, Inc. v. Tolson	03-CVS-1753	NC Superior Court	X			Refund of Corporate income tax
Albemarle Area Mental Health v. DHHS	441A03	NC Supreme Court	X			Challenge to certain reimbursement rates for mental health services.
ALFORD, LEE ODIS v. EASLEY, MIKE	5:02-CT-607-H	Federal District Court	X			Prisoner Litigation
Amusements of America, Inc. v. W. Britt Cobb, Jr., et al.	03 CVS 009564	NC Superior Court	X			Breach of Contract
Battle Ridge, Contractor	99 CVS 08414	NC Superior Court	X			Highway Construction Contract Claim
Beatty v. Governor Mark Warner, Governor Mike Easley, et al.	CV03 00338	Federal District Court		X	NC Gen. Stat. §50-13.2	Challenges child custody laws
Beskind v. Easley	3:00-CV-258	Federal District Court		X	NC Gen. Stat. §18B-102.1	Constitutional challenge to NC's law prohibiting out of state direct shipment of alcoholic beverages
BLAKE, HEADSON O., SR. v. NCDOJUVJUS	1:02-CV108-T	Federal District Court	X			Prisoner Litigation
BRYANT-BUNCH, JUNE v. BECK, THEODIS	2:02-CV-34-BO1	Federal District Court	X			Prisoner Litigation
Burrill v. Commissioner of Insurance, et al.	03 CVS 982	NC Superior Court		X	NC Gen. Stat. §58-36-65	Claim that auto insurance point system is unconstitutional.
Cabarrus County, et al. v. Tolson	02 CVS 12518	NC Superior Court	X			Six counties and three municipalities demand that the State release local tax reimbursements and shared revenue payments withheld by Governor.
Carandola v. Bason	1:01-CV-115	Federal District Court		X	NC Gen. Stat. §18B-1005	Constitutional challenge to NC's law prohibiting nude dancing in licensed ABC establishments.
Carolina Farm Credit, ACA v. Tolson	00-CVS-11290	NC Superior Court		X	NC Gen. Stat. §105-164.4	Sales and Corporate tax refund
Central Telephone Company	95-CVS-6955	NC Superior Court	X			Refund of corporate income tax
CLEGG, JEFFREY v. HINDS, DAVID M.	5:02-CT-752-H	Federal District Court	X			Prisoner Litigation
CONOCO INC.	00 EHR 1428	NC Administrative Agency	X			DENIAL OF REIMBURSEMENT FROM THE STATE TRUST FUND.
Dalton & Crowe v. Moore, Richard H., Treasurer	03 CVS 02465	NC Superior Court		X	NC Gen. Stat. § 116B-64	Plaintiffs allege retention of benefits and profits from Escheat Fund is an unconstitutional taking of property

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DAMMONS, MICHAEL A. v. MAYS, NURSE 'JANEDOE'	5:02-CT-445-F3	Federal District Court	X			Prisoner Litigation
DAVIS, WILLIE J. v. BECK, THEODIS	5:01-CT-909-F3	Federal District Court	X			Prisoner Litigation
Delaney, Paul; Mary Elizabeth Boyd; Cynthia Wyatt	1:02-CV-00741	Federal District Court		X	NC Gen. Stat. §163-122	Challenges deadline for submission of signed petition & # of signatures required for US Senate candidate name to be on general election ballot
DIRECTV, Inc. & EchoStar Satellite Corp v State of NC; E Norris Tolson	03-CVS-13324	NC Superior Court	X	X	NC Gen. Stat. §§105-267 & 164.4(a)(6); Art. I Sec. 19 NC Const; & Art. V, Sec. 2 NC Const.	Sales taxes
DOT v. Ammons East Corporation	02 CVS 2283	NC Superior Court	X			Highway Condemnation
DOT v. Austin, Sarah B.	01 CVS 1582	NC Superior Court	X			Highway Condemnation
DOT v. Ballinger, Max, Trustee	98 CVS 10485	NC Superior Court	X			Highway Condemnation
DOT v. Blankenship, Malcolm	02 CVS 3452	NC Superior Court	X			Highway Condemnation
DOT v. BRE/MAAC Woodstream, LLC	02 CVS 5321	NC Superior Court	X			Highway Condemnation
DOT v. Bridger, Edith	00 CVS 1590	NC Superior Court	X			Highway Condemnation
DOT v. Buffalo Associates	02 CVS 12853	NC Superior Court	X			Highway Condemnation
DOT v. Byerly, Joe	98 CVS 3991	NC Superior Court	X			Highway Condemnation
DOT v. Carolina Tractor and Equipment	01 CVS 8978	NC Superior Court	X			Highway Condemnation
DOT v. Dean, Margaret S.	02 CVS 7975	NC Superior Court	X			Highway Condemnation
DOT v. Edward A. Johnson Family Ltd Pship	03 CVS 6682	NC Superior Court	X			Highway Condemnation
DOT v. EWI Associates	02 CVS 10898	NC Superior Court	X			Highway Condemnation
DOT v. F. K. Borden Farm, LLC	03 CVS 0489	NC Superior Court	X			Highway Condemnation
DOT v. Garmon, David A.	02 CVS 2814	NC Superior Court	X			Highway Condemnation
DOT v. Hansley, Brigham S.	02 cvs 2753	NC Superior Court	X			Highway Condemnation
DOT v. Hart, Cynthia	03 CVS 2005	NC Superior Court	X			Highway Condemnation
DOT v. Hendrickson, C. Thomas, Trustee	03 CVS 8233	NC Superior Court	X			Highway Condemnation
DOT v. Keene, John Calvin	02 CVS 3693	NC Superior Court	X			Highway condemnation

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DOT v. Kilpatrick Associates	02 CVS 1102	NC Superior Court	X			Highway Condemnation
DOT v. Lane Farms, Inc.	02 CVS 114	NC Superior Court	X			Highway Condemnation
DOT v. Lutheran Retirement Ministries	03 CVS 0306	NC Superior Court	X			Highway Condemnation
DOT v. Malphurs, David D.	02 CVS 11003	NC Superior Court	X			Highway Condemnation
DOT v. Marshall C. Collins Family LP	01 CVS 218	NC Superior Court	X			Highway Condemnation
DOT v. Marshall, Robert T.	02 CVS 4085	NC Superior Court	X			Highway Condemnation
DOT v. Martin Marietta Materials	02 CVS 1251	NC Superior Court	X			Highway Condemnation
DOT v. Martin, Gibson S.	02 CVS 7973	NC Superior Court	X			Highway Condemnation
DOT v. McLean, Ed Williams	02 CVS 2283	NC Superior Court	X			Highway Condemnation
DOT v. Meng, Lewis A.	00 CVS 1707	NC Superior Court	X			Highway Condemnation
DOT v. Olinger, Linda	02 CVS 7543	NC Superior Court	X			Highway Condemnation
DOT v. Parker, James Sherwood	01 CVS 1503	NC Superior Court	X			Highway Condemnation
DOT v. Penney, Horace D.	03 CVS 8548	NC Superior Court	X			Highway condemnation
DOT v. Price, D. McKinley	03 CVS 0638	NC Superior Court	X			Highway Condemnation
DOT v. Puckett, Joe Lee	02 CVS 2813	NC Superior Court	X			Highway Condemnation
DOT v. Ronnie E. Parker's BP	02 CVS 3694	NC Superior Court	X			Highway condemnation
DOT v. Roymac Partnership	00 cvs 985	NC Superior Court	X			Highway Condemnation
DOT v. T. H. Turner Farms	03 CVS 10794	NC Superior Court	X			Highway Condemnation
DOT v. Trask, Raiford	00 CVS 3984	NC Superior Court	X			Highway Condemnation
DOT v. Wendover South Associates Limited	02 CVS 9837	NC Superior Court	X			Highway Condemnation
DOT v. Williams, John A. & Riddle, William	01 CVS 8790	NC Superior Court	X			Highway Condemnation
DOYLE, BENJAMIN L., SR v. NCDOC	5:03-CT-64-H	Federal District Court	X			Prisoner Litigation
English Construction, Contractor	02 CVS 7761	NC Superior Court	X			Highway Construction Contract Claim

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Estate of Fowler v. Worsley, et al	01 CVS 1761	NC Superior Court	X			Wrongful death claim
Federal Financial Participation disallowance appeal	none	Federal Administrative Agency	X			Claims by federal government for repayment of federal program funds in child care subsidy program.
Foreman, et al. v. Bartlett	4:01-CV-166-BO94	Federal District Court		X	NC Gen. Stat. §163-201(a)	Plaintiffs challenge the constitutionality of the Congressional districts drawn by the 2001 General Assembly.
GHAFFAR, SHAFEEQ ABDUL v. BENNETT, BOYD	1:02CV00944	Federal District Court	X			Prisoner Litigation
Giampa, et al. v. Cumtuck Co., et al.	98 CVS 153	NC Superior Court		X	NC Gen. Stat. §§77-20(d) and (e)	Beachfront owners assert they own and have exclusive right to dry sand beach. Trial court dismissed all claims against State. Plaintiffs appealing.
Glover Construction, Contractor	02 CVS 118	NC Superior Court	X			Highway Construction Contract Claim
Goldston, et al. v. State of North Carolina and Easley	02 CVS 015253	NC Superior Court		X	NC Session Laws 2001-424 and 2002-126	Plaintiffs challenge the constitutionality of actions by the Governor and the Legislature diverting highway trust funds.
Helton v. Good	02-1853	Federal Appellate Court		X	NC Gen. Stat. §§14-306.1 and 14-298	Constitutional challenge to NC video poker machine registration statutes. Petition for cert to US
Hoke County Board of Education v. State of North Carolina, et al.	95 CVS 1158	NC Superior Court		X	Challenge is to the system of public education, not any specific statute.	Plaintiffs allege that defendants are violating their constitutional right to the opportunity to receive a sound basic education.
JA Jones Construction Co.	02CVS14107	NC Superior Court	X			state construction claim;avery mitchell prisons
Jennings, Melissa & Keller, Debbie v. UNC-CH	98 C 5261	Federal District Court	X			Discrimination and sexual harassment
KING, DARRICK L. v. BAKER, JUANITA	5:01-CT-825-BR2	Federal District Court	X			Prisoner Litigation
Latta v. State of North Carolina, et al.	01 CVS 15577	NC Superior Court		X	Chapter 2 of the 1999 Session Laws	Plaintiffs challenge constitutionality of legislation and consent order directing that 50% of NC's payments from MSA be directed to non-profit corp.
Malloy v. Cooper, et al	COA 00-898	NC Court of Appeals		X	NC Gen. Stat. §14-360	Constitutional challenge to NC cruelty to animals statute. Pending a decision.
Maynor v. USA and NC	1:03-CV-01559RWR	Federal District Court	X			Indian Tribal Lands and Artifacts
MCGIBBON, GARY/CHAIRMAN WAKE COUNTY COMMUNITY LLP EMERGENCY TASK FORCE	TA-15365	NC Administrative Agency	X			CONSOLIDATION OF TORT CLAIMS FOR NEGLIGENCE IN ISSUANCE OF PERMITS FOR LOW-PRESSURE PIPE SYSTEMS IN 10 DIFFERENT SUBDIVISIONS.
Medical Mutual Insurance Company of North America v Bd Of Governors and ECU	03 CV 003622	NC Superior Court	X			Breach of contract to provide malpractice insurance for doctors at medical school.
MOSES, EDWARD L. v. EVANS, RONNIE	3:02CV433-1-MU	Federal District Court	X			Prisoner Litigation
NC Dept of Revenue v Tammy K & David M. Sinnott	COA03-187	NC Court of Appeals		X	NC Const. Art. 5, Sec.1 & 5; Art. 1, Sec.8 & 17; and Art 4. Sec. 13 & 18	Prosecuted under GS105-236(7)and (8); failure to file and pay income tax for several years; convictions secure
NC Right to Life, Inc. et.al. v. Larry Leake, et.	02-2052/2053	Federal Appellate Court		X	NC Gen. Stat. §§ 163-278.6(14), 163-278.13, and 163-278.14A(a)(2)	Plaintiffs' challenged all three provisions regulating campaign finance under the First Amendment.

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Nello L. Teer, Contractor	02 CVS 4863	NC Superior Court	X			Highway Construction Contract Claim
Nello L. Teer, Contractor	02 CVS 8980	NC Superior Court	X			Highway Construction Contract Claim
Philip Morris v Tolson	00-CVS-6663	NC Superior Court	X			Refund of corporate income tax
PMLH, Inc. v. Dept. of Commerce, Crime Control and Public Safety	NONE PROVIDED	NC Superior Court	X			Breach of implied contract
PRICE , ANTHONY B. v. SUTTON , ERNEST	1:03CV01634-JDB	Federal District Court	X			Prisoner Litigation
Price, Arvil Leon v. USA	03-03138	US Bankruptcy Court		X	NC Gen. Stat. §105-113.108	Debtor seeks determination of dischargeability of unauthorized substance tax and penalties assessed and due more than 3 yrs prior to filing petition
RANKINS, MICHAEL v. BENNETT, BOYD	5:02-CT-784-H	Federal District Court	X			Prisoner Litigation
Rea Construction, Contractor	02 CVS 14905	NC Superior Court	X			Highway Construction Contract Claim
Rodman, Edward N. v. Tolson, Norris	03-CVS-5581	NC Superior Court		X	NC Gen. Stat. §105-134.2; NC Const. Art. I, sec. 16	Purported class action filed claiming refund of individual income tax paid at 8.25% for 2001
RPR & Associates v. UNC-CH	98 CVS 0551	NC Superior Court	X			Breach of Contract
SASSER, GLENN AND TOWN OF SURF CITY	7-02-CV-144	Federal District Court		X		\$1983 TAKINGS CLAIM. A SAND BERM WAS CONSTRUCTED ON PLAINTIFF'S PROPERTY IN SURF CITY AFTER HURRICANE FRAN.
School Boards Association, et al. v. Moore, et al.	569A03	NC Supreme Court	X			Suit by local school boards claiming that various payments are fines or penalties required under the Constitution to be paid to local boards.
SEANC v. State	COA01-1568	NC Court of Appeals	X			SEANC seeks repayment of employer retirement contribution funds withheld by the Governor to balance the budget.
SIMBA, JELANI HUSANI v. WALKER, DEAN R.	1:02CV211-MU-1	Federal District Court	X			Prisoner Litigation
Skwerer, Robert Gordon v. NC Department of Revenue & Unauthorized Substance	03-CVS-12609	NC Superior Court		X	Double Jeopardy; Due Process; Equal Protection clauses	Dr. unlawfully prescribed controlled substances to himself using various aliases; sought judicial review but failed to pay tax or post bond as required
SPENCER , GLENN W. v. CHESTER , DAVID	5:03-CT-493-H	Federal District Court	X			Prisoner Litigation
State of Alabama, et al. v. State of North Carolina	US Sup Ct ORIG 132	US Supreme Court	X			Southeast Interstate Low-Level Waste Management Commission filed claims against NC for failure to construct a low-level radioactive waste facility.
State v. Bryant	COA 02-1706	NC Court of Appeals		X	NC Gen. Stat. §§14-208.5 et seq	Constitutional challenge to NC sex offender registration laws. Pending a decision.
State v. Webb; State v. McNeil	157P03, 155P03	NC Supreme Court		X	NC Gen. Stat. §7A-455.1	Defendants challenge the \$50.00 appointment fee required to be paid to receive indigent legal representation.
State v. White	COA 02-1641	NC Court of Appeals		X	NC Gen. Stat. §§14-208.5 et seq	Constitutional challenge to NC's sex offender registration laws.
Stephenson et al. v. Bartlett	94 PA 02-02	NC Supreme Court		X	Session Laws 2001-459	Challenges the constitutionality of the North Carolina Senate Redistricting Plan

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Stone v. State	02 CVS 7931	NC Superior Court	X			Challenge to the withholding of retirement contribution withheld by the Governor to balance the budget.
TILLEY, THOMAS TRUSTEE	00 EHR 1668	NC Administrative Agency		X	NCGS §150B-49	ADMIN. APPEAL OF ISSUANCE OF NPDES PERMIT. APPEALING CONDITIONS REQUIRING A WASTEWATER MGMT PLAN & INCREASED MONITORING FREQUENCIES.
TILLEY, THOMAS TRUSTEE	02 CVS 7037	NC Superior Court		X	NCGS §150B-49	JUDICIAL REVIEW OF ADMIN APPEAL OF ISSUANCE OF NPDES PERMIT. APPEALING CONDITIONS REQUIRING A WASTEWATER MGMT PLAN & INCREASED MONITORING FREQUENCIES.
Vecellio & Grogan, Contractor	98 CVS 11610	NC Superior Court	X			Highway Construction Contract Claim
WAMBACH, FREDDY LUDWIG v. BECK, THEODIS	1:02CV205	Federal District Court	X			Prisoner Litigation
White, Maurice v. Unknown Urologist (Wake Medical Center), et.al.	1:03CV735	Federal District Court	X			Prisoner Litigation
WILLIAMS, JAMES E. v. REVIEW BOARD, UTILIZATION ME	5:01-CT-781-H	Federal District Court	X			Prisoner Litigation