STATE OF NORTH CAROLINA

WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

22-CV-015616

David Phillips, Ph.D.,
          Plaintiff,

     v.

North Carolina Department of Public
Instruction; David Stegall, in his official
capacity as former Deputy Superintendent
and Chief Academy Officer for the North
Carolina Department of Public Instruction;
Sneha Shah Coltrane, in her official
capacity as Director of the Division of
Advanced Learning and Gifted Education
at the North Carolina Department of
Public Instruction; Thomas Winton, in his
official capacity as former Coordinator of
the North Carolina Governor's School for
the North Carolina Department of Public
Instruction; and Rodney K. Allen, in his
official capacity as Coordinator of the
North Carolina Governor's School and
Site Director for the North Carolina
Governor's School West Campus for the
North Carolina Department of Public
Instruction,
          Defendants.

ORDER

       THIS MATTER was heard before the Honorable Vince M. Rozier, presiding Superior

Court Judge, during the May 2, 2023, Civil Session of Wake County Superior Court, on Defendants

the North Carolina Department of Public Instruction (DPI), David Stegall, Sneha Shah Coltrane,

Thomas Winton, and Rodney K. Allen (collectively, "Defendants") Motion to Dismiss Plaintiff's

Complaint in its entirety.

After reviewing the pleadings and other documents of record and after hearing the arguments of counsel on May 2, 2023, it appears to the Court that Defendants' Motion to Dismiss should be granted in part and denied in part.

IT IS HEREBY ORDERED AS FOLLOWS: Defendants' Motion is GRANTED for Counts III and V of Plaintiff's Complaint and DENIED for Counts I, II, and IV. Defendants shall have twenty (20) days from the date of this Order to serve their Answer to Plaintiff's remaining claims.

SO ORDERED.

Entered this the __15__ day of __May__ , 2023.

Vince M. Rozier
Superior Court Judge, Presiding
Wake County