

NO. _____

TENTH DISTRICT

SUPREME COURT OF NORTH CAROLINA

GILBERT BREEDLOVE and THOMAS)
HOLLAND,)

Petitioners-Plaintiffs)

v.)

From Wake County
No. COA 15-1381

MARION R. WARREN, in his Official)
capacity as Director of the N.C.)
Administrative Office of the)
Courts, and the NORTH CAROLINA)
ADMINISTRATIVE OFFICE OF THE)
COURTS,)

Respondents-Defendants)

PETITION FOR DISCRETIONARY REVIEW
UNDER N.C.G.S. § 7A-31(b)

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UNDER N.C.G.S. § 7A-31(b)

TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

Petitioners-Plaintiffs, Gilbert Breedlove and Thomas Holland ("Petitioners"), respectfully petition the Supreme Court of North Carolina to certify for discretionary review the judgment of Wake County Superior Court in this cause, entered on September 19, 2015, on the grounds that the subject matter of this case involves matters of significant public interest and legal principles of major significance to the jurisprudence of this State and failure to certify will delay final adjudication

and cause harm to Petitioners. In support of this Petition, the Petitioners show the following:

STATEMENT OF THE CASE

On April 6, 2015, Petitioners filed suit against Respondents in Wake County Superior Court alleging claims under N.C.G.S. § 1-253 and Article I Sections 13 and 19 of the North Carolina Constitution. They asked that court to find that Respondents had violated Petitioners' constitutional rights and that Respondents compensate Petitioners for any damages suffered, including reinstatement, compensation for back pay and benefits, and injunctive relief. (R pp 2-42).

On May 11, 2015, Respondents filed a motion to dismiss pursuant to Rule 12(b)(1), (2), (5), and (6) of the North Carolina Rules of Civil Procedure. (R pp 43-45). On July 15, 2015, Wake County Superior Court Judge George B. Collins, Jr. heard oral argument on Respondents' motion in open court. Judge Collins rendered judgment dismissing the case pursuant to Rules 12(b)(1) and 12(b)(6) of the North Carolina Rules of Civil Procedure. On September 19, 2015, Judge Collins entered a judgment to this effect. (R pp 86-87).

Petitioners filed a notice of appeal in Wake County Superior Court on October 12, 2015. (R pp 91-94). The Court of Appeals Clerk docketed the appeal on December 22, 2015. Petitioners now have timely filed this Petition seeking

discretionary review from this Court pursuant to N.C.G.S. § 7A-31(b).

STATEMENT OF FACTS

Petitioners Breedlove and Holland served as magistrates from Swain and Graham Counties, respectively. Both men have sincerely practiced their Christian religion as an integral part of their lives for several decades.

In the autumn of 2014, rulings from the United States Supreme Court and Fourth Circuit Court of Appeals established that states within the Fourth Circuit could not prevent a same-sex couple from marrying, nor could they fail to recognize a marriage of a same-sex couple from a different state. See Schaefer v. Bostic, 760 F.3d 352, review denied, 135 S. Ct. 308 (2014); Schaefer v. Bostic, No. 14-1167, 2014 WL 4960335 (4th Cir Oct. 6, 2014).

On October 13, 2014, the Director of the Administrative Office of the Courts ("AOC")¹ issued a memorandum under his name (the "Interim Guidance Memo") to all of North Carolina's Magistrates, Chief District Court Judges, and Elected Clerks. In this Interim Guidance Memo, the Director stated that magistrates should begin immediately conducting marriage ceremonies for

¹ The "Interim Guidance Memo" was actually issued by then-AOC Director John Smith, who was sued in his official capacity only. Judge Marion Warren has since taken over as the Director and has therefore been substituted.

same-sex couples, and that such marriage ceremonies should not be delayed while awaiting further clarification from higher courts. (R p 30).

On October 14, 2014, at the Director's direction, the AOC issued a memorandum (the "Same-Sex Marriages Memo") to all North Carolina Superior Court Judges, Chief District Judges, District Court Judges, Clerks of Superior Court, and magistrates. In the memo, the AOC addressed whether a magistrate could refuse to marry a same-sex couple. The AOC stated that if a magistrate refused to marry a same-sex couple, this would "[violate] the equal protection clause of the U.S. Constitution" and further "would constitute a violation of the oath and a failure to perform a duty of the office." (R pp 32-33).

In the Same-Sex Marriages Memo, the AOC addressed what would happen if a magistrate refused to perform a same-sex marriage. The AOC stated, "that refusal is grounds for suspension or removal from office, as well as potential criminal charges." It went on to say that North Carolina case law "makes clear that this criminal provision remains enforceable in addition to the procedures for suspension and removal under G.S. 7A-173." (R p 33).

The AOC further stated that the reason that a magistrate might refuse to perform a marriage does not in any way affect the matter. Thus, the AOC claimed that a magistrate could not

assert religious belief as a reason to refuse to participate in a same-sex marriage ceremony. The AOC provided no exemption to this policy nor did it provide for reasonable accommodations for magistrates in its Same-Sex Marriages Memo. The AOC reemphasized its position in a November 5, 2014 letter to Senator Phil Berger. (R pp 36-38).

Both Petitioners sought accommodations that would not force them to choose between violating their religious beliefs by participating in same-sex marriage ceremonies on the one hand or resigning their positions as magistrates on the other. (R pp 20-21). Petitioners would have agreed to not participate in any marriage ceremonies, same-sex or otherwise, if Respondents would have allowed such an accommodation. Respondents made no effort to offer any such accommodation. Thus, Petitioners reasonably understood that they faced a choice of either violating their religious beliefs or losing their jobs.

REASONS CERTIFICATION SHOULD ISSUE

The North Carolina Supreme Court may certify a case that has been docketed at the North Carolina Court of Appeals for discretionary review prior to adjudication in that court. N.C.G.S. § 7A-31(b). There are four situations where such discretionary review may be granted, the following three of which are present in this case:

- This case presents questions of significant public interest. N.C.G.S. § 7A-31(b)(1).
- This case involves legal principles of major significance to the jurisprudence of this State. N.C.G.S. § 7A-31(b)(2).
- Failure to certify will delay final adjudication and cause substantial harm. N.C.G.S. § 7A-31(b)(2).

This Court has three independent grounds to exercise its discretion and grant this Petition.

I. THIS CASE PRESENTS QUESTIONS OF SIGNIFICANT PUBLIC INTEREST

This Court may certify a ruling from a state trial court for discretionary review prior to review in the Court of Appeals where "the subject matter of the appeal has significant public interest." N.C.G.S. § 7A-31(b)(1). Petitioners' case presents such a situation for the following reasons.

- A. This case presents questions about the role of the Administrative Office of the Courts that are of significant public interest.

This case implicates matters of significant public interest related to the extent that the AOC and its Director exert authority and influence over magistrates and other members of the North Carolina court system. This Court granted a petition for discretionary review in N.C. State Bar v. Randolph, 325 N.C. 699 (1989). That case presented similarly important questions about an agency's authority as it intersected with the North Carolina court system. In Randolph, the Court was presented with

a "jurisdictional dispute between the superior court and the North Carolina State Bar." Id. at 701. The Superior Court had issued an order dismissing a grievance proceeding against an attorney filed with the State Bar. Id. On appeal, the State Bar argued that a trial court does not have the authority to dismiss a grievance proceeding pending in a separate venue. This Court granted the petition for discretionary review before the Court of Appeals considered the case because this question of how the North Carolina court system interacts with a state agency involved "a matter of public interest" that was "of general importance" and "deserve[d] prompt resolution." Id.

This case presents similar questions about how the AOC, an administrative agency, interacts with the North Carolina court system. Respondents instructed all of the employees and officials in the North Carolina Court system that a magistrate must participate in a same-sex marriage ceremony. (R pp 32-34). Respondents basically said that any magistrate who refused to participate in a same-sex marriage ceremony could face discipline, termination, and even criminal prosecution. The Director even wrote a letter stating that the AOC would not accommodate any magistrate who felt compelled to refuse to participate in a same-sex marriage ceremony for religious reasons and that any magistrate who so refused could face personal civil liability. (R pp 36-38). Petitioners' supervisor,

Chief District Judge Walker, acknowledged that he thought that a magistrate must participate in a same-sex marriage ceremony without regard to any potential religious objection based on his understanding of the directives issued by the AOC in October 2014. (R pp 83-85).

Respondents claim to have no authority to influence magistrates on the one hand, but overtly attempt to exert such authority on the other. Resolving such uncertainty is a matter of "significant public interest" as described in Randolph. For this reason, Petitioners respectfully request that the Court exercise its discretion and grant this Petition.

B. The media coverage of this case and its relation to broader national issues demonstrates that it is a matter of significant public interest.

A number of media outlets have followed this case from its outset. Some examples include the following:

- ABC's Raleigh affiliate covered the lawsuit's filing with a segment on the local news and an article on its website. *Former North Carolina Magistrates Sue Over Same-Sex Marriages*, WTVD-TV Raleigh-Durham, (Apr. 9, 2015), <http://abc11.com/news/former-north-carolina-magistrates-sue-over-same-sex-marriages/644674/> (last visited Jan. 5, 2016).
- The *Courthouse News Service* also covered the filing of the lawsuit in April 2015. Denise McAllister, *Judges Say Gay Marriage Forced Them Out*, Courthouse News Service (Apr. 13, 2015), <http://www.courthousenews.com/2015/04/13/judges-say->

gay-marriage-forced-them-out.htm) (last visited Jan. 5, 2016).

- Political blog *Allgov.com* criticized the filing in mid-April. Steve Straehley, *Two North Carolina Judges Resigned rather than Perform Same-Sex Marriage; Now They're Suing*, AllGov.com, (Apr. 18, 2015), <http://www.allgov.com/news/controversies/two-north-carolina-judges-resigned-rather-than-perform-same-sex-marriages-now-theyre-suing-150418?news=856270> (last visited Jan. 5, 2016).
- The *Asheville Citizen-Times* included information about Petitioners' case in a report on Senate Bill 2. Beth Walton, *McDowell magistrates refuse to perform marriages*, Asheville Citizen-Times, (Sept. 11, 2015) <http://www.citizen-times.com/story/news/local/2015/09/10/mcdowell-magistrates-refuse-perform-marriages/72018392/> (last visited Jan. 5, 2016).
- The *Asheville Citizen-Times* also included information about Petitioners' case in its report on a recent federal lawsuit challenging Senate Bill 2. Beth Walton, *LGBT rights groups challenge magistrate bill*, Asheville Citizen-Times, (Dec. 10, 2015) <http://www.citizen-times.com/story/news/local/2015/12/09/lgbt-rights-groups-challenge-magistrate-bill/77026452/> (last visited Jan. 5, 2016).

This media coverage is indicative of the public's interest in this case.

Petitioners' case also touches on larger national issues related to the impact of the legalization of all same-sex

marriage in society. Last year this issue was a topic of national attention and debate when the United States Supreme Court held that same-sex couples have a fundamental right to marry under the United States Constitution. See Obergefell v. Hodges, 135 S.Ct. 2584 (2015). In a different context but related to the same issue, Kim Davis, a county clerk in Kentucky, sparked a national media frenzy when she refused to issue same-sex marriage licenses. While the questions raised by Petitioners are different than the question of whether same-sex marriage is or should be legal, the issues presented in this case derive from that foundation. The intersection of legalized same-sex marriage and religious freedom is the next step in this national debate.

How this Court interprets the North Carolina Constitution with regard to this case presents questions of significant public interest not only to the people of North Carolina, but to the people of the nation. For this reason, Petitioners respectfully request that the Court exercise its discretion and grant this Petition.

II. THIS CASE INVOLVES LEGAL PRINCIPLES OF MAJOR SIGNIFICANCE

This Court may grant a petition for discretionary review pursuant to N.C.G.S. § 7A-31(b)(2) if the cause “involves legal principles of major significance to the jurisprudence of this State.” N.C.G.S. § 7A-31(b)(2). Petitioners’ case involves such

principles in that it (A) brings into question North Carolina's constitutional standard for protection of religious liberty; and (B) raises questions about the role of administrative agencies that are of major legal significance.

A. This case raises the question of whether a North Carolina court should evaluate a religious liberty claim brought under the North Carolina Constitution using a "compelling governmental interest" standard.

The North Carolina Constitution provides that "All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority shall, in any case whatever, control or interfere with the rights of conscience." N.C. Const. Art. I § 13. It also provides that no person shall be "subjected to discrimination by the State because of ... religion." N.C. Const. Art. I § 19. Petitioners alleged in their Complaint that Respondents violated Petitioners' rights pursuant to both of these provisions.

Respondents relied upon In re Williams to claim that the North Carolina Constitution allows an individual to exercise his or her religious freedoms in the same manner as allowed by the United States Constitution. In re Williams, 269 N.C. 68, 78 (1967). When this Court decided In re Williams, the federal courts still employed the "compelling governmental interest" test formulated in Sherbert v. Verner, 374 U.S. 398 (1963), to quantify the protections of religious freedom under the United

States Constitution. However, in 1990 the United States Supreme Court rejected that test and adopted a new rule. This new rule allowed a governmental actor to enforce a neutral law of general applicability without violating the United States Constitution. Empl't Div. v. Smith, 494 U.S. 872, 878-79 (1990). This made it more difficult for an individual to pursue a claim against a state actor for violating his or her freedom to exercise his or her religions under the United States Constitution.

Respondents claim that under the North Carolina Constitution, the protections of an individual's religious freedoms are now similar to the new rule from Smith. (R p 60-62). Based on this in part, Respondents claimed that Petitioners' Complaint failed to state a claim upon which relief can be granted. (R p 59). The trial court granted Respondents' motion, in part, holding that Petitioners' Complaint failed to state a claim upon which relief can be granted. (R p 86-87).

However, Respondents misstated the current state of North Carolina law on this topic. The North Carolina Constitution continues to protect religious liberty pursuant to the "compelling governmental interest" test that is considerably more robust than the current federal standard. In 1996, six years after the Smith decision, the North Carolina Court of Appeals explicitly stated that "one may not be compelled by a governmental action to do that which is contrary to his

religious beliefs in the absence of a 'compelling state interest in the regulation of a subject within the State's Constitutional power to regulate.'" Matter of Browning, 124 N.C. App. 190, 193-194 (1996), *quoting* In re Williams, 269 N.C. 68 at 80. North Carolina courts therefore maintained the "compelling state interest" test set forth in Williams even after the federal courts watered down the federal standard in Smith.

Petitioners seek this Court's review of whether North Carolina should still apply the "compelling governmental interest" test set forth in Williams. If this test applies, Petitioners stated a claim upon which relief can be granted because Respondents failed to offer any type of accommodation for Petitioners' religious beliefs.

Establishing the proper test that a North Carolina court should use to evaluate religious liberty claims under the North Carolina Constitution is a legal principle "of major significance to the jurisprudence of this State." N.C.G.S. 7A-31(b)(2). The disagreement that exists about which test should be used presents this Court with an opportunity to clarify the current state of the law. For that reason, Petitioners respectfully suggest that it would be both proper and prudent for this Court to exercise its discretion to grant the Petition.

B. This case raises questions about the role of administrative agencies that are of major legal

significance.

- i. This case raises questions about the role of the Administrative Office of the Courts that are of major legal significance.

The trial court held that Petitioners lacked standing to sue Respondents because “[Respondents] have no power to nominate, appoint, remove, or otherwise control magistrates, nor do the [Respondents] have the power to institute criminal prosecutions against magistrates for failure to perform their duties.” (R pp 87-88). This statement of law leaves no room for the reality that administrative agencies often wield real, tangible power over government employees that they do not hire, fire, or supervise. The Court should exercise its discretion and grant the Petition to decide whether such agencies should be held accountable for the natural and intended consequences of their acts.

If the AOC has no authority over magistrates, then why did it send those directives in October 2014 dictating what they thought a magistrate’s duty was? Respondents did not equivocate or quibble. They stated “Magistrates should begin immediately conducting marriages of all couples ... No further authorization or instructions are necessary.” (R p 30). That is not a suggestion to the magistrates’ nominating or appointing authority. That is not advice for how a supervisor should consider telling a magistrate what to do if the supervisor

agrees with Respondents. That is an unambiguous directive from an authoritative source dictating how a magistrate must conduct him or herself.

It is also unclear why the Director would say that the AOC would not accommodate the religious beliefs of a magistrate if it has no authority over magistrates. By their own actions, Respondents exhibited that the Director has control over magistrates in the North Carolina court system. Respondents intended for their actions to have precisely the impact that they did. They intended to force a magistrate to either participate in a same-sex marriage ceremony or no longer remain a magistrate. Respondents forced Petitioners to resign under duress rather than face potential discipline, termination, or criminal conviction for exercising their religious beliefs.

Furthermore, even if the AOC does not exert direct control over magistrates, it has authority over magistrates as a general proposition. For example, the AOC is not only responsible for paying magistrates, but also exerts administrative and substantive control over magistrates including:

- Ensuring "overall compliance with federal and State laws, internal and external regulations, rules and procedures, and other applicable requirements." N.C.G.S. § 7A-343(3a)(c);
- Examining and analyzing the effectiveness of administrative and procedural operations. N.C.G.S. § 7A-343(3a)(b);

- Reviewing the effectiveness of proceedings conducted by judicial officers. N.C.G.S. § 7A-343(3a) (d);
- Collaborating to guide and direct court officials in following recommended and required compliance standards, N.C.G.S. § 7A-343(3a) (e);
- Setting an amount of the bond for a magistrate and procuring that bond. N.C.G.S. § 7A-174;
- Providing for the training of magistrates. N.C.G.S. § 7A-177;
- Determining whether a magistrate has the sufficient work experience to be nominated for the position. N.C.G.S. § 7A-171.2(b); and
- Setting the annual salary for each magistrate, in consultation with a chief district judge. N.C.G.S. § 7A-171.1.

Cumulatively, the AOC has authority and exerts influence over many aspects of magistrates' jobs. At the very least, when the AOC sent out a memo dictating that a magistrate must participate in a same-sex marriage ceremony without delay or accommodation, it established its interpretation of how a magistrate must act. The AOC has the authority to take such action and set policy for magistrates and the officials who directly supervise and appoint magistrates in the North Carolina court system. This Court should clarify whether and how Respondents may be held accountable when they take such action. This is especially the case when, in doing so, Respondents

misinterpreted the law and violated Petitioners' constitutional rights.

- ii. This case raises questions about the role of administrative agencies in general that are of major legal significance.

These questions extend beyond the AOC to other state agencies. For example, the Department of Public Instruction ("DPI") is a state agency created by statute. N.C.G.S. § 143A-44.1. DPI is headed by a Superintendent of Public Instruction, whose office is created by the North Carolina Constitution. N.C. Const. Art. III § 7.

The law does not grant the Superintendent the authority to directly hire, fire, or supervise teachers in the several school districts around the State. What if the Superintendent distributed a directive to all of the school boards, principals, teachers, and other public school system employees in the State instructing them that all teachers must participate in a particular ceremony that has some religious meaning or otherwise face discipline, termination, or criminal prosecution? That could impact some or all of those teachers' ability to freely exercise their religion.

For example, if the Superintendent ordered all teachers to participate in leading the Pledge of Allegiance, it would be entirely reasonable for a teacher to think that his or her job was at risk if he or she did not comply with the

Superintendent's directive. Nevertheless, some teachers may feel that their religious views preclude them from participating in the recitation of the Pledge of Allegiance.

Further, even if the Superintendent would not fire or discipline a teacher who failed to comply with this directive, the Superintendent could and does influence the teacher's direct supervisors. This includes principals, local school system superintendents, and local school board members who do have that authority. Thus, the Superintendent's directive could have an indirect impact on the teacher by influencing the teacher's direct supervisors. If the trial court's statement of the law regarding standing is correct, then the Superintendent could trample on teachers' religious freedom with no fear of recourse. The trial court's ruling on standing therefore presents questions that go beyond issues just in this case.

Even within the AOC, the trial court's ruling on standing could present confusion in the North Carolina court system in other scenarios. Suppose that the AOC sent out a directive to all of the elected District Attorneys stating that every Assistant District Attorney ("ADA") must be willing to participate in a capital murder trial and seek the execution of a defendant who is convicted and sentenced to die. Suppose that an ADA felt compelled to avoid participating in such a trial based on his or her religious beliefs. Would it be appropriate

for the AOC to dictate that all ADAs around the State must comply with this directive without regard to their individual religious beliefs? If the AOC refused to allow for an ADA to opt out of participating in a capital murder trial, would that ADA be forced to resign? The AOC does not hire, fire, or directly supervise ADAs. However, in that scenario it could impact the decisions of an elected District Attorney who does directly hire, fire, and supervise ADAs.

If the trial court's decision stands, then Petitioners and similarly situated parties in future disputes will have no recourse against an administrative agency that exerts real influence over them, either directly or indirectly. Petitioners respectfully request that this Court exercise its discretion and grant the Petition to clarify the nature and extent of Respondents' responsibility for their actions that impact those in the position of Petitioners.

III. FAILURE TO CERTIFY WILL DELAY FINAL ADJUDICATION AND CAUSE SUBSTANTIAL HARM

This Court may expedite review when failure to do so will delay final adjudication and cause substantial harm. N.C.G.S. § 7A-31(b)(3). It is appropriate to do so here because failure to certify will cause substantial harm to both Petitioners and the public.

A. Failure to certify will delay adjudication and cause substantial harm to Petitioners.

Petitioners allege that Respondents violated Petitioners' religious liberties secured by Article I of the North Carolina Constitution. The rights guaranteed in this article are "individual and personal rights entitled to protection against state action." Corum v. Univ. of N. Carolina Through Bd. of Governors, 330 N.C. 761, 782 (1992). Petitioners' rights have been and will continue to be violated until this matter is resolved. This violation is not abstract. Petitioners allege that they have suffered substantial financial harm and loss of employment in addition to a deprivation of their rights.

More than a year has already passed since Petitioners alleged that Respondents violated Petitioners' constitutional rights. If this case stays before the North Carolina Court of Appeals, then it will likely return to the trial court if and when Petitioners prevail on appeal. That could lead to still more delay in obtaining a final resolution at the trial court level. Even if Petitioners prevail on remand, there could be additional appeals. It could take years before this matter makes its way back to this Court. This could mean more years during which Petitioners' constitutional rights are violated and they suffer financial harm. For this reason, Petitioners respectfully request that this Court exercise its discretion and grant the Petition.

B. Failure to certify will delay adjudication and cause substantial harm to the public.

The trial court ruling presents unpredictability to all state employees who work under some authority, direct or indirect, of an administrative agency that does not technically hire, fire, or supervise them. This Court can resolve such unpredictability by clarifying the relationship between such an administrative agency and state employees. Given the uncertainty that the trial court's ruling creates for the public, and this Court's ability to resolve this situation, Petitioners respectfully request that the Court exercise its discretion and grant the Petition.

ISSUES TO BE BRIEFED

In the event that the Court grants the Petition, Petitioners present the following questions for review:

- (1) Did the trial court err in dismissing the Petitioners' Complaint pursuant to Rule 12(b)(1) of the North Carolina Rules of Civil Procedure for lack of standing because Respondents do not nominate, appoint, remove, or supervise magistrates when Respondents published and distributed two memos in October 2014 to the entire North Carolina court system, including to those who do nominate, appoint, remove, and supervise magistrates, dictating that a magistrate must participate in a same-sex marriage

ceremony without regard to the impact that might have on any magistrate's ability to exercise his or her religious beliefs?

- (2) Did the trial court err in dismissing Petitioners' Complaint pursuant to Rule 12(b)(6) of the North Carolina Rules of Civil Procedure for failure to state a claim as a matter of law when Petitioners' alleged that Respondents actions violated Petitioners' rights under the North Carolina Constitution?
- (3) What legal test should a North Carolina court apply when considering a claim based on an allegation that the State or a governmental actor violated an individual's religious liberties protected by the North Carolina Constitution?
- (4) Can an administrative agency be held responsible for exerting authority over a state employee that the agency or its agents do not directly hire, fire, or supervise, when that agency exerts at least some authority or influence over either the affected state employee or other state employees who supervise the affected state employee?

CONCLUSION

For the reasons stated above, the circumstances of this appeal fully satisfy the requirements of N.C.G.S. § 7A-31(b). Petitioners therefore respectfully request that this Court exercise its discretion and grant the Petition and review the trial court's judgment in this matter to determine the important questions presented by this appeal.

Respectfully submitted, this the 6th day of January, 2016.

Center for Law and Freedom
Civitas Institute

ELECTRONICALLY SUBMITTED

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*N.C. R. App. P. 33(b) Certification:
I certify that the attorney listed below has authorized me to list his name on this document as if he had personally signed.

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CERTIFICATE OF SERVICE

The undersigned certifies that he served a copy of the foregoing Petition for Discretionary Review under N.C.G.S. § 7A-31(b) on counsel for Defendants-Respondents by depositing a copy enclosed in a first-class postage-paid wrapper into a depository under the exclusive care and custody of the United States Postal Service this the 6th day of January, 2015, addressed as follows:

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Special Deputy Attorney General
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