

IN THE SUPREME COURT OF NORTH CAROLINA

No. 443A09

FILED: 8 OCTOBER 2010

W.D. GOLDSTON, JR., JAMES E. HARRINGTON, and citizens, taxpayers,  
and bondholders similarly situated

v.

STATE OF NORTH CAROLINA and MICHAEL F. EASLEY, Governor,  
individually and in his official capacity

Appeal pursuant to N.C.G.S. § 7A-30(2) from the  
decision of a divided panel of the Court of Appeals, \_\_\_ N.C.  
App. \_\_\_, 683 S.E.2d 237 (2009), affirming in part and reversing  
in part a judgment and order entered 27 March 2008 by Judge  
Joseph R. John, Sr., in Superior Court, Wake County. Heard in  
the Supreme Court 7 September 2010.

*Boyce & Isley, PLLC, by G. Eugene Boyce and R. Daniel  
Boyce; and North Carolina Institute for Constitutional  
Law, by Robert F. Orr and Jeanette K. Doran, for  
plaintiff-appellees.*

*Roy Cooper, Attorney General, by Norma S. Harrell,  
Special Deputy Attorney General, John F. Maddrey,  
Assistant Solicitor General, and Christopher G.  
Browning, Jr., Solicitor General, for defendant-  
appellants.*

*Womble Carlyle Sandridge & Rice, PLLC, by Burley B.  
Mitchell, Jr. for James E. Holshouser, Jr., James B.  
Hunt, Jr., James G. Martin, Willis P. Whichard, John L.  
Sanders, and Marvin Dorman, amici curiae.*

*Blanchard, Miller, Lewis & Isley, P.A., by E. Hardy  
Lewis, for Joe Hackney, Harold J. Brubaker, Hugh  
Holliman, Paul Stam, Marc Basnight, Dan Blue, Daniel G.  
Clodfelter, Fletcher L. Hartsell, Jr., Martin L.  
Nesbitt, Jr., and National Conference of State  
Legislatures, amici curiae.*

PER CURIAM.

Justice TIMMONS-GOODSON took no part in the consideration or decision of this case. The remaining members of the Court are equally divided, with three members voting to affirm and three members voting to reverse the decision of the Court of Appeals. Accordingly, the decision of the Court of Appeals is left undisturbed and stands without precedential value. See, e.g., *Formyduval v. Britt*, 361 N.C. 215, 639 S.E.2d 443 (2007); *Pitts v. Am. Sec. Ins. Co.*, 356 N.C. 292, 569 S.E.2d 647 (2002).

AFFIRMED.