

STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE

COUNTY OF WAKE

2010 NOV 29 PM 2:59

SUPERIOR COURT

09 CVS 5719

WAKE COUNTY, N.C.

SANDHILL AMUSEMENTS, et al.,)

Plaintiff,)

v.)

ORDER

STATE OF NORTH CAROLINA;)

GOVERNOR BEVERLY PERDUE, in her)

official capacity; NORTH CAROLINA)

DEPARTMENT OF CRIME CONTROL)

AND PUBLIC SAFETY, BRYAN E.)

BEATTY, in his official capacity; ALCOHOL)

LAW ENFORCEMENT DIVISION;)

DIRECTOR OF ALCOHOL)

ENFORCEMENT DIVISION, WILLIAM)

CHANDLER, in his official capacity)


Defendants.)

THIS MATTER coming to be heard, and being heard, by the undersigned Judge Presiding over the November 29, 2010 civil session of Wake County Superior Court on Defendants' Motion to Dismiss pursuant to Rule 12(b)(6) of the North Carolina Rules of Civil Procedure and on Defendants' motion to dissolve the preliminary injunction previously entered by the Court on or about June 26, 2009, and the Court having considered the motion and other pleadings, and having read the briefs and heard arguments of counsel, is of the opinion that Defendants' motions should be allowed.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that (1) Defendants' Motion to Dismiss is hereby granted pursuant to Rule 12(b)(6) of the North Carolina

Rules of Civil Procedure as to all issues in this action based on Plaintiffs' failure to state a claim upon which relief can be granted; and (2) the preliminary injunction previously entered by the Court in this action on or about June 26, 2009 be and is hereby dissolved. This action shall be and is hereby dismissed with prejudice.

This the 29th day of November 2010.



HONORABLE PAUL C. RIDGEWAY
SUPERIOR COURT JUDGE PRESIDING