

NORTH CAROLINA COURT OF APPEALS

)	
DOUG TURPIN and NICOLE)	
TURPIN,)	
)	
Plaintiffs-Appellants,)	<u>From Mecklenburg County</u>
)	No. 22 CVS 6443
v.)	
)	
CHARLOTTE LATIN SCHOOLS,)	
INC., <i>et al.</i> ,)	
)	
Defendants-Appellees.)	

NOTICE OF INTENT TO FILE MOTION FOR LEAVE TO FILE AMICUS
BRIEF ON BEHALF OF AMICI THE NORTH CAROLINA ASSOCIATION
OF INDEPENDENT SCHOOLS AND THE SOUTHERN ASSOCIATION OF
INDEPENDENT SCHOOLS

The North Carolina Association of Independent Schools (“NCAIS”) and The Southern Association of Independent Schools, Inc. (“SAIS”; collectively, “Proposed Amici”) file this Notice of Intent to File a Motion for Leave to File an Amicus Brief in this appeal under Rule 28(i) of the North Carolina Rules of Appellate Procedure. In support, Proposed Amici state as follows:

1. NCAIS is a nonprofit association of 89 independent schools across the State; nearly 40% of those schools are religious. Its mission is to promote

educational excellence and empower its member schools—and their students and faculty—to thrive. In support of its mission, NCAIS engages in both public and legislative advocacy to promote independent school issues and needs.

2. SAIS is the largest regional independent school association in the United States and has 392 member K-12 schools from fourteen states (a total of approximately 220,000 students). Nearly 50% of its schools are religious. Its mission is to strengthen member schools by providing accreditation processes, professional growth opportunities, and leadership development programs.

3. This appeal arises from the dismissal of several claims alleged by Plaintiffs-Appellants Doug Turpin and Nicole Turpin (“Plaintiffs-Appellants”). Plaintiffs-Appellants seek to challenge the contractual authority of Defendant-Appellee Charlotte Latin School, Inc. (“Latin”), to end Latin’s relationship with Plaintiffs-Appellants. The authority of independent schools, such as Latin, to manage their relationships with parents is a matter of ordinary contract law, but of great importance to Proposed Amici and their mission. Specifically, this matter involves what has been long understood as a simple matter of freedom of contract—i.e., the rights of independent schools to manage relationships with parents by contract. Plaintiffs-Appellants’ appeal poses a novel challenge to this bedrock understanding and Proposed Amici wish to contribute to assist the Court’s analysis of this case as friends of the Court.

4. On March 23, 2023, Plaintiffs-Appellants filed their Petition for Discretionary Review Before a Determination by the Court of Appeals with the Supreme Court of North Carolina.¹ The Petition asks the Supreme Court to grant the extraordinary relief of bypassing this Court for direct review in the first instance in the Supreme Court under Rule 15(a) of the North Carolina Rules of Appellate Procedure and N.C. Gen. Stat. § 7A-31, maintaining that this contract matter meets the extraordinary criteria of such a submission.

5. Proposed Amici wish to file a motion for leave to file an amicus brief and amicus brief in support of Defendants-Appellees under Rule 28(i) of the North Carolina Rules of Appellate Procedure. Given the Petition, out of an abundance of caution, Proposed Amici file this Notice to notify the parties and this Court that they intend to file a motion and amicus brief at the appropriate time under Rule 28(i) of the North Carolina Rules of Appellate Procedure.

¹ Plaintiffs-Appellants served the Petition by email after 5:00 pm on March 23, so service was effective on March 24, 2023.

This the 5th Day of April, 2023.

By: Electronically Submitted
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**I certify that all attorneys listed below
have authorized me to list their names on
this document as if they had personally
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was electronically filed and served this day on all counsel of record by email only, addressed as follows:

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This the 5th Day of April, 2023.

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