

NOTICE OF ISSUANCE OF MANDATE  
UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

December 21, 2001

**MANDATE**

TO: Clerk, District Court/Agency

FROM: Margaret F. Thomas  
Deputy Clerk

RE: 99-2389 Belk v. Board of Education  
CA-65-1974-3-P  
CA-97-482-3-P  
99-2391 Belk v. Board of Education  
~~CA-65-1974-3-P~~  
CA-97-482-3-P  
00-1098 Belk v. Board of Education  
CA-65-1974-3-P  
CA-97-482-3-P  
00-1432 Belk v. Charlotte-Mecklenbur  
CA-97-482-3-P

FILED  
CHARLOTTE, N.C.  
01 DEC 26 PM 1:37  
U.S. DISTRICT COURT  
W. DIST. OF N.C.

HEREWITH IS THE MANDATE OF THIS COURT, ISSUED THIS DATE,  
ON THE JUDGMENT ENTERED BY THE COURT ON 9/21/01.

- Order and Certified Copy of Judgment  
 Opinion and Certified Copy of Judgment  
 Order on Costs  
 Order dismissing appeal R42(b) or Local Rule R45  
 Other: \_\_\_\_\_  
 The record has been retained for use in case number \_\_\_\_\_

A copy of the judgment is enclosed to counsel/pro se parties.

cc: Michael Crowell  
Rebecca K. Troth  
Mark Lenard Gross  
Maree F. Sneed  
John W. Borkowski  
Allen R. Snyder  
Amy Rickner Langdon  
Irving Michael Brenner  
James G. Middlebrooks  
Maurice Oliver Green  
Thomas J. Ashcraft  
Allan Lee Parks  
John Oliver Pollard  
Kevin Van Parsons  
William Scott Helfand  
Gloria Jene Browne  
Stephen Luke Largess

2609

James Elliot Ferguson II

UNITED STATES COURT OF APPEALS

for the  
Fourth Circuit

NO. 99-2389  
CA-65-1974-3-P  
CA-97-482-3-P

FILED  
CHARLOTTE, N.C.  
01 DEC 26 PM 1:37  
U.S. DISTRICT COURT  
W. DIST. OF N.C.

TERRY BELK; DWAYNE COLLINS, on behalf of themselves and the class they represent;

Plaintiffs - Appellants

v.

WILLIAM CAPACCHIONE, Individually and on behalf of Christina Capacchione, a minor; MICHAEL P. GRANT; RICHARD EASTERLING; LAWRENCE GAUVREAU; KAREN BENTLEY; CHARLES THOMPSON; SCOTT C. WILLARD

Plaintiffs - Appellees

and

THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION; ERIC SMITH, Superintendent, in his official capacity; ARTHUR GRIFFIN, Chairman of the Charlotte-Mecklenburg School Board, in his official capacity

Defendants

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UNITED STATES OF AMERICA; NORTH CAROLINA SCHOOL BOARDS ASSOCIATION; NATIONAL SCHOOL BOARDS ASSOCIATION

Amici Curiae

NO. 99-2391  
CA-65-1974-3-P  
CA-97-482-3-P

WILLIAM CAPACCHIONE, Individually and on behalf of Christina Capacchione, a minor; MICHAEL P. GRANT; RICHARD EASTERLING;

LAWRENCE GAUVREAU; KAREN BENTLEY; CHARLES THOMPSON; SCOTT C. WILLARD

Plaintiffs - Appellees

and

TERRY BELK; DWAYNE COLLINS, on behalf of themselves and the class they represent

Plaintiffs

v.

THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION; ERIC SMITH, Superintendent, in his official capacity; ARTHUR GRIFFIN, Chair of the Charlotte-Mecklenberg School Board, in his official capacity

Defendants - Appellants

-----  
UNITED STATES OF AMERICA; NORTH CAROLINA SCHOOL BOARDS ASSOCIATION; NATIONAL SCHOOL BOARDS ASSOCIATION

Amici Curiae

NO. 00-1098  
CA-65-1974-3-P  
CA-97-482-3-P

WILLIAM CAPACCHIONE, Individually and on behalf of Christina Capacchione, a minor; MICHAEL P. GRANT; RICHARD EASTERLING; LAWRENCE GAUVREAU; KAREN BENTLEY; CHARLES THOMPSON; SCOTT C. WILLARD

Plaintiffs - Appellees

and

TERRY BELK; DWAYNE COLLINS, on behalf of themselves and the class they represent

Plaintiffs

v.

THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION; ERIC SMITH,  
Superintendent, in his official capacity; ARTHUR GRIFFIN,  
Chairman of the Charlotte-Mecklenburg School Board, in his  
official capacity

Defendants - Appellants

-----  
UNITED STATES OF AMERICA; NORTH CAROLINA SCHOOL  
BOARDS ASSOCIATION; NATIONAL SCHOOL BOARDS ASSOCIATION

Amici Curiae

NO. 00-1432  
CA-97-482-3-P

WILLIAM CAPACCHIONE, Individually and on behalf of Christina  
Capacchione, a minor; MICHAEL P. GRANT; RICHARD EASTERLING;  
LAWRENCE GAUVREAU; KAREN BENTLEY; CHARLES THOMPSON; SCOTT C.  
WILLARD

Plaintiffs - Appellees

and

TERRY BELK; DWAYNE COLLINS, on behalf of themselves and the  
class they represent

Plaintiffs

v.

THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION; ERIC SMITH,  
Superintendent, in his official capacity; ARTHUR GRIFFIN,  
Chairman of the Charlotte-Mecklenburg School Board, in his  
official capacity

Defendants - Appellants

-----  
UNITED STATES OF AMERICA; NORTH CAROLINA SCHOOL BOARDS  
ASSOCIATION; NATIONAL SCHOOL BOARDS ASSOCIATION

Amici Curiae

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Appeal from the United States District Court for the  
Western District of North Carolina at Charlotte  
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In accordance with the written opinion of this Court filed this day, the Court affirms in part and reverses in part the judgment of the District Court.

/s/ Patricia S. Connor

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CLERK

A True Copy, Teste:

Patricia S. Connor, Clerk

BY Margaret Thomas

Deputy Clerk

**NOTE:**

**THIS IS A PARTIALLY  
SCANNED DOCUMENT.**

**PLEASE SEE THE CASE  
FILE FOR  
ATTACHMENTS,  
EXHIBITS, AFFIDAVITS  
OR OTHER MATERIAL  
WHICH HAS NOT BEEN  
SCANNED.**