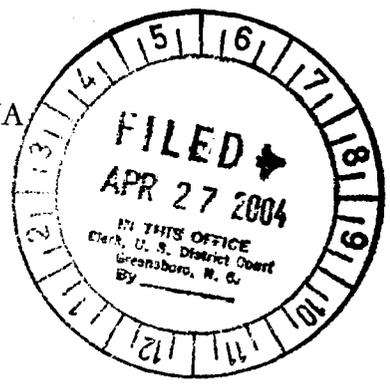


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D/KW

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



NORTH CAROLINA MOTORCOACH)
ASSOCIATION, on behalf of its members,)
and MCGILL, INC. d/b/a)
CAROLINA AMERICAN TOURS,)

Plaintiffs,)

v.)

1:02CV227

GUILFORD COUNTY BOARD OF)
EDUCATION,)

Defendant.)

ORDER AND JUDGMENT

BEATY, District Judge.

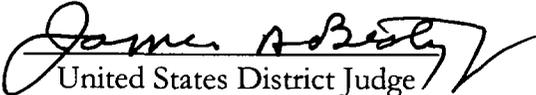
For the reasons stated in the Memorandum Opinion filed contemporaneously herewith,
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant's Rule
12(b)(1) Motion is DENIED with respect to all of Carolina American's claims. Accordingly,
Carolina American has standing to pursue its claims in this Court. Defendant's Rule 12(b)(1)
Motion against NCMA is GRANTED, however, with respect to NCMA's claims for monetary
damages. Thus, NCMA only has standing to pursue its claims for injunctive and declaratory relief,
and NCMA's tortious-interference claims are hereby DISMISSED because NCMA lacks standing
to bring these claims.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant's Rule
12(b)(6) Motion against Carolina American is GRANTED in all respects, and all of Carolina
American's claims are therefore DISMISSED with prejudice. In addition, Defendant's Rule 12(b)(6)
Motion against NCMA is GRANTED with respect to all of Defendant's claims over which this
court has subject matter jurisdiction, that is, NCMA's claims under the Supremacy Clause and the

Commerce Clause, as well as its abandoned claim pursuant to North Carolina General Statutes sections 66-58(c)(9a) and 115C-247. These claims are therefore DISMISSED with prejudice.

Finally, IT IS ORDERED, ADJUDGED, AND DECREED that Defendant's Rule 12(f) Motion to strike the punitive-damages claims from Plaintiffs' Complaint is DENIED as moot because the Court has DISMISSED all of Plaintiffs' claims for punitive damages.

This, the 27 day of April, 2004.


United States District Judge