

IN THE STUDENT SUPREME COURT)	
)	
)	
Action No. 09 SSC 002)	
)	
Zach DEXTER and)	
Saang M. Lee,)	
)	MINUTES
PLAINTIFFS)	of
)	PRE-TRIAL HEARING
versus)	
)	
Joseph LEVIN-MANNING,)	
in his capacity as Speaker)	
of Student Congress,)	
)	
DEFENDANT)	

A pre-trial hearing was conducted in the above captioned matter at 5:00 PM on November 19, 2009 in Van Hecke-Wettach Hall Room 4051. The minutes of this meeting are set forth herein.

CHIEF JUSTICE HODSON called the hearing to order at 5:02 PM. Present were plaintiffs Dexter and Lee, defendant Levin-Manning, and counsel for the defendant Kris Gould.

CHIEF JUSTICE HODSON: We are here this evening for a pretrial hearing in *Dexter v. Levin-Manning*. Who will be speaking for the plaintiffs.

Mr. DEXTER: I will.

CHIEF JUSTICE HODSON: And I'm assuming that Mr. Gould will speak for the defendant?

Mr. GOULD: Yes.

CHIEF JUSTICE HODSON: Two matters need to be resolved at this time. One is the plaintiff's motion for subpoena *duces tecum* and the other is the defendant's motion to dismiss on the grounds of standing. If the motion to dismiss is granted, then the motion for a subpoena is moot, so I will first hear arguments on the motion to dismiss. As I understand it, Mr. Gould, the defendant has two claims for why there is no standing - first, that this is not a legislative act, and second, that the plaintiffs' powers, rights, privileges, or immunities were not adversely affected. Mr. Gould, is there anything you'd like to add to your motion at this time.

Mr. GOULD: I would like to call the Court's attention to III S.G.C. § 104, which gives the definition of a legislative act.

CHIEF JUSTICE HODSON: I am aware of that. Mr. Dexter, the Court will not recognize your demurrer, as that is not a document that we accept.

We will, instead, consider it to be your argument against the motion to dismiss. I understand your argument to be that an "act" is defined in II S.G.C. § 206. Are you familiar with Title III of the Student Code and our precedent in *Project Dinah v. Student Congress*?

Mr. DEXTER: No.

CHIEF JUSTICE HODSON: You're only challenging the manner in which the bill was passed. How does that affect your powers, rights, privileges, or immunities?

Mr. DEXTER: Our power to vote was violated.

CHIEF JUSTICE HODSON: You were able to vote on the bill in issue, correct?

Mr. DEXTER: Yes, but all proceedings in Student Congress should be done according to the rules, and if they're not, then that violates our rights and privileges as members.

CHIEF JUSTICE HODSON: I hesitate on that point. The regulations are there to protect people asking for funds.

Mr. DEXTER: This is the student body's money. My powers were violated as a member of the student body as I have a right to a correct vote under the rules.

CHIEF JUSTICE HODSON: Do you have a response to that, Mr. Gould?

Mr. GOULD: Yes. Because there was a veto, no money was given out. III S.G.C. § 407 defines legislative acts, which are completed acts of Congress. Acts of the Speaker do not fall into that definition.

Mr. DEXTER: May I respond?

CHIEF JUSTICE HODSON: Yes.

Mr. DEXTER: Under Title II, a law is defined as when that law has been signed by the Student Body President or the President's veto has been overridden. An act is a bill that has been passed by Congress.

CHIEF JUSTICE HODSON: That's Title II. What matters in the Court is Title III. We will consider only the definition of "act" in Title III. Mr. Gould, how do you respond to *Project Dinah*?

Mr. GOULD: Section 407 uses the term "legislative act," and that only includes an act signed or enacted over the veto of a student body president.

CHIEF JUSTICE HODSON: *Project Dinah* says that we might consider including something that hadn't been signed or overridden.

Mr. GOULD: *Project Dinah* considered an instance when Congress had taken its final vote on the bill. Section 407 states that you can't have standing for a proposed legislative act. If there's no final vote, then it's still a proposed legislative act.

CHIEF JUSTICE HODSON: I will take a five minute recess.

AT WHICH TIME, THE HEARING RECESSED FOR FIVE MINUTES.

CHIEF JUSTICE HODSON: I will grant the defendant's motion to dismiss on the grounds that the plaintiffs' powers, rights, privileges, or immunities were not adversely affected. Mr. Dexter and Mr. Lee, you're not entirely out of options. You can consider taking a complaint to the Student Congress Ethics Committee. I would also like to point out that we've gotten a ton of cases out of Student Congress this year. While we are happy to do our duty to the student body, it takes time to deal with these cases, and we don't like having our time wasted. **This case is dismissed.**

AT WHICH TIME, THE HEARING WAS ADJOURNED.

I certify that the above minutes are a true and accurate representation of the pretrial hearing in *Dexter v. Levin-Manning*.

 /s/ Michael R. Gordon
Michael R. Gordon
Chief Clerk
University of North Carolina at Chapel Hill Student Supreme Court