

1 STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

2 NEW HANOVER COUNTY FILED

SUPERIOR COURT DIVISION  
FILE NO. 21 CVS 003915

3  
4 DAVID A. PERRY,

2021 DEC 21 P 2:27

MOTION FOR EXPEDITED DISCOVERY

5 PLAINTIFF, NEW HANOVER CO., C.S.C.

6 BY \_\_\_\_\_

7 vs.

8 NEW HANOVER COUNTY BOARD OF  
EDUCATION;

9 NEW HANOVER COUNTY SHERIFF'S  
10 OFFICE;

11 DEFENDANTS;

12 HERE COMES THE PLAINTIFF, David A. Perry, Pro Se, who, pursuant to NC  
13 Rules of Civil Procedure, G.S. 1A-1, Rule 16(a) and Local Rule 3.1, hereby requests that this  
14 Court formulate an expedited discovery schedule for quick disposition of this case. To that end,  
15 the Plaintiff swears to the following.  
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17 1. The Defendant, the New Hanover County Board of Education, submitted a responsive  
18 pleading in this case on December 15, 2021. The Defendant, the New Hanover County  
19 Sheriff's Office, has not, as of this date, filed a responsive pleading in this matter. The  
20 Plaintiff has filed a separate Motion to Compel the Clerk to Make an Entry of Default in  
21 regard to the Defendant, the New Hanover County Sheriff's Office. Assuming this  
22 motion is granted, this case is ready to enter the discovery phase with the one remaining  
23 non-defaulted defendant.

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25 2. Despite the many blanket denials contained in the Defendant, the New Hanover County  
26 Board of Education's Answer to Complaint, the Plaintiff firmly believes that there are

27  
28 few (if any) material facts in this case that are disputed. This is a case of law and our state

MOTION FOR EXPEDITED DISCOVERY - 1

A TRUE COPY  
CLERK OF SUPERIOR COURT  
NEW HANOVER COUNTY  
BY: *Jeanne M. Heckart*  
Deputy Clerk of Superior Court

1 and federal constitutions, and not one of disputed evidence. The intent of the Plaintiff in  
2 seeking an expedited discovery process is to: 1) Demonstrate that no material factual  
3 disputes exist; 2) Set the groundwork to file a motion for summary judgement, pursuant  
4 to NC Rules of Civil Procedure, G.S. 1A-1, Rule 56. It is not in the interest of justice or  
5 judicial economy to have a long and unnecessary discovery schedule. The Plaintiff seeks  
6 an expedited discovery schedule that is no longer than 30 days (to end on February 5,  
7 2022).

8  
9 3. The Plaintiff believes that the completion of the interrogatory process (pursuant to NC  
10 Rules of Civil Procedure, G.S. 1A-1, Rule 33) will greatly assist the parties and this  
11 Court in identifying the vast majority of undisputed material facts in this case, and the  
12 very few (if any) material facts that are in dispute. The Plaintiff suggests that  
13 interrogatories by each party be served on the other no later than January 14, 2022, and  
14 that the answers to those interrogatories be served back to the opposing party no later  
15 February 4, 2022.

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17 4. The Defendant, the New Hanover County Board of Education, presented a number of  
18 other defenses in its Answer to Complaint, other than its official answer (Defense 3).  
19 With the goal of quick disposition of this case, the Plaintiff suggests that motions for  
20 these defenses (along with any briefs in support of them) be served upon the Plaintiff no  
21 later than January 14, 2022, and that the Plaintiff serve the Defendant with any replies to  
22 those motions no later than February 4, 2022.

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24 5. The Plaintiff suggests that each party serve any other discovery requests upon the  
25 opposing party no later than January 14, 2022, and that such requests be fulfilled by the  
26 opposing party no later than February 4, 2021.  
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1 6. The Plaintiff suggests that if either party has any other type of evidence they wish to  
2 submit for the Court's consideration, that they submit that evidence to this Court no later  
3 than February 4, 2021.

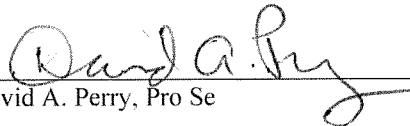
4 7. The Plaintiff humbly requests that Judge Harrell be assigned to this case from this point  
5 forward. Judge Harrell is familiar with the case. Judge Harrell also ruled on the  
6 defendants' motions to dismiss back on November 2, 2021. By denying those motions,  
7 Judge Harrell, in essence, ruled that the Plaintiff did indeed state a claim upon which  
8 relief could be granted. However, Judge Harrell's Order of November 2, 2021 is silent on  
9 the specific legal theory upon which relief could be granted, and silent upon which  
10 elements the Plaintiff would need to prove in order to be entitled to relief. Therefore,  
11 Judge Harrell is the only Judge on this Court that knows what he was thinking and is the  
12 best Judge to handle this case moving forward.

13 8. Once this expedited discovery schedule is complete, and the Plaintiff files a motion for  
14 summary judgement (pursuant to NC Rules of Civil Procedure, Rule 56) there still would  
15 be an opportunity for an additional discovery, if this Court (pursuant to NC Rules of Civil  
16 Procedure, G.S. 1A-1, Rule 56(d)) finds that there are material facts, which in good faith,  
17 remain controverted.  
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1                    THEREFORE, the Plaintiff beseeches this honorable Court to:

- 2                    1. Order an expedited discovery schedule consistent with the Plaintiff's suggestions and  
3                    desire for a quick resolution of this case.  
4  
5                    2. Assign Judge Harrell to handle this case going forward.  
6                    3. Grant whatever other relief this Court finds just and equitable.

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8                    Dated this 21st day of December 2021.  
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12                    \_\_\_\_\_  
13                    David A. Perry, Pro Se

