

1 STATE OF NORTH CAROLINA
2 NEW HANOVER COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT
FILE NO. 21 CVS 003915

5 DAVID A. PERRY,
6 PLAINTIFF,

7 vs.

EXPEDITED MOTION FOR SPECIFIC
FINDINGS AND CONCLUSIONS OF LAW

8 NEW HANOVER COUNTY BOARD OF
9 EDUCATION;

10 NEW HANOVER COUNTY SHERIFF'S
11 OFFICE;

DEFENDANTS;

12
13 HERE COMES THE PLAINTIFF, who by virtue of G.S.-1A-1, Rule 52 of the
14 North Carolina Rules of Civil Procedure, requests that this Court immediately issue a legal
15 memorandum which details the specific findings of fact and conclusions of law behind its Order
16 of March 22, 2022 (Timestamped 3/23/2022).

17 On March 21, 2022 a hearing was held for this Court to consider the Motion for
18 Summary Judgement submitted by the defendant, the New Hanover County Board of Education.

19
20 In addition, this Court also considered the cross motion for summary judgement that was
21 submitted by the Plaintiff. Each party submitted a brief / legal memorandum to support their
22 motions, conducted oral arguments, and Judge R. Kent Harrell stated that he would take the
23 matter under advisement and that a decision would be likely by the end of the week.

24
25 On March 23, 2022 the Plaintiff received an email from the Trial Court
26 Administrator, Tonya M. Gilley, and attached a copy of the aforementioned Court Order. The
27 Order stated that "The Court having reviewed the joint stipulations of fact, the memoranda of

1 law and having heard the arguments of the parties finds that the defendant is entitled to judgment
2 as a matter of law.” No specific findings of fact, legal analysis, or conclusions of law were
3 present in the Order. The Order goes on to grant the defendant’s motion for summary judgment,
4 deny the Plaintiff’s cross motion for summary judgment, and dismiss the Plaintiff’s claims.
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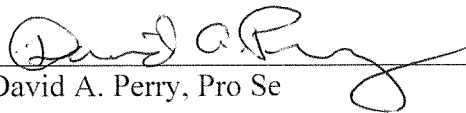
6 The Order constitutes a final entry of judgment in the case. Therefore, pursuant
7 to Article II, Rule 3 of the North Carolina Rules of Appellate Procedure, the Plaintiff only has 30
8 days from the date of the Order (3/23/2022) to: 1) Decide whether an appeal is justified; 2) Write
9 the appeal; 3) Submit the appeal; and 4) Serve all parties in the case with a copy of such an
10 appeal. Therefore, it is necessary for the Plaintiff to receive the Court’s specific findings of fact
11 and conclusions of law in order to make an informed decision on whether to appeal, and to have
12 the pertinent information available to actually know what findings of fact or conclusions of law
13 that the Plaintiff should include in such an appeal.
14

15 Furthermore, this case has garnered a substantial amount of public attention.
16 There is a large group of people in New Hanover County that believe that requiring masks at
17 school board meetings violates their rights under the NC Open Meetings Law and the 1st
18 Amendment. The public deserves to know the reasoning behind the Court’s decision to side with
19 the Defendants in this case.
20

21 Finally, the Plaintiff requests that Judge Harrell grant this motion without a
22 hearing. The Plaintiff leaves on the afternoon of 3/28/2022 for business in Poland and will not
23 return to this country until at least 5/28/2022 at the earliest. While a possible appeal can be done
24 through the mail, the Plaintiff will simply not be available to attend an in-person hearing on this
25 matter.
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1 THEREFORE, the Plaintiff requests that the honorable Judge R. Kent Harrell
2 issue the requested legal memorandum as quickly as possible.
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4
5 Dated this 28th day of March, 2022.
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10 David A. Perry, Pro Se
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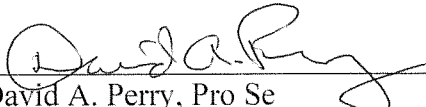
1 **CERTIFICATE OF SERVICE**

2 I certify that a copy of the attached **EXPEDITED MOTION FOR SPECIFIC**
3 **FINDINGS AND CONCLUSIONS OF LAW** was served upon all Defendants in this case on
4 this date, via USPS Priority Mail and electronic mail addressed to:
5

6
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Attorney for New Hanover County Sheriff's Office

20 Dated this 28th day of March, 2022.

21
22
23 
24 _____
David A. Perry, Pro Se