

STATE OF NORTH CAROLINA  
NEW HANOVER COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. \_\_\_\_\_

FILED

2021 OCT 14 P 4:18

DAVID A. PERRY,  
PLAINTIFF,

NEW HANOVER CO., C.S.C.  
BY \_\_\_\_\_

MOTION FOR A PRELIMINARY  
INJUNCTION

vs.

NEW HANOVER COUNTY BOARD OF  
EDUCATION;

Stephanie Adams, in her official capacity;

Nelson Beaulieu, in his official capacity;

Judy Justice, in her official capacity;

Stephanie Kraybill, in her official capacity;

Hugh McManus, in his official capacity;

Stephanie Walker, in her official capacity;

Peter Wildeboer, in his official capacity;

NEW HANOVER COUNTY SHERIFF'S  
OFFICE;

Edward McMahon, in his official capacity

DEFENDANTS;

**A TRUE COPY**  
CLERK OF SUPERIOR COURT  
NEW HANOVER COUNTY  
BY: *Nathalie Lovell*  
Asst. Clerk of Superior Court

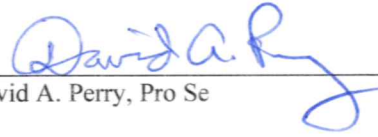
Pursuant to the NC Rules of Civil Procedure, G.S. 1A-1, Rule 65, the Plaintiff hereby requests that this Court issue a preliminary injunction against the Defendants in this case in order to maintain the status quo. The Plaintiff asserts that he is likely to prevail on the merits of this case, but that irreparable harm towards the Plaintiff, thousands of other New Hanover County residents, and to the public-school students of New Hanover County will occur if this Court does not immediately act.

1           Given the fact the Defendants will need time to respond to the Plaintiff's petition,  
2 and given that this Court will need time to entertain and decide on other possible motions, and  
3 given the time the Court may actually need to decide this case; this case could take weeks or  
4 months or even longer to come to its final disposition. In the meantime, irreparable harm will  
5 befall the Plaintiff, the thousands of other New Hanover County residents who wish to physically  
6 attend open session meetings of the New Hanover County Board of Education without masks,  
7 and the public-school students of New Hanover County.  
8

9           The New Hanover County Board of Education is required to reconsider and renew  
10 their school mask mandate on a monthly basis. Every month that passes where that policy is  
11 renewed without the full participation of the Plaintiff, and likeminded individuals, are months  
12 that the educational quality of the Plaintiff's grandson (along with all other students in New  
13 Hanover County public schools) will be diminished. Lost learning, especially among younger  
14 students like the Plaintiff's grandson, cannot be recovered easily. The Plaintiff and those who are  
15 likeminded but being excluded from these meetings, might be able to stop this policy soon, if the  
16 Defendant would provide full and equal participation as is required by the NC Open Meetings  
17 Law, and the NC and US constitutions. In addition to the school mask policy, there are many  
18 other important educational issues that will be decided by the New Hanover County Board of  
19 Education over the coming weeks and months, that the Plaintiff and others will want to have  
20 equal input on. Once decided, many of the decisions the Board makes now won't be easily  
21 reversible.  
22

23           The Plaintiff humbly beseeches this Court to grant any and/or all of the relief  
24 sought in the Plaintiff's Petition for Declaratory Judgement & Relief, along with any other relief  
25 this Court determines is in the best interest of justice and individual liberty.  
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Dated this 14<sup>th</sup> day of October, 2021.

  
David A. Perry, Pro Se

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