

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

IN THE GENERAL COURT OF JUSTICE
FILED SUPERIOR COURT DIVISION
21-CVS-003915

2022 JAN 11 P 3:31

DAVID A. PERRY,
Plaintiff,

NEW HANOVER CO., C.S.C.

BY _____ :

v.

: ANSWER TO PETITION
: FOR DECLARATORY
: JUDGMENT

NEW HANOVER COUNTY BOARD OF
EDUCATION and
NEW HANOVER COUNTY SHERIFF'S
OFFICE,
Defendants.

:
:
:
:
:

Defendant, New Hanover County Sheriff's Office; by and through undersigned council,
responds to Plaintiff's Petition for Declaratory Judgment as follows:

INTRODUCTION

This Defendant is without sufficient knowledge or information to form a belief as to the
truth of all the allegations of the Introduction section and therefore all are denied.

JURISDICTION

This Defendant is without sufficient knowledge or information to form a belief as to the
truth of all the allegations of the Jurisdiction section and therefore all are denied.

STANDING

This Defendant is without sufficient knowledge or information to form a belief as to the truth of
all the allegations of the Standing section and therefore all are denied.

PARTIES

This Defendant is without sufficient knowledge or information to form a belief as to the truth of
all the allegations of the Parties section and therefore all are denied.

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

FACTS

This Defendant is without sufficient knowledge or information to form a belief as to the truth of all the allegations of the Facts section and therefore all are denied.

ALLEGATIONS

1. This Defendant is without sufficient knowledge or information to form a belief as to the truth of Paragraph 1 of the Allegations and therefore it is denied.
2. It is admitted that the New Hanover County Board of Education has asked the Sheriff Office on occasion to enforce the Board's mask requirements. Except as admitted the allegation of Paragraph 2 are denied.
3. The allegation of Paragraph 3 amount to legal conclusions to which no response is required.
4. The allegation of Paragraph 4 amount to legal conclusions to which no response is required.
5. The allegation of Paragraph 5 amount to legal conclusions to which no response is required.
6. The allegation of Paragraph 6 amount to legal conclusions to which no response is required.
7. The allegation of Paragraph 7 amount to legal conclusions to which no response is required.
8. The allegation of Paragraph 8 amount to legal conclusions to which no response is required.
9. The allegation of Paragraph 9 amount to legal conclusions to which no response is required.
10. The allegation of Paragraph 10 amount to legal conclusions to which no response is required.
11. The allegation of Paragraph 11 amount to legal conclusions to which no response is required.
12. The allegation of Paragraph 12 amount to legal conclusions to which no response is required.

CONCLUSION

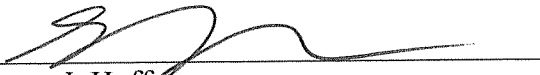
The allegation of this section amounts to a legal conclusion to which no response is required.

DEFENDANT PRAYER FOR RELIEF

Wherefore, Defendant New Hanover County Sheriff Office prays the Court:

1. Each and every cause of action be dismissed with prejudice.
2. Plaintiff have and recover nothing from the Defendant.
3. Plaintiff's prayer for relief be denied in its entirety.
4. The cost of this action be taxed against the Plaintiff.
5. For such other relief as the Court deem just and proper.

This the 11th day of January, 2022.



Sharon J. Huffman
Deputy County Attorney
New Hanover County
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Wilmington NC 28403
N.C. State Bar No.: 9886
(910) 798-7153 (office)
(910) 798-7157 (fax)
Attorney for Defendant New Hanover Sheriff's Office

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of the foregoing and attached

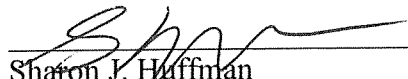
Defendant New Hanover County Sheriff's Office Answer to Petition for Declaratory Judgment

was this date served by USPS mailing to the following:

David A. Perry
4709 Cornus Drive
Wilmington NC 28412
Plaintiff

Colin Shive
Tharrington Smith LLP
PO Box 1151
Raleigh NC 27602
Attorney for Defendant New Hanover County School Board

This the 11th day of January, 2022.



Sharon J. Huffman
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