

STATE OF NORTH CAROLINA  
COUNTY OF ALAMANCE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
CASE NO. 21-CVS-710

FILED  
2021 SEP 24 PM 3:24  
J  
NORTH CAROLINA STATE  
CONFERENCE OF THE NATIONAL  
ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED  
PEOPLE (NAACP); NAACP  
ALAMANCE COUNTY BRANCH  
#5368; DOWN HOME NC; ENGAGE  
ALAMANCE; DREAMA CALDWELL;  
TAMARA KERSEY; REVEREND  
DOCTOR DANIEL KUHN;  
REVEREND RANDY ORWIG;  
MARYANNE SHANAHAN

**ORDER DENYING THE MOTION  
TO DISMISS FILED BY ALL  
DEFENDANTS**

*Plaintiffs,*

v.

ALAMANCE COUNTY; ALAMANCE  
COUNTY BOARD OF  
COMMISSIONERS; and  
COMMISSIONERS STEVE CARTER,  
WILLIAM LASHLEY, PAMELA T.  
THOMPSON, JOHN PAISLEY, and  
CRAIG TURNER, JR. in their official  
capacities,

*Defendants.*

THIS MATTER was heard on August 30, 2021, before Superior Court Judge Kevin M. Bridges, with Hampton Dellinger and Gagan Gupta appearing for Plaintiffs North Carolina State Conference of the National Association for the Advancement of Colored People (NAACP), NAACP Alamance County Branch #5368,

Down Home NC, Engage Alamance, Dreama Caldwell, Tamara Kersey, Reverend Doctor Daniel Kuhn, Reverend Randy Orwig, and Maryanne Shanahan (collectively, “Plaintiffs”), and Clyde Albright and William Hill appearing for Defendants Alamance County, Alamance County Board of Commissioners, and Commissioners Steve Carter, William Lashley, Pamela T. Thompson, John Paisley, and Craig Turner, Jr. in their official capacities (collectively, “Defendants”).

Plaintiffs’ Complaint alleges six causes of action against Defendants, seeking the ultimate remedy of injunctive relief in the form of removal or relocation of the Confederate monument located in front of the Alamance County courthouse in Graham, North Carolina (the “Monument”). The Complaint alleges that Defendants’ maintenance of the Monument on public property violates the North Carolina Constitution’s equal protection and anti-race discrimination provisions (Count I); Defendants’ allocation of public funds and resources to the Monument is an unconstitutional misuse of taxpayer money under the North Carolina Constitution (Count II); the Monument violates the North Carolina Constitution’s provisions prohibiting secession and mandating allegiance to the United States (Count III); the Monument violates the North Carolina Constitution’s law of the land clause (Count IV); and the Monument violates the open courts provision of the North Carolina Constitution (Count V). In their final count, Plaintiffs seek a declaratory judgment, including that the Monument violates one or more provisions of the North Carolina Constitution and that neither N.C. Gen. Stat. § 100-2.1 (the Patriotism Act) nor any other state law precludes removal or relocation of the Monument (Count VI).



Defendants brought a motion captioned "Motion to Dismiss" ("Motion") pursuant to Rules 12(b)(6), 12(b)(7), and 12(f) of the North Carolina Rules of Civil Procedure.

THE COURT, having considered the parties' motions practice and related filings, the parties' oral argument at the hearing on the Motion, the applicable law, and all other relevant matters, DENIES Defendants' Motion. Specifically, because Plaintiffs' Complaint states a claim upon which relief can be granted with respect to Counts I-VI, Defendants' Motion to Dismiss the Complaint in its entirety pursuant to Rule 12(b)(6) is DENIED. Moreover, Defendants' Motion to Dismiss the Complaint in its entirety pursuant to Rule 12(b)(7) is DENIED. Finally, Defendants' Motion to Strike the Alamance County Board of Commissioners and the individual Commissioners in their official capacities as parties to the lawsuit pursuant to Rule 12(f) is DENIED; and Defendants' Motion to Strike the allegations in Count III and Paragraph 77 of Plaintiffs' Complaint pursuant to Rule 12(f) is DENIED.

It is therefore ORDERED, ADJUDGED and DECREED that Defendants' Motion is DENIED in its entirety.

This the 20<sup>th</sup> day of September, 2021.

  
\_\_\_\_\_  
THE HONORABLE KEVIN M. BRIDGES  
SUPERIOR COURT JUDGE

STATE OF NORTH CAROLINA  
COUNTY OF ALAMANCE

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*Plaintiffs,*

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WILLIAM LASHLEY, PAMELA T.  
THOMPSON, JOHN PAISLEY, and  
CRAIG TURNER, JR. in their official  
capacities,

*Defendants.*

**ORDER DENYING THE REQUEST  
FOR ENTRY OF JUDGMENT  
PURSUANT TO RULE 54(b) MADE  
BY ALL DEFENDANTS**

THIS MATTER was heard on August 30, 2021, before Superior Court Judge Kevin M. Bridges, with Hampton Dellinger and Gagan Gupta appearing for Plaintiffs North Carolina State Conference of the National Association for the Advancement of Colored People (NAACP), NAACP Alamance County Branch #5368,

Down Home NC, Engage Alamance, Dreama Caldwell, Tamara Kersey, Reverend Doctor Daniel Kuhn, Reverend Randy Orwig, and Maryanne Shanahan (collectively, “Plaintiffs”), and Clyde Albright and William Hill appearing for Defendants Alamance County, Alamance County Board of Commissioners, and Commissioners Steve Carter, William Lashley, Pamela T. Thompson, John Paisley, and Craig Turner, Jr. in their official capacities (collectively, “Defendants”).

Defendants brought two motions: first, a motion captioned “Motion to Dismiss” pursuant to Rules 12(b)(6), 12(b)(7), and 12(f) of the North Carolina Rules of Civil Procedure; and second, a motion for a stay of litigation or transfer and appointment of a three-judge panel, filed on May 26, 2021, and captioned “Request for Stay or Appointment of Three-Judge Panel” (collectively, “Motions”).


During oral argument on the Motions, counsel for Defendants requested that the Court enter its judgment pursuant to Rule 54(b) of the North Carolina Rules of Civil Procedure. The Court requested supplemental briefing from all parties on Defendants’ request.

THE COURT, having considered the parties’ motions practice and related filings, the parties’ oral argument at the hearing on the Motions, the applicable law, and all other relevant matters, DENIES Defendants’ request that judgment on the Motions be entered pursuant to Rule 54(b). The Court’s denial of Defendants’ Motions does not constitute a final disposition as to any claim or any party in this litigation. Accordingly, entry of judgment pursuant to Rule 54(b) is improper.



It is therefore ORDERED, ADJUDGED and DECREED that Defendants' request for entry of judgment pursuant to Rule 54(b) is DENIED.

This the 20<sup>th</sup> day of September, 2021.

  
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THE HONORABLE KEVIN M. BRIDGES  
SUPERIOR COURT JUDGE

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*Defendants.*

ORDER DENYING THE MOTION  
TO STAY OR APPOINTMENT OF  
THREE-JUDGE PANEL BY ALL  
DEFENDANTS

THIS MATTER was heard on August 30, 2021, before Superior Court Judge Kevin M. Bridges, with Hampton Dellinger and Gagan Gupta appearing for Plaintiffs North Carolina State Conference of the National Association for the Advancement of Colored People (NAACP), NAACP Alamance County Branch #5368,

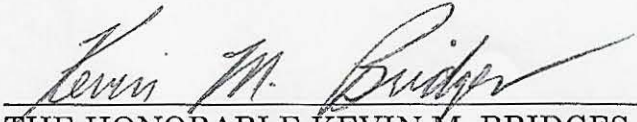
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This matter is before the Court on Defendants' motion for a stay of litigation or transfer and appointment of a three-judge panel, filed on May 26, 2021, and captioned "Request for Stay or Appointment of Three-Judge Panel" ("Motion").

THE COURT, having considered the parties' motions practice and related filings, the parties' oral argument at the hearing on the Motion, the applicable law, and all other relevant matters, DENIES Defendants' Motion. Based upon the totality of the circumstances, there is no reasonable basis to delay this litigation. Further, the Plaintiffs have not made a facial challenge to the validity of an act of the General Assembly in their Complaint, rendering transfer improper.

It is therefore ORDERED, ADJUDGED and DECREED that Defendants' Motion is DENIED in its entirety.

This the 20<sup>th</sup> day of September, 2021.

  
\_\_\_\_\_  
THE HONORABLE KEVIN M. BRIDGES  
SUPERIOR COURT JUDGE