

STATE OF NORTH CAROLINA
NEW HANOVER COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 21 CVS 3915

DAVID A. PERRY,)
)
Plaintiff,)
)
v.)
)
NEW HANOVER COUNTY BOARD OF)
EDUCATION; and)
)
NEW HANOVER COUNTY SHERIFF'S)
OFFICE,)
)
)
Defendants.)

JOINT PROPOSED STIPULATIONS

Plaintiff, pro se, and Defendant New Hanover County Board of Education (“Board”), by and through undersigned counsel, propose the following factual stipulations:

1. The Board is a body corporate and is the governing body for the New Hanover County public school system.
2. Plaintiff, David A. Perry, his wife Marlisa M. Perry, his stepdaughter Lakyn B. Stoner, and his grandson Lucas M. Stoner all reside at 4709 Cornus Drive, Wilmington, N.C. 28412 and within New Hanover County, North Carolina.
3. At the time the action was filed, Stephanie Adams was Chair of the Board, Nelson Beaulieu was Vice Chair of the Board, and Judy Justice, Stephanie Kraybill, Hugh McManus, Stephanie Walker, and Peter Wildeboar were members of the Board.
4. On August 30, 2021, North Carolina Governor Roy Cooper signed into law Senate Bill 654, which requires local boards of education to vote at least monthly on whether the Board’s face covering policy should be modified.

5. The Board held meetings on August 3, 2021; October 5, 2021; October 19, 2021; November 9, 2021; November 15, 2021; December 7, 2021; and January 4, 2022.

6. The Board's meeting on August 3, 2021, was held virtually. At that meeting, the Board voted 6-0 to require masks at the start of the school year.

7. The Board broadcast its August 3, 2021, meeting on its YouTube channel and did not provide a physical location for the public to view the meeting.

8. The Board meeting on October 5, 2021, was held in person. Members of the public who refused to comply with the Board's mask mandate were required to leave the meeting. The Board's meeting was broadcast on YouTube. No separate physical location was provided. The Board voted 6-1 to continue the mask mandate/requirements within New Hanover County Schools for students and staff.

9. The Board allows members of the public to remove their masks when giving public comment. Members of the public who cannot or will not abide by the Board's mask mandate may watch the meetings live on the district's YouTube channel. The Board has not offered any additional accommodations or exceptions to the requirement that all attendees of Board meetings are required to wear masks during its meetings.

10. Members of the public who refuse to wear masks for the entirety of the Board meeting are allowed to enter the building to deliver public comment while wearing masks, to remove their masks while giving public comment, and then are required to wear masks while exiting the meeting. Members of the public who wish to deliver comment and who cannot or will not abide by these rules may email the Board or leave a voice mail on the school district's voice mail system, and members of the Board will read or listen to these comments. However, these emails and recorded comments are not read or played during the meeting.

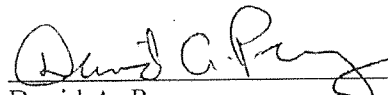
11. At the time the action was filed, the New Hanover County Board of Health and Human Services mandated masks in most public places within the county, with some stated exceptions. This county mask mandate, was revoked on November 12, 2021. As of this date, New Hanover County has not reinstated this, or any other similar, mask mandate.

12. At its meeting on December 7, 2021, the New Hanover County Board of Education voted to make masks optional at its meeting.

13. On January 4, 2021, the Board voted 5-2 to reinstate its mask mandate.

14. The Board held a special meeting on February 16, 2022, to address the mask mandate. At the meeting, the Board voted unanimously to make masks optional effective February 18, 2022, with the exception of on school system transportation and in head start classrooms, where masks remain mandatory.

Respectfully submitted this 23rd day of February 2022.


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Attorneys for School Board Defendants

CERTIFICATE OF SERVICE

I certify that a copy of the attached **JOINT PROPOSED STIPULATIONS** was served upon plaintiff this date via Federal Express and electronic mail addressed to:

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This the 24 day of February 2022.



THARRINGTON SMITH, L.L.P.

COPY TO:

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