

1 STATE OF NORTH CAROLINA
2 NEW HANOVER COUNTY FILED

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

4 DAVID A. PERRY,
5 PLAINTIFF, NEW HANOVER CO., C.S.C.
6 BY _____

MOTION FOR SUPPLEMENTAL
PLEADINGS

7 vs.

8 NEW HANOVER COUNTY BOARD OF
EDUCATION;
9 NEW HANOVER COUNTY SHERIFF'S
10 OFFICE;
11 DEFENDANTS;

12 HERE COMES THE PLAINTIFF, David A. Perry, Pro Se, who, pursuant to NC
13 Rules of Civil Procedure, G.S. 1A-1, Rule 15(d), hereby requests that this Court accept the
14 following additional pleadings that set forth transactions, occurrences, and events that have
15 occurred since the initial complaint was filed in this Court on October 14, 2021.

- 17 1. The Defendant, the New Hanover County Board of Education, postponed its regular
18 November meeting from November 2, 2021 until November 9, 2021. The aforementioned
19 defendant conducted this meeting at 1805 S. 13th St, Wilmington, NC 28401, starting at 5
20 PM.
21
22 2. The Plaintiff physically attempted to enter that meeting. At the outer entrance, the
23 Plaintiff was confronted by deputies of the Defendant, the New Hanover County Sheriff's
24 Office. Those deputies informed the Plaintiff that a mask was required in order to enter
25 the meeting. The Plaintiff informed those deputies that he had a medical condition that
26 prevented him from wearing a mask for long periods of time, and asked if the school
27 board would honor the medical exemption that was contained in the mask mandate order

28 MOTION FOR SUPPLEMENTAL PLEADINGS - 1

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

1 of the New Hanover County Department of Health and Human Services (NHC DHHS)
2 that was in effect at the time. These deputies did not know if such a medical exemption
3 would be honored and instructed the Plaintiff to proceed to the inside entrance to the
4 meeting space and inquire further. The Plaintiff proceeded to do that, told additional
5 deputies that were present at that entrance that he had a medical exemption under the
6 NHC DHHS mask mandate, and inquired whether that medical exemption would be
7 honored. After a few minutes, the Plaintiff was informed that the medical exemption
8 would not be honored, and that he would not be allowed into the meeting without a mask.
9
10 The plaintiff exited the building and was unable to physically attend this meeting. The
11 Plaintiff possesses a video that documents what happened.
12

- 13 3. During the meeting the Defendant, the New Hanover County Board of Education, voted
14 to delay voting on the school district's mask policy until after the NHC DHHS met on
15 November 12, 2021 to decide on whether to lift its mask mandate. A special meeting of
16 the school board was scheduled for November 15, 2021.
- 17
18 4. The NHC DHHS met on November 12, 2021. Citing reduced COVID-19 infection rates,
19 the board voted 8-4 to lift their countywide mask mandate.
- 20 5. Due to the fact that the special meeting of the school board on November 15, 2021 was:
 - 21 a) Scheduled to occur during the Plaintiff's workday
 - 22 b) Would not contain any period of public comment
 - 23 c) Would still require members of the public to wear masks

24
25 the Plaintiff did not attempt to physically enter that meeting.
- 26 6. Despite the findings and actions of the NHC DHHS, the school board voted 5-2 to retain
27 the school district's mask mandate.
28

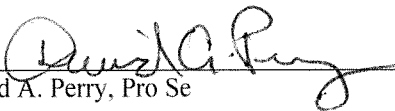
- 1 7. The Defendant, the New Hanover County Board of Education, conducted its December
2 regular meeting on December 7, 2021. The meeting was held at 1805 S. 13th St.,
3 Wilmington, NC 28401 at 5 PM. Although the Plaintiff would have liked to attend this
4 meeting, masks were still a requirement due to the school board's vote on November 12,
5 2021. Any attempt by the Plaintiff to enter this meeting without a mask would have been
6 futile, and therefore the Plaintiff did not bother to attempt entrance into the meeting.
7
- 8 8. In a surprising move, the school board voted 4-3 to remove the school district's mask
9 mandate, with the following exceptions noted in the record:
10
- 11 a) Masks would still be required on school buses.
 - 12 b) Masks would still be required in the presence of anyone who suffered from an
13 immune compromising medical condition.
 - 14 c) Masks would still be required by school volunteers in a classroom setting.
- 15 9. In that same meeting, the school board voted 4-3 for Stephanie Kraybill as the new Chair
16 of Board. The school board voted 7-0 for Stephanie Walker as the new Vice-Chair of the
17 board. There has been some public suggestion (but not evidence as of yet) that Stephanie
18 Kraybill (who formerly had voted for the mask mandate, but voted to lift the mandate at
19 this meeting) traded her vote on the mask mandate in order to get the necessary votes to
20 become Chair.
21
- 22 10. It APPEARS from the record of the December 7, 2021 of the New Hanover County
23 Board of Education that the Plaintiff should be able to attend the interim meeting of the
24 Board on December 21, 2021 without having to wear a mask. However, the possibility
25 exists that the school board could reinstate their mask mandate at that time, and such a
26 mandate would be in effect for the regular meeting of the Board on January 4, 2022.
27
28

1 Furthermore, the school board is required by state law (Senate Bill 654) to reevaluate
2 their mask policy on a monthly basis. The prospect of the school board requiring masks
3 for future school board meetings is a real possibility.
4

5
6 THEREFORE, the Plaintiff beseeches this honorable Court to:

- 7 1. Order that these supplemental pleadings be entered into the record.
8
9 2. Since all these supplemental pleadings, save those as delineated in Supplemental
10 Pleading #2, are matters of public record, order that the Defense present any answer
11 to these supplemental pleadings no later than January 5, 2022
12
13 3. Grant whatever other relief this Court finds just and equitable.

14 Dated this 21st day of December 2021.
15

16
17 
18 David A. Perry, Pro Se

