



CRIMINAL DEFENSE
DIVORCE & FAMILY LAW
EDUCATION LAW
CIVIL LITIGATION
APPEALS

Colin Shive
cshive@tharringtonsmith.com

October 27, 2021

VIA FEDERAL EXPRESS

New Hanover County Courthouse
Clerk of Superior Court
316 Princess Street
Wilmington, NC 28401

Re: *David A. Perry v. New Hanover County Board of Education, et al.*
File No. 21 CVS 003915

Dear Clerk:

Enclosed you will find the original and one copy each of Defendants' Motion to Dismiss and the accompanying Notice of Hearing for filing in the above-referenced matter. Please return file-stamped copies of the motion and notice in the enclosed self-addressed stamped envelope that I have enclosed for your convenience. I have also enclosed a check in the amount of \$20.00 for the filing fee for the notice.

I have provided a copy of this letter and enclosures to Ms. Valerie Jordan via electronic mail. If you have any questions, please feel free to contact Colin Shive. I appreciate your assistance with this matter.

Sincerely,

THARRINGTON SMITH, L.L.P.

/s/ Trish Crabtree

Trish Crabtree, ACP
NALA Advanced Certified Paralegal

Enclosures as stated

C: David Perry (via Federal Express and email)
Valerie Jordan (via email only; Valerie.Jordan@nccourts.org)

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,)
)
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.)

NOTICE OF HEARING

PLEASE TAKE NOTICE that the undersigned counsel for Defendants will bring on for hearing Defendants' Motion to Dismiss at the New Hanover County Courthouse on Tuesday, November 2, 2021 at 9:30 a.m. or as soon thereafter as the Motion can be heard.

This the 27th day of October 2021.

THARRINGTON SMITH, L.L.P.



Colin A. Shive, N.C. State Bar No. 43202
Maya H. Weinstein, N.C. State Bar No. 56621
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mweinstein@tharringtonsmith.com
Attorneys for School Board Defendants

CERTIFICATE OF SERVICE

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

David A. Perry
4709 Cornus Drive
Wilmington, NC 28412
dperrync@icloud.com
Pro Se Plaintiff

This the 27th day of October 2021.



THARRINGTON SMITH, L.L.P.

COPY TO:

Valerie Jordan
(via email only, Valerie.Jordan@nccourts.org)

THARRINGTON SMITH, L.L.P.

STATE OF NORTH CAROLINA
NEW HANOVER COUNTY

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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 McMahan, in his official capacity)
)
Defendants.)

MOTION TO DISMISS

Defendants New Hanover County Board of Education (“Board”), and Stephanie Adams, Nelson Beaulieu, Judy Justice, Stephanie Kraybill, Hugh McManus, Stephanie Walker, Peter Wildeboer, in their official capacities (collectively, “School Board Defendants”), by and through undersigned counsel, respectfully move this Court pursuant to Rules 12(b)(1) and (6) of the North Carolina Rules of Civil Procedure, N.C. Gen. Stat. § 1A-1, to dismiss the claims against them. In support of this motion the Defendants show the Court as follows:

1. Plaintiff’s claims should be dismissed based on lack of subject matter jurisdiction.

2. Plaintiff's claims should be dismissed based upon failure to state a claim upon which relief may be granted.

WHEREFORE, for the reasons stated above and any that may be stated in any memorandum of law filed by the Board prior to a hearing on this Motion, the School Board Defendants respectfully request that this Court dismiss all of Plaintiff's claims with prejudice.

This the 27th day of October 2021.

THARRINGTON SMITH, L.L.P.



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mweinstein@tharringtonsmith.com
Attorneys for School Board Defendants

CERTIFICATE OF SERVICE

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

David A. Perry
4709 Cornus Drive
Wilmington, NC 28412
dperrync@icloud.com
Pro Se Plaintiff

This the 27th day of October 2021.



THARRINGTON SMITH, L.L.P.

COPY TO:

Valerie Jordan
(via email only, Valerie.Jordan@nccourts.org)