

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No. 3:22-cv-630-MOC-DSC

SARA BETH WILLIAMS, BRUCE)
KANE, JASON YEPKO, GUN OWNERS)
OF AMERICA, INC., GUN OWNERS)
FOUNDATION, GRASS ROOTS NORTH)
CAROLINA, and RIGHTS WATCH)
INTERNATIONAL,)
)
)
Plaintiffs,)
)
)
v.)
)
)
SHERIFF GARRY MCFADDEN,)
in his official capacity as)
Sheriff of Mecklenburg County)
and the MECKLENBURG COUNTY)
SHERIFF'S OFFICE)
Defendants.)
_____)

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

COME NOW the Plaintiffs, Sara Beth William, Bruce Kane, Jason Yepko, Gun Owners of America, Inc., Gun Owners Foundation, Grass Roots North Carolina and Rights Watch International, by and through undersigned counsel and move for an entry of an order

1. Preliminarily enjoining Defendant, his officers, agents servants employees and all persons in active concert or participation with him who receives actual notice of the injunction from withholding handgun permits for qualified applicants to be issued

under N. C. Gen. Stat. §14-415,15(a) (2022) for more than 45 days after an application has been submitted.

2. Preliminarily enjoining Defendant, his officers, agents, servants employees, and all persons in active convert or participation with him who receives action notice of the injunction from enforcing or applying the challenged Mental Health Provisions of North Carolina law, and any other sections of the North Carolina General Statutes which permit infringement through delay of the Plaintiffs and their members firearm rights and privileges, based upon the lack of response from an inquiry into an applicant's mental health that has not been received from a governmental agency within 45 days of the date the applicant has submitted his application.

3. A memorandum in support of this motion will be filed at or near the time of the filing of this Motion.

Respectfully submitted this 12th day of December, 2022.

/s/ Robert Neal Hunter, Jr.

Robert Neal Hunter, Jr. (NCSB 5679)

HIGGINS BENJAMIN, PLLC

301 N Elm Street, Suite 800

Greensboro, North Carolina 27401

Telephone: (336) 273-1600

Facsimile: (336) 274-4650

Email: rnhunterjr@greensborolaw.com

Ronald J. Shook, II (NCSB 43407)
THE LAW OFFICES OF RONALD J. SHOOK
121 E. Main Ave.
Gastonia, NC 28012
Telephone: 704-671-2390
Facsimile: 704-671-4431
Email: ron@rjshooklaw.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this date, December 12, 2022, I caused the foregoing document to be filed and served on all counsel of record by operation of CM/ECF system for the United States District Court for the Western District of North Carolina.

/s/ Robert Neal Hunter, Jr. _____

Robert Neal Hunter, Jr. (NCSB 5679)
HIGGINS BENJAMIN, PLLC
301 N Elm Street, Suite 800
Greensboro, North Carolina 27401
Telephone: (336) 273-1600
Facsimile: (336) 274-4650
Email: rnhunterjr@greensborolaw.com

Ronald J. Shook, II (NCSB 43407)
THE LAW OFFICES OF RONALD J. SHOOK
121 E. Main Ave.
Gastonia, NC 28012
Telephone: 704-671-2390
Facsimile: 704-671-4431
Email: ron@rjshooklaw.com

Attorneys for Plaintiffs