

HAYWOOD COUNTY SHERIFF'S OFFICE

REVISED 01/25/2018

WRECKER INSPECTION FORM

ANNUAL INSPECTION DATE OFFICER

NEW WRECKER SERVICE DATE 2/15/18 OFFICER P.A. Williams

1. WRECKER SERVICE NAME All E RT Towing + Recovery

A. OWNER'S NAME Brent James Robinson

B. BUSINESS ADDRESS 113 Evans Street NC 28721

C. STORAGE HOME ADDRESS 143 Evans Street NC 28721

D. BUSINESS PHONE NO. (DAY) 828-506-7111 (NIGHT) [REDACTED]

2. DRIVERS OF WRECKERS AND O.L. OR C/D/L NUMBERS

A. NAME James Franklin PHONE NO.

O.L. TYPE AND NUMBER [REDACTED] Class "C"

B. NAME [REDACTED] PHONE NO.

O.L. TYPE AND NUMBER [REDACTED] Class "A"

C. NAME [REDACTED] PHONE NO.

O.L. TYPE AND NUMBER [REDACTED] Class "C"

D. NAME [REDACTED] PHONE NO.

O.L. TYPE AND NUMBER [REDACTED] Class "C"

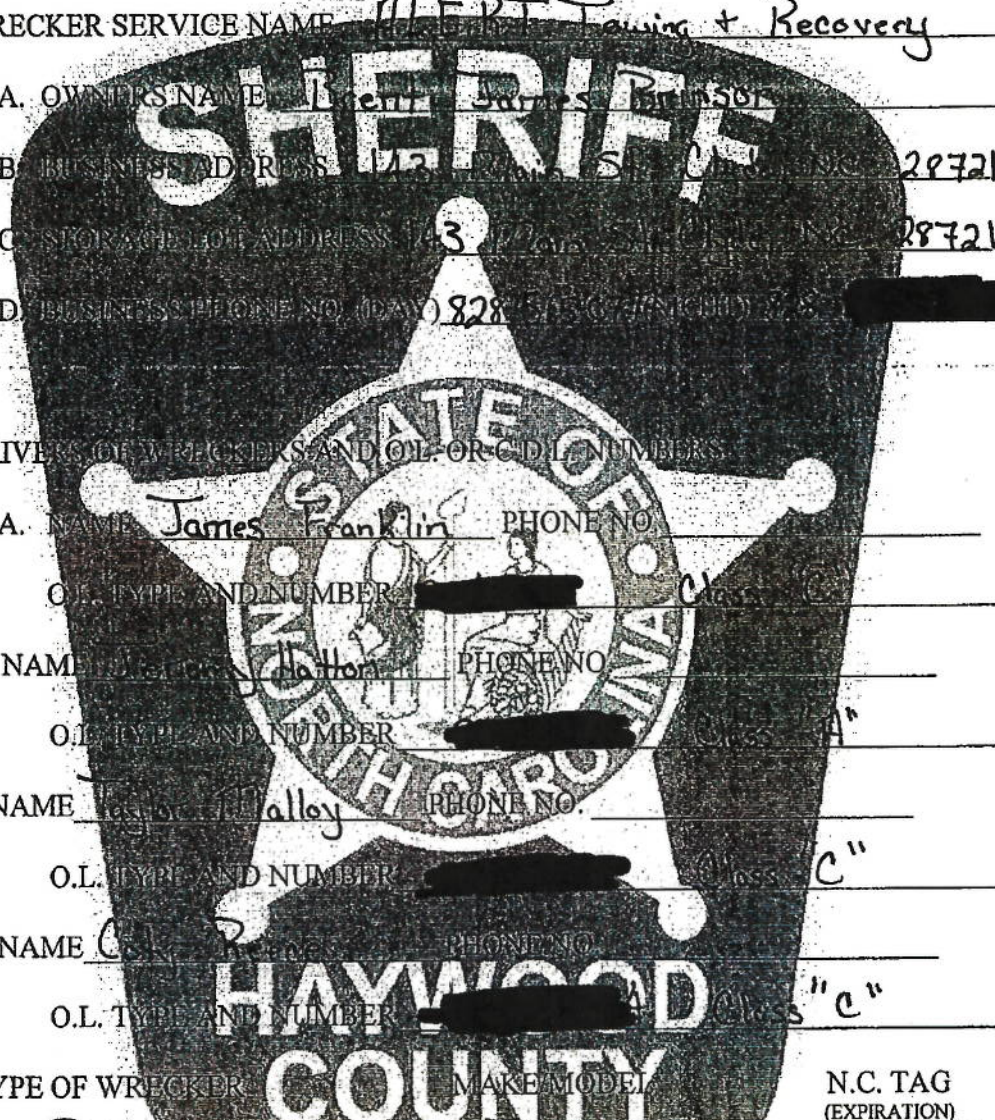
3. TYPE OF WRECKER MAKE MODEL N.C. TAG (EXPIRATION)

1. Rollback Ford [REDACTED]

2. Wrecker Ford [REDACTED]

3. Rollback Ford [REDACTED]

4. [REDACTED]





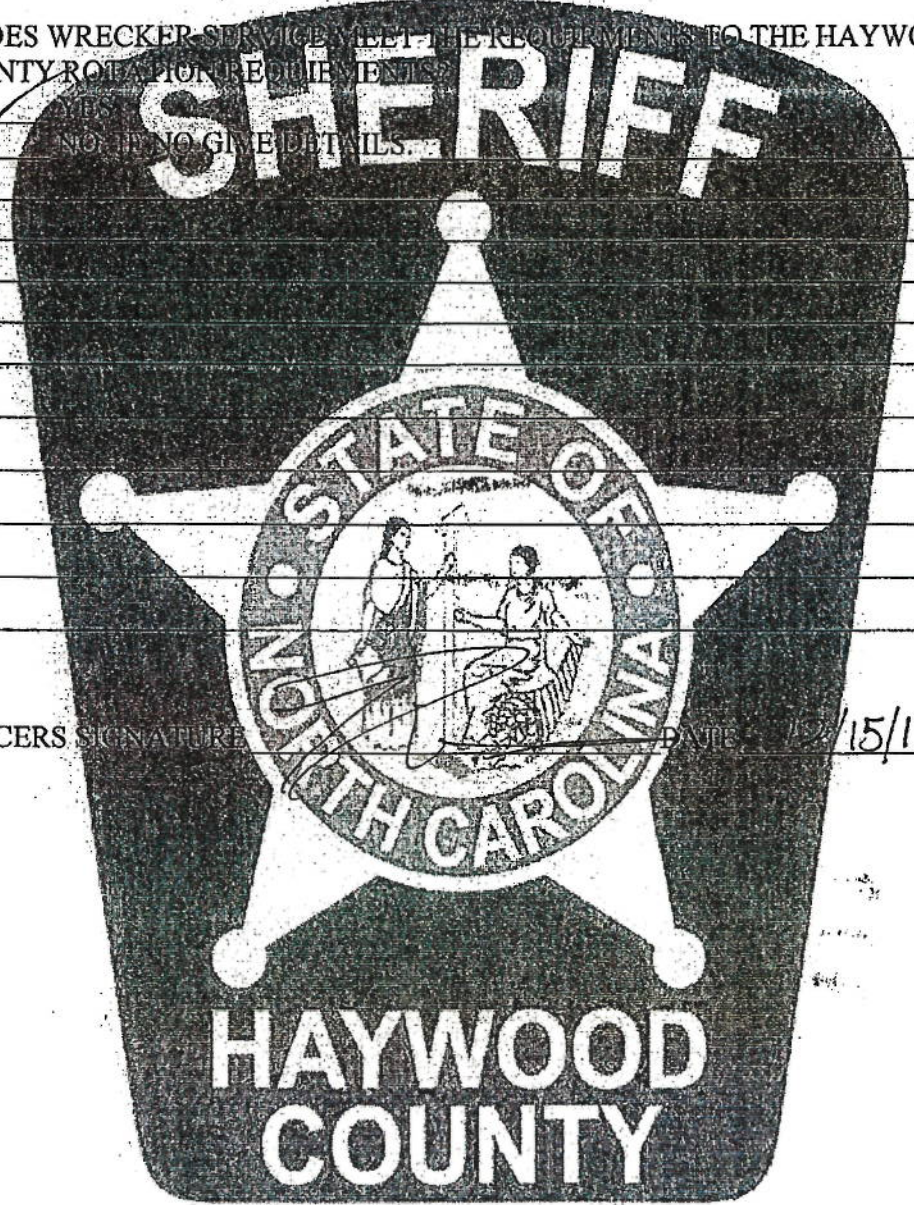
4. INSURANCE COMPANY AND POLICY NO. _____

5. WRECKER SERVICE OWNER HAS A COPY OF THE WRECKER SERVICE REQUIREMENTS, HAS READ AND UNDERSTANDS THEM AND AGREES TO COMPLY. (OWNERS SIGNATURE) *Brent Brunson*

6. ALL THE INFORMATION PROVIDED HEREIN IS TRUE AND ACCURATE. (OWNERS SIGNATURE) *Brent Brunson*

7. DOES WRECKER SERVICE MEET THE REQUIREMENTS TO THE HAYWOOD COUNTY ROE PLATE REQUIREMENTS?
 YES
 NO IF NO GIVE DETAILS.

OFFICERS SIGNATURE _____ DATE *12/15/18*



**Haywood County Sheriff's Office
APPLICATION / RE-APPLICATION FOR
WRECKER ROTATION INCLUSION AND INSPECTION**

Company:	ALERT Towing & Recovery
Contact:	Brent James Brinson
Address:	143 Main St. Clyde, NC 28721
Telephone:	828-565-0777

I acknowledge and understand the requirements and regulations as set forth in the Haywood County Sheriff's Office "Rotation Wrecker Service Regulations" pursuant to Chapter 14B of the North Carolina Administrative Code (NCAC) 07A.0116

I certify that I am now in full compliance with these regulations and agree to comply with these regulations at all times while my wrecker is on the Haywood County Sheriff's Office Wrecker Rotation List. I understand that my failure to comply with these regulations will result in removal of my wrecker from the list as specified.

I have a relative employed by the Haywood County Sheriff's Office in the county where I have applied to be on the Haywood County Sheriff's Office Rotation Wrecker System. Yes No If yes, explain:

Printed Name AND Signature *(Required)	Date
BRENT BRINSON <i>Brent Brinson</i>	2/15/18

Printed Name AND Witness Signature *(Required)	Date
P. A. Williams <i>[Signature]</i>	2/15/18

The following portion of the form shall be completed by the appropriate Deputy or designee after the documents are submitted to the Deputy or designee by the wrecker service and prior to the inspection by the Deputy.

	Yes	No
Criminal record check of all drivers and owner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of current "Certificate of Liability Insurance" with the NC Highway Patrol District First Sergeant and appropriate District office address listed as "Certificate Holder"	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of vehicle registrations for all wreckers / rollbacks on rotation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Price List for year of periodic inspection (submitted on HP-304C for small wreckers / rollbacks only)	<input type="checkbox"/>	<input type="checkbox"/>
Certified Driver's License Record Checks for all Wrecker Drivers	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Photo copy of Driver's License for all wrecker drivers (black and white copies only)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Photo copy of a valid work VISA, or other appropriate INS documentation for all wrecker drivers and owner(s) (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>

Comments

Inspected By	Date	Approved
P. A. Williams	2/15/18	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



Haywood County Sheriff's Office

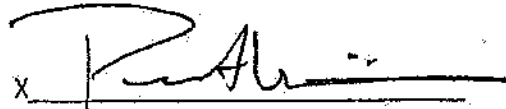
Wrecker Rotation Requirement Checklist

- Vehicle is at least a one-ton chassis with dual rear wheels
- Wreckers registered as wrecks with DMV
- Has a North Carolina Safety Inspection Certificate
- Equipped with amber lights
- Axe
- Broom
- Fire Extinguisher
- Shovel
- Flares
- Dollies
- Snatch Blocks
- Two Scotch Blocks
- Wrecker bar or auto power machine
- Recovery lights or spot lights on rear of wrecker
- Possess a valid Class "C" Licenses on ALL drivers
- Has an acceptable driving and criminal history
- Fenced storage area
- Certificate of Insurance for each wrecker
- Copy of current Privilege License and Town or County Business License
- Business or Person name is printed a height of 3 inches on side of wrecker
- Does not share an address, location, or impound lot with another wrecker service

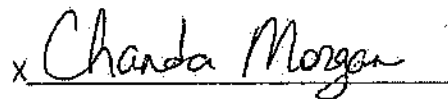


On August 16, 2017 at 09:12, I, Deputy Williams of the Haywood County Sheriff's Office made a phone call to B & H Towing at 828-627-2787 in reference to wrecker rotation and inspection.

I spoke with the owner of the business Brenda Edwards, who advised that as of August 16, 2017 that he would wish to have is wrecker service taken off the rotation list. I spoke with the Director of the Haywood County Communication, Chanda Morgan, and advised her of same.

A handwritten signature in black ink, appearing to read "P.A. Williams", written over a horizontal line. A small "x" is written to the left of the signature.

Deputy P.A. Williams

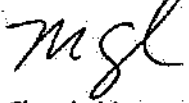
A handwritten signature in black ink, appearing to read "Chanda Morgan", written over a horizontal line. A small "x" is written to the left of the signature.

Chanda Morgan, Director of Haywood County Communication's

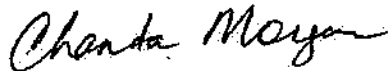


On March 15, 2019 I, Deputy Cagle, of the Haywood County Sheriff's Office, was advised by Chanda Morgan, that she had spoken with Doyle Sutton and he had requested to be taken off of our wrecker rotation list. Mrs. Morgan removed Sutton's Automotive from our wrecker rotation list.

Deputy M. Cagle




Chanda Morgan, Director of Haywood County Communications



On August 15, 2017 at 13:29, I, Deputy Williams of the Haywood County Sheriff's Office made a phone call to RamDog Towing at 828-550-7638 in reference to wrecker rotation and inspection.

I spoke with the owner of the business Terry Ramey, who advised that as of August 15, 2017 that he would wish to have his wrecker service taken off the rotation list. I spoke with the Director of the Haywood County Communication, Chanda Morgan, and advised her of same.


x 

Deputy P.A. Williams

x 

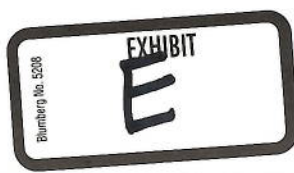
Chanda Morgan, Director of Haywood County Communication's

OPERATIONS REPORT

1. AGENCY Haywood County Sheriff's Office	2. PERSON RECEIVING COMPLAINT E7 - Deputy Michele Cagle	3. DATE/TIME RECEIVED 03/27/2019 13:11	24 HR. CLOCK	5. TIME ARRIVED 13:11	7. CASE NUMBER
8. NATURE OF INCIDENT Telephone Call - Request to be on Wrecker Rotation		4. TIME DISPATCHED 13:11	6. TIME COMPLETED 13:13		
9. LOCATION OF INCIDENT Greene's Twing, Canton, NC 28716		LOCATION CODE PATROL ZONE/GRID Middle	REPORTING ZONE Canton	DISPATCH ZONE/SECTION 2100	
10. VICTIM COMPLAINANT ACCUSED VEHICLE Greene, Doug; Phone: [REDACTED] RS: M					
11. ACTION TAKEN On March 27, 2019, at 131 hrs, I, Deputy Cagle, returned a phone call to Doug Greene, who had left a message wanting to be on our wrecker rotation. I spoke with Mr. Greene, who stated his equipment tore up now so I advised him to come get a new application packet and fill it out when he was ready.					
12. CLASSIFICATION <input checked="" type="checkbox"/> General Police <input type="checkbox"/> Traffic <input type="checkbox"/> Emergency <input type="checkbox"/> Crime <input type="checkbox"/> Special Activity <input type="checkbox"/> Technical Service					
13. HOW RECEIVED <input checked="" type="checkbox"/> Phone <input type="checkbox"/> On-View <input type="checkbox"/> Walk-in		14. DISPOSITION <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Complete See Inv. Report		15. OFFICER ASSIGNED E7 - Deputy Michele Cagle	
				16. OFFICER SIGNATURE 	
				17. DATE PRINTED MO DAY YR 03 / 29 / 2019	

1

2



Stuart Small

From: Jesse Swords <jswords@asklawnc.com>
Sent: Friday, May 27, 2022 1:28 PM
To: Frank Queen
Subject: RE: Some more supplement

Frank,

This is the last email I received from you about the County's discovery responses in the Sutton v. Haywood County matter (20 CVS 828). It had two files attached: a Word document named "Supplemented response to discovery, Jan 2022" and a 19-page PDF document named "Pack 1, Sutton supplement."

Based on the title of the email "Some *more* supplement" (this is the only email I received with supplemental responses), and the name of the PDF ("Pack 1, ..." perhaps implying a Pack 2, etc.), I just wanted to check to make sure you didn't intend to send anything else as well.

Thanks.



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jswords@asklawnc.com

From: Frank Queen <Frank.Queen@haywoodcountync.gov>
Sent: Friday, January 28, 2022 5:07 PM
To: Jesse Swords <jswords@asklawnc.com>
Subject: Some more supplement

See attached.

Frank

Frank G. Queen
Haywood County Attorney
frank.queen@haywoodcountync.gov
Office: (828) 452-6625



Stuart Small

From: Frank Queen <Frank.Queen@haywoodcountync.gov>
Sent: Thursday, June 16, 2022 1:01 PM
To: Jesse Swords
Subject: RE: Some more supplement

Jesse,

I think there is another supplement and I've got to dredge it out of my old emails. I'll have whatever is missing to you when I am back in my county office tomorrow morning. I apologize for the messup.

Frank

From: Jesse Swords <jswords@asklawnc.com>
Sent: Thursday, June 16, 2022 11:35 AM
To: Frank Queen <Frank.Queen@haywoodcountync.gov>; Frank Queen (Work) <frank@queenmountainlaw.com>
Subject: RE: Some more supplement

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Following up on my email below.



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Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.



Stuart Small

From: Jesse Swords <jswords@asklawnc.com>
Sent: Friday, June 17, 2022 6:04 AM
To: Frank Queen; Frank Queen (Work)
Subject: RE: Some more supplement

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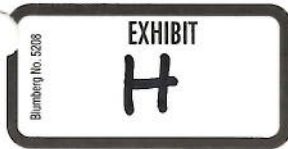
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To: Frank Queen; Frank Queen (Work)
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(Sent from iPhone)

On Jun 17, 2022, at 6:03 AM, Jesse Swords <jswords@asklawnc.com> wrote:

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Sent: Friday, July 1, 2022 5:56 PM
To: Frank Queen; Frank Queen (Work)
Subject: RE: Some more supplement

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When can I expect to get these materials? I will be out for the holiday weekend, and I hope you will too. But can I hear from you next week?



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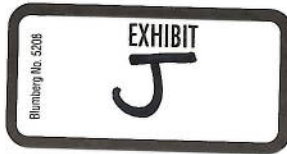
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To: Frank Queen; Frank Queen (Work)
Cc: Stuart Small
Subject: RE: Some more supplement

Categories: Filed to ND

Frank,

Checking in about this again. Your email from June 16 says you just had to re-send some of your materials, but I have not received anything, and I have not even heard from you since then. If the materials failed to send via email the first time, they will probably fail again, so you may have to send some other way. Regardless, if I don't hear from you by August 1, I will have to file a Motion to Compel.



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STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF HAYWOOD

2022 SEP 23 FILE NO.: 20-CVS-828

HAYWOOD CO., D.S.C.

BURNETTE DOYLE SUTTON,

Plaintiff,

v.

COUNTY OF HAYWOOD, acting by
and through its Development Services
Department and Board of Commissioners,

Defendant.

**PLAINTIFF'S MOTION TO
DETERMINE SUFFICIENCY OF
DEFENDANT'S RESPONSES TO
REQUESTS FOR ADMISSIONS**

NOW COMES Plaintiff, Burnette Doyle Sutton, by and through the undersigned counsel, pursuant to Rule 37 of the North Carolina Rules of Civil Procedure, and hereby moves the Court for an Order determining whether the Defendant, County of Haywood, sufficiently responded to Plaintiff's Requests for Admissions. In support of this Motion, Plaintiff states as follows:

1. On January 27, 2021, Plaintiff served its First Set of Interrogatories, Requests for Production of Documents, and Requests for Admissions to Defendant. A true and accurate copy of the complete set of discovery requests sent via USPS first-class mail to counsel for Defendant is attached as Exhibit A.
2. On March 30, 2021, Defendant served their discovery responses to Plaintiff. True and accurate copies of Defendant's responses to Plaintiff's Requests for Admissions Nos. 3, 4, 5, and 6 are attached as Exhibit B.
3. On November 22, 2021, counsel for Plaintiff sent a Deficiency Letter to counsel for Defendant enumerating severe deficiencies in Defendant's discovery responses, including Requests for Admissions Nos. 3, 4, 5, and 6. The Deficiency Letter was a good faith attempt to secure the requested information without court action, in accordance with North Carolina Rule of Civil Procedure 37(a)(2). A true and accurate copy of this letter sent via electronic mail to counsel for Defendant, along with a printed copy of the electronic mail confirming receipt by counsel for Defendant, is attached as Exhibit C.
4. On January 28, 2022, Defendant served their supplemental discovery responses to Plaintiff. True and accurate copies of Defendant's supplemental responses to Requests for Admissions Nos. 3, 4, 5, and 6 are attached as Exhibit D.
5. The Defendant's response to the Request for Admission No. 3 does not "fairly meet the substance of the requested admission" as required by Rule 36(a) of the North Carolina

Rules of Civil Procedure because (a) the first part of the sentence focuses on the location of buildings “on a site,” which is not relevant, and (b) although the response begins with “denied,” merely rephrases the requested admission and actually agrees with it. In other words, while nominally a denial, Defendant’s response to Request for Admission No. 3 is substantively an admission.

6. The Defendant’s responses to Requests for Admission Nos. 4 and 5 do not “fairly meet the substance of the requested admission” as required by Rule 36(a) of the North Carolina Rules of Civil Procedure. The Requests for Admission Nos. 4 and 5 are mirrors of each other and were asked in this way such that a denial of one should have resulted in the admission of the other. Here, the Defendant responded with identical answers, which it could only do because it did not respond fairly to the substance of the request.

7. Similar to Defendant’s response to Request for Admission No. 3, Defendant’s response to Request for Admission No. 6 is nominally a denial, but substantively an admission. Specifically, it does not contain an objection, and if Defendant believes the procedures required by Section 160D-601 *et seq.* (previously 153A-320, *et seq.*) are inapplicable, Defendant should have no problem responding to this request with an admission.

8. As of the date of this Motion, counsel for Plaintiff has not received any additional supplemental responses to the Requests for Admission Nos. 3, 4, 5, and 6.

WHEREFORE, Plaintiff respectfully requests that the Court:

1. Enter an Order ruling that Defendant’s responses to Plaintiff’s Requests for Admission Nos. 3 and 6 are both admissions, and that Defendant has not sufficiently responded to Requests for Admission Nos. 4 and 5, and to compel the Defendant to fully and properly respond to Requests for Admission Nos. 4 and 5 within 14 days;
2. Award to Plaintiff its reasonable expenses incurred in obtaining the Court’s Order pursuant to this Motion, including attorney’s fees, in accordance with North Carolina Rule of Civil Procedure 37(a)(4); and
3. Provide any other and further relief the Court deems just and proper.

Respectfully submitted, this 21st day of September, 2022.

ALLEN STAHL & KILBOURNE, P.L.L.C.



Derek J. Allen

N.C. State Bar No.: 24091

Jesse M. Swords

N.C. State Bar No.: 52419

20 Town Mountain Road, Suite 100

Asheville, NC 28801

Telephone: (828) 254-4778

Facsimile: (828) 254-6646

dja@asklawnc.com

jswords@asklawnc.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to Rule 5 of the North Carolina Rules of Civil Procedure, the undersigned attorney certifies that the foregoing was served upon the parties identified and as addressed below by

_____ mailing a copy to the attorney's office.

_____ handing a copy to the attorney or leaving it at the attorney's office with a partner or employee.

_____ sending a copy to the attorney's office by a confirmed telefacsimile transmittal.

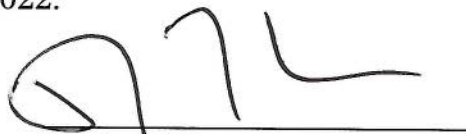
X _____ emailing it to the attorney as an attachment.

Bryant Morehead
Haywood County Manager
Haywood County Historic Courthouse
215 N. Main Street, Third Floor
Waynesville, NC 28786

Frank Queen
Haywood County Attorney
Haywood County Historic Courthouse
215 N. Main Street, Third Floor
Waynesville, NC 28786

FILED
2022 SEP 23 P 12:51
HAYWOOD CO., N.C.

This the 21st day of September, 2022.



Derek J. Allen
N.C. State Bar No.: 24091
Jesse M. Swords
N.C. State Bar No.: 52419
20 Town Mountain Road, Suite 100
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dja@asklawnc.com
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Attorneys for Plaintiff



STATE OF NORTH CAROLINA
HAYWOOD COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE# 20 CVS 828

BURNETTE DOYLE SUTTON,)
)
Plaintiff,)
)
v.)
)
COUNTY OF HAYWOOD, acting by)
and through its Development)
Services Department and Board of)
Commissioners,)
)
Defendants.)

PLAINTIFF'S FIRST SET OF
INTERROGATORIES, REQUESTS
FOR PRODUCTION OF
DOCUMENTS, AND REQUESTS
FOR ADMISSIONS TO
DEFENDANT

FILED
2021 SEP 23 10 12 51
HAYWOOD COUNTY
CLERK

PLEASE TAKE NOTICE that, pursuant to Rules 26, 33, 34, and 36 of the North Carolina Rules of Civil Procedure, Plaintiff Burnette Doyle Sutton, by and through the undersigned counsel, hereby requests that Defendant Haywood County answer separately and full in writing, under oath, within 30 days after service hereof, the following requests.

DEFINITIONS AND INSTRUCTIONS

Notwithstanding any definition below, each word, term, or phrase used in these Requests is intended to have the broadest meaning permitted under the North Carolina Rules of Civil Procedure.

1. **Communication.** The term "communication" means the transmittal of information by any means in the form of fact, ideas, inquiries or otherwise. The term "communication" includes posts and/or messages on social media, as well as text messages.
2. **Document.** The term "document" means the original and any copy of any material of any kind or nature, that is written, printed, typed, photographed, photostatted, microfilmed, recorded (electrically, electronically, magnetically, graphically, or otherwise) or which is capable of being recorded or reproduced in any form, whether prepared by you or by any other person. The term includes, but is not limited to: each and every note, memorandum, letter, correspondence, telefacsimile, cable, telegram, telex, circular, transmission,



communication, electronic mail, instant message, chat, social media post or message, blog, web page, RSS feed, text message, data processing input and output, voicemail message, telephone call record, telephone record or recording, interview, inter-office communication, conference, meeting or other conversation, release, paper, book, record, published or unpublished speeches or articles, report, agenda, bulletin, notice, announcement, advertisement, instruction, charge, manual, brochure, publication, schedule, statistical record, notation, desk calendar, appointment book, diary, list, tabulation, sound reporting, computer printout, lease, filing with governmental authority, license, permit, photograph, tangible thing, transcript, minute, tabulation, work paper, cost sheet, prospectus, memorandum of any telephone or in-person conversation, financial report or statement, bank statement, draft, check, canceled check, receipt, credit card receipt, credit card statement, contract, agreement, order, invoice, purchase order, bill of lading, book of accounts, bookkeeping and accounting record, affidavit, statement, summary, opinion, study, evaluation, analysis, plan, drawing, sketch, blueprint, graph, chart, account, notebook, sketchbook, scrapbook, draft, summary, transcript, computer data base, computer printout or other computer generated matter, technical report, laboratory report or notebook, engineering report, any notes and drafts related to the foregoing, and all things similar to any of the foregoing, however denominated.

The term "document" includes all drafts of a document and all copies that differ in any respect from the original, including any notation, underlining, marking, or information not on the original. The term also includes electronically stored data from which information can be obtained either directly or by translation through detection devices or readers; any such document is to be produced in a reasonably legible and usable form. The term also includes information stored in, or accessible through, computer or other information retrieval systems (including any computer archives or back-up systems), together with instructions and all other materials necessary to use or interpret such data compilations. The term also includes any physical, digital, optical or magnetic storage device which may have contained stored data, but which has been entirely or partially deleted or erased, including but not limited to disks, hard drives, flash drives, memory cards, RAM and ROM computer memory chips, facsimile print cartridges, carbon paper, and the memory chips of digital copying machines scanners, and printers.

3. **Identify (with Respect to Natural Persons).** When referring to a natural person, "to identify" means to give, to the extent known or obtainable by reasonable means: (a) the person's full name; (b) his or her present or last known address; (c) his or her present or last known place of employment; (d) his or her present or last known phone number; and (e) his or her relationship with the Defendant. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of the person.

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4. **Identify (with Respect to Persons other than Natural Persons).** When referring to a person other than a natural person (such as a partnership, corporation, etc.) "to identify" means to give, to the extent known or obtainable by reasonable means: (a) its official name, (b) its organizational form; (c) its place of registration, if any, (c) its address, and (d) its officers, managers, or owners, and (e) its relationship to Defendant.
5. **Identify (With Respect to Documents).** When referring to documents, "to identify" means to give, to the extent known or obtainable by reasonable means: (a) the type of document; (b) the general subject matter; (c) the date of the document; (d) the location of the original, and (e) the author(s), signatory(ies), addressees(s) and recipient(s).
6. **Identify (With Respect to Communications).** When referring to communications, "to identify" means to give, to the extent known or obtainable by reasonable means: (a) the names, addresses, phone numbers, and last known places of employment of the participants to the communication; (b) the names, addresses, phone numbers, and last known places of employment of any witnesses to the communication; (c) the relationship of the participants and witnesses to Defendant, (d) the subject matter of the communication; (e) the location(s) of the communication; (f) the location of a copy, recording or transcription of the communication; (g) the mode of communication (e.g. written, by telephone, meeting, etc.); and (h) the date of the communication.
7. **Parties.** The terms "Plaintiff" and "Defendant," as well as a party's full or abbreviated name or a pronoun referring to a party, means the party and, where applicable, its officers, agents, employees, and partners. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.
8. **Person.** The terms "person" and "persons" shall mean and include any natural person, government entity, business, firm, association, partnership, joint venture, corporation, estate, trust, receiver, syndicate, municipal corporation, and any other form of legal entity or other group or combination acting as a unit.
9. **Statement.** The terms "statement" and "statements" shall mean: (a) a written statement in the handwriting of the person making it, or signed, or initialed, or otherwise in writing adopted or approved by the person making it; or (b) a stenographic, mechanical, electrical or other recording or a transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and which is contemporaneously recorded.
10. **Concerning.** The term "concerning" means relating to, referring to, describing, evidencing, or constituting.
11. **And/Or.** The connectives "and" and "or" shall be construed either disjunctively or conjunctively wherever they appear as necessary to bring within the scope

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of this discovery request all responses that might otherwise be construed to be outside of its scope, and neither of these words shall be interpreted to limit the scope of a request.

12. **Tense/ Grammatical Number/Grammatical Aspect/Case/Gender.** The use of a verb in any tense shall be construed as the use of the verb in all other tenses and the singular form shall be deemed to include the plural, and vice-versa. The singular form of any noun shall be deemed to include the plural, and vice-versa. "All" means "any and all"; "any" means "any and all." "Including" means "including but not limited to." "And" and "or" encompass both "and" and "or." "Each" or "every" encompasses "each and every." The use of a verb in any grammatical aspect shall be construed as the use of the verb in all other grammatical aspects. The use of a word in any case shall be construed as the use of the word in all cases. Words in the masculine, feminine or neutral form shall include each of the other genders.
13. **Relating to.** The phrase "relating to" is intended to include documents or communications which either support or refute the claim, matter statement, proposition, or theory referred to in the documents referenced in the specific request for document production. The term "relating" (or "relate") shall mean: pertaining, describing, referring, evidencing, reflecting, discussing, showing, supporting, contradicting, refuting, constituting, embodying, containing, concerning, identifying, or in any way logically or factually connected with the matter discussed.
14. **Referring to.** The phrase "referring to" is intended to include documents or communications which mention, refer or allude to the claim, matter, statement, proposition or theory referred to in the specific request for document production. The term "referring" (or "refer") shall mean: pertaining, describing, relating, evidencing, reflecting, discussing, showing, supporting, contradicting, refuting, constituting, embodying, containing, concerning, identifying, or in any way logically or factually connected with the matter discussed.
15. **Describe:** The term "describe" shall mean to detail in full, with specificity, the event or situation at issue.
16. **Claims of Privilege.** If a claim of privilege is asserted concerning any information sought or any document for which identifications are requested, provide the following: (a) Identify all communications by stating the participants in the communication, the date of the communication, and the general subject matter of the communication; (b) Identify all documents by identifying the (i) type of document (letter, memo, and so forth); (ii) general subject matter of the document; (iii) date of the document; (iv) author(s), addressee(s), and recipient(s); and (c) State the nature of the privilege asserted; and (d) State in detail the factual and legal basis for the claim of privilege.

17. **You or Your** means you and all your present and former agents, employees, representatives, and all other persons acting in behalf of the party upon whom the interrogatories are served.
18. **Each Independent:** Each Interrogatory shall be construed independently, and no interrogatory limits the scope of any other interrogatory.

INTERROGATORIES

1. Identify and state with particularity the statutory authority under which Chapter 114 of the Haywood County Ordinances (hereinafter "Chapter 114") was adopted.

RESPONSE:

2. Identify and state with particularity the statutory authority under which the specific requirement in Chapter 114 that wrecker services cannot be located closer than 500 feet of a residence, school, or business (hereinafter the "500-foot requirement") was adopted.

RESPONSE:

3. Identify and state with particularity all reasons for, bases for, and the facts supporting, contentions supporting, and documents that support Defendant's contention that the 500-foot requirement is a proper exercise of the County's police powers (see Defendant's Answer, denying Paragraphs 21 and 22 of Plaintiff's Complaint).

RESPONSE:

4. Identify and state with particularity all reasons for, bases for, and the facts supporting, contentions supporting, and documents that support Defendant's denial of Paragraph 21 of Plaintiff's Complaint.

RESPONSE:



5. Identify and state with particularity all reasons for, bases for, and the facts supporting, contentions supporting, and documents that support Defendant's contention that the 500-foot requirement "regulate[s], prohibit[s], or abate[s] acts, omissions, or conditions" of wrecker services (see Defendant's denial of Paragraph 21(c) of Plaintiff's Complaint).

RESPONSE:

6. State whether Defendant contends that the 500-foot requirement is a zoning regulation as defined in N.C.G.S. § 160D-701 and/or § 160D-702 (formerly § 153A-340) and the legal and factual basis for that contention.

RESPONSE:

7. State whether Haywood County has a Comprehensive Plan (as that term is defined in N.C.G.S. § 160D-102, § 160D-501, and § 160D-701) (hereinafter, "Comprehensive Plan").

RESPONSE:

8. Identify and state with particularity all reasons for, bases for, and the facts supporting, contentions supporting, and documents that support Defendant's denial of Paragraph 26 of Plaintiff's Complaint.

RESPONSE:

9. State all legal and factual bases for your contention that the 500-foot requirement is in accordance with Haywood County's Comprehensive Plan.

RESPONSE:

10. If there is a Comprehensive Plan for Haywood County,

a. Describe the Comprehensive Plan and its contents;

RESPONSE:

- b. Identify all documents that comprise the Comprehensive Plan;

RESPONSE:

- c. State the date on which the Comprehensive Plan was adopted;

RESPONSE:

- d. State the method or procedure by which the Comprehensive Plan is updated or amended; and

RESPONSE:

- e. State the dates on which the Comprehensive Plan has been updated or amended.

RESPONSE:

11. Do you contend that the 500-foot requirement was adopted using the procedures for adopting development regulations as described in N.C.G.S. § 160D-601 *et seq.* (previously N.C.G.S. § 153A-320 *et seq.*)? If so, identify and state with particularity all reasons for, bases for, and the facts supporting, contentions supporting, and documents that support that contention.

RESPONSE:

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12. Identify and state with particularity all reasons for, bases for, and the facts supporting, contentions supporting, and documents that support Defendant's denial of Paragraph 31 of Plaintiff's Complaint.

RESPONSE:

13. Provide a list of all persons, firms, or business entities that have been granted a permit pursuant to Chapter 114, and the locations for which the permits have been granted.

RESPONSE:

14. Provide a list of all applications for a permit or variance under Chapter 114 submitted (including the name of the applicant, the nature of the applicant's business, and the location specified by the applicant), and state whether the permit or variance requested by each application was granted or denied.

RESPONSE:

15. Identify and state with particularity all reasons for, bases for, and the facts supporting, contentions supporting, and documents that support Defendant's governmental immunity affirmative defense.

RESPONSE:

16. Does Defendant contend that Plaintiff's claims are related to a tort committed by Defendant? If so, identify and state with particularity all reasons for, bases for, and the facts supporting, contentions supporting, and documents that support that contention.

RESPONSE:

17. To the extent that any of your responses to any of Plaintiff's Requests for Admissions is anything other than an unqualified admission, list all facts on

which you based any part of your response that is not an unqualified admission, identify all documents memorializing each such fact, and identify all persons with knowledge of each such fact.

RESPONSE:

REQUESTS FOR PRODUCTION OF DOCUMENTS:

1. Provide any and all documents or things concerning, referred to, or identified in the interrogatories to Defendant served with these requests or Defendant's answers thereto.

RESPONSE:

2. Provide any and all documents relied upon or referenced in preparing your answers to any interrogatories in this action.

RESPONSE:

3. Provide any and all documents or communications concerning Plaintiff's application to operate a wrecker service or for a variance.

RESPONSE:

4. Provide any and all documents or communications from any member of the public to the Haywood County Board of Commissioners (or any member thereof), Haywood County Manager, or Haywood County Development Services concerning Plaintiff's application to operate a wrecker service or for a variance.

RESPONSE:

5. Provide a copy of the minutes from each meeting of the Haywood County Board of Commissioners during which Chapter 114 was adopted or amended.

RESPONSE:

6. Provide a copy of all documents evidencing the public notice (if any) and procedures by which the Haywood County Board of Commissioners' adopted or amended Chapter 114.

RESPONSE:

7. Provide copies of all applications for a permit or variance under Chapter 114 submitted.

RESPONSE:

8. Provide copies of the minutes from each meeting of the Haywood County Board of Commissioners during which an application for a permit or variance under Chapter 114 was heard.

RESPONSE:

9. Provide copies of all documents evidencing permits granted under Chapter 114.

RESPONSE:

10. Provide copies of all documents evidencing permits denied under Chapter 114.

RESPONSE:

11. Provide a copy of the current version of the Comprehensive Plan.



RESPONSE:

12. Provide copies of each version of the Comprehensive Plan that has been adopted or approved by the Haywood County Board of Commissioners.

RESPONSE:

13. Provide copies of the minutes from each meeting of the Haywood County Board of Commissioners during which the Comprehensive Plan was updated or amended within.

RESPONSE:

14. Provide copies of each ordinance adopted in relation to the Comprehensive Plan.

RESPONSE:

REQUESTS FOR ADMISSIONS

1. Admit that the 500-foot requirement is a zoning regulation as defined in N.C.G.S. § 160D-102(35), § 160D-701, and § 160D-702 (formerly N.C.G.S. § 153A-340).

RESPONSE:

2. Admit that the 500-foot requirement is a development regulation as defined in N.C.G.S. § 160D-102(14).

RESPONSE:

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3. Admit that the 500-foot requirement regulates the location of buildings and the use of land.

RESPONSE:

4. Admit that the 500-foot requirement "substantially affects land use."

RESPONSE:

5. Admit that the 500-foot requirement does not "substantially affect land use."

RESPONSE:

6. Admit that the 500-foot requirement was not adopted using the procedures for adopting development regulations as described in N.C.G.S. § 160D-601 *et seq.* (previously N.C.G.S. § 153A-320 *et seq.*).

RESPONSE:

7. Admit that wrecker services are not detrimental to the health, safety, or welfare of County citizens and the peace and dignity of the County.

RESPONSE:

8. Admit that wrecker services are not defined as nuisances.

RESPONSE:

9. Admit that the 500-foot requirement as applied to wrecker services is not reasonably necessary to promote the accomplishment of a public good.

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RESPONSE:

10. Admit that there are significantly less burdensome means than the 500-foot requirement by which Haywood County could achieve its purported purposes.

RESPONSE:

This the 27th day of January, 2021.

ALLEN STAHL & KILBOURNE, PLLC

Carolyn P. Small

Derek J. Allen

N.C. Bar No. 24091

Carolyn P. Small

N.C. Bar No. 55436

20 Town Mountain Road, Suite 100

Asheville, NC 28801

Telephone: (828) 254-4778

Fax: (828)254-6646

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CERTIFICATE OF SERVICE

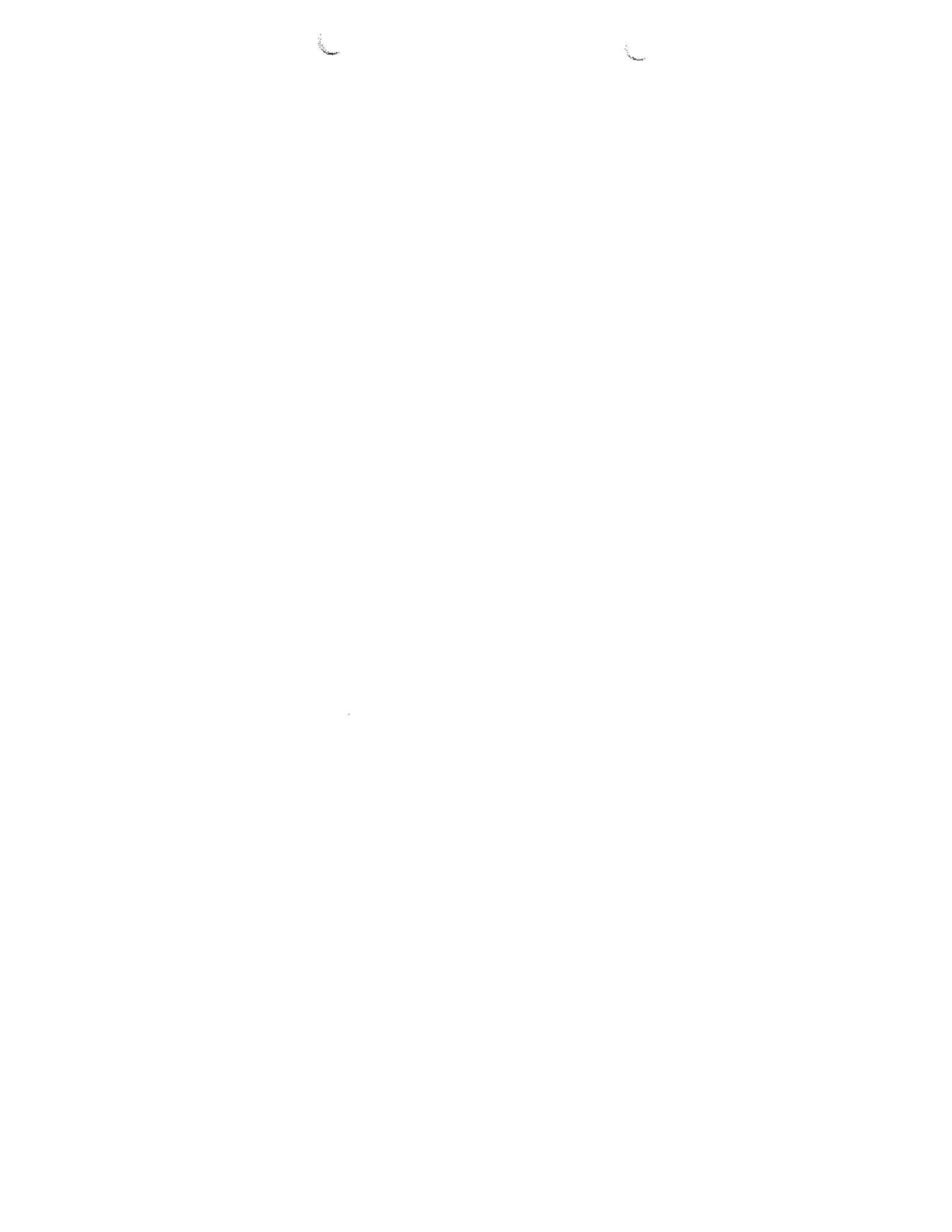
This will certify that I have this day served a copy of this **PLAINTIFF'S FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION OF DOCUMENTS, AND REQUESTS FOR ADMISSIONS TO DEFENDANT**, by placing a copy hereof in a first-class, postpaid wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service, addressed as follows:

Frank G. Queen, Haywood County Attorney
Haywood County Historic Courthouse, Third Floor
215 N. Main Street
Waynesville, NC 28786

This the 27th day of January, 2021.

Carolyn P. Small

Carolyn P. Small





Response to Plaintiff's First Set of Interrogatories, etc.

This 30th day of March, 2021.

Frank G. Queen, PLLC

By: 

Frank G. Queen
NC State Bar Number 7275
Haywood County Courthouse, 3rd Floor
215 N. Main Street
Waynesville NC 28786
(828) 452-6625
Fax: (828) 452-6715
frank.queen@haywoodcountync.gov
Attorney for the defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing pleading was served on the opposing party or counsel in this matter by depositing a copy, enclosed in a first-class postage paid wrapper into a depository under the exclusive care and custody of the United States Postal Service, addressed as shown below on the date shown near his signature:

Derek J. Allen
Carolyn P. Small
Allen Stahl & Kilburne
20 Town Mountain Road, Ste 100
Asheville NC 28801

March 30, 2021



Frank G. Queen





3. Admit that the 500-foot requirement regulates the location of buildings and the use of land.

RESPONSE: The spacing requirement is one of the requirements in Chapter 114 for the issuance of a permit under that Chapter. Except as explained, this is denied.

4. Admit that the 500-foot requirement "substantially affects land use."

RESPONSE: See answer to #3.

5. Admit that the 500-foot requirement does not "substantially affect land use."

RESPONSE: See answer to #3.

6. Admit that the 500-foot requirement was not adopted using the procedures for adopting development regulations as described in N.C.G.S. § 160D-601 *et seq.* (previously N.C.G.S. § 153A-320 *et seq.*).

RESPONSE: Chapter 114 was not adopted using the procedures of N.C.G.S. 153A-320. The reference to Chapter 160D is inapplicable.

7. Admit that wrecker services are not detrimental to the health, safety, or welfare of County citizens and the peace and dignity of the County.

RESPONSE: Wrecker services established and operated under the provisions of Chapter 114 are not detrimental to the health, safety or welfare of the citizens of the County.

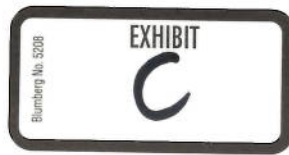
8. Admit that wrecker services are not defined as nuisances.

RESPONSE: Permitted wrecker services established and operated under the provisions of Chapter 114 are not defined as health nuisances in the ordinance.

9. Admit that the 500-foot requirement as applied to wrecker services is not reasonably necessary to promote the accomplishment of a public good.

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From: [July Laban](#)
To: frank.queen@haywoodcountync.gov
Cc: [Jesse Swords](#)
Subject: Sutton v. County of Haywood (20 CVS 828) re: Deficient Discovery Responses
Date: Monday, November 22, 2021 2:37:54 PM
Attachments: [Letter to Defendant RE outstanding discovery responses. 3.pdf](#)

Good afternoon Mr. Queen,

Attached please find Mr. Swords' letter regarding outstanding discovery responses in reference to the above captioned matter. A hard copy has also been mailed via certified mail-return receipt requested.

Best,
July



July Laban
Operations Manager
Allen Stahl + Kilbourne
20 Town Mountain Road
Suite 100
Asheville, NC 28801
828.575.0437 Direct
828.254.4778 Main
828.254.6646 Fax
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jlaban@asklawnc.com

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JESSE M. SWORDS
Attorney at Law
jswords@asklawnc.com
828-254-4778

November 22, 2021

VIA CERTIFIED MAIL AND EMAIL

Frank G. Queen
Haywood County Courthouse, 3rd Floor
215 N. Main Street
Waynesville, NC 28786
828-452-6625
frank.queen@haywoodcountync.gov

Re: Deficient Discovery Responses in *Sutton v. County of Haywood*, 20 CVS 828

Dear Mr. Queen:

I hope this letter finds you well.

Please accept this letter as an attempt to confer with you pursuant to Rule 37 regarding Defendant Haywood County's responses to Burnette Doyle Sutton's First Set of written discovery requests in the above-referenced action.

Mr. Sutton served his requests on January 27, 2021, and Haywood County (the "County") served responses on March 30, 2021. However, the County's responses are not complete in several respects.

First, the County responded to Interrogatories 13 and 14 with the statement "The County is in the process of compiling [the requested] information and will respond as soon as the process is completed." The County responded to Requests for Production of Documents 3, 7, 8, 9, and 10 with similar statements. However, to date, none of the above-referenced responses have been supplemented.

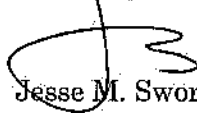
In addition, the County's response to Request for Production of Documents 11 states that "'Comprehensive Plan' is a term from N.C. G.S. 160D, which is inapplicable." However, the term "comprehensive plan" was a part of previous Chapter 153A. *See, e.g.*, former N.C. Gen. Stat. § 153A-341(a) (providing that "[z]oning regulations shall be made in accordance with a comprehensive plan."). Please supplement the County's response to clarify whether Haywood County has a comprehensive plan.

Finally, we believe that the County's responses to Requests for Admissions 3, 4, and 5 are inadequate. Rule 36(a) provides that "[a] denial shall fairly meet the substance of the requested admission" Specifically, it is unclear how the first sentence of the County's response to Request for Admission 3 recharacterizing the "500-foot requirement" as a "spacing requirement" is related to the second sentence, which denies the Request "except as explained." Please clarify whether or not the County denies that the 500-foot requirement regulates the location of buildings and use of land.

Therefore, as discussed above, we request that the County furnish its responses to Interrogatories 3 and 4 and Requests for Production of Documents items 3, 7, 8, 9, and 10; supplement its response to Request for Production 11 in light of the fact that the term "comprehensive plan" is not a term specific to Chapter 160D; and supplement its responses to Requests for Admissions 3, 4, and 5, by December 20, 2021.

Thank you. Please do not hesitate to contact me if I can be of any assistance.

Sincerely,



Jesse M. Swords



NORTH CAROLINA
HAYWOOD COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
20 CVS 828

Burnette Doyle Sutton,
Plaintiff

v.

County of Haywood,
Defendant

**DEFENDANT'S SUPPLEMENTAL RESPONSE
TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Supplementing the Defendant's response filed 30 March 2021, the County of Haywood provides the following.

Interrogatories

13. Provide a list of all persons, firms, or business entities that have been granted a permit pursuant to Chapter 114, and the locations for which the permits have been granted.

Response:

Permittee	Location
Jeremy (Adam) Hatton (Hatton's Towing and Recovery)	287 Main Street, Canton
Henry (Skip) Grasty (Grasty's Servicercenter)	1136 N. Main Street, Waynesville
A.L.E.R.T. Towing and Recovery (Brent Brinson)	143 Main Street, Clyde
Rabbit Skin Recovery	4842 Jonathan Creek Road, Waynesville

14. Provide a list of all applications for a permit or variance under Chapter 114 submitted (including the name of the applicant, the nature of the applicant's business, and the location specified by the applicant) and state whether the permit or variance requested by each application was granted or denied.

Response:

Name	Nature of business	Location	Granted/Denied



Jeremy Hatton	Towing service	287 Main St, Canton	Granted
Henry Grasty	Towing service	1136 N. Main St, Waynesville	Granted
A.L.E.R.T. Towing and Recovery	Towing service	143 Mains St, Clyde	Granted

Request for Production

2. Provide any and all documents relied upon or referenced in preparing your answers to any interrogatories in this action.

Response:

a. See attached copies of applications for Wrecker Rotation applications for Hatton, Grasty, and ALERT.

b. See attached copies of memos to the file for communications with B & H Towing, Doyle Sutton, and RamDog Towing and Greene's Towing.

c. See attached:

Unlabeled document beginning "There are 17 junkyards in Haywood County . . ."

Letter by planning director to Devoe Rathbone, May 11, 2000

Letter by planning director to Kimberly Beattie, May 11, 2000

Letter by planning director to Samuel Ferguson, May 11, 2000

Letter by planning director to Don Chambers, May 11, 2000

Letter by planning director to Charles Brown, May 11, 2000

Letter by planning director to William Phillips, May 11, 2000

Letter by planning director to Kim Lancaster, May 16, 2000

Letter by planning director to ARM Transport, May 16, 2000

Letter by planning director to Mitchell's Automotive, May 16, 2000

Junkyard Ordinance, Monthly Report, July 2001, Deputy Brian Sizemore

Monthly Report, August 2001, Deputy B. Sizemore

Monthly Report, September 2001, Deputy B.E. Sizemore

Monthly Report, November 2001

Junkyard Enforcement for Month of February 2002

Junkyard Enforcement Report for month of June, 2002

Letter by attorney Larry Reida for county to Sam Ferguson, February 18, 2003

Letter by attorney Larry Reida for county to Wilburn Owen, February 18, 2003

Letter by attorney Larry Reida for county to Terry Phillips, February 18, 2003

Letter by attorney Larry Reida for county to Terry Phillips, February 26, 2003

Letter by attorney Larry Reida for county to Sam Ferguson, March 6, 2003

January 2004 Monthly Report

Monthly Report, April 2004



Letter from county attorney to Town of Clyde, April 12, 2004
Letter from county attorney to Town of Canton, April 12, 2004
Letter from county attorney to Town of Maggie Valley, April 12, 2004
Letter from county attorney to Town of Waynesville, April 12, 2004
Letter from county attorney to Sandra O'Loughlin, July 22, 2004
Copy of court order in County v. Denver Blaylock, 3 CVS 664, dated Oct 11, 2005
Letter by Planning Director to Phillip Blaylock, May 16, 2000
Letter by attorney Larry Reida for county to Denver Blaylock

Minutes of Haywood County commissioners regular meeting, August 7, 2006,
quasi-judicial hearing on request from Jerry Gibson for a variance

3. Provide any and all documents or communications concerning Plaintiff's application to operate a wrecker service or for a variance.

Response:

- a. Letter from Doyle Sutton beginning "Doyle Sutton Property . . ."
- b. Aerial photo from GIS department titled "3039 Crabtree Road" with markings
- c. Letter from county Development Services to Sutton dated August 16, 2019 and certified mail envelope, marked "Return to Sender"
- d. Letter from county Development Services to Sutton dated August 22, 2019 with return receipt showing delivery to Doyle Sutton on September 5, 2019
- e. Letter from Doyle Sutton making appeal of denial, dated August 6, 2019 [sic – Post-it note says "dated wrong – in office 9/6/19"]
- f. Letter from Development Services to Sutton dated September 10, 2019, receipting notice of appeal with return receipt showing delivery to Doyle Sutton on September 13, 2019
- g. Notice of hearing on variance request, dated October 8, 2019, with copies of envelopes sending notice to adjoining owners and copies of Tax Assessor/GIS maps of adjoining owners
- h. Copies of emails received from residents prior to hearing, September, 2019
- i. Memorandum from county attorney to commissioners, dated October 16, 2019 on procedures for hearing
- j. Transcript of hearing on variance request, dated October 21, 2019, previously obtained by both parties.

4. Provide any and all documents or communications from any member of the public to the Haywood County Board of Commissioners (or any member thereof), Haywood County Manager, or Haywood County Development Services concerning Plaintiff's application to operate a wrecker service or for a variance.

Response: See item h. in #3 above for copies of emails.

7. Provide copies of all applications for a permit or variance under Chapter 114 submitted.

Response:

- a. See response 2.a.
- b. See attached copies of documents in file on Jerry Gibson application for variance, ruled upon in 2006.
- c. County is continuing its efforts to locate applications.

8. Provide copies of the minutes from each meeting of the Haywood County Board of Commissioners during which an application for a permit or variance under Chapter 114 was heard.

Response: See 2 above, for minutes of Jerry Gibson variance hearing.

9. Provide copies of all documents evidencing permits granted under Chapter 114.

Response: County will provide whatever documents it can locate by February 4, 2022 by 5:00 p.m.

10. Provide copies of all documents evidencing permits denied under Chapter 114.

Response: County will provide whatever documents it can locate by February 4, 2022 by 5:00 p.m.

11. Provide a copy of the current version of the Comprehensive Plan.

Response: The county contends that the ordinance was not a zoning ordinance, but was adopted for the entire county under the general police power. The county does not have comprehensive county zoning plan.

Request for admissions

3. Admit that the 500-foot requirement regulates the location of buildings and the use of land.

Response: Denied. The 500-foot requirement does not regulate the location of buildings on the site – it prevents locating the wrecker service within 500 feet of a “residence, school or business.”

4. Admit that the 500-foot requirement “substantially affects land use.”

Response: Meeting all of the standards of Chapter 114 affect some uses of land in the county. Except as admitted, denied.

5. Admit that the 500-foot requirement does not “substantially affect land use.”



Response: Meeting all of the standards of Chapter 114 affect some uses of land in the county. Except as admitted, denied.

This 28th day of January, 2022.

Frank G. Queen, PLLC

By: _____

Frank G. Queen
NC State Bar Number 7275
Haywood County Courthouse, 3rd Floor
215 N. Main Street
Waynesville NC 28786
(828) 452-6625
Fax: (828) 452-6715
frank.queen@haywoodcountync.gov
Attorney for the defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing pleading was served on the opposing party or counsel in this matter by depositing a copy, enclosed in a first-class postage paid wrapper into a depository under the exclusive care and custody of the United States Postal Service, addressed as shown below on the date shown near his signature:

Jesse M. Swords
Allen Stahl & Kilburne
20 Town Mountain Road, Ste 100
Asheville NC 28801

January 28, 2022

Frank G. Queen



STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.: 20-CVS-828

FILED

2022 SEP 23 P 12:52

BURNETTE DOYLE SUTTON,

HAYWOOD CO., C.S.C.

Plaintiff,

BY _____

v.

NOTICE OF HEARING

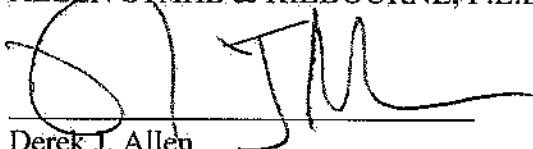
COUNTY OF HAYWOOD, acting by
and through its Development Services
Department and Board of Commissioners,

Defendant.

NOW COMES Plaintiff, Burnette Doyle Sutton, by and through undersigned counsel and hereby provides this Notice that Plaintiff's Motion to Compel Defendant's Discovery Responses will be heard on Monday, November 28, 2022, or as soon thereafter as the Court may hear the same, in Courtroom 3A at the Haywood County Courthouse.

Respectfully submitted this the 21st day of September, 2022.

ALLEN STAHL & KILBOURNE, P.L.L.C.



Derek J. Allen

N.C. State Bar No.: 24091

Jesse M. Swords

N.C. State Bar No.: 52419

20 Town Mountain Road, Suite 100

Asheville, NC 28801

Telephone: (828) 254-4778

Facsimile: (828) 254-6646

dja@asklawnc.com

jswords@asklawnc.com

Attorneys for Plaintiff

Emailed to Erin MD



CERTIFICATE OF SERVICE

Pursuant to Rule 5 of the North Carolina Rules of Civil Procedure, the undersigned attorney certifies that the foregoing was served upon the parties identified and as addressed below by

_____ mailing a copy to the attorney's office.

_____ handing a copy to the attorney or leaving it at the attorney's office with a partner or employee.

_____ sending a copy to the attorney's office by a confirmed telefacsimile transmittal.

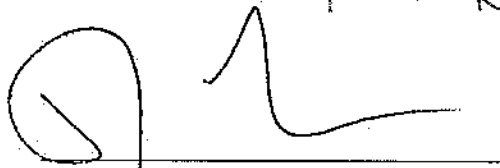
emailing it to the attorney as an attachment.

Bryant Morehead
Haywood County Manager
Haywood County Historic Courthouse
215 N. Main Street, Third Floor
Waynesville, NC 28786

Frank Queen
Haywood County Attorney
Haywood County Historic Courthouse
215 N. Main Street, Third Floor
Waynesville, NC 28786

This the 21st day of September, 2022.

FILED
2022 SEP 23 P 12:52
HAYWOOD CO., C.S.C.
BY _____



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