

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-CV-00265-H

MICHAEL BATEMAN, VIRGIL GREEN,)
FORREST MINGES, JR., GRNC/FFE, INC.,)
and SECOND AMENDMENT FOUNDATION,)
INC.,)

Plaintiffs,)

v.)

BEVERLY PERDUE, REUBEN F. YOUNG,)
STOKES COUNTY, and CITY OF KING,)

Defendants.)

**STATE DEFENDANTS' BRIEF IN
OPPOSITION TO PLAINTIFFS'
MOTION FOR
SUMMARY JUDGMENT**

STATEMENT OF THE CASE AND FACTS

Plaintiffs filed this declaratory judgment action seeking the facial invalidation of N.C. GEN. STAT. § 14-288.7 and the “Authorizing Statutes” (N.C. GEN. STAT. §§ 14-288.12(b)(4);14-288.13(b);14-288.14(a); and 14-288.15(d)). Defendants Beverly Perdue and Reuben F. Young (hereafter “the State Defendants”) have filed a Motion to Dismiss that has been fully briefed by the parties and is currently awaiting a ruling from this Court. On November 8, 2010, Plaintiffs filed a Motion for Summary Judgment. The State Defendants now file the present brief in opposition to Plaintiffs’ summary judgment motion.¹

ARGUMENT

The State Defendants hereby incorporate by reference the arguments contained in the brief in support of their Motion to Dismiss, the reply brief in support of their Motion to Dismiss, and their

¹ Contemporaneously herewith, the State Defendants are filing their own Motion for Summary Judgment along with a supporting memorandum and supporting affidavits.

brief in support of the State Defendants' Motion for Summary Judgment. For the reasons set out in those three briefs, the arguments made by Plaintiffs in support of their Motion for Summary Judgment lack merit.

CONCLUSION

For all of these reasons, the State Defendants respectfully submit that their Motion for Summary Judgment should be granted and that Plaintiffs' Motion for Summary Judgment should be denied.

Respectfully submitted, this the 15th day of December, 2010.

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CERTIFICATE OF SERVICE

I hereby certify that on this day, December 15, 2010, I electronically filed the foregoing **STATE DEFENDANTS' BRIEF IN OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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