

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.* )

**AFFIDAVIT OF  
NOEL LEE**

I, Noel Lee, being duly sworn, do depose as follows:

1. I am over 18 years of age, am competent to testify, and have personal knowledge of the matters referred to herein.

2. I became an employee of Pitt County in February of 2004 as Director of Emergency Services. The title changed to Director of Emergency Management later that year. Pitt County Emergency Management has four different divisions: 911 Communications, Fire, Emergency Medical Services, and Emergency Management. Pitt County employs 43 full time and 20 part time staff members in the day to day operations of Emergency Management and counts on numerous Fire and EMS volunteers to provide the needed responses to emergencies within the county. Our office works hand in hand with many different agencies for day to day operations and even more for disaster operations.

3. The Emergency Management (EM) Division's day to day operations mainly consist of planning operations to insure the county's readiness for emergencies plus large scale unplanned events. The Director is supported by an EM Planner. Some of the duties of the EM Planner are to maintain the Emergency Operations Center readiness, maintain the Emergency Operations Plan, Continuity of Operations Plan, Local Emergency Planning Committee, and Special Medical Needs Plan, and to maintain a contact list for all agencies and personnel that support EM not only for day to day operations but also for multi-agency responses during a disaster. These are just some of the duties of the EM Office.

4. Prior to taking the job as EM Director for Pitt County, I was self employed in an agriculture business. I was a volunteer fireman for a community fire department fighting my first house fire in 1965 at the age of 15. In 1969 I joined the North Carolina National Guard as a Military Policeman, reaching the rank of Staff Sergeant before being honorably discharged in 1975. In 1985 I became a part time instructor for the Community College System, teaching classes in Eastern North Carolina in Fire, EMS, and Law Enforcement. During these times, I experienced many different types of difficult situations relating to emergencies.

5. Large scale disasters are complex and require substantial resources to mitigate. First Responders may be faced with many different hazards when trying to respond during a large disaster. The presence of trees or debris on the roads, high winds, and the flooding of roads are not unusual in a state of emergency. Downed power lines also create a serious hazard for the responders who work with utility companies to make sure the area is safe for both citizens and rescue workers.

6. Hurricane Floyd set the standard that we still use today for responding to disasters. During Floyd, many different problems resulted from downed trees, closed roadways, loss of

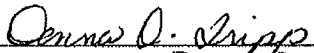
electricity, and flooding. Early during the flooding many people were evacuated by air, leaving their homes empty.

7. First Responders are the first on the scene during a disaster. Many times and especially in rural areas, these responders are volunteers and are giving their time to help the citizens of their community. The safety and well being of the responders are critical to the mission they have been assigned. A real danger exists to the disaster recovery efforts where members of the public who are not law enforcement officers carry guns with them off of their property. First Responders (like other emergency response workers) should not have to worry about private persons carrying firearms in public places during a state of emergency or during a disaster unless these individuals are law enforcement officers. Otherwise, a large safety concern exists for both the worker and the public from the presence of the firearm being held by non-law enforcement persons.

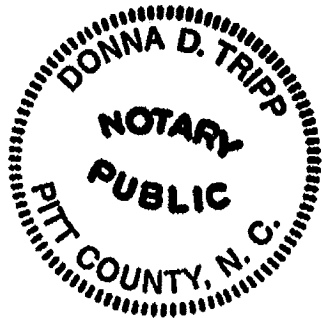
This the 4<sup>th</sup> day of December, 2010.

  
\_\_\_\_\_  
Noel Lee

Sworn to and subscribed before  
me, this the 4<sup>th</sup> day of December, 2010.

  
\_\_\_\_\_  
Notary Public Donna D. Tripp

My commission expires: 7-26-2011



Respectfully submitted, this the 15<sup>th</sup> day of December 2010.

ROY COOPER  
Attorney General

/s/Mark A. Davis

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**CERTIFICATE OF SERVICE**

I hereby certify that on this day, December 15, 2010, I electronically filed the foregoing **AFFIDAVIT OF NOEL LEE** 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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