

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
20-CVS 563 19 A 11:50
MECKLENBURG CO., C.S.C.
BY _____

NATIONAL ASSOCIATION FOR THE)
ADVANCEMENT OF COLORED PEOPLE)
CHARLOTTE-MECKLENBURG)
BRANCH NO. 5376,)
JUSTIN LAFRANCOIS, AMERICAN)
CIVIL LIBERTIES UNION OF NORTH)
CAROLINA, WILLIAM G. ADAMS,)
TEAM TRUBLUE, CHARLOTTE)
UPRISING, JAMIE MARSICANO,)
SOUTHEAST ASIAN COALITION,)
LINDSAY CARLEE)

Plaintiffs,

v.

CITY OF CHARLOTTE and KERR)
PUTNEY, in his official capacity as Chief of)
Charlotte-Mecklenburg Police Department)

Defendants.)
)
)
)
)

COMPLAINT AND MOTIONS FOR
TEMPORARY, PRELIMINARY, AND
PERMANENT INJUNCTIVE RELIEF
[JURY TRIAL DEMANDED]

Plaintiffs file this action seeking an order restraining the City of Charlotte and its Charlotte Mecklenburg Police Department from violating protesters' constitutionally protected rights to assemble, to speech, and to bodily integrity under the North Carolina State Constitution.

Come Plaintiffs, seeking temporary and permanent injunctive relief and a declaratory judgment and allege the following against Defendants:

PARTIES

1. Plaintiff National Association for the Advancement of Colored People Charlotte-Mecklenburg Branch #5376 ("NAACP") is the local affiliate of the North Carolina State Conference of the NAACP and a chapter of the nation's oldest civil rights organization and is dedicated to seeking justice for all persons and the elimination of race discrimination. NAACP organized and participated in the June 2, 2020 protest and its members regularly participate in protests and other public assemblies in Charlotte and throughout the state. NAACP has organized a Juneteenth demonstration to take place this evening in Charlotte which its members plan to attend.
2. Plaintiff Justin LaFrancois is a resident of Mecklenburg County. He participated in, reported on, and live streamed the recent protests in Charlotte following the death of George Floyd. He was subject to and live streamed the premeditated, violent, and dangerous attack on protesters on June 2, 2020 that is a subject of this action. Plaintiff LaFrancois plans to attend the Juneteenth demonstration.
3. Plaintiff American Civil Liberties Union of North Carolina ("ACLU-NC"), an affiliate of the national American Civil Liberties Union, is a private, non-profit membership organization with its principal office in Raleigh, North Carolina. It has approximately 23,000 members and supporters across North Carolina. ACLU-NC members and employees regularly attend protests, and ACLU-NC employees have participated in recent protests against police brutality in Mecklenburg County, including the protest on June 2, 2020. The mission of ACLU-NC is to protect and advance civil rights and civil liberties for all North Carolinians, including the rights safeguarded under the U.S. and North Carolina Constitutions to protest and assemble and be free from unlawful seizures and excessive use of force. The ACLU-NC brings this action on behalf of itself and its members, including members who have attended recent protests and experienced violations of their constitutional rights to assemble and protest and to be free from unlawful seizures and excessive use of force without due process. Plaintiff ACLU-NC members plan to attend the Juneteenth demonstration.
6. Plaintiff William G. Adams is a citizen and resident of Mecklenburg County and as well as the founding member of Team Tru Blue, who participated in the recent protests in Charlotte following the death of George Floyd, and was subject to the premeditated, violent, and dangerous attack on protesters on June 2, 2020 that is a subject of this action. Plaintiff Adams plans to attend the Juneteenth demonstration.
7. Plaintiff Team TruBlue is a non-profit organization, duly organized and existing pursuant to the laws of North Carolina with its principal office in Charlotte, North Carolina. Team TruBlue's mission is empower families and children through community programs and is dedicated to respecting others and their human rights by promoting teamwork and supporting a diverse community to reach a common goal. Team TruBlue brings this action on behalf of itself and its members, including members who participated in recent protests on June 2 and experienced violations of their constitutional rights to assemble and protest and to be free from unlawful seizures and excessive use of force without due process.

Plaintiff TruBlue members plan to attend the Juneteenth demonstration.

8. Plaintiff Charlotte Uprising is an association of persons who advocate against violent and deadly police practices and their impact on black citizens in Charlotte. Charlotte Uprising formed in 2016 in response to the shooting death of Keith Lamont Scott by police. Plaintiff Charlotte Uprising brings this action on behalf of itself and its members, including members who participated in recent protests on June 2 and experienced violations of their constitutional rights to assemble and protest and to be free from unlawful seizures and excessive use of force without due process. Plaintiff Charlotte Uprising's members plan to attend the Juneteenth demonstration.

9. Plaintiff Jamie Marsicano is a resident of Mecklenburg County and member of the Charlotte Uprising who participated in recent protests on June 2 and experienced violations of her constitutional rights to assemble and protest and to be free from unlawful seizures and excessive use of force without due process. Plaintiff Mariscano plans to attend the Juneteenth demonstration.

ii.

iii.

14. Plaintiff Southeast Asian Coalition ("SEAC") is a non-profit organization, duly organized and existing pursuant to the laws of North Carolina with its principal office in Charlotte, North Carolina. SEAC's mission is to serve high-need communities in North Carolina according to social justice principles. Plaintiff SEAC brings this action on behalf of itself and its members, including members who participated in recent protests on June 2 and experienced violations of their constitutional rights to assemble and protest and to be free from unlawful seizures and excessive use of force without due process. Plaintiff SEAC's members plan to attend the Juneteenth demonstration.

15. Plaintiff Lindsay Carlee is a resident of Mecklenburg County who participated in the multiple nights of protests and demonstrations in late May and early June 2020 following the death of George Floyd, including on June 2, and experienced violations of her constitutional rights to assemble and protest and to be free from unlawful seizures and excessive use of force without due process. Plaintiff Carlee plans to attend the Juneteenth demonstration.

16. All Plaintiff organizations have a direct and immediate interest in the issues presented in recent protests and the rights of their members to participate, now and in the future, in such public demonstrations and protests against police violence, a right enshrined in the laws and traditions of this state and nation, including the right to assemble with others and the right to freedom of speech. Those rights were trampled by Defendants on and around June 2, 2020 and risk being trampled again at the Juneteenth demonstration absent immediate intervention by this Court.

19. The individual Plaintiffs all have an interest in the issues presented in recent protests following George Floyd's death and in their right to participate, now and in the future, in such public demonstrations and protests, a right enshrined in the laws and traditions of this state and nation, including the right to assemble with others and the right to freedom of speech. Those rights were trampled by Defendants on and around June 2, 2020 and risk being trampled again at the Juneteenth demonstration absent intervention by this Court.

20. Plaintiffs have been, and remain committed to the protest movement to protect black lives. They should be free to exercise their constitutional right to protest and participate in peaceful demonstrations against police brutality in Charlotte without becoming victims to police brutality themselves. Plaintiffs have the right to protest, a right that includes not being boxed in by lines of police, i.e., "kettled," and subjected to crowd-control weapons such as tear gas, flash bang grenades and rubber bullets when they are peacefully expressing their views. Plaintiffs bring this action to restrain the City of Charlotte from continuing to respond to peaceful protest with unconstitutional force.

21. Defendant City of Charlotte is a municipal corporation organized by charter under Chapter 160A of the North Carolina General Statutes. It maintains and operates pursuant to its charter a unified city-county police force called the Charlotte-Mecklenburg Police Department ("CMPD"). At all times relevant to this action, the City of Charlotte acted through its managers and policy makers, including the Chief of Police and other employees of the CMPD; and the acts, edicts and practices of said persons represent the official policies and practices of the Defendant City. The City of Charlotte bears legal responsibility under state law for acts and omissions of CMPD police officers in the course of their employment. It is sued for injunctive relief from the unconstitutional and dangerous policies and practices of its police department and other emergency officials that occurred on and around June 2, 2020 and which will recur unless enjoined by the Court.

22. Defendant Kerr Putney ("Chief Putney") is an adult citizen and resident of Mecklenburg County and Chief of the CMPD. He is sued in his official capacity for the planned, unconstitutional use of force against peaceful demonstrators on and around June 2, 2020.

JURISDICTION

23. The Superior Court has jurisdiction over this matter under Chapter 7A of the General Statutes, and the Art. IV, § 9 of the North Carolina State Constitution. Plaintiff seeks injunctive and declaratory relief under the laws and Constitution of North Carolina.

FACTS

24. The Plaintiffs, as member organizations and as individuals, have joined in a series of ongoing protests against police brutality taking place on the streets of Charlotte that began in late May following the death of George Floyd in Minneapolis. Mr. Floyd was strangled in a knee hold for over eight minutes by an indifferent police officer who had detained him for a minor offense.

25. Mr. Floyd's horrific death was captured on video by bystanders and broadcast globally, sparking protests in at least 93 cities around the country and many more around the world.

26. Such protests are not new to Charlotte. Following the killing of Keith Lamont Scott by CMPD officers in 2016, City residents also participated in widespread protests spanning many days and CMPD used unreasonable force, including unlawful dispersal orders, kettling

and chemical agents, as they did at the protests at the end of May and first days of June, 2020.

27. Following Mr. Keith Lamont Scott's death, there was a public outcry over the unlawful use of tear gas and explosive devices (flash bang grenades) by the police against peaceful protesters.

28. Several Charlotte residents have been elected to the City Council after running on platforms to address policing issues in the community, including CMPD's unlawful and violent use of force during protests.

29. The City and CMPD hired an outside consulting group to assess the use of chemicals and force on peaceful protesters and issued recommendations to prevent their misuse in the future.¹ These issues, however, continue to persist.

30. As images and videos of unlawful use of force by the police have been widely reported on media and social media, public support for the protests has surged.

31. On May 30, CMPD officers used rubber bullets, tear gas, pepper spray, and flashbang grenades to force the dispersal of largely peaceful protesters, often without giving clear dispersal orders and reasonable opportunities for protesters to disperse.

32. On June 2, 2020, Plaintiff NAACP organized a protest that convened outside the Charlotte-Mecklenburg Government Center at approximately 5:00 p.m.

33. On information and belief, CMPD Chief Putney oversaw a plan to end the June 2, 2020 protest with a deliberate show of force by CMPD in apparent frustration that the protests were enduring and their anti-police brutality message was gaining acceptance.

34. On information and belief, the plan was made in conjunction with Charlotte-Mecklenburg Emergency Management, or CMEMO, which is housed in the same building as the City's fire department.

35. About 4,000 people attended the NAACP protest on June 2. The protest at the Government Center passed without incident and, after speeches ended, the crowd began to march peacefully through uptown.

38. Plaintiff LaFrancois live streamed all of these events for Queen City Nerve, as did other protesters on social media.

39. At about 6:00 p.m., the marchers stopped at the CMPD Headquarters. For about 20 minutes, speakers addressed the crowd without incident.

40. At about 6:20 p.m. the march continued, stopping again at about 8:00 p.m. in Romare

¹ Indeed, CMPD Directives Section 600-019(IV)(D), Non-violent Passive Protests, states: "The use of OC [Oleoresin Capsicum or "pepper spray"] spray or any other physical control methods will not be immediately deployed where a person or group of persons are participating in a passive nonviolent protest unless there is an imminent threat to the officer or another person's safety.

Bearden Park for about 10 minutes of speeches. The crowd now numbered about 800 people.

41. At about 8:10 p.m., a group of approximately 300 to 400 protesters left Romare Bearden Park and marched down 4th Street toward McDowell Street. When the protesters reached McDowell Street, a group of about 40-50 CMPD officers were standing on the other side of McDowell Street blocking the entrance ramp to Independence Blvd.

43. CMPD officers suddenly threw a tear gas canister into the crowd. This upset the marchers, who began to argue with the police.

44. CMPD Chief Putney would later claim that an officer issued a dispersal order, but no such order can be heard on the live stream broadcasts and none of the individual Plaintiffs heard such an order.

45. The marchers turned back and began to march toward uptown, many with their hands up, chanting "hands up, don't shoot."

46. At about 9:30 p.m., as the protesters marched up 4th Street, a large line of CMPD officers blocked access to College Street, forcing the protesters up 4th Street towards Tryon Street.

47. The marchers can be seen on video filing peacefully past the officers, who are standing silently.

48. Just before the marchers reached Tryon Street, members of the CMPD and, on information and belief, CMEMO, rushed out from hiding behind the building at the corner of Tryon Street and lined up across 4th Street, physically blocking the protesters from advancing.

49. Immediately one of the CMPD/CMEMO officers on Tryon threw a tear gas canister at the front of the marchers and another threw a flash bang grenade, causing the marchers at the front to panic, turn away and run from the tear gas and explosions back down 4th Street.

50. At the same time, the officers on College Street stepped in behind the protesters, threw three tear gas canisters to block any exit — one on the right side of 4th Street, a second on the left side, and a third down the middle of the street and right against the panicked crowd of protesters. This is a tactic known as kettling.

51. Trapped by tear gas and officers and the buildings lining the sides of the street, the protesters began to scream and gasp for air in panic, many removing COVID-protective masks in desperation — all of it caught on video.

52. The another group of CMPD and/or CMEMO officers, stationed on the second floor of the parking deck, began to shoot at the protesters with pepper balls.

53. The kettled protesters were even more terrorized, some hit by the pepper balls. Video showed one protester with a welt on his face near his eye where he had been struck by a pepper ball.

54. Persons marching peacefully to protest police violence were being violently attacked by the police without provocation or legal cause.

55. Attempting in terror to flee this onslaught of force by officers, some in the group were able to pull up a locked gate of a parking deck for marchers to crawl under and escape through the parking deck. The police continued to fire pepper bullets at the marchers as they ran in panic and tried to seek safety.

56. As the crowd pushed toward the gate in desperation, the officers on Tryon Street threw *five more* flash bang grenades at the crowd, further terrorizing the kettled marchers.

57. As the tear gas on the College Street end of the block began to dissipate, those police pulled back up College Street and some of the protesters, coughing, wheezing and crying, ran down 4th Street to escape. Plaintiff Lindsay Carlee saw the police then hunt down protesters for a time after the incident.

58. The incident received significant publicity and upset council members who watched the videos.

59. At the Charlotte City Council meeting the following Monday, the city's annual budget was up for a vote or approval. Council member Braxton, who had challenged the use of tear gas in 2016, and who has also been arrested during the current protests against police brutality, filed a motion to block any funds being used to acquire or maintain CMPD's tear gas supplies. The Charlotte City Council voted 9-2 to cease funding *future* purchases of tear gas in the next fiscal year. CMPD expressly opposed this vote.

60. In response to this decision, Defendant CMPD Chief Putney publicly refused to discontinue the use of tear gas on demonstrators, instead saying that without chemical munitions CMPD "will be forced to use batons to break skin and bones."²

61. Mayor Vi Lyles stated: "Most of you are aware there was a video of the protest action that took place last night. And on that video it appeared to be a situation that there are probably not the words to describe the way that it appeared and how it acted and turned out ... Last night was one of those times that none of us can be proud of — that none of us would want to see happen in our city. But it did. And I hope everyone is aware that that's not the kind of department we want to have for policing. It's not the kind of reputation that we want to have nationally or locally."³

9.

64. As a result of Defendants' use unlawful use of force against protestors, each of the individual Plaintiffs and members of organizational Plaintiffs NAACP, TruBlue, Charlotte Uprising, SEAC and ACLU-NC fear the their rights to free speech and assembly in

² <https://www.wfae.org/post/charlotte-city-council-supports-motion-one-year-ban-buying-tear-gas#stream/0>

³ <https://www.charlotteobserver.com/article243227581.html#storylink=cpy>;
<https://www.wcnc.com/article/news/local/charlotte-news-conference-wednesday/275-08b7983a-7f46-4f1c-a006-890768d10035>

Charlotte's streets are at risk, including at today's Juneteenth demonstration.

FIRST CLAIM FOR RELIEF

(North Carolina State Constitution - Article I, Section 12)

65. All prior paragraphs are incorporated by reference.
66. Plaintiffs have a fundamental right to assemble under Article I, Section 12 of the North Carolina State Constitution.
67. Defendants' violent actions were not a reasonable regulation of the time, place, or manner of Plaintiffs' constitutionally protected activity. The actions were not justified by a compelling—or even substantial—government interest. Even assuming, arguendo, that there was a compelling government interest in dispersing protestors, Defendants' actions on June 2 were not narrowly tailored to serve that government interest in a lawful manner.
68. Using crowd-control weapons and equipment, including but not limited to tear gas, flash bang explosives, rubber bullets and pepper balls, and unlawful "crowd control" containment practices such as kettling on peaceful marchers is an astonishing assault which violates the right to assemble under the North Carolina Constitution.
69. Given that this unlawful use of force, particularly the aggressive use of chemicals on peaceful protesters as occurred in 2016 and has continued to occur, and is likely to occur again, include at today's Juneteenth demonstration, and given that the CMPD Chief has publicly refused to curtail its use, Plaintiffs are entitled to a court order temporarily, preliminarily, and permanently enjoining such actions.
70. Plaintiffs seek a temporary restraining order until a hearing on the merits can be held.
71. Plaintiffs seek the costs of this action. Given the flagrant and deliberate violation of state constitutional rights by the City through its agents, Plaintiffs seek attorneys' fees under N.C. Gen. Stat. § 6-21.7.

SECOND CLAIM FOR RELIEF

(North Carolina State Constitution - Article I, Section 14)

72. All prior paragraphs are incorporated by reference.
73. Plaintiffs have a fundamental right to freedom of speech under Article I, Section 14 of the North Carolina State Constitution.
74. Defendants egregious actions of kettling peaceful protesters, firing tear gas grenades, shooting rubber bullets and pepper balls, and hurling flash bang explosives at those gathered peacefully to object to police violence, is a use of unwarranted force in reaction to their protected speech and violates Article I, section 14 of the North Carolina Constitution.
75. The continued threat of such violent tactics only serves to chill protected speech and

dissuade peaceful protesters from engaging in their constitutional right to express their views, and has in fact chilled Plaintiffs and their members and makes them fearful to participate in today's Juneteenth demonstration.

76. Given that this aggressive use of chemicals on peaceful protesters occurred in 2016 and again on and around June 2, 2020, and is likely to occur again at the Juneteenth demonstration, and given that the CMPD Chief publicly refused to curtail its use, Plaintiffs are entitled to a court order temporarily, preliminarily, and permanently enjoining this misuse of force by the police to punish peaceful protests for their point of view.

77. Plaintiffs seek a temporary restraining order until a hearing on the merits can be held.

78. Plaintiffs seek the costs of this action. Given the flagrant and deliberate violation of state constitutional rights by the City through its agents, Plaintiffs seek their attorneys' fees under N.C. Gen. Stat. § 6-21.7.

THIRD CLAIM FOR RELIEF

(North Carolina State Constitution - Article I, Section 19)

79. All prior paragraphs are incorporated by reference.

80. Plaintiffs have a fundamental right to bodily integrity and due process under Article I, Section 19 of the North Carolina State Constitution.

81. Defendants egregious actions of deliberately trapping peaceful protesters, firing tear gas grenades, flash bang explosives and shooting pepper balls at those gathered peacefully to object to police violence, is a shocking use of unwarranted and unreasonable force in violation of Article I, section 19 of the North Carolina Constitution.

82. Given that this aggressive use of chemicals on peaceful protesters occurred in 2016 and again on and around June 2, 2020, and is likely to occur again at the Juneteenth demonstration, and given that the CMPD Chief publicly refuses to curtail its use, Plaintiffs are entitled to a court order temporarily, preliminarily, and permanently enjoining this misuse of force by the police to punish peaceful protests for their point of view.

83. Plaintiffs seek a temporary restraining order until a hearing on the merits can be held.

84. Plaintiffs seek the costs of this action. Given the flagrant and deliberate violation of state constitutional rights by the City through its agents, Plaintiffs seek attorneys' fees under N.C. Gen. Stat. § 6-21.7.

FOURTH CLAIM FOR RELIEF

(Declaratory Judgment – N.C. § 1-253, *et seq.*)

85. All prior paragraphs are incorporated by reference.

86. There exists a real and justiciable controversy between the parties as to the application of N.C. Gen. Stat. § 14-288.5.

87. Police are authorized to issue a dispersal order when "a riot or disorderly conduct by an assemblage of three or more persons[] is occurring." There was no basis for issuing such an order on June 2, 2020, nor at the end of May protests. If any dispersal order was given, it was not given in a "manner reasonably calculated to be communicated to the assemblage."⁴ None of the Plaintiffs brutalized by the kettling incident on June 2 heard a dispersal order or had forewarning of the violence planned for them. And Defendants did not provide notice of the amount of time persons had to disperse or to where they could disperse.

88. Therefore, Plaintiffs seek a declaration from this Court pursuant to Rule 57 of the North Carolina Rules of Civil Procedure and the North Carolina Declaratory Judgment Act, N.C. Gen. Stat. § 1-253, *et seq.* declaring that the manner and method employed by Defendants, as alleged herein, in implementing a dispersal order was woefully inadequate, unlawful, and violated Plaintiffs due process rights under the North Carolina State Constitution.

89. Specifically, Plaintiffs seek a declaration that:

- a. Defendants alleged use of a dispersal order at the June 2 incident was merely pretext to unlawfully use force motivated by an attempt to suppress the Plaintiffs message, thereby chilling their protected free speech and right to assemble;
- b. Any dispersal order given during the June 2 incident, if given, was not provided in a manner "reasonably calculated to be communicated to the assemblage" and thus did not provide notice requisite to claim a violation of the order;
- c. If any dispersal order was given before the June 2 kettling incident, it did not provide sufficient notice or opportunity for compliance; and
- d. The manner in which Plaintiffs were forcibly dispersed on June 2 violated their due process rights under the North Carolina Constitution.

90. Given that Defendants have repeatedly issued or claim to have issued dispersal orders against lawful protests against police brutality and are likely to do so again, including at the Juneteenth demonstration Plaintiffs are entitled to a court order temporarily, preliminarily, and permanently enjoining the manner and method of issuing and communicating the dispersal order that CMPD claims it issued on June 2, 2020.

91. Plaintiffs seek a temporary restraining order until a hearing on the merits can be held.

⁴ During the 2016 protests in Charlotte, CMPD used a Bearcat and loudspeaker to repeatedly inform protesters that the protest was being deemed unlawful and those present were required to disperse. No such enhanced notification was given here.

92. Plaintiffs seek the costs of this action. Given the flagrant and deliberate violation of state constitutional rights by the City through its agents, Plaintiffs seek attorneys' fees under N.C. Gen. Stat. § 6-21.7.

**MOTION FOR A TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Pursuant to Rule 65 of the North Carolina Rules of Civil Procedure and N.C.G.S. § 1-485, Plaintiffs respectfully request that the Court enter a temporary restraining order and preliminary injunction – and at the conclusion of this action that the Court enter a permanent injunction – for the reasons set forth below:

1. Plaintiffs restate, reallege, and incorporate by reference the matters set forth in the Complaint, above.
12.
 2. By threatening Plaintiffs from assembling and expressing their views against police violence—most immediately at the NAACP's scheduled Juneteenth demonstration today in downtown Charlotte-- Defendants actions risk irreparable harm upon Plaintiffs.
 3. Plaintiffs have demonstrated a likelihood of success on the merits of each of their claims for relief.
 4. Plaintiffs have no adequate remedy at law and are suffering, will suffer or are threatened with continued and repeated immediate and irreparable harm absent the entry of the requested injunctive relief. Specifically, Plaintiffs request injunctive relief enjoining the kettling of, and the use of chemical munitions, irritants, explosives and rubber bullets against, peaceful protesters. And to order that such force can be used if and only if:
 - A. Officers are faced with imminent threat of physical harm to themselves or other identifiable persons;
 - B. Protesters are committing or clearly threatening acts of violence that cannot be controlled by singling out and removing the perpetrators;
 - C. Chemical munitions, irritants, "non-lethal" projectiles, and explosives may be only used if (i) efforts to subdue an imminent threat of physical harm to people by alternative crowd measures have been exhausted and were ineffective and (ii) the CMPD Chief or a Deputy Chief has determined the use of such chemical agents is the only reasonable alternative available to safeguard persons' bodies and lives;
 - D. That clear, loud, continuous and provable orders of dispersal are issued before munitions are threatened, and up until any munitions or force are used;
 - E. Any such dispersal orders are reasonably limited in temporal and geographic scope;

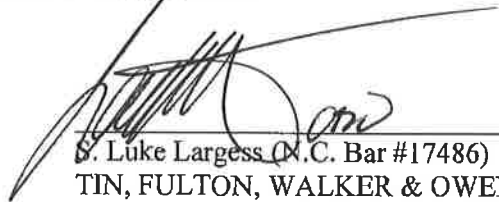
- F. The kettling of peaceful protesters is forbidden. Exits must be available for voluntary dispersal of a crowd before any munitions or other force are used.

PRAYER FOR RELIEF

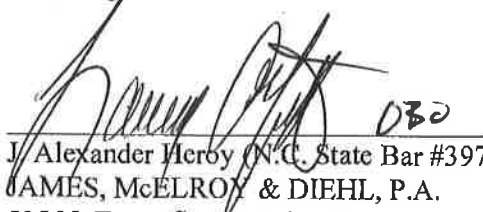
WHEREFORE, Plaintiffs respectfully pray the Court for the following relief:

1. Entry of temporary and preliminary injunctive relief requested on a finding that Defendants have violated Plaintiff's rights under the North Carolina State Constitution, Article 1, Sections 12, 14, and 19.
2. Entry of a declaratory judgment as to the misuse of dispersal orders;
3. Award Plaintiffs their costs in bringing this action pursuant to N.C. Gen. Stat. § 6-18
4. Award their attorneys' fees pursuant to N.C. Gen. Stat. § 6-21.7; and
5. For all such other and further relief, both legal and equitable, that the court deems appropriate.


Respectfully submitted this ___ day of June, 2020.

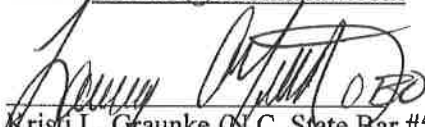


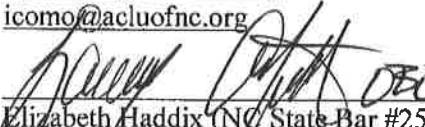
S. Luke Largess (N.C. Bar #17486)
TIN, FULTON, WALKER & OWEN, PLLC
301 East Park Avenue
Charlotte, NC 28203
Tel.: 704-338-1220
Fax: 704-338-1312
llargess@tinfulton.com



J. Alexander Heroy (N.C. State Bar #39752)
JAMES, McELROY & DIEHL, P.A.
525 N. Tryon Street, Suite 700
Charlotte, North Carolina 28202
Telephone: (704) 372-9870
Fax: (704) 350-9332
aheroy@jmdlaw.com



Lauren O. Newton (N.C. State Bar #39945)
Charles G. Monnett III & Associates
6842 Morrison Boulevard, Suite 100
Charlotte, North Carolina 28211
P: (704) 376-1911
F: (704) 376-1921
Email: lnewton@carolinaw.com


Kristi L. Graunke (N.C. State Bar #51216)
Irena Como (N.C. State Bar # 51812)
ACLU OF NORTH CAROLINA LEGAL
FOUNDATION, INC.
P.O. Box 28004
Raleigh, NC 27611
(919) 834-3466
kgraunke@acluofnc.org
icomo@acluofnc.org


Elizabeth Haddix (NC State Bar #25818)
Mark Dorosin (NC State Bar #20935)
Lawyers' Committee for Civil Rights Under Law
P.O. Box 956
Carrboro, NC 27510
Phone: (919) 914-6106
ehaddix@lawyerscommittee.org
mdorosin@lawyerscommittee.org


Brandy L. Haynes (N.C. State Bar #47044)
6518 Creekstone Place
Charlotte, NC 28213
Tel.: 504-905-9905
Brandy.haynes@outlook.com

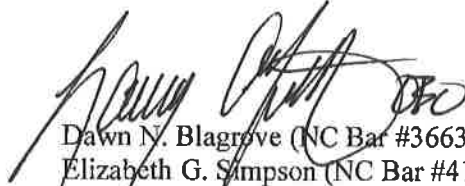

Timothy S. Emry (N.C. State Bar #30608)
The Emry Law Firm, PLLC.
121 Greenwich Road, Suite 203
Charlotte, NC 28211
Tel.: 980-202-3095
emrylaw@gmail.com


Abraham Rubert Schewel
Lord & Schewel PLLC
233 Broadway, Suite 2220
New York, NY 10279

Tel.: 919-451-9216

Schewel@nycivilrights.nyc

*Admission Pro Hac Vice Pending



Dawn N. Blagrove (NC Bar #36630)

Elizabeth G. Simpson (NC Bar #41596)

Emancipate NC

P.O. Box 309

Durham, NC 27702

Tel.: (919) 682-1149

dawn@emancipatenc.org

elizabeth@emancipatenc.org

Attorneys for Plaintiffs