

FILED

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

2016 JUN 17 AM 11:30

WAKE COUNTY
DURHAM COUNTY

16 CVS 2780
15 CVS 5591

RYAN E. POLLARD and ASHLEY A.)
POLLARD,)

Plaintiffs,)

v.)

MATTHEW A. HUBER and BRIAN E.)
HUBER,)

Defendants.)

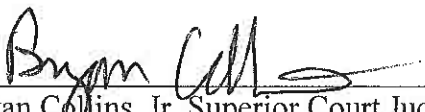
**ORDER DENYING PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

THIS MATTER came on for hearing before the undersigned Three Judge Panel of Superior Court Judges on May 6, 2016 on Plaintiffs Ryan E. Pollard and Ashley A. Pollard's Motion for Summary Judgment (the "Motion"). In the Motion, Plaintiffs challenge the facial constitutionality of N.C. Gen. Stat. § 8-58.1 and N.C. Gen. Stat. § 8C-1, Rule 414. On March 7, 2016, the Chief Justice of the North Carolina Supreme Court assigned Plaintiffs' constitutional challenge to a Three-Judge Panel ("the Court") pursuant to N.C. Gen. Stat. § 1-267.1(b1), with venue in the Wake County Superior Court.

Having carefully considered the pleadings, plaintiffs' motion and supporting affidavits, the briefs of the parties, and having heard and considered oral arguments presented by the lawyers, the Court concludes, pursuant to Rule 56 of the North Carolina Rules of Civil Procedure that N.C. Gen. Stat. § 8-58.1 and N.C. Gen. Stat. § 8C-1, Rule 414 are not facially unconstitutional.

Because Plaintiffs have failed to meet their significant burden to establish the facial unconstitutionality of the General Assembly's enactments, IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion for Summary Judgment is DENIED.


This 31st day of May, 2016.



G. Bryan Collins, Jr. Superior Court Judge



Claire V. Hill, Superior Court Judge



William H. Coward, Superior Court Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing document was served on the parties listed below by mailing or hand-delivering a copy thereof to each of said parties, addressed, postage prepaid as follows:

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This, the 17th day of June, 2016.



Terri Stewart
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Wake County Superior Court Judges' Offices