

NORTH CAROLINA	)	IN THE GENERAL COURT OF JUSTICE
GUILFORD COUNTY	)	DISTRICT COURT DIVISION
	)	24 CV 24017677-400
Lindsey A. Clark,	)	
	)	
Petitioner,	)	
	)	
vs.	)	
	)	
SEAN TAYLOR,	)	
	)	
JOSEPH D. BRADY,	)	<u>ORDER</u>
	)	<u>GRANTING</u>
	)	<u>MOTION TO DISMISS</u>
DANIEL GINGERICH,	)	
	)	
and	)	
	)	
MATT WALRAVEN,	)	
	)	
Respondents.	)	

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THIS ACTION came on for hearing, at the February 10, 2025 session of Guilford County Civil Superior Court before the undersigned Superior Court Judge presiding, of Respondent Sean Taylor’s motion to dismiss the Petition herein pursuant to Rule 12(b)(1) of the Rules of Civil Procedure. The movant/respondent Sean Taylor was represented by J. Michael Thomas, Esq., Attorney at Law and Oak Ridge Town Attorney. The petitioner appeared pro se. The respondents Joseph D. Brady, Daniel Gingerich, and Matt Walraven collectively were represented by Craig T. Almond, Esq., of Carruthers & Roth, P.A. Based upon the factual allegations contained in the Petition, the arguments of all parties and counsel, and a review of all briefs or memoranda submitted, the Court is of the opinion, and finds and concludes, that it lacks subject matter jurisdiction based upon the failure by the petitioner to exhaust administrative remedies regarding an allegedly erroneous administrative decision, and specifically, by failing to make appeal to the Oak Ridge Board of Adjustment pursuant to and as mandated by N.C. Gen. Stat. § 160D-405 and the Oak Ridge Development Ordinance. The Court further concludes that the motion should therefore be granted.

The Court finds further that Petitioner's pending motions to amend the Petition are mooted by this ruling and should likewise be dismissed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Respondent Sean Taylor's motion to dismiss the Petition herein for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Rules of Civil Procedure Defendant is hereby GRANTED, and the Petition is hereby DISMISSED WITHOUT PREJUDICE.

It is further ORDERED that Petitioner's motions to amend the petition pending herein are DISMISSED.

The costs of the action are taxed to the Petitioner.

This the \_\_\_\_\_ day of February, 2025.

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Hon. Lora C. Cabbage  
Superior Court Judge Presiding

NORTH CAROLINA	)	IN THE GENERAL COURT OF JUSTICE
GUILFORD COUNTY	)	DISTRICT COURT DIVISION
	)	24CV017677-400
LINDSEY A. CLARK,	)	
	)	
Petitioner,	)	
	)	RESPONDENT SEAN TAYLOR’S
vs.	)	BRIEF
	)	IN SUPPORT OF HIS
SEAN TAYLOR, et al.	)	MOTION TO DISMISS
	)	
Respondents.	)	

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NOW COMES the respondent SEAN TAYLOR, through the undersigned counsel for the Town of Oak Ridge, and respectfully submits the following brief in support of his motion pursuant to Rule 12(b)(1) of the Rules of Civil Procedure to dismiss the petition filed herein.

STATEMENT OF THE CASE

Petitioner Lindsey A. Clark (Petitioner) filed her Petition for Writ of Mandamus in Guilford County District Court on 5 August 2024. Respondent-movant Sean Taylor (Respondent Taylor) was served with the Petition by personal service on 27 September 2024. Respondents Brady et al. were served respectively between 27 September and 30 September 2024, inclusive. Respondents Taylor and Brady et al. all timely filed respective motions to transfer this matter as improvidently filed in the district court division, and the Court on 15 November 2024 allowed Respondent Taylor’s Motion to Transfer to the superior court division. Respondent Taylor on 9 December 2024 and prior to responsive pleading filed and served his motion to dismiss. Respondents Brady et al. on 25 October 2024 and prior to pleading filed their motion to dismiss together with their motion to transfer the matter to superior court. The matter now comes on for hearing of Respondent Taylor’s motion to dismiss.

STATEMENT OF THE FACTS

In hearing a motion to dismiss pursuant to Rules 12(b) of the Rules of Civil Procedure, the

court treats the factual allegations of the complaint as true. See, e.g., *Midgette v. Pate*, 94 N.C. App. 498, 380 S.E.2d 572 (1989) (discussed below).

Petitioner premises her claim of entitlement to a writ of mandamus upon the allegation that Respondent Taylor, as Planning Director of the Town of Oak Ridge, and enforcement officer of the Oak Ridge Development Ordinance (Chapter 30 of the Oak Ridge Code of Ordinances), failed in the performance of a specific action or actions: namely, Petitioner alleges that Respondent Taylor first erroneously approved and then failed to revoke his administrative approval of a final subdivision plat based on the alleged improper inclusion of a trail easement that did not appear on the subdivision's preliminary plat. This is gleaned from the following allegations in the Petition, including "addenda," and which material is here directly quoted (internal citations therein being omitted), and is treated as true:

The Primary Respondent, Sean Taylor, is the Planning Director/Enforcement Officer of the Town of Oak Ridge, North Carolina, with an office located at 8315 Linville Rd, Oak Ridge, Guilford County, NC 27310, with a mailing address of P.O. Box 374, Oak Ridge, NC 27310. (Petition, ¶ 2)

The developer of the Ashford Subdivision, the Respondent Joseph D. Brady, submitted a preliminary plat, which was reviewed on January 27, 2022 (Exhibit D: Ashford Subdivision Preliminary Plat). The developer submitted a final plat, which was administratively approved on August 24, 2023 by the Respondent, Sean Taylor. (Petition, ¶ 10) (Emphasis added.)

The preliminary plat for the Ashford Subdivision was granted conditional approval on January 27, 2022, with conditions to be met for approval including approval of the Stormwater Review being in compliance with the town ordinances. (Petition, ¶ 11.a.i.) (Emphasis added.)

Oak Ridge ordinance Sec. 30-680 (c) Conditional Approval instructs that if the conditionally approved preliminary plat does not meet approval conditions within 60 days, it shall be deemed denied. (Petition, ¶ 11.a.ii.) (Emphasis added.)

The conditions were not met within the prescribed timeframe as the revised stormwater plans were not submitted until February 13, 2023, and accepted on February 14, 2023. (Petition, ¶ 11.a.iii.) (Emphasis added.)

[T]he submission of a preliminary plat is required to depict any public trail easement[.] (Petition, ¶ 11.b.ii.)

The preliminary plat of the Ashford Subdivision did not depict a public trail easement. (Petition, ¶ 11.b.iii.)

However, a public trail easement was included on the final plat for approval. (Petition, ¶ 11.b.iv.)

15. The Petitioner made a formal demand to the Respondent, Sean Taylor, on June 3, 2024, via email delivery of a letter, and further efforts via hand delivery of the letter to the Respondent on June 6, 2024, requesting that the Respondent revoke the approval of the final plat for the Ashford Subdivision. The Respondent has not responded to the Petitioner and has neglected to take corrective action within the stipulated time frame, nor as of the date of this petition. (Petition, ¶ 15, citing Exhibit O: Letter to Sean Taylor 06-03-24) (Emphasis added.)

[“]In light of these serious violations that directly contravene the stipulated development regulations, I formally request you to exercise your statutory duty and revoke the approval of this final plat. According to N.C. Gen. Stat. § 160D-403. . . If no corrective action is taken within two business days from the date of this letter, I will consider your inaction as a prompt to file a petition for a writ of mandamus, as is my right per ordinance Sec. 30-260 Action by others, as an adjacent property owner to land used in violation of the land development ordinances. As you may be aware, this legal action would compel the enforcement of your statutory duties to revoke the illegitimate approval of the final plat.[“] (Petition, ¶ 15, Exhibit O: Letter to Sean Taylor 06-03-24) (Emphasis added.)

### ISSUE

WHETHER THE SUPERIOR COURT HAS SUBJECT MATTER JURISDICTION TO HEAR THIS PETITION WHERE THE PETITIONER FAILED TO EXHAUST AN ADMINISTRATIVE REMEDY MANDATED BY STATE LAW?

### ARGUMENT

**The petitioner failed to appeal the alleged act or omission of the Town of Oak Ridge officer, Planning Director Sean Taylor, to the Oak Ridge Board of Adjustment as mandated by state law and provided for under the Oak Ridge Development Ordinance, and therefore the petition should be dismissed without prejudice for lack of subject matter jurisdiction.**

- 1. Decisions of a planning officer are subject to administrative review before judicial review.**

N. C. Gen. Stat. § 160D-405 “Appeals of Administrative Decisions” in pertinent part provides as to any local planning decision:

(a) Appeals. — Except as provided in G.S. 160D 1403.1, appeals of administrative decisions made by the staff under this Chapter shall be made to the board of adjustment unless a different board is provided or authorized otherwise by statute or an ordinance adopted pursuant to this Chapter. If this function of the board of adjustment is assigned to any other board pursuant to G.S. 160D 302(b), that board shall comply with all of the procedures and processes applicable to a board of adjustment hearing appeals. Appeal of a decision made pursuant to an erosion and sedimentation control regulation, a stormwater control regulation, or a provision of the housing code shall not be made to the board of adjustment unless required by a local government ordinance or code provision. Appeals of administrative decisions on subdivision plats shall be made as provided in G.S. 160D 1403.

(b) Standing. — Any person who has standing under G.S. 160D 1402(c) or the local government may appeal an administrative decision to the board. An appeal is taken by filing a notice of appeal with the local government clerk or a local government official designated by ordinance. The notice of appeal shall state the grounds for the appeal.

(c) Repealed by Session Laws 2020-25, s. 10, effective June 19, 2020.

(d) Time to Appeal. — The owner or other party has 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal has 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal.

(Emphasis added.)

N. C. Gen. Stat. § 160D-1403 “Appeals of decisions on subdivision plats.” in pertinent part provides:

(a) When a subdivision regulation adopted under this Chapter provides that the decision whether to approve or deny a preliminary or final subdivision plat is quasi-judicial, then that decision of the board is subject to review by the superior court by a proceeding in the nature of certiorari. G.S. 160D 406 and this section apply to those appeals.<sup>1</sup>

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<sup>1</sup> Petitioner in effect attempts to create an alternative argument that the planning decision in question – to approve a final plat submission -- is both administrative and quasi-judicial. See Petition, Sec. 11.(b)vi., vii. and x. These are mutually exclusive categories. The Petition further and inaccurately describes inclusion on a subdivision plat of an allegedly extraneous trail easement as a “variance,” confusing an administrative approval with a term applied to a petitioned-for variance in the parameters of permitted uses under a zoning ordinance. The decision in this case is clearly an administrative approval of the submitted subdivision plat based on a checking off of all requisite inclusions under the Oak Ridge subdivision ordinance. The trail

(b) When a subdivision regulation adopted under this Chapter provides that the decision whether to approve or deny a preliminary or final subdivision plat is administrative, or for any other administrative decision implementing a subdivision regulation, the following applies:

(1) If made by the governing board or planning board, the decision is subject to review by filing an action in superior court seeking appropriate declaratory or equitable relief within 30 days from receipt of the written notice of the decision, which shall be made as provided in G.S. 160D 403(b).

(2) If made by the staff or a staff committee, the decision is subject to appeal as provided in G.S. 160D 405.

(Emphasis added.)

The foregoing state statutes are codified and enacted locally in the Oak Ridge Code of Ordinances as follows:

Sec. 30-89. - Board of adjustment.

(a) Unless otherwise provided in this chapter, an appeal from a decision of an administrative officer charged with enforcement of this chapter, a floodplain boundary, or a zoning boundary, shall be to the board of adjustment.

...

(Emphasis added.)

Sec. 30-194. - Appeals to the board.

The board of adjustment shall hear and decide appeals decisions of administrative officials charged with enforcement of this chapter and shall hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

(1) Any person who has standing under G.S. 160D-1402 or the town may appeal a decision to the board of adjustment. An appeal is taken by filing a notice of appeal with the city clerk. The notice of appeal shall state the grounds for the appeal, which grounds shall specifically set out any ordinance, statute, common law, or constitutional provision which the appealing party alleges to have been

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easement in question was included by the developer voluntarily and in response to the request of the Oak Ridge Planning & Zoning Board. See Petition, Exhibit F, p.5.

wrongly interpreted or violated. Failure to specifically set forth the grounds of appeal as herein required shall not invalidate a timely appeal, but the board of adjustment may continue hearing of such appeal until the filed appeal is amended with a more specific statement of grounds.

(2) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

(3) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal. . . .

(Emphasis added.)

**2. Approval of a final subdivision plat under the Oak Ridge Development Ordinance is an administrative decision.**

N. C. Gen. Stat. § 160D-102(1) defines “administrative decision” thusly:

Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Chapter or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

N. C. Gen. Stat. § 160D-405(b) provides: “A development regulation enacted under the authority of this Chapter may designate the staff member or members charged with making determinations under the development regulation.”

N. C. Gen. Stat. § 160D-803(c) allows local governments specific options as to whom the responsibility for administrative decision-making is vested under a subdivision ordinance:

(c) The subdivision regulation may provide that final decisions on preliminary plats and final plats are to be made by any of the following:

- (1) The governing board.
- (2) The governing board on recommendation of a designated body.



(3) A designated planning board, technical review committee of local government staff members, or other designated body or staff person.

If the final decision on a subdivision plat is administrative, the decision may be assigned to a staff person or committee comprised entirely of staff persons, and notice of the decision shall be as provided by G.S. 160D-403(b). If the final decision on a subdivision plat is quasi-judicial, the decision shall be assigned to the governing board, the planning board, the board of adjustment, or other board appointed pursuant to this Chapter, and the procedures set forth in G.S. 160D-406 shall apply.

The following provisions of the Oak Ridge development Ordinance designate the Respondent Taylor in his capacity as Planning Director/Enforcement Officer as the person responsible for making the subject administrative decisions:

Sec. 30-59. - Establishment and authority.

The town council shall appoint enforcement officers to administer and enforce the provisions of this chapter. The enforcement officer may be provided with such agents to assist in the administration and enforcement as the town council directs.

Sec. 30-60. - General duties of enforcement officer.

The enforcement officer shall:

(1) Establish and publish application procedures for permits, appeals, and actions pursuant to this chapter and forms implementing the same;

(2) Issue permits and certificates pursuant to this chapter;

(3) Review, recommend, or approve pursuant to the authority granted in this chapter, all development plans and permits to assure that the permit requirements of this chapter have been satisfied;

(4) Interpret the applicability of the provisions of this chapter in matters where the text does not clearly provide guidance;

(5) Maintain all records pertaining to the provisions of this chapter in his office and make said records open for public inspection;

(6) Periodically inspect properties and activities for which permits have been issued to determine whether the use is being conducted in accordance with the provisions of this chapter;

- (7) Cause to be investigated violations of this chapter;
- (8) Enforce the provisions of this chapter;
- (9) Issue notice of corrective action when required;
- (10) Use the remedies provided in this chapter to gain compliance;
- (11) Be authorized to gather evidence in support of said activities;
- (12) Receive appeals and forward cases to the appropriate body; and
- (13) Perform other duties as may be assigned by the town council.

(Emphasis added.)

The approval of a final subdivision plat is an administrative decision under the Oak Ridge Development Ordinance:

Sec. 30-800. - Certification of final plat.

When the planning department has approved a final plat, a signed written statement to this effect shall be entered on the face of the plat. The statement can be found in appendix B to this Code.

(Emphasis added.)

**3. The Petitioner has asserted at least two instances of an administrative decision regarding the subject subdivision plat approval which triggered the right to appeal Respondent Taylor’s administrative decision to the Oak Ridge Board of Adjustment.**

As shown in the pertinent facts above, the Petitioner asserts on her own knowledge the following acts on the following dates:

- The preliminary plat for the Ashford Subdivision was granted conditional approval on January 27, 2022.
- The conditions were not met within the prescribed [60-day] timeframe as the revised stormwater plans were not submitted until February 13, 2023.

- The developer submitted a final plat, which was administratively approved on August 24, 2023 by the Respondent, Sean Taylor.
- The Petitioner made a formal demand to the Respondent, Sean Taylor, on June 3, 2024, via email delivery of a letter, and further efforts via hand delivery of the letter to the Respondent on June 6, 2024, requesting that the Respondent [within two business days from the date of this letter] revoke the approval of the final plat for the Ashford Subdivision. The Respondent has not responded to the Petitioner and has neglected to take corrective action within the stipulated time frame....

Either the positive act of the Respondent Taylor, in approving the final plat on August 24, 2023, or the negative act of Respondent Taylor in not revoking approval of the final plat at Petitioner's request and by the Petitioner's stated deadline of June 5, 2024, were administrative decisions that the petitioner could have appealed to the Oak Ridge Board of Adjustment for a quasi-judicial review of such action or failure to act.

**4. The superior court lacks subject matter jurisdiction to hear this matter where the Petitioner has never appealed the decisions of the Respondent Taylor to the Oak Ridge Board of Adjustment.**

“A person must seek any available administrative appeal of a zoning decision as a prerequisite to judicial review.” David W. Owens, *Land Use Law in North Carolina* 644 (4<sup>th</sup> ed. 2023), citing *Sanford V. Williams*, 221 N.C. App. 107, 727 S.E.2d 362, *rev. denied*, 366 N.C. 246, 731 S.E.2d 144 (2012) and numerous other cases. “Failure to seek quasi-judicial review of an administrative decision precludes judicial review of that decision.” *Id.*, citing *Ward v. New Hanover Cnty.*, 175 N.C. App. 671, 625 S.E.2d 598 (2006) and numerous other cases.

In *Sanford v. Williams*, 221 N.C. App. 107, 727 S.E.2d 362, the plaintiffs sued their subdivision neighbors over construction of a carport, alleging violation of restrictive covenants, and joined the City of Hickory as a party for failure to enforce a set-back requirement. The city ultimately took no enforcement action. The trial court granted summary judgment against the plaintiffs' claim for specific enforcement of the restrictive covenants and allowed the plaintiffs' claim for a writ of mandamus against the City and requiring the City to make a decision within a certain time.

The Court of Appeals in *Sanford* upheld the summary judgment ruling as to the restrictive covenants claim but reversed the trial court as to the subject matter jurisdiction defense. As the analysis in *Sanford* is on point with the case at bar, it is worth quoting at length:

“If a plaintiff has failed to exhaust its administrative remedies, the court lacks subject matter jurisdiction and the action must be dismissed.” (Citation omitted.)

"The board of adjustment is an administrative body with quasi-judicial power whose function is to review and decide appeals which arise from the decisions, orders, requirements or determinations of administrative officials, such as building inspectors and zoning administrators." (Citation omitted.) North Carolina General Statutes § 160A-388(b) [(now N. C. Gen. Stat. § 160D-405(a))] "confers on the board [of adjustment] appellate jurisdiction to review the acts of those charged with enforcing the zoning ordinance." (Citation omitted). Specifically, N.C. Gen. Stat. § 160A-388(b) [(now N. C. Gen. Stat. § 160D-405(a))] provides that "the board of adjustment shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of that ordinance." "Once the municipal official has acted, for example by granting or refusing a permit, any person aggrieved may appeal to the board of adjustment." (Citation omitted.)

The ordinance at issue in this case tracks the procedures set forth in Chapter 160A [(now Chapter 160D.)]. Namely, Article 2, Section 2.12.1 of the City of Hickory Land Development Code (the "Land Development Code") provides that "[t]he Board of Adjustment shall be authorized to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the administration or enforcement of the provisions of this Land Development Code."

In this case, Defendants contend that because Mr. Sanford is contesting the issuance of the zoning and building permits, he should have first appealed to the board of adjustment to exhaust his administrative remedies. . . . Because we conclude the side setback requirement is an issue directly related to the issuance of the zoning permit, we agree with Defendants. . . .

"Once the municipal official has acted, *for example by granting or refusing a permit*, any person aggrieved may appeal to the board of adjustment." [(Emphasis added in original)]; see also N.C. Gen. Stat. § 160A-388(b) [(now N.C. Gen. Stat. § 160D-405(a))]. Because Mr. Sanford's request for a writ of mandamus specifically concerns Mr. and Mrs. Williams' zoning and building permits, he should have timely appealed the issuance of these permits to the board of adjustment. (Citation omitted.) ("Plaintiff's complaints specifically concerning defendants' special use, or building permits, may only be remedied by first appealing to the board of zoning adjustment. She failed to do so and therefore she cannot now attack these permits."). Mr. Sanford failed to first appeal to the board of adjustment, and therefore he cannot now attack the permits. (Citation omitted.)

[The court] was without subject matter jurisdiction to rule on the plaintiff's claims because the plaintiff "did not exhaust its administrative remedies before seeking relief in the courts" when the plaintiff filed its case directly in the superior court, thereby "bypass[ing] the statutorily prescribed procedures for resolving zoning disputes")(Citation omitted). Having failed to exhaust his administrative remedies, we conclude the trial court was without subject matter jurisdiction to rule on Mr. Sanford's request for a writ of mandamus against the City of Hickory.

The *Sanford* court cited and relied significantly on the case of *Midgette v. Pate*, 94 N.C. App. 498, 380 S.E.2d 572 (1989). In *Midgette*, the plaintiff sued neighbors who constructed a swimming pool allegedly being used in violation of the Town of Snow Hill's zoning ordinance, and in addition sued the town's zoning administrator for allegedly not enforcing the Town's zoning ordinance concerning such violations. Plaintiff in *Midgette* sought a writ of mandamus to compel the zoning administrator to act upon plaintiff's demand for enforcement. Those facts are superficially similar to the case at bar, and the *Midgette* court did reverse the trial court's dismissal of the mandamus claim, holding that "Plaintiff has set forth adequate facts to state a claim that there have been violations of the zoning ordinance. . . and that the zoning inspector has failed to make a determination concerning the violations and to pursue correction of the violations." *Id.* at 503, 390 S.E.2d at 576. Crucially, and in contradistinction to the case at bar, the *Midgette* court noted "as there has been no decision by a zoning administrator from which she may appeal, she may not go forward under N.C.G.S. § 160A-388(b) [(now N.C. Gen. Stat. § 160D-405(a))] to contest the use the Pates made of the pool after they were permitted to build it." *Id.* at 503, 390 S.E.2d at 574.

In the case at bar, there has been a decision by the Respondent Taylor on the final approval of the subject plat. That decision on 24 August 2023 was never appealed by the Petitioner to the Oak Ridge Board of Adjustment. To the extent the Petitioner is indulged to reset the timeline or create a new appealable failure or refusal by demanding revocation of the prior decision, which Petitioner did in her letter of 3 June 2024, the Petitioner by her own conditional language accepted the Respondent Taylor's refusal to act on that demand two days later, on 5 June 2024, and again the Petitioner has not appealed that refusal to the Board of Adjustment. She has instead chosen to bring this action for a writ of mandamus in the superior court, thereby – in the words of the *Sanford* court – improperly "bypass[ing] the statutorily prescribed procedures for resolving zoning disputes."

CONCLUSION

The superior court is without subject matter jurisdiction to hear the Petitioner's claim for a writ of mandamus against the respondent Sean Taylor because the Petitioner failed to exhaust her administrative remedies to appeal the alleged improper administrative decision to the Oak Ridge Board of Adjustment, as required under Chapter 160D of the North Carolina General Statutes and the provisions of Chapter 30 of the Oak Ridge Development Ordinance, and therefore the Petition should be dismissed pursuant to Rule 12(b)(1) of the Rules of Civil Procedure.

Respectfully submitted, this 6<sup>th</sup> day of February, 2025.



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J. MICHAEL THOMAS  
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this day a copy of the foregoing RESPONDENT SEAN TAYLOR'S BRIEF IN SUPPORT OF HIS MOTION TO DISMISS was served in accordance with the CONSENT FOR SERVICE BY ELECTRONIC MAIL entered in this action by all parties, Rule 5 of the Rules of Civil Procedure, and Rule 5 of the North Carolina Rules of General Practice, by email before 5:00 PM the date shown to the following email addresses:

Lindsey A. Clark  
6816 Koala Drive  
Oak Ridge, NC 27310  
Email: [Lindsey.clark24@gmail.com](mailto:Lindsey.clark24@gmail.com)  
Petitioner pro se

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Attorney for Respondents  
Joseph D. Brady  
Daniel Gingerich  
Matt Walraven

Served, this the 6<sup>th</sup> day of February, 2025.



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J. MICHAEL THOMAS  
ATTORNEY FOR RESPONDENT SEAN TAYLOR  
Email: [mthomas@jmtlawgso.com](mailto:mthomas@jmtlawgso.com)