

STATE OF NORTH CAROLINA  
COUNTY OF CURRITUCK

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
19 CVS 171

GERALD CONSTANZO, BRYAN DAGGOT, )  
JOHN DUMBLETON, PHILIP SCHNEIDER, )  
CLARA SCHNEIDER, MARGARET BINNS, )  
MOHAN NADKARNI, GREGORY A. WANDER, )  
RONALD BUCHANAN, STACEY )  
MCCONNELL, GARY S. MILLER, )  
JEFFREY P. FUSSNER, WILLIAM T. COLLINS, )  
REX LUZADER, ELIZABETH SCHWEPPE, )  
GERRILEA ADAMS, RICHARD J. CHOWN, )  
PATRICIA C. CHOWN, GARY GOSNELL, )  
MARY MAGNER, MICHAEL C. BRIGATI, )  
ROBERT RICHARDSON, MARYANN )  
DUMBLETON, and COROLLA CIVIC )  
ASSOCIATION, )

Plaintiffs,

v.

CURRITUCK COUNTY, NORTH CAROLINA; )  
THE CURRITUCK COUNTY TOURISM )  
DEVELOPMENT AUTHORITY; THE )  
CURRITUCK COUNTY BOARD OF )  
COMMISSIONERS; and DANIEL F. )  
SCANLON II, CURRITUCK COUNTY )  
MANAGER and BUDGET OFFICER, )  
both in his official capacity and in his individual )  
capacity, )

Defendants.

**ORDER GRANTING**  
**DEFENDANTS'**  
**MOTION FOR**  
**SUMMARY JUDGMENT**

FILED  
2021 DEC 28 4 33 PM  
CURRITUCK CO., C.S.C.  
BY JCT

---

THIS MATTER CAME on for hearing, before the Honorable Wayland J. Sermons Jr., Judge Presiding, upon the defendants' motion for summary judgment and the plaintiffs' partial motion for summary judgment, at the December 6, 2021, session of Pasquotank County Superior Court, venue having been waived by the




defendants and consented to by the parties. The defendants were represented by Christopher J. Geis and the plaintiffs by Casey C. Varnell.

The Court, after reviewing the materials submitted by the parties in support of the respective motions, including the briefs, affidavits, deposition transcripts, and exhibits, and after hearing the arguments of the parties and reviewing the relevant case law, is of the opinion that there is no genuine issue of material fact and that the defendants' motion for summary judgment should be GRANTED and the plaintiffs' partial motion for summary judgment should be denied.

It is therefore ORDERED, ADJUDGED, AND DECREED that the defendants' motion for summary judgment is hereby GRANTED, and the Plaintiffs' partial motion for summary judgment is denied.

Judgement is hereby entered in favor of the defendants in this matter.

So ORDERED, this 22<sup>nd</sup> day of December, 2021.

  
WAYLAND J. SERMONS JR.  
Superior Court Judge Presiding

0

0