

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
21-CVS-12654

2022 JUN -8 P 2: 28

GUN OWNERS OF AMERICA, INC.
GUN OWNERS FOUNDATION,
GRASS ROOTS NORTH CAROLINA,
RIGHTS WATCH INTERNATIONAL,
DAVID HODSON,
TERRANCE J. TRAYLOR, AND
JORDAN GIBB

Plaintiffs,

v.

SHERIFF GARRY MCFADDEN
(IN HIS OFFICIAL CAPACITY)
SHERIFF OF MECKLENBURG COUNTY
700 E. 4TH ST.
CHARLOTTE, NC 28202 and the
MECKLENBURG COUNTY SHERIFF'S
OFFICE,

Defendants.

CONSENT JUDGMENT

The Parties to this lawsuit have reached an agreement to settle certain matters as set forth specifically in this consent order and agree to be legally and mutually bound by the following terms and conditions. In addition, the Court makes the following findings of fact.

FINDINGS OF FACTS

1. Plaintiffs filed their Verified Complaint on August 5, 2021 alleging, inter alia, that Sheriff Gary McFadden and his office were failing to comply with statutory deadlines governing the issuance of pistol purchase permits (PPP) and concealed handgun permits (CHP) and were not timely issuing permits, in violation of North Carolina state law and Constitution;
2. The Plaintiffs filed a Motion for Temporary Restraining Order and Preliminary Injunctive Relief which has been granted by the Court based upon the facts as shown at the time, namely that the Sheriff and his office have delayed the issuance of PPPs and CHPs in a manner not permitted by statute.

CONCLUSIONS OF LAW

3. North Carolina law requires all applications for pistol purchase permits be granted or denied by the Sheriff within 14 days of receipt of an application and, if an application is granted, that the permit be immediately issued under § 14-404(f);
4. North Carolina law requires all applications for a concealed handgun permit be granted or denied by the Sheriff within 45 days of receipt of an application under § 14-415.13 and receipt of all mental health records under § 14-415.15(a);
5. North Carolina law requires that the Sheriff make any request(s) for such mental health records no later than 10 days after receiving an application for concealed handgun permit under 14-415.15(a);
6. North Carolina law requires an applicant for a concealed handgun permit submit a full set of fingerprints of the applicant administered by the Sheriff under §14-415.13(a)(3); and

NOW THEREFORE, the parties agree and the Court orders as follows:

- 1) Sheriff McFadden shall grant or deny all applications for pistol purchase permits within 14 days of receipt of an application and, if an application is granted, shall immediately issue the permit to the applicant; and
- 2) After receiving all other parts of an application for a CHP, Sheriff McFadden shall provide fingerprinting for all CHP applications so as to allow all CHP applicants to be processed during normal business hours within the same day that the applicant presents to the sheriff's office for fingerprinting; and
- 3) Sheriff McFadden always has and shall continue to make requests for any mental health records of all CHP applicants within ten days of receiving an application for a concealed handgun permit; and
- 4) Sheriff McFadden shall issue permits or deny applications for concealed handgun permits within 45 days of receipt of an application and receipt of mental health records; and
- 5) Sheriff McFadden shall not otherwise violate or fail to comply with North Carolina state law governing the Sheriff's issuance or denial of pistol purchase permits and concealed handgun permits; and
- 6) Sheriff McFadden shall pay the Plaintiffs the amount of seven dollars (\$7.00) total in nominal damages. Each side shall bear their own costs and fees.

The Preliminary Injunction Order entered by the Honorable Karen-Eady Williams shall be dissolved.

This Consent Judgment shall be binding upon, and inure to the benefit of the Parties, their respective successors and assigns. The Consent Judgment shall become effective on the date that it is entered by the Court.


The Court retains jurisdiction over both the subject matter of this Consent Judgment and the parties, in order to enforce the terms thereof.

Dated: June 7, 2022




SUPERIOR COURT JUDGE PRESIDING

I consent to the form and entry of this Consent Judgment.

By: 

Sheriff Garry McFadden
By Marilyn Porter, George Guise, Sean Perrin
Sheriff's Attorneys

6/1/22
Date



Ronald A. Shook
Counsel for Plaintiffs

6-1-22
Date