

FILED

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
2022 MAY -4 10 21 50 SUPERIOR COURT DIVISION
HECKLENBURG CO. C.S.C. 21-CVS-12654

BY _____

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.

ORDER GRANTING PRELIMINARY
INJUNCTION

THIS MATTER came on before the Court at the 14 October 2021 Session of Court after due notice to the parties and upon Plaintiffs' Motion for Preliminary Injunction and Temporary Restraining Order (the "Motion") pursuant to Rule 65 of the North Carolina Rules of Civil Procedure. Both parties were present in court, and after considering the pleadings and other sworn testimony of the parties and after hearing the arguments of counsel, the Court finds as a fact the Sheriff and his office have not issued hand gun permits in accordance with the time frames set forth in the applicable statutes. As a result, the constitutional rights of the Plaintiffs to bear arms have been infringed and Plaintiffs are entitled to preliminary relief.

Furthermore, the Court concludes as a matter of law Plaintiffs have shown a likelihood of success on the merits and are likely to suffer irreparable harm in the absence of injunctive relief, It further appearing to the Court, one of the Plaintiffs has, will or within ten days of this order post a bond in the sum of Two Hundred and No/100 (\$200.00) Dollars as sufficient surety to secure the Defendant from any cost or damages he might sustain as a result of being wrongfully enjoined.

IT IS THEREFORE ORDERED that Plaintiffs' Motion is GRANTED and that the Defendants are enjoined from:

- 1) failing to grant or deny all applications for pistol purchase permits within 14 days of receipt of an application and, if an application is granted, issue the permit to the applicant under § 14-404(f);
- 2) failing to issue permits or deny applications for concealed handgun permits within 45 days of receipt of an application under § 14-415.13 and receipt of all mental health records under § 14-415.15; and
- 3) failing to make a request for mental health records within 10 days of receipt of an application under § 14-415.15(a); and
- 4) denying, delaying, or otherwise failing to provide fingerprinting services for applicants for concealed handgun permits as required by § 14-415.13(a)(3), which in no case shall exceed five business days after receipt of all other parts of an application.

This preliminary injunction shall remain in effect and be binding upon the parties hereto, their agents, officers, attorneys, or other persons acting in concert or participating with the parties, until further order of the Court.

THIS the 3rd day of May, 2022.


SUPERIOR COURT JUDGE PRESIDING