

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
14 CVS 2499

MONICA WILSON and WILSON)
LAW GROUP PLLC,)
 Plaintiffs)
))
 v.)
))
NORTH CAROLINA DEPARTMENT)
OF COMMERCE; NC DEPARTMENT)
OF COMMERCE; DIVISION OF)
EMPLOYMENT SECURITY;)
SHARON ALLRED DECKER, in her)
capacity as Secretary of Commerce;)
and DALE R. FOLWELL, in his capacity)
as Assistant Secretary of Employment)
Security,)
 Defendants)

PRELIMINARY INJUNCTION

THIS MATTER came on for hearing on March 10, 2014 before the undersigned upon the Plaintiffs’ petition for a preliminary injunction pursuant to Rule 65 of the North Carolina Rules of Civil Procedure. Upon review of all evidence of record, the testimony of witnesses, the arguments of counsel, and the relevant State and Federal law and regulations, the Court finds and concludes as follows:

A preliminary injunction preserving the status quo is appropriate if there is probable cause the plaintiff will be able to establish the asserted right, and there is a reasonable apprehension of irreparable loss unless the temporary order of injunction remains in force, or that in the opinion of the court such injunctive relief appears to be reasonably necessary to protect the plaintiff’s rights until the controversy can be determined. *Edmonds v. Hall*, 236 N.C. 153, 156 (1952). Moreover, “the danger sought to be enjoined must be real and immediate. There must

be a least a reasonable probability that the injury will be done if no injunction is granted.”

Asheville Mall, Inc. v. Sam Wyche Sports World, 97 N.C. App. 133, 135 (1990).

The Court finds and concludes that the Plaintiffs have met their burden, for the purposes of this Preliminary Injunction, of proving that there is probable cause the Plaintiffs will be able to established their asserted rights under the North Carolina Public Records Law at the trial of this matter; that injunctive relieve is reasonably necessary to protect the Plaintiffs’ rights until the controversy can be determined, and that the danger that Plaintiffs seek to enjoin is real and immediate.

BASED UPON THE FOREGOING, the Court ORDERS that:

1. The terms of the Temporary Restraining Order entered by the Honorable Michael Morgan on March 3, 2014 are continued in effect as a Preliminary Injunction and, in particular,
 - a. Defendants are prohibited from terminating the long-standing policy of the North Carolina Department of Commerce, Division of Employment Security (“DES”) to provide copies of hearing notices on a daily basis for a fee of \$300 per month;
 - b. Defendants shall allow any person access to DES headquarters subject to reasonable security measures for the purposes of picking up copies of hearing notices generated that day in accordance with that person’s previous request. The parties may, by consent, or in the absence thereof, by petition for modification of this Order, propose or adopt reasonable security measures, such as a more secure pick-up location or by providing daily electronic files of hearing notices, or other similar arrangements, to ensure the safety of employees and constituents of DES, provided that such arrangements do not impair the ability of persons to obtain daily hearing notices.

2. This Preliminary Injunction shall remain in effect until the trial of this matter unless otherwise modified by the Court.

3. The bond posted by the Plaintiffs with the Wake County Clerk of Court shall remain as security for this Preliminary Injunction.

This the 13th day of March, 2014.

A handwritten signature in black ink, appearing to read "Paul C. Ridgeway", is written over a light gray rectangular background.

Paul C. Ridgeway, Superior Court Judge

Certificate of Service

The undersigned certifies that the foregoing was served upon all parties by e-mail and first class mail addressed as follows:

Thomas H. Hodges
North Carolina Department of Commerce
Division of Employment Security
P.O. Box 25903
Raleigh, NC 27611

James C. White
4819 Emperor Blvd., Suite 400
Durham, NC 27703

This the 13th day of March, 2014.



Paul C. Ridgeway, Superior Court Judge