

STATE OF NORTH CAROLINA

Mecklenburg County

FILED # 63

File No.

11 CND 19602

In The General Court Of Justice
District Court Division

Name And Address Of Plaintiff

Henry Knox Germany, IV
8628 Autumn Oak Ln
Harrison, TN 37341

OCT 31 2011

CLERK OF SUPERIOR COURT
MECKLENBURG COUNTYTemporary
NO-CONTACT ORDER

FOR STALKING OR

NONCONSENSUAL SEXUAL CONDUCT

VERSUS

Name And Address Of Defendant

Thomas Cecil Shope
1825 E. 7th St.
Charlotte, NC

G.S. 50C-7

FINDINGS

This matter was heard by the undersigned district court judge, the court has jurisdiction over the parties and subject matter, and the defendant has been provided notice of the hearing.

The Court hereby finds that:

- ☐ 1. If this block is checked, skip to the order portion of the order. This order is entered by default for the remedy sought in the complaint because the defendant failed to ☐ file an answer ☐ appear at this hearing and the allegations in the complaint are sufficient to justify a no-contact order for stalking or nonconsensual sexual conduct.
- ☒ 2. Present at the hearing were: ☒ the plaintiff, represented by Ken Davies
☒ the defendant, represented by _____
- ☐ 3. The plaintiff has suffered unlawful conduct by the defendant in that:

- ☒ 4. Other: The parties waive findings of fact & consent to the entry of this order.

CONCLUSIONS

- ☐ 1. The defendant committed acts of unlawful conduct against the plaintiff. ☒ There are grounds for the entry of this order.
- ☐ 2. The plaintiff has failed to prove grounds for issuance of a no-contact order.

ORDER

It is ORDERED that:

- ☒ 1. The defendant not visit, assault, molest, or otherwise interfere with the plaintiff. The Plaintiff shall not visit, assault, molest, or otherwise interfere with the Defendant.
- ☐ 2. The defendant cease stalking the plaintiff.
- ☐ 3. The defendant cease harassment of the plaintiff.
- ☐ 4. The defendant not abuse or injure the plaintiff.
- ☒ 5. The defendant not contact the plaintiff by telephone, written communication, or electronic means. Stay 50 yards away from the plaintiff.
- ☒ 6. The defendant not enter or remain present at the plaintiff's residence, place of employment, and other places listed below at times when the plaintiff is present.

List Other Places Where Defendant Ordered Not To Be

Old City Hall
600 East Trade Street
Charlotte, NC

- ☒ 7. Other: (specify) *The parties have agreed to additional terms & the court's orders, including Defendant staying 50 yards from Plaintiff's close personal associates noted on the attached memorandum of judgment which is incorporated herein by reference.*
- ☒ 8. The terms of this order shall be effective until ☐ one (1) year from the date of this order. *90 days 2/1/12*
- ☐ 9. The order is denied and the case is dismissed.

Date

10/31/11

Name Of District Court Judge (Type Or Print)

Signature Of District Court Judge

Time

4:30 pm

NOTICE TO DEFENDANT: A KNOWING VIOLATION OF A CIVIL NO-CONTACT ORDER SHALL BE PUNISHABLE AS CONTEMPT OF COURT WHICH MAY RESULT IN A FINE OR IMPRISONMENT.

CERTIFICATION

I certify this order is a true copy.

Date

Signature Of Clerk

☐ Deputy CSC

☐ Assistant CSC

☐ Clerk of Superior Court

NOTE TO CLERK: G.S. 50C-9 provides: "The clerk of court shall deliver on the same day that a civil no-contact order is issued, a certified copy of that order to the sheriff." The statute also provides that a copy of the order shall be issued promptly to the police department of the municipality of the victim's residence, or the sheriff or county police if the victim does not live within a municipality with a police department.

RETURN OF SERVICE WHEN DEFENDANT NOT PRESENT AT HEARING

I certify that this No-Contact Order For Stalking or Nonconsensual Sexual Conduct was received and served as follows:

DEFENDANT

Date Served

Time Served

☐ AM

☐ PM

Name Of Defendant

☐ By delivering to the defendant named above a copy of this order.

☐ By leaving a copy of this order at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.

Name And Address Of Person With Whom Copies Left

☐ Defendant WAS NOT served for the following reason:

Date Received

Signature Of Deputy Sheriff Making Return

Date Of Return

Name Of Sheriff (Type Or Print)

County Of Sheriff

NOTE TO SHERIFF: G.S. 50C-9 provides: "Unless the [defendant] was present in court when the order was issued, the sheriff shall serve the order on the [defendant] and file proof of service in the manner provided for service of process in civil proceedings."

We consent:

[Signatures]

[Signature]

STATE OF NORTH CAROLINA

Mecklenburg County

File No.

11 CVD 19602

Film No.

In The General Court Of Justice

☒ District ☐ Superior Court Division

Name Of Plaintiff(s)

Henry Knox Garmory, IV

VERSUS

Name Of Defendant(s)

Thomas Cecil Shope, Jr.

MEMORANDUM OF
JUDGMENT/ORDER

1. The parties to this lawsuit have reached an agreement to settle certain matters as set forth specifically in this memorandum and agree to be legally and mutually bound by the following terms and conditions: (Attach additional pages as necessary)

~~A. The Oct. 24, 2011 ex parte Order is continued in full force and effect until February 1, 2012. The ex parte protections are extended to the following individuals:~~

Aaron Calnek

Deanna St. Aubin - Bridgwood

Holly Frey

Dawn Simone

Jason Bargent

Matthew Dunn

Victoria Slater Suter

Jennifer Taylor

Yuliya Sherstynk

Spencer King

Joshua Harey

Donald Jenkins

Elizabeth Thompson

Amir

Defendant will stay at least 50 yards from Plaintiff and these persons and will not participate, directly or indirectly, in General Assembly

2. A formal judgment/order reflecting the above terms will be prepared by and submitted no later than ~~the date~~ for signature by a judge assigned to hold court in this district.

NOTE: Parties should be examined on the record as to terms of settlement. See McIntosh v. McIntosh, 74 N.C. App. 554 (1985).

3. The parties stipulate to the following: (If additional sheets are necessary, all parties, attorneys and the judge should sign each sheet.)

- (a) With the signing of this Memorandum by the presiding judge, this Memorandum shall become a judgment/order of the court and shall be deemed entered pursuant to Rule 58 of the North Carolina Rules of Civil Procedure on the date filed with the Clerk;
- (b) the provisions of this Memorandum are fair and reasonable and each party has had ample opportunity to obtain legal advice concerning the legal effect and terms of this Memorandum;
- (c) this Memorandum is enforceable by the contempt powers of the court should any party not comply with its terms;
- (d) the formal judgment or order may be signed by the presiding judge out of term, session, county and district;
- (e) each party is satisfied with the services of the respective attorneys and believes that he/she has received competent advice regarding the signing of this Memorandum;
- (f) signatures of the parties on the formal judgment/order are not necessary;
- (g) the parties waive findings of fact and conclusions of law in the formal judgment/order memorializing this Memorandum; and
- (h) all attorneys shall be released as attorneys of record upon signing of the formal judgment or order by the presiding judge.

Date

10/31/11

Signature Of Plaintiff 1

Date

10/31/11

Signature Of Plaintiff 2

Date

10/31/11

Signature Of Defendant

Date

10/31/11

Signature Of Defendant 2

Date

10/31/11

Signature Of Plaintiff's Attorney 1

Date

Signature Of Plaintiff's Attorney 2

Date

Signature Of Defendant's Attorney 1

Date

Signature Of Defendant's Attorney 2

Prior to accepting the stipulated agreement of the parties, the undersigned judge read the terms of the above stipulations and agreements to the parties, and made careful inquiry of them with regards to the voluntary nature of their agreement and their understanding thereof. The court explained to the parties the legal effect of their stipulations and agreements and determined that the parties understood the legal effect and terms of the agreement and stipulations. The parties acknowledged their voluntary execution of the agreements and stipulations, stated that the terms accurately reflected their agreement, and agreed of their own free wills to abide by them.

Date

Signature Of Presiding Judge

Name Of Presiding Judge (Type Or Print)

STATE OF NORTH CAROLINA

Mecklenburg County

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File No. 11 CVD 19602
Film No.

In The General Court Of Justice
☒ District ☐ Superior Court Division

Name Of Plaintiff(s)

Henry Knox Garmory, IV

VERSUS

Name Of Defendant(s)

Thomas Cecil Shope, Jr.

MEMORANDUM OF
JUDGMENT/ORDER

1. The parties to this lawsuit have reached an agreement to settle certain matters as set forth specifically in this memorandum and agree to be legally and mutually bound by the following terms and conditions: (Attach additional pages as necessary)

meetings, of Occupy Charlotte.

B.) Likewise, ~~the~~ Plaintiff will not contact the Defendant ^{or his family} nor will any of the individuals listed above contact the Defendant, or his family.

C.) Defendant will not come upon the Old City Hall grounds.

D.) If the defendant abides by this Consent Order for 90 days, the Plaintiff will dismiss his complaint on Feb 1, 2012.

E.) If the Plaintiff abides by this Consent Order for 90 days, the Defendant will dismiss his Counterclaims.

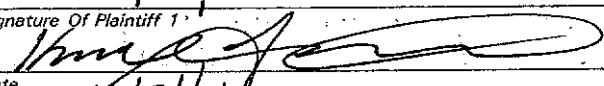
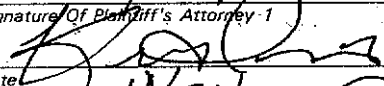
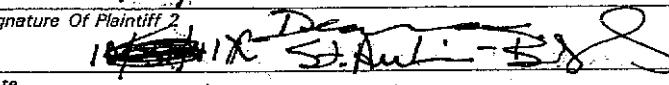
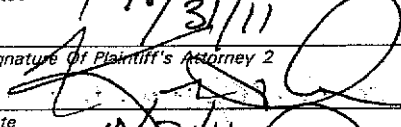
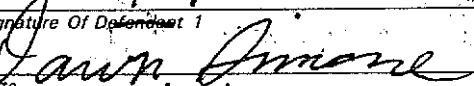
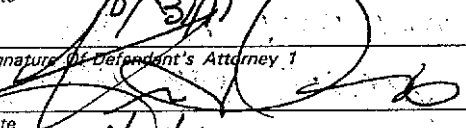
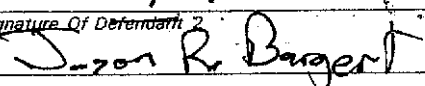
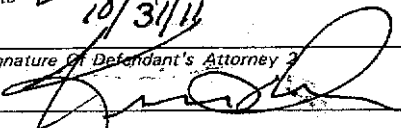
F.) Current ex parte order will dissolve.

2. A formal judgment/order reflecting the above terms will be prepared by and submitted no later than 11/15/11 for signature by a judge assigned to hold court in this district

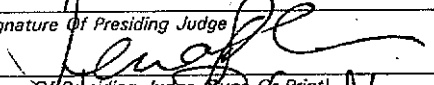
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Date 10/31/11	Date 10/31/11
Signature Of Plaintiff 1 	Signature Of Plaintiff's Attorney 1 
Date 10/31/11	Date 10/31/11
Signature Of Plaintiff 2 	Signature Of Plaintiff's Attorney 2 
Date 10/31/11	Date 10/31/11
Signature Of Defendant 1 	Signature Of Defendant's Attorney 1 
Date 10/31/11	Date 10/31/11
Signature Of Defendant 2 	Signature Of Defendant's Attorney 2 

Prior to accepting the stipulated agreement of the parties, the undersigned judge read the terms of the above stipulations and agreements to the parties, and made careful inquiry of them with regards to the voluntary nature of their agreement and their understanding thereof. The court explained to the parties the legal effect of their stipulations and agreements and determined that the parties understood the legal effect and terms of the agreement and stipulations. The parties acknowledged their voluntary execution of the agreements and stipulations, stated that the terms accurately reflected their agreement, and agreed of their own free wills to abide by them.

Date 10/31/11	Signature Of Presiding Judge 
	Name Of Presiding Judge (Type Or Print) Jenae Miller