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STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
20 CVS 4400

TRAVIS GROO,
Plaintiff
v.

WAKE COUNTY SHERIFF'S OFFICE and GERALD BAKER,
Defendants.

CONSENT ORDER

THIS MATTER came on for consideration by the undersigned, the Honorable A. Graham Shirley, Resident Superior Court Judge presiding over a hearing held on March 30, 2020 on Plaintiff's petition for a Temporary Restraining Order and Preliminary Injunction. After considering this matter and by and with the Consent of the parties, the Court finds that the parties have agreed and consented to material issues arising out of the dispute in this matter, and the parties desire to memorialize this agreement in a Consent order as shown by their respective attorneys' signatures below; Therefore, with the consent of all the parties, the Court finds that the parties have agreed to the following:

1. This matter is properly before the court, and the court has jurisdiction over the parties and subject matter at issue.
2. Plaintiff filed this action on March 26, 2020 which in relevant part alleged various constitutional and statutory violations resulting from Defendant Sheriff Gerald Baker's decision to temporarily suspend acceptance of applications for pistol purchase permits issued pursuant to Chapter 14, Article 52A of the North Carolina General Statutes.

3. Plaintiff's complaint requested the Court issue a Declaratory Judgment to determine his rights to apply for pistol purchase permits and whether Defendant Sheriff Gerald Baker is prohibited from unilaterally barring applications for said permits.
4. On March 10, 2020 the governor of the state of North Carolina declared a state of emergency in response to the COVID-19 pandemic outbreak; On March 13, 2020 the president of the United States declared a state of emergency; On March 22, 2020 the Wake County Board of Commissioners declared and emergency and issued a Proclamation of Emergency Restrictions , with the Proclamation confirming multiple instances of community spread of the COVID-19 virus, activating the Emergency Operations Plan and limiting mass gatherings of 50 or more people.
5. From March 10, 2020 to March 24, the Wake County Sheriff's Office received pistol permit applications in unprecedented numbers, causing gatherings of 50 or more people in the lobby of the Wake County Public Safety Center in violation of the March 22, 2020 Proclamation of Emergency Restrictions.
6. Defendant Sheriff Gerald Baker's decision to temporarily suspend acceptance of applications was due to his efforts to comply with Proclamation of Emergency Restrictions and his paramount and legitimate concern for the public health and safety in light of the existing declared states of emergency due to the COVID-19 pandemic outbreak being specifically concerned for the health and welfare of the citizens of Wake County, the Wake County Sheriff's Office personnel and the jail residents housed in the Wake County Public Safety Center, the same location where said applications are accepted and processed.
7. The parties have expressed a desire to resolve the outstanding issues.

8. In order to resolve the issues before the Court, Sheriff Gerald Baker has agreed to modify the application process so as to minimize or alleviate the admission of applicants for said permits to the Public Safety Center during the term of the current declared states of emergency and to resume processing applications in as timely a fashion as possible under the current conditions.
9. The parties agree that the Wake County Sheriff's Office and Sheriff Gerald Baker shall have a reasonable period of time, not to exceed seven (7) days, within which to implement the terms of this order.
10. It is agreed that the court retains jurisdiction in the event the need for further guidance or hearings is necessary to effect the intent of this order.

NOW, THEREFORE, it is hereby ORDERED that the Wake County Sheriff's Office and Gerald Baker resume accepting and processing applications for pistol purchase permits consistent with Chapter 14, Article 52A of the North Carolina General Statutes and this order.

This the 31 day of MARCH 2020

The Honorable A. Graham Shirley
Resident Superior Court Judge Presiding

Jeffrey Dobson
Counsel for Plaintiff

Paul G Gessner
Counsel for Defendants