

IN THE SUPREME COURT

Action No. 10 SSC 001	)	
	)	
Ricky Ingram,	)	MOTION TO
PLAINTIFF	)	DISMISS
	)	
Versus	)	
	)	
Andrew Phillips	)	
Elections Board Chair,	)	
DEFENDANT	)	

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The Defense moves to dismiss one of the allegations made by the Plaintiff on the basis that the statute of limitations for that specific election act has expired. The particular allegation to which the Defense is referring is listed in the Plaintiff's Amended Complaint as "2.a. – Illegal Signature Gathering."

In that section of the Complaint, the Plaintiff asserts that he was unfairly fined by the Elections Board. That fine was administered to the Plaintiff via "Punitive Decision 11-BE-03," published on January 31<sup>st</sup>, 2011. This punitive decision must be the election act upon which Plaintiff claims standing.

The Plaintiff's original Complaint, however, was published on February 7<sup>th</sup>, 2011. Title III, Section 513.A states that "Actions shall be commenced in the Supreme Court no later than ninety-six (96) hours after the legislative, executive, elections board, or other act which causes injury." Even after one accounts for the exceptions under 513.B, the ninety-six hour deadline has since expired.

Therefore, the Defense requests that the Court dismiss that allegation "2.a – Illegal Signature Gathering" against the Elections Board on the aforementioned grounds. This motion for dismissal in no way affects the Plaintiff's ability to bring action against the Elections Board for other allegations listed in the Amended Complaint.

I do affirm that I have read in full the foregoing motion and that the allegations contained therein are true to the best of my knowledge and belief.

Respectfully Submitted,

Kevin Whitfield

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Filed this the 13<sup>th</sup> day of February, 2011, at 12:04p.m.