

IN THE SUPREME COURT

Action No. 12 SSC 001	)	
	)	
CONNOR BRADY	)	
PLAINTIFF	)	
	)	
Versus	)	MOTION FOR SUMMARY
	)	JUDGMENT
WILL LEIMENSTOLL	)	
Student Body President	)	
RACHEL MYRICK	)	
Student Body Vice President	)	
DEFENDANT(S)	)	

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I. BACKGROUND

A) III SGC § 732 (B) states that a Motion for Summary Judgment may be granted “[b]efore trial of an action,” “when there is no genuine issue of any material facts in the case,” and when “the moving party is entitled to a decision based on the law.”

B) III SGC § 722 (A-E) establishes requirements for motions made to the Court. This Motion adheres to these requirements, including subsection (E), which mandates the delivery of Motions for Summary Judgment to the opposing counsel [or party] 24 hours prior to argument at pre-trial or trial.

C) This Motion, which is a Court Paper under III SGC § 721 (A)(3), also conforms to the required form of Court Papers set out in III SGC § 740.

D) The Defendants have filed this motion in advance of the Monday, January 14 at 5:00 pm EST deadline set for the filing of motions in an email from the Chief Justice at 2:13 am on Saturday, January 12.

E) The content of this Motion is thus valid for consideration by the Court.

## II. ALLEGATION OF THE GROUNDS FOR THE ORDER SOUGHT

A) There is currently no dispute of material fact between the Plaintiff and the Defendants. The only assertions disputed by the Defendants in their Answer to the Complaint are with respect to inferences drawn by the Plaintiff based on agreed-to facts:

i. The Defendants do not challenge the facts alleged by the Plaintiff in (B), (C), (D), (E), and (F) of the Complaint.

ii. The Plaintiff has displayed no intent to challenge the facts presented in I.A.i-iii of the Answer showing that Ms. Brittany Reeves was provisionally appointed to Chair of the Hardship Parking Committee (HPC) on January 8, 2012. The Plaintiff has not amended his Complaint to allege that Ms. Reeves was appointed twice in violation of I SGC § 204 (C). Thus, the Court has ample evidence with which to determine whether Ms. Reeves was appointed on December 13, as the Plaintiff has inferred, or on January 8. See II.A.i-iii of the Answer for the Defendants' argument on why January 8 should be properly considered the date of the appointment.

iii. The Defendants do not dispute any of the facts alleged by the Plaintiff in (G) indicating that Ms. Reeves was answering emails pertaining to hardship parking using an alias formerly occupied by the Plaintiff. As stated in I.G.i-ii of the Answer, the Defendants simply dispute the unwarranted inference made by the Plaintiff that the Defendants' notification of ITS labeled Ms. Reeves as a Chairperson or provisional appointment. As argued in II.B.i-iii of the Answer, answering emails has no necessary relation to provisional appointments or chairpersonship of the HPC and Ms. Reeves was not asked to perform, did not perform, and did not attempt to perform, any duties of the Chairperson provided in Chapter 6 of Title I.

iv. The Defendants do not dispute the assertion in (H) of the Complaint that Speaker Comparato was not notified of a provisional appointment by December 15, 2012. As explained in II.D.i-iii of the Answer, the Defendants provided clear, consistent information to Speaker Comparato concerning the expected timeline of provisional appointments and officially communicated the provisional appointment of Ms. Reeves on January 8 to Speaker Comparato within the same day.

B) This Motion, in conjunction with the Defendants' Answer, constitutes the full response of the Defendants to the Plaintiff's Complaint. The Defendants are comfortable leaving the following to the judgment of the Court without testimony or argument in trial:

i. Whether the Defendants have adduced sufficient uncontested evidence to demonstrate with a preponderance of evidence that Ms. Reeves was provisionally appointed on January 8, 2013.

ii. Whether the Defendants' request to ITS for the transfer of the email alias "hardshiparking@unc.edu" to Ms. Reeves on December 12, 2012 meets any component of the provisional appointment process outlined in I SGC § 204.

iii. Whether Ms. Reeves' use of this alias or any other action prior to January 8, 2013 falls under any role limited to the Chairperson of the HPC, pursuant to Chapter 6 of Title I.

iv. Whether the mistaken listing of Ms. Reeves as Chairperson of the HPC on the DPS website in response to Defendant Leimenstoll's message on December 13 meets any component of the provisional appointment process outlined in I SGC § 204. (See discussion in Answer II.C.i-ii).

v. Whether, in light of the uncontested facts and communication provided by the Plaintiff and the Defendants, the Defendants provisionally appointed Ms. Reeves to Chairperson of the HPC on December 13, 2012.

C) The Defendants are entitled to an expeditious resolution of this process in order to continue their performance of duties as Student Body President and Student Body Vice President. Should the Court doubt the accuracy or completeness of the uncontested evidence presented and referred to in this Motion, the Defendants consent to any subpoenas the Court feels appropriate. The Defendants also consent to the Court's review and confirmation of any evidence it requires without unnecessary trial and argument.

D) Therefore, the Defendants hold that complete information is available to the Court to proceed to Summary Judgment and the Defendants give their consent to such judgment.

### III. DEMAND FOR JUDGMENT

Per their Answer, The Defendants respectfully request:

(i) That the Court find that the provisional appointment of Ms. Reeves occurred on and not prior to January 8 and in compliance with the Student Code,

(ii) That the Court confirm the start date of Ms. Brittany Reeves' provisional appointment as Chairperson of the Hardship Parking Committee as January 8, 2013, with her provisional appointment to expire 30 days following or pending her confirmation by Student Congress within that period,

AND/OR

(iii) That the Court dismiss the Plaintiff's Complaint based on the Court's evaluation of both the Student Code and the uncontested facts of this case.

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

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