

NORTH CAROLINA
Lincoln County

In the General Court of Justice
Superior Court Division

Neil Allran, Terry Spoerle,
Leslie Dale, et al.

Plaintiffs

COMPLAINT

Vs.

Jury Trial Requested

Graham C. Mullen

Defendant

The Plaintiffs, complaining of the Defendant, allege and say:

1. The Plaintiffs are all citizens of North Carolina. Most of them are from Lincoln, Gaston and Cleveland Counties as shown on list of Plaintiffs attached hereto.
2. The Defendant is a citizen of Mecklenburg County, North Carolina.
3. The Defendant is the Senior Resident Judge in the Federal District Court located in Charlotte, N.C. That he was the trial Judge in the case set forth in the Complaint attached hereto and marked as Exhibit "A".
4. That to become a licensed Attorney in North Carolina The Defendant had to take an Oath set forth in Exhibit "B" attached hereto and incorporated herein as if fully set forth.
5. That after the action set forth in "Exhibit A" was filed, the Defendant on his own motion, with no notice to the Plaintiffs, on on June 15, 2010, entered an order dismissing the action with prejudice.

6. That the Defendants action in dismissing the case was a violation of the Plaintiffs Constitutional right to a jury trial provided by Article I, Section 25 of the Constitution of North Carolina which reads:

" Right of jury trial in civil cases.

**In all controversies at law respecting property,
The Ancient mode of trial by jury is one of the best
Securities of the rights of the people, and shall
Remain sacred and inviolable."**

7. That the Defendant knows, or should know, that no Court or Legislature can pass rules or laws denying the people in North Carolina of their right to a trial by jury and that he had a duty to comply with the provisions of the North Carolina Constitution, not in conflict with the Constitution of the United States.
8. That after entry of said Order dismissing their Action, Plaintiffs filed a Motion on June 11, 1010, attached hereto as Exhibit "C" for the Court to Vacate said Order of dismissal and for the Judge to recuse himself from further proceedings in the case.
9. That a few days after Exhibit "C" was filed, the Defendant, with no notice to the Plaintiffs, made erroneous statements of fact and ruled against the Plaintiffs.
10. That the Action of the Court in refusing the Plaintiffs right to a trial by jury and refusing to vacate his unlawful order and recuse himself from further proceeding in the case was a willful and wanton violation of the Plaintiffs' rights under the North Carolina Constitution and was an intentional violation of NCGS 14-209 which provides:

If any person shall willfully and corruptly commit perjury, on his oath or affirmation, in any suit, controversy, matter or cause, depending in any of the courts of the State, or in any deposition or affidavit taken pursuant to law, or in any oath or affirmation duly administered of or concerning any matter or thing whereof such person is

lawfully required to be sworn or affirmed, every person so offending shall be punished as a Class F felon.

11. That the willful, wanton and intentional acts of the Defendant in violating the Constitutional rights of the Plaintiffs protected by the North Carolina Constitution entitle the Plaintiffs to recover from the Defendant actual and punitive damages, legal fees and expenses, and such other damages in law or equity Plaintiffs are entitle to recover.

WHEREFORE, the Plaintiffs pray for relief a follows:

1. Each Plaintiff recover damages from the Defendant for violating their Constitutional rights
2. That each Plaintiff recover punitive damages from the Defendant for the willful, wanton and intentional violation of their Constitutional rights
3. That Plaintiffs attorney fees and costs be recovered from the defendant.
4. That any attorney appearing in this case who violates his oath of office to support and maintain the Constitution of North Carolina be made a party Defendant in this case.
5. For the costs of this action and for such other and further relief Plaintiffs may be entitled to in Law or equity.