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I N D E X

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LEGAL ARGUMENTS:

On behalf of the Defendant by Mr. Van Camp	48,103
On behalf of the Plaintiffs by Mr. White	77,105

WITNESSES

<u>ON BEHALF OF THE DEFENDANT:</u>	<u>Direct</u>	<u>Cross</u>	<u>Exam by Court</u>
Bethann Pratte	5	40	41

EXHIBITS

ON BEHALF OF THE PLAINTIFFS:

<u>No.</u>	<u>Description</u>	<u>Marked</u>
5	Newspaper Article	47
6	Minutes & General Account	47

1 (Thereupon, the following proceedings were
2 held on Monday, February 21, 2022, at
3 2:30 p.m.)

4 THE COURT: By order of this court if you are not
5 fully vaccinated, you are required to wear a mask in this
6 building. So if there are any persons who are present in
7 the courtroom that are not fully vaccinated and you're
8 without a mask raise your hand and the bailiff will provide
9 you with one.

10 Let the record reflect no hands have been raised.

11 Let the record further reflect that this is a
12 continuation of the matter of Bethann Pratte, James Moore,
13 Plaintiffs, vs. Southern Pines Land and Housing Trust, Inc.

14 This is a continuation of the defendant's motion
15 for sanctions from Thursday, February the 17th, 2022; that
16 the court continued the matter to this date at 2 p.m. so
17 that Plaintiff Bethann Pratte could testify.

18 Between the 12:00 noon and 12:30 hour this court
19 was informed that our regular resident court reporter
20 Cynthia Hall was unavailable to be here at 2 p.m. this date
21 because she was with her husband at a local healthcare
22 facility receiving treatment for an unexpected condition.

23 As a resort -- as a resort -- result, the court had
24 the court's Court Coordinator Ms. Ritter contact the North
25 Carolina Administrative Office of the Courts to determine

1 whether or not at the last minute another court reporter
2 could be sent to Moore County for this proceeding.

3 The court thanks AOC Dawn Turnley for locating our
4 court reporter that's here today, Geralyn LaGrange, who has
5 traveled all the way down here at the last minute from
6 Guilford County.

7 You ready to proceed, Counsel?

8 MR. VAN CAMP: Yes, Your Honor.

9 THE COURT: You may call your next witness.

10 MR. VAN CAMP: I call Bethann Pratte.

11 THE COURT REPORTER: Sir, your name for the record?

12 MR. VAN CAMP: Tom Van Camp.

13 THE COURT REPORTER: Thank you.

14 THE COURT: For the record, Tom Van Camp represents
15 the defendant. The plaintiff is represented by David Landon
16 White.

17 MR. WHITE: And, Your Honor, I believe Ms. Pratte
18 would prefer --

19 THE WITNESS: I'll affirm on the bible.

20 THE COURT: Ms. Pratte, all you got to do is raise
21 your right hand and affirm. Listen to the clerk.

22 BETHANN PRATTE

23 having been called as a witness for the Defendant at
24 2:35 p.m. was affirmed and testified as follows:

25 THE COURT: You may be seated.

1 DIRECT EXAMINATION by Mr. Van Camp:

2 Q. Would you state your full name please.

3 A. Bethann Pratte.

4 Q. And, Ms. Pratte, where do you currently reside?

5 A. I was a client of yours several years ago if you
6 don't remember me.

7 Q. I do.

8 A. So it's 360 Grove Road.

9 THE COURT: Say that -- say that again.

10 A. I'll slow down. I'm sorry.

11 360 Grove Road in Southern Pines.

12 Q. How long have you lived there?

13 A. 2018.

14 Q. Ms. Pratte, you are a plaintiff in this cause of
15 action that we're here about today, correct?

16 A. Yes, sir.

17 Q. And before you you have what's been marked as
18 Defendant's Exhibit 1 which is the verified complaint in
19 the -- in this matter. I want you to take a look at that
20 and let me know if you have seen that document before today.

21 A. It seems a lot thicker but -- do you want me to
22 look through the whole thing?

23 Q. Please.

24 Some of those are exhibits. So that's why it's that
25 thick. Perhaps you didn't see those but --

1 A. I did -- I did not. I just -- Mr. White had
2 emailed me the complaint and I looked at it online. So
3 it -- it looks to be the same one, yes, sir.

4 Q. Do you know when you received that complaint
5 online?

6 A. Sir, I'm very bad with -- with dates and times. A
7 lot has been going on in my life. And so I could not -- it
8 was in the fall. Let me see.

9 Q. Well, let me try it this way.

10 A. Yeah, why -- why -- why don't you tell me when I
11 received it.

12 Q. I don't know when you received it from your lawyer,
13 but it was -- appears to be signed by -- if you go to the --
14 the last two pages it's got your signature dated November 8,
15 2021, which is when it was filed.

16 So maybe you could tell me how long prior to the -- to
17 you going in or -- or signing the verified complaint that --
18 that you would have first reviewed it.

19 A. Okay. And I always give background information.

20 Q. Sure.

21 A. Okay. I'm not sure if you remember but I am in
22 education myself and I'm an educational advocate. So as
23 things started to unravel with COVID -- I mean, I've been
24 working and advocating for students in Moore County schools
25 in North Carolina for -- well, since I came down here in

1 2018.

2 And I'm a member of -- I shouldn't say a member. I --
3 I attend about five different groups of concerned citizens
4 about various things going on in our county because our --
5 our county is in big trouble, especially our schools, and
6 each of the groups are working on different projects.

7 When they found out my expertise and my background, I
8 had offered to do research and help out. So I had actually
9 been working with Mr. White, oh -- again, I'm bad with
10 dates -- like probably since July or August dealing with
11 many other issues because our school board has been
12 violating the constitution, statutes, and they've been
13 willfully known to do that as I --

14 THE COURT: Wait -- wait a minute.

15 They what?

16 A. They, in my -- it appears that they willfully and
17 knowingly violated our constitutional rights. They were not
18 allowing -- it started out with my son.

19 He went in for educational testing and they were saying
20 that he had to wear a mask. He's autistic. They violated
21 ADA laws. They kicked us out and were going to call the
22 police. So there were a lot of issues.

23 These groups had reached out to many different
24 attorneys. Because as a citizen our only recourse against
25 the school board after we go to them and we basically beg

1 them to make changes, our only recourse is at the ballot box
2 or through our courts and the election is too far away.

3 And so there were many other people working with other
4 attorneys as well. I know that several people had worked
5 with Mr. White, but I was emailing him and calling him about
6 other issues.

7 And so we were talking about the land trust previously.
8 And I -- I'm thinking that I got the email probably on
9 Sunday or Monday. But that wasn't my first conversation
10 with him and we had discussed it for probably weeks. But to
11 be quite honest your land deal and the land trust was really
12 not my concern.

13 My concern is the school board violates the law. And
14 they even say it out loud in open session. And they're
15 violating their oath because their oath is to uphold the
16 constitution and the statutes and they don't.

17 Q. My understanding is your -- your bigger issue was
18 the mask mandate, would that be fair, as opposed to the land
19 trust situation?

20 A. The various groups that I was invited to, the mask
21 mandate was one. But there were issues with the -- the
22 vaccine clinic, that the school did not get informed consent
23 and these children are getting jabbed and we don't know
24 what's -- what's in them. But there were many issues, a lot
25 of concerns with the Aberdeen land sale and the -- the toxic

1 land. I mean, like, I -- I could stand -- we -- we could
2 spend a whole day here going over the issues with the
3 school.

4 Q. So let me -- let me -- let me back up.

5 When did you as the plaintiff in this case first retain
6 Landon White to file a lawsuit on your behalf?

7 A. Well, again, sir, I was in conversation with
8 Mr. White. Typically -- I mean, I worked with attorneys
9 in probably five different states. And, typically, my job
10 is to gather sort of, you know, gather the research and --
11 and review items. Usually my name is not on a lawsuit.
12 But, again, it's like this constant disregard for our law.

13 So I signed for it. I -- I'm thinking it was that --
14 that morning. But we had conversations about it previously
15 and I can't tell you how long because I don't really know.

16 Q. So you had prior to filing the lawsuit which bears
17 your name, you had had conversations in the past with
18 Mr. White about various issues involving what you believe
19 is -- is misconduct on the part of the Moore County School
20 Board, is that --

21 A. Yes, sir.

22 Q. When was -- when did you -- I'm going to go back
23 because it's an important distinction.

24 When did you retain Mr. White to be your actual
25 attorney for Bethann Pratte in connection with filing this?

1 In other words, when you hired him you said, I'm hiring
2 you to move forward with this lawsuit authorizing you to do
3 that.

4 A. That was never really established. And, again,
5 maybe me being naive. But I've worked with many attorneys
6 and so I didn't question --

7 Q. But in the past --

8 THE COURT: Well, wait, wait just a moment.
9 You didn't question what?

10 A. I didn't -- I mean, I didn't, like, as far as
11 when -- maybe the word question was not -- I didn't -- I
12 don't know because it was this ongoing relationship.

13 Q. Have you ever paid him any money to provide a
14 service to you individually?

15 A. Again, I think I need to give context to this.
16 There --

17 THE COURT: Well, I'll tell you what, if you would
18 answer the question then you may --

19 THE WITNESS: Okay.

20 THE COURT: -- then you may --

21 THE WITNESS: Okay.

22 THE COURT: -- and then you may explain your
23 answer.

24 THE WITNESS: Thank you. That's what I'll do. I
25 have a problem with diarrhea of the mouth my dad told me.

1 A. No, I have not paid him money. But, again, that,
2 to me, is irrelevant because there are numerous groups in
3 our county who have filed lawsuits using other attorneys and
4 people donate money.

5 And, in fact, when The Pilot ran the story and I walked
6 into a meeting at the GOP think tank people I didn't even
7 know said to me, Do you need money?

8 And so I have -- and people have collected money for
9 various causes. I mean, even if you look at the Canadian
10 truckers, they don't put their name behind it because they
11 believe in justice, they believe in truth, but they don't
12 want to have their name out there.

13 And, again, it may be it's just because I -- I believe
14 that truth wins. And I'm all about the kids and I'm all
15 about education. I'm not -- I have nothing against you or
16 the Southern Pines Land Trust. This has nothing to do with
17 you. It has everything to do with the school board which is
18 an elected body who basically spits in our faces. They
19 mobilize the police against us. They are not protecting our
20 children and our children are not learning.

21 And so when I see people -- and I was asked to donate
22 to other attorneys. And I said, Right now because of my
23 son, as you know, I was in Florida, very expensive clinic.
24 I can't afford to donate money but I'll donate my time and
25 my expertise. And that's what I've been doing in Moore

1 County since I've been here.

2 And even with -- you know, I don't have to go into
3 naming them, but I've worked with many families throughout
4 North Carolina pro bono because I believe in justice for
5 these children. No one is speaking for them.

6 So, again, it's not about you. It's not about the land
7 trust. I don't know what other options I had other than to
8 file a suit. As a citizen of Moore County maybe you could
9 tell me. I mean, the -- the press makes me out to look
10 like, you know, something that I'm not. I have a pure
11 heart. I have pure motives. And when I find somebody who's
12 willing to fight for our children and fight for truth, I
13 put -- I -- I fight as well. So I don't think it's relevant
14 who's footing the bill.

15 Q. Well, getting back to that, who has paid Mr. White
16 to represent you in connection with this lawsuit?

17 A. Again, sir, I didn't ask Mr. White.

18 THE COURT: Well, again -- again --

19 A. No, I don't know. I -- I didn't ask him. I wasn't
20 told. I don't know. And, to me, that was not even
21 something that I would ask because I've helped out in the
22 past and I've had conversations with him numerous times.

23 Q. So there are other people out there that are
24 unidentified that are financially supporting the lawsuit
25 that bears your name and Mr. Moore's name?

1 A. I don't know who is paying for this one. I -- when
2 I'm talking about people donating, I know for the one group
3 Freedom Matters, they sued Governor Cooper twice. I believe
4 the people donated that. They don't want to have their
5 names attached. There were other lawsuits, other attorneys
6 retained.

7 Q. Okay.

8 A. People donated. So it -- it wasn't odd for me to
9 not have to pay.

10 Q. Well, how did it come to be that you -- well, let
11 me go back.

12 Your -- you said you help lawyers, you know, around --

13 A. I -- I advocate for children.

14 Q. But you have -- you have relationships with lawyers
15 who are, you feel, doing the same.

16 Is that a -- a fair statement?

17 You said you've worked for lawyers -- I'm just --
18 around the state.

19 A. I -- I'm sorry. I didn't mean to interrupt.

20 Q. No. I'm just -- I'm -- I'm trying -- let me ask --
21 let me finish the question.

22 In any of those other situations have you ever been a
23 named plaintiff in a lawsuit?

24 A. Only in Pennsylvania. Not here in North Carolina.

25 Q. And so this would be --

1 A. And that -- that was with my son.

2 Q. Okay. But with respect to this global issue of
3 your belief that the school board is acting
4 unconstitutionally and illegally, would that -- this would
5 be the first time you -- you served as a plaintiff in a
6 lawsuit in North Carolina?

7 A. Yes, sir. And I believe that many more citizens
8 would have put their name on it if they knew that it was
9 happening. But it was pretty quick. I mean, I was
10 thinking things were settled. I would get most of my
11 information -- again, I was more worried about COVID
12 measures, about the sexual assaults going on in the schools,
13 the pedophilia.

14 There are many more things of my concern other than
15 this land sale. But, again, it was a blatant disregard for
16 the law. I think they even admitted in open session they
17 were breaking the law.

18 I mean, how in the world can these elected officials be
19 so abusive?

20 They took an oath to that, that they would uphold the
21 law and they're not and I take that very seriously.

22 And so why did I put my name out there, because I felt
23 like God wanted me to do it.

24 Q. So --

25 A. God doesn't make sense.

1 Q. How did -- how did -- how did you get in touch with
2 Mr. White to the point that you were going to be a -- a
3 plaintiff in this particular lawsuit?

4 Did you call him and say, I want to -- I want to sue or
5 did somebody contact you and ask you to contact him?

6 How did that happen?

7 A. I was in conversations with him about other
8 situations that they were working on which I don't think I
9 need to disclose because I'm not sure if they're going to
10 come to fruition on that.

11 And in those discussions I told him about, you know, I
12 was very concerned about all of the abuses, the Aberdeen
13 sale. I mean, there's a lot of shady stuff going on with
14 the school. They need to be transparent.

15 And I said, How can we hold them accountable?

16 I was told in groups that I attend the only way to hold
17 them accountable is to sue. So, I mean, I -- I was looking
18 for a way to hold them accountable. So, I mean, it sounds
19 horrible but, yeah, I was looking for a way to sue the
20 school board to hold --

21 THE COURT: Would you repeat that please?

22 You were what?

23 A. I was looking to -- for, like, to hold them
24 accountable. So it's not -- I mean, I'm not a person
25 seeking money. I'm not seeking anything. I just want them

1 to take care of -- of the students.

2 And I think there are many citizens here -- because we
3 were told that the only way to hold the school board
4 accountable is through the courts.

5 And so that, to me, is a suit, isn't it?

6 I -- I guess it is. That's the only way to hold them
7 accountable. And the ballot box is too far away. And
8 there -- there is horrible things going on in our schools.

9 Q. Well, let me --

10 A. Horrible things.

11 Q. Let me ask you this.

12 When you say the school board is acting
13 unconstitutionally and illegally, are you referring to all
14 seven board members?

15 A. No, sir. It seems like it's the legacy numbers but
16 I -- I've -- you know.

17 Q. So those would be Pam Thompson, Libby Carter, Ed
18 Dennison, and Stacey Caldwell, those four?

19 A. Yes, sir.

20 Q. But the three that voted against the sale, that
21 would be David Hensley and Bob Levy and Philip Holmes,
22 correct?

23 A. Yes, sir. But, again --

24 Q. You --

25 A. -- you keep -- you keep bringing it back to the

1 sale. And I think you're missing -- I sued the school
2 board. If they would have taken the land -- if they would
3 have followed the law as they swore an oath to do -- from my
4 understanding the laws were written for farmers. Our
5 constitution is beautiful and our laws are supposed to be
6 implemented with justice.

7 Q. We're going to --

8 A. And the school board did not put the 12 acres out
9 to open bid. If they did, it would not have been a problem.
10 So they voted against -- they -- they, basically, they broke
11 the law and they don't care. And even their attorney has
12 made comments.

13 So that's -- I mean, it -- it sounds horrible but it's
14 like how -- if no one is going to hold them accountable -- I
15 mean, someone has to. And unfortunately -- I try my best to
16 follow what God tells me to do and I -- and I didn't want to
17 do it.

18 Q. So did you talk to Mr. Hensley prior to November 8
19 about this particular lawsuit?

20 A. No, sir. My -- you know, the things that I talked
21 to Mr. Hensley about and Mr. Levy about and actually Libby
22 Carter, we went out for lunch, is about reading. And
23 actually Hensley and Levy both seemed to be concerned about
24 reading.

25 And Ms. Carter, one of the first things she said to me

1 is we need you on our side. And I said, I'm sorry, I take
2 the side of children. I don't follow anybody but Jesus.
3 And I'm going to take the side of truth.

4 I don't -- I guess I don't have what you're looking
5 for. I'm sorry.

6 Q. I'm just asking the questions. You can answer
7 them.

8 You had no discussion, as you state under affirmation
9 and under penalty of perjury, you had no conversations with
10 Mr. Hensley at all at any time prior to November 8 about a
11 lawsuit to stop the sale to the land trust?

12 A. No, sir, I did not.

13 Q. And how about Mr. Levy?

14 A. No, sir.

15 Q. Okay. And you -- let's kind of go back to the
16 verified complaint.

17 You think you got a email to you and then you went
18 somewhere to sign it, I assume?

19 A. Yes, sir.

20 Q. Do you know where you went to sign it?

21 A. I do know where I went. I can take you there in a
22 car but I don't have the address. It's in Southern Pines.

23 Q. Well, was it a law office, a bank?

24 A. It -- it was a law office.

25 Q. Whose law office?

1 A. I -- I don't know. I mean, again, I could take you
2 there. I think it's on -- see, I don't -- I don't know.
3 It's like New Hampshire -- I don't know. It's on like one
4 of the side roads and you go back, like, on this, like,
5 concrete --

6 Q. Was it --

7 A. -- back there.

8 Q. Okay. It's in Southern Pines.

9 Was it Landon White's Law Office?

10 A. I -- I think he rents space there. I don't know.

11 Q. Well, who -- who told you to go there to sign the
12 complaint?

13 A. Mr. White.

14 Q. Okay. And so that would have been a Monday
15 morning?

16 A. If that's -- if -- if that's when it was dated,
17 that's correct, sir.

18 Q. Well -- and you think you might have gotten it to
19 review Sunday night or Monday morning?

20 Which, do you recall?

21 A. I honestly -- like, I don't think you realize my
22 life and the number of people I'm trying to help and fight
23 for. And I have my own child I'm homeschooling and he has
24 autism and dyslexia. I could not tell you.

25 Q. Okay.

1 A. I'm sorry.

2 Q. Well -- so it was either Sunday night or Monday
3 morning that you --

4 A. Right.

5 Q. -- reviewed --

6 A. There was not much time --

7 Q. And --

8 A. -- because it -- they were moving along.

9 Q. And who's they?

10 A. The school board.

11 Q. Okay. And you indicated that you went to an office
12 in Southern Pines.

13 Did you -- were you met by a -- a female associate
14 of -- in that office that had the complaint there ready for
15 you to sign?

16 A. She had a copy -- I -- I believe she had a copy.
17 Again, in a conversation earlier I can't remember what I did
18 this weekend. So probably. But I went there and there was
19 a -- a young lady there. And, yes, I signed -- I signed it.
20 So I don't remember if -- I don't remember if I took it
21 like -- I -- I -- I don't remember. I'm sorry.

22 Q. Do you think you signed --

23 A. But I went there and I signed it there in the
24 office. I did sign it.

25 Q. Did you -- did you retain a copy of it when you

1 left?

2 A. No, but I have it on email somewhere.

3 Q. And who was present at that law office when you
4 signed it?

5 A. My son. I brought him with me because he has
6 autism. I bring him with me everywhere almost.

7 Q. How about your -- who at the law office was there
8 to present you with the verified complaint?

9 A. The -- there was a lady there.

10 Q. Did she open the complaint and show you where to
11 sign it and then notarize your signature?

12 A. I gave her my driver's license. I remember that.
13 And, I mean, I -- I signed it but that's -- sorry.

14 Q. Do you recall reading any portion of the verified
15 complaint before you signed it?

16 A. I just read it through my email, the digital copy.
17 I did not read --

18 Q. How -- how much of the digital copy did you read?

19 A. I believe the whole thing. But it was sort of like
20 I was not reading it with a fine-tooth comb. I can tell you
21 that because I was being pulled in a bunch of different
22 directions. But I know that I read over it to make sure
23 that the things I knew were accurate. But Mr. Moore's name
24 was on it as well. So some of the stuff didn't apply to me.

25 Q. So did you ever talk with Mr. Moore prior to

1 signing the verified complaint?

2 A. Yes, sir.

3 Q. And tell me about that conversation.

4 A. It was outside at a rally and we just exchanged --
5 we just said hello and I think I chuckled about how he
6 played his little recording to Ms. Caldwell and being at my
7 school board meeting. So we didn't -- we didn't -- that --
8 that was -- that was our only conversation. I really don't
9 know Mr. Moore.

10 Q. Did you -- but did you talk to him at all about
11 this lawsuit at any time?

12 A. Oh, no, sir. I'm sorry.

13 You asked me if I spoke with him?

14 Q. About the lawsuit.

15 A. No, I did not speak with him about the lawsuit at
16 all.

17 Q. And did you -- have you spoke with him about the
18 lawsuit since it was filed?

19 A. The only time I had spoken with Mr. Moore was at
20 the rally. I mean, I'd see him at school things maybe I'd
21 say hi. I don't know him. But you're asking, like, since
22 it was filed? I mean, I did speak with him over the
23 weekend.

24 Q. Did he tell you about his experience here in court?

25 A. Briefly.

1 Q. What did he tell you?

2 And you feel free to call me any name that he --

3 A. Oh, no. Actually, I think Mr. Moore said that --
4 that -- he called himself a name. You know, he -- he said
5 he can be an A-hole sometimes referring to himself. But,
6 no, he -- he was just -- because, you know, honestly, I am
7 shocked.

8 First of all, being down in Florida was very stressful
9 having my son at the clinic and then coming home. And I'm
10 just like -- you know, for my husband to say, Oh, what's,
11 like, what's -- what's going on as far as when you were
12 trying to -- what's it called? -- subpoena me or whatever
13 and I was in Florida. But -- just lost my train of thought.
14 Totally lost my train of thought.

15 Can you re --

16 Q. So -- so your -- you -- you didn't read the
17 complaint with a fine-tooth comb.

18 But you reviewed it at some point prior to going to the
19 law office and then while at the law office --

20 A. I just signed it.

21 Q. -- you just signed it because you assumed it would
22 be the same as what you reviewed?

23 A. Yes, sir. And Mr. White and I, we've had
24 conversations. So --

25 Q. And I don't want to know anything about -- about

1 those,, okay, and anything you guys have discussed.

2 A. Okay.

3 Q. I don't know if you retained him or not, but he
4 signed a law -- he filed a lawsuit on your behalf. So I
5 think there's an attorney/client privilege there.

6 Let me ask you -- so you -- you signed the verified
7 complaint.

8 When you -- you've testified that -- that you have
9 issues with the school board, at least four of the members,
10 you know, kind of engaging in what you believe is
11 unconstitutional or illegal activity on -- on lots of
12 fronts.

13 Is that a fair statement?

14 And I don't need to go through them. I -- it's
15 not just --

16 A. I -- I -- I don't have an issue with the -- the --
17 the people themselves. I have an issue with their actions
18 and their --

19 Q. What --

20 A. -- self-correct.

21 Q. Have you had any and I mean formal legal training,
22 law school or anything --

23 A. No, sir. I -- I have my doctorate in education, my
24 superintendency. My -- what -- what I do is I advocate for
25 special needs children. And so I've had some training from

1 rights law dealing with special ed. law, but I don't have
2 any formal degree. But, again, the constitution is pretty
3 clear.

4 Q. So what -- as I read the complaint, we can go
5 through it, the allegations are that the sale of the
6 property to the land trust is illegal and that's why you
7 felt you needed to file a lawsuit; is that correct?

8 A. Yes, sir. And I know -- I think there's, like, 130
9 or some things written here. Not all of them do. Again, I
10 was one of the plaintiffs. So I was told it's like whatever
11 applies to you. The things that did apply to me, I thought
12 that it applies to James Moore.

13 But I had a problem that -- again, I -- I got my
14 education about what was going on with the Southern Pines
15 Land Trust through attending all the school board meetings
16 and through listening to radio. But what -- I was at the
17 school board meetings. If you go back and listen, I was
18 talking about reading and, you know, critical race theory
19 and things like that more so and the COVID.

20 Q. Well --

21 A. But the bid -- I -- I don't understand why the
22 school board wouldn't put the 12 acres out for bid if that's
23 what the law said. It seems pretty simple. So --

24 Q. Do you -- have you legally researched the -- the
25 bid process and how it's initiated with somebody making a

1 bid and then it starts the -- the upset process?

2 A. No, sir, I did not do any -- I -- I research a lot
3 of things but that's why I rely on Mr. White's expertise.

4 Q. So when you say that you believe at least as to the
5 sale of the land trust that it's unconstitutional or
6 illegal, you're --

7 A. -- illegally.

8 Q. -- you're -- you're -- you're relying upon the --
9 the advice of counsel. You have not independently
10 researched whether the sale was, in fact, illegal.

11 A. I listened at school board meetings, I listen to
12 believe, and in my conversations with Mr. White. And so I
13 always check with counsel. Because sometimes people think
14 that something is breaking the law and it's not. And
15 sometimes I think it is. But if counsel is saying it is, I
16 have a lot of faith -- all my faith in Mr. White.

17 Q. But -- and I -- and I understand that.

18 But you -- you didn't independently research the
19 statutes and say --

20 A. Oh, no, sir.

21 Q. -- you know, I don't think that West Southern Pines
22 has any historical significance in the world or cultural
23 significance and, therefore, I think there must be a bid
24 process or -- or something like that?

25 A. Twenty-five acres do have significance. And I

1 think that falls underneath a different caveat of the law.
2 What I'm talking about is that twelve acres. And if they
3 would have put it to open bid, we wouldn't be here today,
4 sir.

5 Q. And so the -- you -- have you ever spoke with Ron
6 Jackson?

7 A. I don't believe so. I know a lot of people by face
8 and by first names, but I don't think I spoke with him.

9 Who -- who is Ron Jackson?

10 Q. Do you know if he was one of the bidders --

11 A. No, I don't know --

12 Q. -- that sent him a -- not really a bidder but he
13 sent a email to the school board suggesting a price he would
14 pay?

15 Have you ever seen that email?

16 A. No, sir.

17 Q. And do you know Fred Maser?

18 A. I don't believe I know him.

19 Q. And he would be the other person who expressed an
20 interest in -- in the -- the property.

21 Have you ever talked with him?

22 A. No, sir.

23 Q. And with respect to the other 12 acres, why do you
24 believe that that piece of property should be subject to
25 open bid but not the original 5 acres?

1 A. Because the 5 acres has historical significance and
2 the 12 acres don't. And I believe that that's what the
3 statute says with those 12 acres.

4 Q. Okay. What research did you do, Ms. Pratte, to
5 determine the historical use of the 12 acres?

6 A. I did no research. Again, I listened. I'm --
7 I'm -- I'm a -- I'm a good listener and the, I believe, the
8 school board even agreed with that.

9 Q. And then WEEB, is that the -- the AM station with
10 Mr. Zumwalt and Ms. Crugar and --

11 A. I listen to -- yes.

12 Q. And Mr. Hensley is on there?

13 And -- and that's the radio station that refers to
14 Libby Carter as the Pelosi of the Pines? I think I heard it
15 once.

16 A. Yes, I guess so. I -- I listen to it. But, again,
17 I -- you're asking me a -- a pretty simple question. I
18 think I've answered it. I have not done research on these
19 properties.

20 But I can tell you there -- there are many people, and
21 I know it's an ambiguous number, right? But there are many
22 people in the community that have been researching the other
23 land deals and -- especially the one at Aberdeen Elementary
24 School.

25 And so I've done extensive research. And even the one

1 at Montessori which I know you were the person selling, but
2 this one I didn't.

3 And, again, there's a lot of shady activity going on in
4 our school board. They're elected officials and they're
5 supposed to be transparent and there's a lack of
6 transparency.

7 I submitted public records requests for other land sale
8 issues and other issues. And if they're answered the
9 attorney -- I know with the one office there's like 3,000
10 missing pages. They were redacted. It's -- it -- it's very
11 difficult as a citizen to -- those -- those are my schools,
12 those are my children. It's my responsibility.

13 And so if something is not right we need to do
14 something about it. And if no one is going to stand up, I'm
15 going to stand by myself.

16 Q. You look -- one of the purposes of this lawsuit was
17 really to send a message to the school board that at least
18 in your opinion they're not going to engage in this
19 subterfuge and -- and lack of transparency.

20 Is that a fair statement?

21 A. No, no, that is an unfair statement. I feel like
22 today you're trying to send a message to me and to the rest
23 of the county how dare we stand up to the school board
24 legally. That's what I feel. What I did and --

25 Q. -- sue the school board on many occasions?

1 MR. WHITE: Your Honor, I'd object to that, that
2 Ms. Pratte --

3 MR. VAN CAMP: Your Honor, I -- I apologize. I'm
4 sorry. You may finish.

5 THE COURT: Objection sustained.
6 You may finish your answer.

7 THE WITNESS: Sorry.

8 THE COURT: No. That's okay. Finish your answer.

9 THE WITNESS: Thank you.

10 A. Basically, I was saying I feel like today is -- I'm
11 being retaliated against. And I feel like you're trying to
12 send a message to Moore County using the school's mouthpiece
13 of The Pilot to get people not to stand up to the school
14 board.

15 They are an elected body and we -- our only option
16 other than the ballot box is through the court system. And
17 so, no, I'm not trying to send a message. I'm trying to
18 hold somebody accountable for once. Our country is falling
19 apart. I can't do anything about our state, I can't do
20 anything about our country but I do something about our
21 county.

22 Q. So --

23 A. So -- sorry.

24 Q. Does -- does truth --

25 THE COURT: Wait just one minute.

1 We can take a moment.

2 It's okay.

3 A. I am sorry.

4 So I feel like today I'm not sending a message to
5 anybody. I want accountability. So today is about you
6 trying to intimidate me and I will continue to stand for
7 justice and truth.

8 Q. So does the truth matter to you?

9 A. The truth always matters and the truth comes out.

10 Q. Okay. Let's talk about that.

11 Paragraph 59 of your complaint that you signed and
12 verified accused me of committing a crime essentially,
13 me personally, Tom Van Camp, that I pressured bidders to
14 withdraw their bids.

15 Now -- now, how -- what makes you think that that is a
16 truthful statement that you swore to?

17 A. I swore -- I did not -- I did not swear to
18 anything. I went and I signed to be on the complaint and
19 the things that I knew about I believe were true.

20 One thing I realized about Moore County since I've been
21 here is people talk. And I've been to a lot of groups and I
22 cannot -- I've been to a lot of different meetings
23 standing on the gravity. People -- people talk about what's
24 going on. And it -- honestly, whenever you read about it in
25 the complaint, I thought that was common knowledge.

1 People have talked about you contacting a bidder. I
2 don't know where -- I mean, I -- I heard it. And so when I
3 read it, I thought that that was coming from James Moore. I
4 was signing for what I knew was true. So it's hearsay but
5 it was in the complaint.

6 So, I mean, I read the complaint that you had for the
7 school. And I know whenever someone submits a complaint,
8 that people do their due diligence. And, therefore, if
9 Mr. White put it in the complaint, I'm reading it, and since
10 I heard it, I'm like, oh, that's common knowledge. Again, I
11 didn't pen it. I never -- I never said that he pressured
12 anybody. But it seemed like it was common knowledge in the
13 county that you -- you made the contacts. I don't know.

14 Again, I -- I couldn't tell you who I heard it from,
15 but I'm a good listener even though I talk a lot.

16 Q. When you read that portion of the complaint
17 accusing me of pressuring bidders, did you ask anyone what
18 the factual basis of that portion of the complaint was?

19 A. No, sir. And, again, it's -- whenever -- I
20 didn't even -- I didn't even bat an eye in it because if you
21 think it's common knowledge -- look, I didn't even think
22 about it.

23 Q. It's common knowledge that I pressured --

24 A. No.

25 Q. -- Mr. Maser?

1 A. No, I'm not saying that. I'm saying that I
2 thought, as I'm reading it, since, you know, I heard it
3 before, I thought it was coming from James Moore.

4 Q. Okay.

5 A. So I -- I was signing for the things that whenever
6 I had a conversation with Mr. White, I was signing on to be
7 a plaintiff about the bidding issue but -- does that make
8 sense?

9 Like, in my -- my apologies that it says the word
10 pressure. That doesn't sound right and I did not pen it.
11 But I'm reading it and I'm looking about things that I knew
12 and that there wasn't any errors in it.

13 THE COURT: Say that again.

14 A. That there wasn't any errors in it that -- that I
15 could pick up. But I don't know -- I didn't know everything
16 because --

17 Q. Did you --

18 A. -- Mr. Moore was on it as well.

19 Q. Did you ask anybody if that came from Mr. Moore or
20 who that came from, the -- the allegations in paragraphs 59,
21 99, and 120 that refer to me personally?

22 A. I believe Mr. White and I had a conversation about
23 it.

24 Q. I don't want to know what that was.

25 A. Okay. So --

1 Q. But anyone else?

2 A. Again, I -- I heard it before. So I -- it
3 didn't -- it didn't jump out at me. I wasn't surprised. I
4 didn't think it was an issue because my issue was the school
5 failed to go to the bidding process. I have nothing against
6 the Southern Pines Land Trust. I have nothing against you.
7 It's -- it's the school board. And, again, I don't have
8 anything against the school board members. I have a problem
9 with their willful disregard for the law.

10 Q. Did you ever obtain any appraisal on the full 17
11 acres that was in excess of \$685,000?

12 A. No, sir.

13 Q. Do you know of anybody of these various groups you
14 referred to or Mr. White that ever obtained such an
15 appraisal?

16 A. No, sir.

17 Q. And the -- the bidding process, you're -- you're
18 aware of the fact that there is a statute that permits the
19 school board to sell this land to a nonprofit organization
20 under certain circumstances, correct?

21 A. Again, I'm not an attorney. I do not do research,
22 but my understanding was the 5 acres was okay but the 12
23 needed to go to open bid. Because in my mind it's like it
24 seems so simple that the school board would just do an open
25 bid. We wouldn't be here. Like, I -- I don't understand

1 why they dug their heels in.

2 So that sort of raises questions in my head, especially
3 with all of the other questions about the other land deals.
4 And some -- you know, it -- it doesn't sit well with me.
5 And so when you -- when you sue, you get discovery and so,
6 then, you can find truth.

7 And so, yeah, unfortunately, again, we're -- we're here
8 today because of -- I guess you're -- you're thinking that
9 it's against the Southern Pines Land Trust. But I feel like
10 everything I did was lawful. And I think more people would
11 do it to try to hold our elected officials accountable.

12 Q. You were aware when you filed the lawsuit that at
13 least from a voting perspective the three folks on the board
14 that you support: Mr. Hensley, Mr. Levy, and -- and --
15 Mr. Levy, rather, and Mr. Holmes, their opinions about not
16 selling the land to the trust did not carry today and the
17 vote was four to three to, in fact, sell all seventeen acres
18 to the trust?

19 A. Sir, I don't necessarily follow or support
20 individuals. I follow Jesus. And as long as I agree with
21 what they're doing, then, they'll get my vote when they run
22 again.

23 So it doesn't matter at the end of the day how people
24 are going to vote at the school board. If they're breaking
25 a law, they're breaking a law. I don't think there's

1 anyplace in law books that says if the elected officials,
2 the majority, says, yeah, let's break the law, then it's
3 okay. That's the problem with our country.

4 We are living in a lawless country and we need to rein
5 it in in Moore County. And I can help rein it in in our
6 public schools.

7 Q. Could have used you on January 6 a year ago to
8 prevent that lawless activity but --

9 THE COURT: Quiet, quiet.

10 A. Yeah, the political --

11 Q. So when you were signing the -- the complaint, the
12 verified complaint, did anyone explain to you that by
13 signing a verification to a complaint you are swearing a
14 oath of truth to what is contained in that complaint as
15 opposed to just signing it?

16 A. No, sir. But I know what I spoke -- well, you
17 don't want to hear -- I -- I -- I mean, I can't say what I
18 spoke to Mr. White about.

19 Q. I just want to make sure you understand that two
20 ways lawsuits get filed, a lawyer signs it and it's
21 unverified or the parties sign it and -- and verify that,
22 one, they've read it and that it's to the best of their
23 knowledge truthful.

24 And I'm wondering if anybody other than Mr. White
25 explained to you the importance of that verification.

1 A. No, sir, but I believe that the 130 -- what do --
2 what do they call it?

3 Q. Paragraphs or allegations?

4 A. -- the allegations which -- I'm not sure other than
5 the word pressured, I -- I believe -- I mean, is it -- is it
6 not true that you contacted those people?

7 Q. I contacted Mr. Maser and asked him that if he got
8 the property would he, because he wanted to make a
9 charitable donation, would he consider the trust and he said
10 he would. That was the extent of my conversation with
11 Mr. Maser.

12 A. Okay. And, I mean, and no one is going to know.
13 because it's just between you and -- you and the other party
14 but --

15 Q. You've not seen his affidavit that was filed in
16 this case?

17 A. No, sir. I've been in Florida with my son.

18 Q. Well, it was filed in November.

19 A. Okay. But as -- to answer your question so we
20 won't belabor this, no, I did not swear an oath. But, as
21 always, I -- I wrote my name and I -- I -- I do what's --
22 what's right and what I know to be true. And I think -- I
23 think -- and it -- it wasn't with this case but it's -- it's
24 what you believe.

25 Q. And what you believe comes from a -- a reasonable

1 inquiry into the facts would you agree?

2 A. Well, I mean, you -- you just said that you made
3 the call.

4 Q. Correct.

5 A. So that -- that was the truth. Now, I don't know
6 what was discussed in the call. And, again, it's not part
7 of my concern. My concern was the school board needed to
8 follow the statutes.

9 Q. And your belief --

10 A. So that was -- that was -- I'm sorry.

11 Q. Your belief that they didn't was from the lawyer?

12 A. Well, from mister -- Mr. White, but I also believed
13 the school lawyer even made a comment a couple of times
14 about the law.

15 Q. Did you -- so you have not seen Mr. Maser's
16 affidavit --

17 A. No, sir.

18 Q. -- where he swears before God that I never
19 pressured him or intended to pressure him or ask him to
20 withdraw a bid?

21 You've not -- that's not been provided to you?

22 A. It has not. And, again, I did not pen -- pen this
23 at all, as you know. And when I was reading this, like,
24 again, whenever I saw that, it did -- it -- it just went
25 right by because that was not my purpose.

1 My purpose was about the school board. And if
2 people -- if -- if it's out there in the community, again,
3 it's hearsay. But, apparently, you did make the call. But
4 I'm not saying that you pressured anyone. I apologize for
5 that. Because I would not have -- I -- I should not have
6 signed my name or I should have said, you know, that's
7 subjective. How -- how do you know that someone feels
8 pressured? So that should have been taken out and my
9 apologies.

10 Q. Do -- do you know if your attorney Mr. White made
11 any effort to contact Mr. Maser prior to filing the lawsuit
12 to determine the truth of paragraphs 54 -- 59, 99, and 120?

13 A. I don't have any knowledge of that but --

14 Q. Are you -- are you aware that Mr. White was
15 actually representing Mr. Maser in another legal matter at
16 the time that this lawsuit was filed --

17 A. No, sir.

18 Q. -- and could have picked up the phone and just
19 asked him?

20 A. No, sir, I did not know.

21 MR. VAN CAMP: That's all I have. Thank you.

22 And I thank you for appearing today without a
23 subpoena and I wish you and your son well.

24 THE WITNESS: Thank you, sir.

25 And, again, my apologies if that were pressured. I

1 would never mean to -- to do that to anybody.

2 MR. VAN CAMP: Understood.

3 THE WITNESS: Thank you.

4 THE COURT: Cross-examination, Mr. White.

5 MR. WHITE: Thank you, Your Honor. I think I'll
6 just be brief.

7 If I may just have one minute, Your Honor. I'm not
8 asking the court to take a recess. I just mean a pause for
9 a second before beginning cross-examination.

10 THE COURT: Take as much time as you need.

11 MR. WHITE: Thank you, Your Honor.

12 CROSS-EXAMINATION by Mr. White:

13 Q. Ms. Pratte, the -- before you have a document, I
14 think it's been marked as Exhibit 1 maybe, the -- a copy of
15 the complaint that we filed on November 8.

16 THE COURT REPORTER: Can you speak into the
17 microphone more, sir?

18 MR. WHITE: Yes. I -- I apologize.

19 Q. The -- Ms. Pratte, I believe you have a document in
20 front of you that's marked Exhibit 1. It's a copy of our
21 complaint that we filed there.

22 On the second to the last page you were asked some
23 questions about going to a law office to sign a page related
24 to the complaint.

25 And that second to last page, the verification there,

1 is that the document you recall signing?

2 A. Yes, sir. And, actually, it says, yes, which I
3 believe to be true.

4 Q. And if you recall -- or prior to signing this did
5 you discuss this document with me and the complaint, the
6 contents of the complaint?

7 A. Oh, yes.

8 MR. WHITE: Nothing further, Your Honor.

9 THE COURT: Redirect?

10 MR. VAN CAMP: Nothing, Your Honor.

11 EXAMINATION by The Court:

12 Q. Ms. Pratte, would you turn back to the verification
13 page?

14 A. This right -- right here?

15 Q. And you see the, in bold, in capital letters
16 verification?

17 A. Yes, sir.

18 Q. Would you read the paragraph under that?

19 A. It says, Being first duly --

20 Q. No, no.

21 What's the first words?

22 A. North Carolina, County of Moore, and then it has a
23 space for my name, Bethann Pratte.

24 Q. And would you state what it says with your --
25 respect to your name?

1 A. It says, Being duly -- duly sworn --

2 Q. First of all, it says, Bethann Pratte; does it not?

3 A. Bethann Pratte.

4 Q. That's what it says, correct?

5 Your name is there?

6 A. Yes, sir. Yeah.

7 Q. Do you know who wrote that in?

8 A. Me.

9 Q. All right. Go ahead.

10 A. -- being first duly sworn deposes and says that she
11 is the plaintiff in the foregoing action and she -- the
12 foregoing verified complaint and knows the contents thereof
13 and all that such allegations are based upon her own
14 knowledge except those allegations stated upon information
15 and belief which she believes to be true.

16 Q. And what's below that?

17 A. It is the date, 8th of November, and my signature.

18 Q. November the 8th, 2021?

19 A. Uh-huh.

20 Q. Yes?

21 A. Yes, sir.

22 Q. And is that, in fact, your signature?

23 A. Yes, sir.

24 Q. And what's below that?

25 A. It says, Sworn and subscribed before me.

1 Q. On what date?

2 A. November the 8th, 20 -- I think that's 21.

3 Q. And there appears to be a signature of a notary
4 public?

5 A. Yeah. I'm guessing that was the lady at the
6 office. But, again, I mean, I was not, like, sworn in or
7 anything that -- but with a complaint when you're doing
8 it -- I'll just stop. I did -- everything in here I believe
9 to be true, but I was not sworn in. I was signing.

10 Q. Do you see a box next to the purported name of a
11 notary public?

12 It was printed.

13 A. (Indicating.)

14 Q. Yes, ma'am.

15 A. This one here?

16 Q. Would you read that into the record?

17 A. Jessica R. Valiani, I don't know, V-A-L-I-A-N-I,
18 Notary Public, North Carolina, Hoke County.

19 Q. Is it your testimony that you did not swear to the
20 complaint before the notary?

21 A. Well, I -- I'm not sure what that would look like.

22 Q. Did she administer any oath to you?

23 A. An oath?

24 Q. She says --

25 A. Like -- like today?

1 Q. Similar to that, yes.

2 A. I -- I was with my son. I was in and out. I gave
3 her my driver's license. I -- I can't -- I mean, like, she
4 definitely did not -- my hand on a bible because I would
5 have remembered that.

6 Q. But you --

7 A. I just can't say for sure. So I don't want to
8 misspeak because obviously I -- I haven't done --

9 Q. But you did see on the verification page that the
10 notary represents that you swore to and subscribed to this
11 complaint before her?

12 A. Correct.

13 Q. All right. So I understand this --

14 A. I was just running -- I went -- went into the
15 office, I signed, I gave her my driver's license.

16 Q. You've indicated you can describe where that office
17 was?

18 A. I think so.

19 Q. Okay.

20 A. It's in Southern Pines. I mean, even though I've
21 been here since 2018, I went to the Trinidad Clinic and I
22 was in Florida, I was in New York. He had surgery. So I
23 haven't really -- I've been here, but I haven't been here.

24 Q. Well, pick a landmark in Southern Pines and --

25 A. Betsy's Crepes.

1 Do you know where Betsy's is?

2 Q. All right. Yes, ma'am.

3 A. Okay. So you cross the railroad tracks. If I'm
4 going like -- as I get off -- is it Lime that runs there and
5 you get off -- then you turn to the left and Betsy's is on
6 your right. If I cross over the railroad tracks, it's like
7 in the upper left-hand side there of Southern Pines.

8 Q. On a side street?

9 A. On -- on a side street, yes.

10 I go to a bible study on New Hampshire Ave. and there's
11 a chapel. I think that's -- is that -- I think it's a
12 street over from the chapel, but I don't want to swear to it
13 because I don't know.

14 Q. That's all right.

15 THE COURT: All right. Does either side have any
16 questions based upon the court's questions, Mr. Van Camp?

17 MR. VAN CAMP: Was the law office the Law Office of
18 Clark Campbell?

19 Does that ring a bell?

20 THE WITNESS: If you knew my driving, I was just
21 glad to get there and I was -- I'm -- I'm sorry, I don't
22 know.

23 MR. VAN CAMP: That's all I have, Your Honor.
24 Thank you.

25 THE COURT: Mr. White?

1 MR. WHITE: No, Your Honor.

2 THE COURT: Thank you, Ms. Pratte, for being here
3 today. I understand that you were in Florida last week and
4 unavailable to testify and the court thanks you for coming
5 in today.

6 THE WITNESS: Thank you.

7 THE COURT: You may step down.

8 All right. Any objection to Ms. Pratte going about
9 her business?

10 MR. VAN CAMP: No, Your Honor.

11 MR. WHITE: No, Your Honor.

12 THE COURT: Ms. Pratte, you're free to go about
13 your business if you so choose or you can remain if you so
14 choose.

15 Next witness.

16 MR. VAN CAMP: That's -- those are the witnesses,
17 Your Honor.

18 THE COURT: All right. Any evidence, Mr. White?

19 MR. WHITE: No, Your Honor.

20 Well, the only thing I'd offer, Your Honor, is I --
21 I just have two exhibits that I wanted to introduce. There
22 were some exhibits introduced in -- in our response. As I
23 was glancing through, reviewing some of the filings of
24 Mr. Van Camp an exhibit that he attached noticed that he
25 attached some correspondence however left off some of the

1 enclosures which I do think are important.

2 So I -- if I may approach, Your Honor?

3 THE COURT: Would you identify them please for the
4 record?

5 MR. WHITE: Yes, Your Honor.

6 Plaintiff's Exhibit -- Exhibits Number 5 and 6. I
7 believe 1 through 4 were submitted as part of our response.
8 But this -- there's a correspondence where -- and it seemed
9 to become an issue on Thursday wherein there was a
10 discussion about what the trust's intentions with the land
11 would be after it was acquired. Mr. Van Camp represented to
12 the court that he had counseled them with what it could and
13 could not do.

14 THE COURT: Let the record reflect that Plaintiffs'
15 Exhibit 5 appears to be a copy of a newspaper article from
16 The Pilot authored by Laura Douglass which is captioned Land
17 Trust Seeks Town Support.

18 And Plaintiff's Exhibit Number 6 is reflected to be
19 July 26, 2021, Town Council Closed Session, Town of Southern
20 Pines, North Carolina, Minutes and General Account.

21 All right. Yes, sir?

22 MR. WHITE: And, Your Honor, I pull up the -- the
23 document, of course, included a specific filing Mr. Van Camp
24 corresponded with.

25 So Exhibit 3 of Mr. Van Camp's motion sanctions,

1 motion to strike and motion to retain jurisdiction, I
2 believe this was filed on December 13 references a letter.

3 As you -- as you heard on Thursday there were
4 correspondences exchanged with the board of education by
5 Mr. Van Camp and myself. This is a correspondence, Exhibit
6 3, is one from myself; however, the enclosures did not make
7 it in. This is an enclosure.

8 Exhibit 6 was an enclosure to that correspondence.

9 Exhibit 5 was one of The Pilot articles that's
10 referenced in -- in support of -- of some of the statements
11 made in that correspondence that Mr. Van Camp later -- he
12 was discussing on Thursday. He had responded and said that
13 we were incorrect about what the trust intentions were. But
14 I just thought that for the sake of completeness these may
15 be important as -- as -- as an issue about what the trust
16 intentions would be but --

17 THE COURT: Without objection, received.

18 MR. WHITE: -- to offer in evidence, Your Honor.
19 Just ask to be heard briefly --

20 THE COURT: All right.

21 MR. WHITE: -- to close this matter.

22 THE COURT: Mr. Van Camp, I'll hear from you.

23 MR. VAN CAMP: Your Honor, I think -- I don't know
24 how thick that file is --

25 THE COURT: Well, I'm going to tell you how thick

1 it is for the record. I asked the clerk in my office to
2 bring up the ruler.

3 Let the record reflect that the clerk has brought
4 up the court file in this case. Appears to be five inches
5 thick of documents -- with documents.

6 MR. VAN CAMP: I don't know if that includes
7 today's submissions or not.

8 THE COURT: Does it, Madam Clerk?

9 THE CLERK: Yes, Your Honor.

10 THE COURT: It does.

11 MR. VAN CAMP: At the request of the court we did
12 serve on counsel and file today three affidavits regarding
13 the attorney fees and costs associated with, and paralegal
14 fees, with defending this action and also a supplemental
15 brief in addition to our first brief, legal brief, which
16 addresses one of the issues the court had or questions about
17 what sanctions are available to the court. And I think
18 that's pretty clearly outlined.

19 And the law basically says that any sanction that
20 the court feels is "appropriate" is not limited to rule --
21 it's not limited to Rule 37. It's any sanction that the
22 court believes is appropriate based on the court's inherent
23 power and authority to maintain a professional courtroom
24 and -- and to make sure that the lawyers and parties are
25 complying with the rules that govern our profession: The

1 Rules of Civil Procedure, the Rules of Professional Conduct,
2 the Rules of General Practice, et cetera.

3 THE COURT: What do they require?

4 MR. VAN CAMP: Well, Rule 11 requires that you read
5 a verified complaint and --

6 THE COURT: It states that specifically in the
7 rule?

8 MR. VAN CAMP: I believe it does. It says that you
9 have read it, you're -- you're -- Mr. Moore said he didn't
10 read it, he took it home after he signed it -- and that you
11 are verifying to the truth of it. And you don't get out by
12 saying upon information and belief. Because it says after
13 the -- the oath says, but you believe it to be true.

14 And nobody has testified here as to a -- any
15 information upon which one could believe that those
16 allegations we referenced in 59, 99, and 120 were, in fact,
17 true. I think the closest they came, and everybody says,
18 that I had a call with Frank Maser, you know, and -- but
19 let's just magically pretend that it must have been some
20 nefarious call. Let's not call Frank Maser, as Mr. White's
21 attorney, and say, Hey, Frank, which I did right after I
22 read the complaint, you know, where did this come from?

23 He says, I have no idea. I haven't talked to
24 Mr. White and I don't know where that came from. It's not
25 accurate.

1 I said, Would you mind signing an affidavit, and he
2 did. Apparently that affidavit is -- has not been provided
3 to the parties.

4 It is incredible to me that the -- the cavalier
5 attitude of people coming into court like this is someplace
6 like -- like a rally where you can just say whatever you
7 want to say because you kind of sort of believe it. The
8 truth doesn't matter, a verification doesn't matter, the
9 Rules of Civil Procedure don't matter.

10 You can kind of try and -- to get a temporary
11 restraining order the eve of the -- of the -- of the school
12 board meeting to, once again, you know, impede the school
13 board from doing what they're supposed to be doing which is
14 voting whatever that vote is.

15 THE COURT: Who promulgates the Rules of Civil
16 Procedure for North Carolina?

17 MR. VAN CAMP: I believe the legislature.

18 THE COURT: North Carolina General Assembly?

19 MR. VAN CAMP: Yeah, I believe so.

20 THE COURT: You have stated in some of your
21 comments that Mr. White represents Mr. Maser --

22 MR. VAN CAMP: That's correct.

23 THE COURT: -- in another unrelated case.

24 MR. VAN CAMP: Yes.

25 THE COURT: How do you know that?

1 MR. VAN CAMP: The -- attached to the -- to our
2 motion is a docket. In fact, he was supposed to be on here
3 prior to today and he was supposed to be arguing a motion
4 with that Mary Craven, Your Honor. One of the plaintiffs in
5 that case is -- is Frank Maser.

6 I spoke with Frank. And I can tell you as an
7 officer of the court he said, I -- he said to me, I think
8 that guy Mr. White's my lawyer. And -- and -- and it's --
9 it's attached to -- the calendar is attached with Landon
10 White's name associated with Mr. Maser's company.

11 THE COURT: Well, that motion was calendared last
12 Thursday for hearing in case number 21 CVS 843 which is
13 captioned Maser Capital Management LLC, et al., vs. Moore
14 County, Moore County Board of Commissioners.

15 Is that the case you're making reference to?

16 MR. VAN CAMP: I believe so, yes, sir.

17 THE COURT: And it indicates that Mr. White, the
18 same Mr. White in this case, represents the plaintiffs.

19 MR. VAN CAMP: That's -- he can speak to it if
20 that's inaccurate, but I believe that's true and according
21 to Mase -- Mr. Maser that's true.

22 And, of course, on November 12, four days after
23 filing the complaint, I sent -- sent Mr. White a letter
24 saying -- requesting that he had the decency to amend his
25 complaint to at least remove that false allegation about me

1 personally, we can argue about the rest of it later.

2 Not only -- and I -- and I waited to file a
3 response so he had plenty of time to amend his complaint as
4 a matter of right. He didn't -- not only did he not amend
5 his complaint, he didn't call me, he didn't explain what the
6 mix-up was, and apparently didn't even share my letter with
7 his clients, maybe ask them, Hey, where did we come up with
8 this information? The radio station? I don't know, you
9 know.

10 So I take -- I've been doing this a long time. I
11 take it very seriously. I take what we do here very
12 seriously. I don't care about politics. I'm not a
13 republican. I'm not a democrat. I've been unaffiliated my
14 whole life. I look at a issue and I -- and it saddens me to
15 watch, because I don't know what Ms. Pratte's position is on
16 some of these issues or whether it's valid and I don't
17 whether the other peoples are.

18 What disturbs me is the way they treat each other
19 in a -- in a -- in a public setting where children and
20 adults are watching as people call each other names, you
21 know, Pelosi of the Pines if you think that Libby Carter is
22 liberal or whatever the names are going back the other way.

23 If everybody would sit down in a room and talk
24 about these kind of things, these frivolous lawsuits
25 wouldn't be filed. Everybody could work together to try and

1 find a common ground but it's impossible.

2 So the trust, Your Honor, is a victim, just a
3 victim, having spent \$40,000, a victim of a war between a
4 faction of this county and the school board and the
5 majority -- the four majority. Teach him a lesson, file a
6 lawsuit. Didn't include the trust. But the only thing that
7 would have happened if that lawsuit prevailed or if
8 Mr. White had gotten his TRO would be the trust would have
9 lost a historic piece of property; that if somebody, anybody
10 in this room would take the time to read the history of West
11 Southern Pines that was -- it's amazing.

12 And -- and I'll be frank, and I'm embarrassed to
13 say it, I didn't really study it until -- until this case
14 came along as far as them being one of the first
15 incorporated black communities in the entire eastern
16 seaboard and then having it taken away and the restrictions
17 on some of the -- of the things and the way that that
18 community rallied together to raise \$6,000 to throw to the
19 Julius Rosenwald School and to sit -- sit there and file a
20 complaint saying what you do in West Southern Pines is not
21 historically significant, it's not culturally significant.
22 But if you walk into the ice cream shop on the other side of
23 US 1 you're in a historical building --

24 THE COURT: How do you know that?

25 MR. VAN CAMP: -- getting your ice cream.

1 Because the entire downtown Southern Pines is a
2 historical designated area and all that material is in
3 Fenton Wilkinson's affidavit submitted with the court.

4 THE COURT: How else do you know that?

5 MR. VAN CAMP: I -- I haven't had ice cream in
6 awhile. So --

7 THE COURT: Well, no. You -- you -- you said in
8 some of these documents that an entity of the United States
9 government has declared --

10 MR. VAN CAMP: Yes.

11 THE COURT: -- that portion of Southern Pines that
12 you make reference to as a historic district.

13 Is that accurate?

14 MR. VAN CAMP: That's correct. That's that
15 thick -- all -- every piece of -- every building, whether
16 it's someone that lived there and whether they were
17 significant or not. And that's kind of what got my eye on
18 the merits of -- of this case.

19 Because you really -- for the plaintiffs to prevail
20 and say a nonprofit can't purchase this, you basically have
21 to come to the conclusion without apparently any research
22 according to the witnesses whether it's true or not as to
23 what went on historically. It talks about historical,
24 cultural, architectural, or -- or natural beauty.

25 If -- if anybody had done the research to figure

1 out that the New York Times did an article on the Blanchie
2 Carter Park for its natural and -- and historic benefits
3 with children planting plants and -- and learning how to
4 cultivate and all that, there's a whole lot to what goes on
5 over there that -- that -- that unfortunately a lot of
6 people don't know about. And for the trust to basically
7 have to step in when really the Moore County Board of
8 Education took the position this is a proper thing to do.

9 But if -- if Miss -- Mr. Moore and Ms. Pratte win
10 the lawsuit, then, you know, we'll just go out to bid even
11 though the school board is absolutely on the record, that
12 affidavit of John Birath filed in this case, that he
13 contacted both bidders, alleged bidders, one of them, and
14 asked them, Would you bid and they both --

15 THE COURT: What are their names?

16 MR. VAN CAMP: That's Ron Jackson and Frank Maser.
17 And they both after a while, after not responding to
18 Mr. Birath, and that's in his affidavit, said we're not
19 interested in those 12 acres.

20 And, frankly, Your Honor, I think that I got
21 involved in this, as I said earlier, because one of the
22 board members, Mr. Hensley, was testifying or talking at
23 a -- at a -- at a board meeting -- no, a planning board
24 meeting about what I was selling property my family owns
25 for. And I come to find out that I'm a lot more wealthy

1 than I ever thought I could be because I'm selling land, not
2 trying to sell land but actually have sold land for a
3 million dollars an acre.

4 And so that's where the truth comes in. I sat
5 there in amazement listening to this man basically make up
6 sales. And I wrote him a letter along with the rest of the
7 school board saying, I don't want to get in the middle of
8 what you think's right or wrong but tell the truth about it.
9 And then the thing just kind of snowballed from there.

10 So -- and no one can produce a -- a appraisal that
11 tells us that -- what the trust paid is anything other than
12 fair market value.

13 THE COURT: And I found the exhibit that you
14 submitted and filed this date which states -- I believe it's
15 a letter authored by you -- I have attached -- "I have
16 attached as Tab 1 information regarding the Town of Southern
17 Pines Historic District as record -- recognized by the
18 United States Department of the Interior."

19 MR. VAN CAMP: Correct.

20 THE COURT: That's -- that's the basis of your
21 contention that Southern Pines is a historic district as
22 recognized by the United States of America?

23 MR. VAN CAMP: That's correct.

24 THE COURT: Go ahead.

25 MR. VAN CAMP: And that's the -- not West Southern

1 Pines.

2 THE COURT: I understand.

3 MR. VAN CAMP: So my -- my -- my position was, you
4 know -- and if you walk through that town based on what is
5 deemed historic and what is -- and -- and I researched
6 history and it just said what happened in the past.

7 So I started thinking, so what happened in the past
8 so historically insignificant, culturally insignificant
9 means whatever happened in West Southern Pines historically
10 in the past has no cultural significance, has no historical
11 significance.

12 I find that shocking that -- that -- that that
13 would be an allegation for the sole purpose of doing the
14 bidding for three minorities -- minority -- not minorities
15 in race or gender but minorities on the board who didn't
16 carry the day with attempting to persuade a fourth member to
17 vote for them lost the vote. And this -- this lawsuit was
18 nothing more than what -- than a way to supplant a valid and
19 lawful vote by the board of education.

20 And I don't know if Ms. Pratte knows but -- and
21 this court knows, I have been on the other side of what I
22 believe is improper conduct on the -- the board of
23 education. I don't discriminate based on who's -- what
24 party you are, what you believe in. If I think there's
25 something unlawful --

1 THE COURT: Are you making reference to a case with
2 which this court is somewhat familiar with, although this
3 court was not the trial counsel or the trial judge, when a
4 Pinecrest High School school resource officer was indicted
5 for having sexual relations with a Pinecrest High School
6 student?

7 MR. VAN CAMP: That's one of the -- one of the
8 several times I think I've butted heads with Mr. Ramee
9 and -- and -- and the school board. My family's also been
10 on the other side of it, like, making terrible donations to
11 benefit schools and things.

12 So I don't -- I don't take this lightly. And --
13 and, you know, the other side seems to think that this is
14 personal to me. It is. I make no mistake about it.

15 You -- with what I've done to -- to help these
16 folks and other things, I'm not perfect. I don't always
17 make the right choices. But I'll be darned if someone is
18 going to lie about me, file it, and I don't even get, I
19 mean, a phone call from opposing counsel saying, I don't
20 know where that came from, I apologize, I'm going to amend
21 my complaint, let's just move on with the case.

22 It's like it doesn't matter. It's throw it out
23 there, throw dirt on it; or as somebody said, throw a spear
24 or whatever close enough like this phone call and we can all
25 guess what Mr. Van Camp said to Mr. Maser.

1 The -- the -- the -- the rule requires, Your Honor,
2 that you engage in a reasonable inquiry, factual inquiry.
3 And the evidence is uncontroverted. There was no inquiry.
4 This was a smear campaign against the school board, myself,
5 and the trust in an effort to accomplish something that
6 these folks couldn't accomplish with votes at the school
7 board. And what they should have done is just said, okay,
8 I'm in the minority vote. I voted. We had three. There
9 were four. We lose. Move on.

10 This -- this -- this idea that you're going to
11 manufacture an illegal sale when you think that someone is
12 going to bid more money and then lo and behold they say bid,
13 start the bidding, you guys, one of you two, Mr. Maser,
14 Mr. Jackson, start the bidding.

15 And I will say for the record Mr. Maser was not
16 part of this thing we're talking about. I don't know about
17 Mr. Jackson. But he was interested in -- in buying it for a
18 charitable donation to -- to get a deduction, and that's
19 where he and I had our conversation.

20 If somebody picked up the phone and called me,
21 since I guess everybody's talking about that phone call, I
22 would have been happy to tell them, or if somebody called
23 Mr. Maser. You don't just -- and I -- Ms. Pratte said,
24 you -- you just file a lawsuit and then you do discovery to
25 find out the truth. Well, you have to have some factual

1 basis, truthful basis to start the lawsuit to begin with.

2 THE COURT: And your contention is in these
3 documents here, in these files that are five inches thick,
4 that there's evidence to suggest that neither Mr. Maser nor
5 Mr. Jackson ever bid on this property?

6 MR. VAN CAMP: Ever. Mr. Birath's affidavit speaks
7 directly to it. It was filed before we -- the case was
8 dismissed. He outlines the copies of his emails about where
9 they didn't get answered, they didn't get answered. There
10 is a actual email from Mr. Jackson saying, I'm not
11 interested, have a nice day, drain the swamp. I mean,
12 that's -- it's in the -- it's in the record. I'll be happy
13 to -- to -- to -- you know, at the court's request, but it
14 is in Mr. Birath's affidavit.

15 So as far as the sanctions, Your Honor, you can
16 censor Mr. White. You can suspend him from practicing in
17 Moore County for a year under these -- these laws. You can
18 obviously award sanctions based on attorney's fees and
19 costs.

20 There is actually a quote from -- from our supreme
21 court quoting a federal procedure committee that says that
22 the only thing limiting a trial judge other than manifest
23 abuse of discretion is his imagination in awarding
24 sanctions.

25 As I said earlier, I don't make a habit of this. I

1 think I've done it twice in my career. Generally speaking,
2 lawyers talk and work things out. This has been a rewarding
3 experience representing these good people.

4 By the way, Mr. Vincent Gordon is not here today
5 because he's a member of the Sandhills Community College
6 Board of Directors and he's at a board meeting. I wanted to
7 let you know that.

8 So, Your Honor, there's an awful lot to read, a lot
9 to absorb. I trust that the court will come to a reasoned
10 decision on what to do about this. I hope it's a
11 significant meaningful sanction so that we're all not back
12 here on another case in the -- in the near future with the
13 same type of issues.

14 THE COURT: And, as I understand from reading your
15 brief, your contention is that if the court from the
16 evidence presented should find a violation, that the court
17 is mandated by the rules enacted by the North Carolina
18 General Assembly shall impose --

19 MR. VAN CAMP: That's correct.

20 THE COURT: -- sanctions?

21 MR. VAN CAMP: And, then, when it comes to the
22 sanction you impose, you have wide discretion and --

23 THE COURT: That's where discretion comes in.

24 MR. VAN CAMP: Yes. And it will -- will not be
25 disturbed absent a complete lack of reason on your part,

1 which having been in front of you for 30-plus years I -- I
2 don't deem that would be an issue whatever -- whatever the
3 court chooses to do.

4 THE COURT: You have suggested both Thursday and
5 today in your argument to the court that this complaint,
6 which is an exhibit, is frivolous.

7 MR. VAN CAMP: That's correct.

8 THE COURT: What is the basis of that allegation?

9 MR. VAN CAMP: And, more importantly, it was filed
10 for a improper purpose which is Rule 11 in that it was filed
11 to delay the sale not to think that anyone would ever win.
12 It was filed to scare one of the four majority members into
13 changing sides like it had happened in the past on this very
14 issue.

15 THE COURT: What evidence is there to support that
16 contention?

17 MR. VAN CAMP: The evidence is that if you -- if
18 you look at our brief in opposition to their motion for
19 preliminary injunction, it outlines the merits of the case
20 or lack thereof and goes through the -- the statute which
21 specifically addresses when a sale is permitted to a -- a
22 nonprofit.

23 And -- and then there are 11 affidavits filed by
24 various members of the community of West Southern Pines that
25 address the cultural and historical significance of that

1 area as well as the affidavit of Ann Peterson with exhibits
2 which goes through all of the -- the issues regarding the
3 scenic and natural importance which is also a criteria.
4 We -- we have followed to the T the -- the deed restriction
5 part of this.

6 So there is no evidence that there's been any
7 violation of the law. What this is is a global campaign to
8 discredit those four because there's some people that think
9 that everything they do is unconstitutional and -- and
10 illegal and whatnot. And we get caught up in it.

11 So I think the -- the brief in opposition to the
12 motion for preliminary injunction outlines the merits. As
13 far as -- I think there's a difference, Your Honor, between
14 frivolous and improper purpose as well. If there was an
15 improper purpose, just one, in connection with filing this
16 lawsuit those sanctions under Rule 11 are permissible.

17 And I think there's ample evidence that this
18 lawsuit -- I mean, just Ms. Pratte's testimony was really
19 more global about the school board and she wasn't really
20 much interested in this sale. She didn't research the
21 legality, illegality, just wanted it to go out for open bid.
22 Apparently wasn't aware that the bidders said they were not
23 interested in bidding and did that in writing. Hasn't read
24 the affidavits of Mr. Birath or the 11 affidavits that --
25 that we've submitted or -- or the affidavit of Mr. Maser.

1 This was just an attempt to -- before the closing
2 there was one more vote that had to take place. And that
3 vote was to approve the deed restrictions. And the lawsuit
4 was an effort to scare the board into not voting or changing
5 their mind on a contract by -- by the guise of saying, Well,
6 we don't agree to the deed restrictions.

7 As a result the school board attorney was very
8 concerned. And there are so many deed restrictions in this
9 deed that it's also part of the materials that Your Honor
10 has about what the land trust can and can't do with this
11 property. It's basically unmarketable unless you want to
12 have a museum. I mean -- and -- and we were okay with that,
13 because that's what we want to do is make it a cultural
14 center and -- and they're working on grants and all that.
15 So --

16 THE COURT: Why do you say the property is
17 unmarketable?

18 MR. VAN CAMP: Because of the deed restrictions
19 you couldn't develop it and it's not even zoned. The
20 testimony of Mr. Moore that you could do this and that with
21 it, he -- he didn't look at the Southern Pines zoning
22 regulations. You -- you can't put a -- a retail store
23 there. You can't put -- like if -- if -- I put in the deed
24 restriction no -- no -- no, like, chains, no McDonalds,
25 no -- nothing that would make the trust money.

1 THE COURT: Which deed are you talking about?

2 MR. VAN CAMP: It's -- it's attached to the deed
3 that sold the property to the -- the trust from the school
4 board. So they agreed -- they have a -- an offer to
5 purchase contract that we negotiated that says if we try to
6 flip the property we have to give all the money back to
7 the -- the school board. I mean, it has lots of -- of --
8 of -- of provisions in it that you wouldn't normally sign,
9 but it's very restrictive in what the -- what the trust can
10 do with it.

11 The trust voted in -- in four to three to sell the
12 entire tract to the trust once there were no bidders, once
13 they heard that there were going to be no bidders. And so
14 when they sold -- they signed the contract there was a
15 caveat that said -- part of the statute says -- it's in the
16 brief -- says you got to have a preservation agreement in
17 the deed.

18 So we worked, I don't know, two-and-a-half, three
19 pages of restrictions that -- it's attached to the deed.
20 That had not been agreed upon or voted on by the school
21 board when they filed their lawsuit. And the effort was to
22 scare people into thinking, whoa, you know, we better not do
23 this. Fortunately four of them finally had enough, four of
24 the board members, said this is the right thing to do, it's
25 fair market value, it's the highest appraised value, and

1 we're going to go ahead and vote the deed restrictions.

2 And so, then, once that occurred -- the other piece
3 of this was Southern Pines was contributing for the Blanchie
4 Carter Park piece which is -- we lease to them as a public
5 park.

6 So all of this kind of had to come together. And I
7 can tell you every time we turned around there was something
8 being filed or something happening to -- to just, you know,
9 dishearten this community and -- and these folks that were
10 trying to get this to happen.

11 So -- and I will say this, there's a lot in -- in
12 the brief in opposition to the motion for preliminary
13 injunction that talks about the merits.

14 I think Your Honor has kind of heard evidence about
15 the two plaintiffs and their really lack of understanding of
16 this whole process, their lack of knowledge of what they
17 signed, their lack of investigation into what they signed
18 which is a requirement when you verify a complaint which I
19 think goes to an improper purpose. It clearly goes to the
20 factual insufficiency piece. And you can have one or the
21 other to issue Rule 11 sanctions.

22 And none of what I'm talking about relates to
23 the -- the attempt to get a TRO and the rules that were
24 violated there that I think are set forth in the brief as
25 well.

1 THE COURT: And the deed that you've been making
2 reference to is the latest deed from the school board to the
3 trust?

4 MR. VAN CAMP: Yes. It's the only true deed.

5 THE COURT: And those restrictions?

6 MR. VAN CAMP: Yes.

7 THE COURT: You have contended that paragraphs 59,
8 99, and 120 of the complaint are false.

9 MR. VAN CAMP: That's correct.

10 THE COURT: Are there other paragraphs in the
11 complaint that you contend are false?

12 MR. VAN CAMP: None that I can -- I mean, yes,
13 obviously we contend that they're false, but none that are
14 so easily proven false that would merit this type of -- of
15 hearing, in my opinion. I think the -- I think the bigger
16 issue is the -- the improper purpose piece to this and why
17 this lawsuit was filed in the first place and I --

18 THE COURT: I'm going to task you with sending the
19 court an email, and of course copy Mr. White, as to other
20 paragraphs in this complaint which you on behalf of your
21 client contend are false.

22 MR. VAN CAMP: Absolutely, Your Honor.

23 I did an answer. So that probably won't be hard to
24 go back and do all these.

25 THE COURT: And the trust is asking this court to

1 sanction Mr. White for his conduct with respect to
2 attempting to obtain a temporary restraining order on
3 November the 8th, was it, of 2021?

4 MR. VAN CAMP: That's correct, that's correct.

5 THE COURT: And what is it you say Mr. White did
6 improperly in violation of the rules promulgated by the
7 North Carolina General Assembly?

8 MR. VAN CAMP: Violated Rule 65 in that his motion
9 for temporary restraining order did -- did not include nor
10 did anything he -- he provided to this court include a
11 written certification by counsel of record of -- of
12 compliance with Rule 65 as to, one, attempts to notify prior
13 counsel -- opposing counsel or a reason why counsel should
14 not be notified.

15 And Your Honor asked Mr. White during the hearing,
16 Do you think you've complied with that rule? And his
17 response was, yes, because my proposed order says that
18 you're going to make that finding. And the rule doesn't say
19 if the court orders it, it's all -- it's all okay. What the
20 rule says is that the attorney has to certify those -- those
21 issues.

22 More importantly, and I -- I don't think Mr. White
23 has refuted this. He represented to the court that he
24 had -- he had served Mr. Ramee with a copy of the complaint
25 and a notice of his desire to get a temporary restraining

1 order.

2 THE COURT: And who is that?

3 MR. VAN CAMP: Mr. Ramee is the attorney for the
4 Moore County Board of Education known to all. What in
5 actuality happened -- and so what he said to Your Honor was
6 misleading at best was, basically, as he was standing up to
7 argue ex parte to Your Honor having filed the -- the matter
8 four hours ago -- so easily could have served and given
9 Mr. Ramee time to come down here -- he pushes send, I guess
10 on his phone or computer, and sends Mr. Ramee a -- a notice
11 of here's the verified complaint and here is -- and -- and
12 I'm -- I'm going to see if -- if I could find a judge that
13 will hear me, as he's standing up looking right at you he's
14 wondering if he can find a judge.

15 So Mr. Ramee gets on and goes, I don't know what's
16 going on, sends me the email and the verified complaint,
17 says -- so I called up to Ms. Ritter or someone in your
18 office and said, If he's there trying to get a TRO we want
19 to be heard. That message got to you in the middle of a
20 hearing.

21 Mr. White protested that I don't have the right
22 to -- to be here, I'll be here and the trust will be a party
23 in due time but not -- not today, which I also think is --
24 that whole TRO attempt was -- it was for an improper
25 purpose.

1 So -- and then Mr. White represented to this
2 court -- you know, I -- the Rules of Professional Conduct,
3 and we cited Rule 3.3(b), it says, As a very special rule
4 when you're -- when you're a lawyer and you're going to get
5 up in front of a judge ex parte with no opposition and you
6 get to say whatever you want and no one gets to say you're
7 wrong, you have absolute ethical obligation not only to
8 provide facts that are helpful to you but any facts known
9 that are adverse to you so that the court can have a fair
10 and complete understanding of what the dispute is about
11 since one of the parties didn't get invited purposefully to
12 come.

13 And so when Mr. White stands up and says that the
14 trust is going to do all these things with the property
15 based on an article from The Pilot, and that was in July of
16 2021, and doesn't tell the court, oh, but I did get a letter
17 from Mr. Van Camp just a month ago saying they're not doing
18 any of those things.

19 So he's trying to persuade you that if you don't
20 grant his TRO all these terrible things are going to happen.
21 The sales are going to go through and -- and all these
22 things that -- that were no longer on the table that the
23 trust was thinking about doing he knew based on my letter
24 they weren't doing. And he had a duty and an obligation to
25 express, in effect, the facts supporting our side because he

1 chose -- he chose to go ex parte.

2 Had he chosen to sue the trust, which, again, is, I
3 think, another violation, I think he purposely didn't sue
4 the trust so that I wouldn't be here knowing that the trust
5 had the most skin in the game with respect to this sale.

6 And that's why we filed a motion to expedite our
7 motion to intervene, because I was concerned, as referenced
8 in the brief we submitted today, that Mr. White would come
9 back to Your Honor or to another judge and try and get an --
10 a TRO with notice to Mr. Ramee and me have to sit in the
11 back and just twiddle my thumbs hoping that my client who's
12 a party to this contract would be able to -- to -- to
13 actually fulfill its contractual obligations and buy the
14 property for fair market value.

15 So a lot went on. And it's -- it's all in the --
16 in the paperwork with supporting affidavits and exhibits. I
17 have never had a conversation with Mr. White about why or --
18 you know -- it's -- I've never had a conversation with him
19 at all other than when we come to court.

20 And I don't need an apology or a sorry I got that
21 allegation wrong, because I think it was purposeful. I
22 mean, I think the -- the complaint didn't get amended when
23 he had an opportunity to amend it.

24 When I wrote him a letter giving him Mr. Maser's
25 cell phone number in the letter saying, Please call

1 Mr. Maser, I didn't know that Mr. Maser was actually his
2 client at the time, and ask him about what you've alleged
3 against me because I -- I would like you to strike that
4 and -- and file a amended complaint that just says what you
5 think is true.

6 Crickets.

7 So I think there's -- there's plenty here to digest
8 but there's also plenty here to support sanctions on
9 multiple levels.

10 I will say, Your Honor, I did research the Louder
11 case and whether a civil fine would be permissible. And my
12 conclusion is that in order to award a civil penalty or fine
13 there had to be a violation of a court order, an existing
14 court order which I don't believe we have here.

15 However, based on the very broad language about
16 sanctions and it not being -- not being reversed except for
17 manifest without reason, that the court has ample
18 opportunity to -- to craft a -- a sanction that is -- fits
19 the circumstances.

20 THE COURT: Have you as an attorney sought a
21 temporary restraining order before in other cases?

22 MR. VAN CAMP: Yes.

23 THE COURT: And what's the process?

24 MR. VAN CAMP: You first make a decision about
25 whether it is the type of case that you feel you need to

1 alert opposing counsel if you know who opposing counsel is.

2 And the first thing you decide is if I notify the
3 opposing counsel, is what I'm trying to prohibit going to
4 happen before I can get before a judge.

5 An example I gave Monday was if I'm suing somebody
6 who has a bank -- control of a bank account of my client's
7 with \$200,000 in it and I say, Hey, I'm filing a temporary
8 restraining order prohibiting you from disbursing that money
9 or stealing that money, come to court tomorrow morning at
10 9:00, my concern would be that that person over night would
11 transfer the money and then come to court and say, Well, I
12 didn't violate a court order, Your Honor, because you had an
13 issue. That's the only time I would not notify counsel of
14 record.

15 And I've been before Your Honor and I've done it
16 both ways. But when I do notify counsel, I certify -- I
17 mean, I make sure that -- that they can -- they come and
18 they can be heard. And if I don't feel that that's
19 appropriate, I certify to the court why it's not appropriate
20 and the specific circumstances on why my client could be
21 irreparably harmed if you don't follow those rules.

22 In this case what Mr. White was trying to do was
23 prohibit a sale of land where we hadn't even -- it ended up
24 closing a month and a half later. So it wouldn't have
25 mattered. He just didn't want me there and he obviously

1 didn't want Mr. Ramee there.

2 I would never in good conscience to be honest serve
3 someone with a verified complaint while I'm standing up to
4 argue a TRO knowing hours earlier that that's -- that's --
5 that was my intent unless I thought that what I was trying
6 to prevent I would fail at preventing due to the
7 circumstances.

8 THE COURT: In your experience in the general
9 practice of law how does a lawyer go about finding a judge
10 to entertain a -- an application for a temporary restraining
11 order?

12 MR. VAN CAMP: Generally, the lawyer will contact
13 the Trial Court Administrator and ask if the judge is
14 available and to say that you are inclined to -- to pursue a
15 temporary restraining order.

16 And if a judge is available and is willing to have
17 you heard or have -- have -- have the matter heard, you --
18 you go and present it to the -- the court.

19 And if you -- if the court says be here at three
20 o'clock and your intent is to notify the other counsel, you
21 do it immediately. You send them everything that you filed
22 and you tell them that -- that -- and then you report to the
23 court, I have notified the lawyer. And if the lawyer says,
24 I can't be there till 3:30, you tell the judge.

25 That's -- you tell the truth, you know. And so

1 that's -- that's how -- you know, and if you -- if you
2 can't -- there's not a -- a judge available, sometimes you
3 might go to -- to a county nearby that's within the same
4 district and see if -- if you can do it that way.

5 There was no urgency or immediacy to this other
6 than -- and that's really the key here on the improper
7 purpose. The immediacy was file the lawsuit right before
8 the vote, because Mr. White had threatened a lawsuit before
9 a vote earlier and it worked.

10 We -- when -- when we were supposed to -- the trust
11 was supposed to buy the -- all 17 acres, he -- he filed a --
12 he -- he sent a letter the day of the meeting. I was
13 standing in line with Vincent going in to speak publicly, my
14 one and only public speaking on this issue. And -- and
15 Vincent said, We just -- we just -- they just got a letter
16 from Mr. White and they're all nervous and whatnot.

17 So I'd always send Mr. White a letter back saying
18 that's not the law and -- and -- and that type of thing.

19 But at the end of the day, Your Honor, the -- if
20 you're not going to -- to alert other counsel every judge
21 I've been in front of, including Your Honor, says why; and
22 do you know who they are; and why -- why do you not think
23 that they should -- should be here?

24 And then the court can make an informed decision
25 about the importance -- and the fact that this sale was --

1 the closing of this actual transaction was months away yet
2 there was no notice would lead me to believe that the plan
3 of these groups was for them to pray TRO in front of the
4 school board, publicize it and say, you know, if you vote
5 for this sale, you're going to be dealing with -- with
6 Mr. White.

7 And I commend the court on asking the right
8 questions on November 8 in everyone's absence and denying
9 the motion, not because I'm opposed to it but because it
10 just was the right thing to do.

11 THE COURT: All right.

12 MR. VAN CAMP: Thank you, Your Honor.

13 THE COURT: We ordinarily take a recess every
14 one-and-one-half hours. We've been here one hour and forty
15 minutes. So we're going to take a ten-minute recess,
16 Mr. White, before I hear from you.

17 MR. WHITE: Thank you, Your Honor.

18 THE COURT: Court's in recess ten minutes.

19 (Recess 4:08 p.m. - 4:24 p.m.)

20 THE COURT: You may proceed, Mr. White.

21 MR. WHITE: Thank you, Your Honor.

22 Mr. Van Camp earlier made mention about concern for
23 this courthouse and courtroom particularly being used for
24 improper purpose. And a lot of this has been discussed over
25 the course of two days in court between Thursday, February

1 17 and today, February 21st, Monday.

2 We've heard a lot that has nothing to do with
3 ultimately about what we should be here about or what we're
4 here to discuss. We heard comments about a January 6th
5 incident, we heard draining the swamp a few -- few times.
6 We've heard about --

7 THE COURT: Well, that's -- that's a name of a
8 plaintiff in a lawsuit that you represent, correct?

9 MR. WHITE: They're not a party to today's --

10 THE COURT: No, they're not --

11 MR. WHITE: -- proceedings.

12 THE COURT: But you do represent an entity by that
13 name.

14 MR. WHITE: That's -- that is an entity and I do
15 represent them along with several other owners of land that
16 has been effected by an amendment to zoning ordinances and
17 map done by Moore County, again, but that has nothing to do
18 with what we're here on today.

19 THE COURT: It has nothing to do with this lawsuit.

20 MR. WHITE: Has nothing to do with this lawsuit.

21 We've heard about how this is a personal matter.

22 We've heard a lot about I think and I believe, but the --
23 I'm here to talk about, and what this lawsuit concerns, is
24 the actions taken by the school board as it relates to its
25 decision to sell a piece of property without disposing of

1 that property through a bidding process under North Carolina
2 General Statutes. And, then, in addition to that statutory
3 concerns, whether its decision to do so was arbitrary and
4 capricious and manifest abuse of discretion.

5 This -- this civil action's commenced on August --
6 I'm sorry -- November 8th. And -- and I must correct
7 Mr. Van Camp. Previously he'd said that -- that this was
8 done to prevent -- or maybe clarify would be a better word,
9 not correct.

10 But at the time this lawsuit was filed a contract
11 for the sale of land had already been signed between the
12 parties. That contract for sale was learned about where it
13 was disclosed in a November 1st meeting. I believe it was a
14 work session of the board of education on the Friday or so
15 before November 8th which would have been November 5th.

16 The -- it was learned that on the Monday agenda was
17 the deed to -- to finish up the sale of that land, close on
18 that sale, and move that forward.

19 A lot has been made about the timelines of -- of
20 the filings in these actions and the -- the lack of -- of --
21 of notice to whether it's the board of education or the land
22 trust action they -- they became involved by intervening.
23 And that's not -- that's largely dictated by when things are
24 learned about and the effort to get in front of the court
25 before the board takes action.

1 The -- the agendas for the school board meetings
2 are not posted until Friday. So Monday's agenda is posted
3 the Friday before. And that's what happened when -- prior
4 to the lawsuit being filed on Monday, November 8th. And
5 that is why, when the school board is voting on a deed to
6 sell the property on Monday evening, that is why a temporary
7 restraining order is sought on Monday, November 8th on the
8 same -- at the time that the lawsuit -- that the suit was
9 filed against the board of education.

10 Because as was mentioned on -- on Thursday, the
11 general statutes governing disposition of property, real
12 property held by a board of education, I read them to apply
13 to the board of education. It tells the board of education
14 what it must and must not do in order to sell land.

15 It does not -- the Southern Pines Land and Housing
16 Trust or any other bidder or any other private entity
17 bidder, whether it be a nonprofit or for profit corporation,
18 is not bound by -- bound by the same restrictions that the
19 board of education would be.

20 Conversely, if a municipality sought to enter into
21 an agreement for that land or even exchange land, there are
22 provisions within there that the board of education can
23 dispose of property.

24 When I say dispose, I essentially mean transfer,
25 sell, give, whatever it may be. But there are provisions

1 where the board of education can dispose of property with a
2 municipality under there. And it -- it can give for no
3 value, it can trade the land.

4 And, in fact, in this case it's my understanding
5 that the board of education actually explored exactly such a
6 scenario with the Town of Southern Pines. They ultimately
7 decided not -- not to do that. But had they done that,
8 then, the two of them would be bound by the provisions of
9 North Carolina General Statutes 160A-266 in the -- in
10 sequence which go into more detail about each specific
11 action.

12 The -- so temporary restraining order was sought on
13 Monday, November 8th as this action was filed. I filed
14 the -- the action, inquired to the court in the morning
15 about whether it would be possible to get in front of the
16 court to be heard on that TRO without -- was very clear that
17 it was without notice to opposing parties which were
18 several, although not Southern Pines Land and Housing Trust.
19 Because these were statutory violations and violation --
20 and -- and claim that the board in its decision was
21 arbitrary and capricious.

22 Came back after the court's recess and sat in the
23 audience not knowing if I would have an opportunity to be
24 heard or not.

25 THE COURT: Well, I'll ask you the same -- I'm

1 sorry to interrupt. I'll ask you the same question I asked
2 Mr. Van Camp.

3 In -- in your practice what do you do when you're
4 seeking a temporary restraining order from a judge?

5 How do you go about it?

6 MR. WHITE: Your Honor, if there's a session -- if
7 there's a court in session -- normally, I don't often
8 file -- well, I apologize. Let me answer your question.

9 If I were to seek a temporary restraining order, I
10 would go to a court that was in session and ask the court if
11 it had time for me to be heard on such temporary restraining
12 order.

13 If -- if I am seeking -- if there's not an urgency
14 to such a temporary restraining order, then, I would file --
15 would look more to a motion for preliminary injunction where
16 I am giving notice to the party and -- and getting in front
17 of the court for a motion for an injunction that's going to
18 last longer than the 10 -- not to exceed 10 days, as --
19 as -- as would use the temporary restraining order, which is
20 what we sought to do here.

21 We sought to get a temporary order not to exceed 10
22 days to prevent the defendants from taking action later that
23 same evening and within -- and then the matter would be
24 scheduled with notice to all parties very shortly thereafter
25 when we can all get in court. And then the court can look

1 at deciding the merits of that temporary restraining order
2 as a preliminary injunction that may apply beyond that short
3 prescriptive -- restrictive period, perhaps is a better way
4 to put it, a short restrictive period of a temporary
5 restraining order.

6 It's very clear to the court that I was proceeding
7 with lack of notice to defendants, articulated cause for
8 waiving notice to defendants in the -- the complaint.

9 I believe that the complaint also -- that -- that
10 paragraphs 126 through 131 of the complaint, fourth claim
11 for relief, are the motion for temporary restraining order.
12 And I believe that they lay out the cause for the temporary
13 restraining order and why certification and they -- excuse
14 me -- that they state -- are certifications in writing that
15 state the reasons that notice should not be given to
16 plaintiffs.

17 We were concerned that, as Mr. Van Camp using --
18 pointed out in his example, that if notice is given to the
19 opposing party -- parties that we intend to seek a
20 restraining order preventing them from doing something, that
21 they may do that.

22 And -- and the -- we had a pattern of the board of
23 education taking actions, not disclosing actions it took,
24 pattern of the board not announcing its intentions for the
25 school meetings until the Friday before the meeting was to

1 take place.

2 That pattern repeated itself later on in December
3 when we learned -- the first that we had heard about
4 anything related to the board pressing forward with its
5 decision to consummate the sale of that land. And, again,
6 we learned about it on the Friday before it was to take
7 action and vote on the deed that Monday.

8 Thus, on Monday we noticed at this point -- before
9 we filed anything with the court we sent a -- sent a draft
10 of that order to opposing parties, including defendants and
11 at this point the trust as intervenor to this matter. Told
12 them that we intended to file this and we also intended to
13 file a motion to expedite just as the trust had previously
14 done November 9th when it sought to intervene in this
15 matter.

16 And immediately after sending that on December 13th
17 we -- it was objected to on the grounds to expedite. And
18 that -- the significance of that as well is that Thursday
19 session was the last session of court before January.

20 So if you didn't get into court then, it's not like
21 we could come back the following week. We're up against
22 court being closed for holidays prior to coming back in
23 January. So we asked to be put on the calendar for January.
24 The -- we advised opposing parties that we were going to ask
25 to be put on the calendar for January or for -- for that

1 Thursday.

2 Mr. Van Camp previously said -- previously said
3 that he had no objection to that, but the -- but that's not
4 true.

5 On that same date, December 13th, his paralegal
6 sent an email to Ms. Ritter and copied all parties to that
7 and said Mr. Van Camp speaks for all defendants in this
8 matter and respectfully objects, but on time of filing said
9 motion is to be heard this week. However, in the abundance
10 of caution, we'd like to be heard if the court decides to
11 hear this matter this week. We'll be filing our own motions
12 which ended up being his motion for sanctions, motion to
13 dismiss. I think there was a opposition to the preliminary
14 injunction hearing.

15 And then, ultimately, between that Monday -- I
16 believe it was on Wednesday when the -- the land sale
17 closed, land was transferred.

18 This matter from the very beginning, this wasn't
19 about seeking damages from the board of education, the
20 trust. It was very clear from the beginning it was seeking
21 injunctive relief to determine to -- declaratory action and
22 injunctive relief to interpret the open bidding statutes and
23 enjoin the sale of the land if it was in violation of the
24 statute. That was the purpose of the lawsuit. This -- this
25 land was not bid, and we asked the court to take a look at

1 it.

2 Once the deal was done there was no more purpose of
3 the lawsuit. We can't join -- we can't prevent the sale
4 after the sale has happened. So at that point we took the
5 dismissal. We did not belabor the issue with the court. We
6 took a dismissal on December 17th, that Thursday.

7 This matter is ongoing and continues to rear its
8 ugly head, not by actions of Ms. Pratte, Mr. Moore, myself.
9 The -- there's been a lot of speculation about what -- I
10 don't know anything about trying to sway one vote one way or
11 the other. That's never what this has been about. There's
12 nothing in the record that would -- no evidence in the
13 record that would suggest that.

14 The action -- filings were made when information
15 was learned through the -- the trickle that was coming from
16 the board of education. Actions were taken when information
17 was learned that we could act on with respect to the --
18 the -- the allegations in the complaint.

19 Now, there -- and the issue -- nothing prevents a
20 nonprofit -- it was said that we wanted to prevent the
21 nonprofit from purchasing, and that is absolutely not the
22 case. You heard from both defendants -- sorry -- both
23 plaintiffs. This has nothing to do with the trust. This is
24 about the issue with the board of education and how it was
25 disposing of the land.

1 THE COURT: It's about money, isn't it?
2 Money?

3 MR. WHITE: Ultimately how much money the board of
4 education gets for the land, but it doesn't matter who the
5 buyer of that property is. That's not the issue. The issue
6 is how the property was sold.

7 And a nonprofit -- and whether a nonprofit is
8 purchasing or it's a for profit doesn't -- ultimately that's
9 not the issue of this. What the issue is is how that
10 property gets from the seller, the board of education, to
11 the buyer.

12 And, generally speaking, real property must be --
13 go through an open bidding process. After a bid the highest
14 bid is received. It must be advertised and go through an
15 upset period. If it is upset, it's got to go back to the
16 advertising agreement.

17 There is an exception that allows a board of
18 education to sell to a nonprofit when certain conditions are
19 met. And Mr. Van Camp would like the court to believe that
20 this is such a clearly settled issued, that our lawsuit was
21 frivolous for even bringing it up and it's not. It's not
22 because we're not dealing with -- and -- and I don't know
23 about the Department of the Interior recognizing portions of
24 Southern Pines as historic. I don't have anything to do
25 with that, and I'm not trying to make an argument that any

1 history or culture is more -- more significant than the
2 other.

3 I'm looking at how North Carolina General Statute
4 160A-266 understands that the legal significance there what
5 type of trust can qualify for a -- a nonprofit that's in the
6 business of preservation and conservation in accordance
7 with -- with what it's seeking to preserve and conserve and
8 then whether a deed restriction is met.

9 At the time the lawsuit was filed there's nothing
10 about the deed restriction. So we don't -- we don't look at
11 that aspect of the exception in the complaint.

12 These issues, it is not as if we spring up at the
13 last minute and thwarted this purchase. This was a two-year
14 process for the trust to get to the point of purchasing.
15 And these were real issues that were discussed by the board
16 of education's attorney on numerous occasions. Board of
17 education staff looked at these and they -- we cited their
18 positions in our complaint about whether the open bid
19 process was appropriate or whether a privately negotiated
20 noncompetitive sale was appropriate.

21 These are not novel issues that materialized on
22 November 8th in this complaint. These were issues that were
23 ongoing. The -- in -- in the manner that this went about,
24 it was discussed a little bit on Thursday but to -- to
25 repeat, this went back and forth from is the trust going to

1 purchase 17 acres, is the trust going to purchase 5 acres,
2 and is there going to be an open bid on the remaining 12
3 acres, and then it went back to the trust purchasing 17
4 acres.

5 Motion was made at the meeting when it was voted to
6 sell to the trust to receive that as an opening bid and then
7 advertised for upset bids. That was voted down. And then
8 the -- the board of education began moving forward with the
9 sale.

10 I think that there are -- as it relates to -- it
11 was acknowledged in the complaint the process -- Mr. Birath
12 had reached out to -- so we acknowledged these two bidders.
13 Two bidders stepped forward. Whether they're bidders or
14 whether they expressed an interest, I think that there's
15 been a difference in semantics in that. But there were two
16 individuals who had stepped forward prior to the sale and
17 expressed an interest in purchasing 17 acres.

18 The board of education then looked at discussing a
19 sale of 5 acres with the trust. The trust was in agreement
20 to proceed in that way even though it would have preferred
21 otherwise.

22 And at that point Mr. Birath and apparently Mr. Van
23 Camp as well had reached out to the other who are -- had
24 gained knowledge from the other individuals interested in
25 purchasing this -- purchasing this property and asked them

1 if they would be interested in purchasing the 12 acres.
2 Mr. Birath reached out to both of the other individuals. We
3 noted that --

4 THE COURT: And what are their names?

5 MR. WHITE: The other individuals?

6 THE COURT: Correct.

7 MR. WHITE: They would be Ron Jackson and Frank
8 Maser.

9 THE COURT: And you represent those individuals or
10 at least their entities in other lawsuits pending in this
11 county, correct?

12 MR. WHITE: I represent an entity of Mr. Maser,
13 yes, Your Honor. I have more -- I represent --

14 THE COURT: In fact, the court actually heard a --
15 heard a motion in a case Thursday that you represent one of
16 those named individual entities, correct?

17 MR. WHITE: That's -- that's true, Your Honor.
18 And -- and I'm glad you bring up what was heard on Thursday.
19 Because prior to Thursday we also heard a motion for entry
20 of default judgment where the other party was given no
21 notice to be there and that was granted.

22 And we also heard a motion to set aside an entry of
23 default judgment where a party had -- had not responded
24 to -- to numerous attempts from the other attorney to
25 contact him about filing an answer.

1 But I don't see how these relate to -- this is not
2 about those other individuals to the exception --

3 THE COURT: Court -- court is --

4 MR. WHITE: -- extent they were interested
5 parties --

6 THE COURT: -- court is in total agreement with you
7 there, that your representation of entities owned by these
8 other two named individuals who you just named has nothing
9 whatsoever to do with this lawsuit, you're correct.

10 Go ahead.

11 MR. WHITE: Correct.

12 The -- those two individuals said that they were
13 not interested in bidding on the 12 acres. And then that
14 has somehow -- I'm not aware of anything in the North
15 Carolina General Statutes or case law that says if two
16 people who expressed an interest in purchasing all of the
17 land are not interested in purchasing some of the land,
18 then, therefore, there are no potential bidders out there
19 and you don't have to open bid the process.

20 THE COURT: Do you know when and how the record
21 reflects those two individuals communicated -- communicated
22 to the school board that they were not interested in placing
23 a bid on the property?

24 MR. WHITE: The -- September 2nd is when -- I
25 believe September 2nd and September 6th were when Mr. Birath

1 reached out on behalf of the Moore County schools. I don't
2 know if an exhibit has been submitted as it relates to -- I
3 would have to review those exhibits, Your Honor. I'd have
4 to review the exhibits, Your Honor, which I'll do and I can
5 let the court know the answer to that question, copy Mr. Van
6 Camp as well, email later.

7 THE COURT: Thank you.

8 MR. WHITE: The -- the issue there, though, is that
9 if two people who have expressed interest in purchasing
10 property withdraw their interest because they don't want to
11 purchase less property, that doesn't mean that there's no
12 interest from anybody else in purchasing the property.

13 And it's been represented to this court that
14 because these two people expressing lack of desire to
15 purchase 12 acres, that there was no other potential bidder
16 and that, therefore, that is a justification to proceed with
17 a privately negotiated noncompetitive sale, that's not the
18 case.

19 The privately negotiated noncompetitive sale would
20 proceed under the statutory exception for the nonprofit
21 purchasing land of qualifying significance and the nonprofit
22 being in the business of preserving and conserving that
23 significance.

24 So whether there's potential bidders or not has
25 nothing to do with whether the exception can be used to sell

1 the land in such a manner.

2 So the -- the lack of interest from these two
3 individuals does nothing to prop up whether the sale could
4 proceed under the exception.

5 THE COURT: Well, as I understand Mr. Van Camp's
6 argument, since you are attorney of record for these two
7 named individuals or their entities --

8 MR. WHITE: Your Honor, I don't have anything to do
9 with him on this.

10 THE COURT: -- he contends that you could have
11 asked one of -- Mr. Maser whether or not Mr. Van Camp in
12 fact solicited him to commit a felony; to wit: bid rigging,
13 and he contends that you did not ask that and you could
14 have.

15 What do you say to that?

16 MR. WHITE: Your Honor, the -- there's a couple
17 things to address there, and I'll try and address the -- the
18 questions directly being asked and then move -- move down
19 the list.

20 I represent Mr. Maser as part of a -- what may be
21 considered consortium in a suit against the county for how
22 it has amended ordinances that substantially devalue and
23 render useless by certain piece -- tracts of land.

24 The -- I don't have a regular representation of
25 Mase -- Mr. Maser. And I also know that Mr. Maser is not --

1 he's not a litigious person in the way that some other
2 individuals of the county may be. And -- and I respect
3 Mr. Maser's privacy and I don't -- and -- and so he and I
4 don't have that relationship there.

5 I did not contact Mr. Maser. I had information,
6 the -- to the extent that we sought to allege that Mr. Van
7 Camp committed a crime, that was not the intent. In fact,
8 if I had information -- if I think that a crime has been
9 committed, I'm not going to -- Landon White is not going to
10 pursue that. I have no authority. Nobody -- I don't think
11 people would really be concerned what I think about that.

12 The -- but perhaps that's an opportunity to discuss
13 the -- the 3 allegations that have been -- out of 131
14 allegations 3 have been taken exceptional issue with.
15 The -- concerning the use of the word pressure.

16 The -- you know, I'd submit that this is a
17 subjective use of the word. What one person may consider
18 pressure may not be considered pressure from the other.

19 And as I said on Thursday, to the extent that that
20 is not an artful use of the word to make an allegation upon
21 information and belief in 59, 99, and 120 of the complaint,
22 perhaps it could have been worded better.

23 The -- but, again, as to the allegation, the
24 uncontroverted facts is that a call took place by an
25 attorney representing one potential buyer with a potential

1 bidder and that bids were discussed.

2 So as to the substance of the facts, I don't think
3 that the in artful, perhaps even distasteful use of one word
4 renders the substance of an allegation completely without --
5 completely baseless. Because, ultimately, again, you know,
6 this is not -- we didn't hear anything about this today
7 after arguments that took place on Thursday.

8 But, originally, it was argued that this was
9 somehow made for the improper purpose of disqualifying
10 Mr. Van Camp so that he couldn't represent his client.
11 Point out that that's not the case. Had we wanted to -- to
12 try and disqualify Mr. Camp (verbatim), we would have made
13 more of an issue of the fact that he previously represented
14 Ms. Pratte who he questioned here today.

15 His client wasn't named, not because of an attempt
16 to prevent him from having an opportunity to represent his
17 client but because, as I read general statutes governing
18 disposition of the sale of property held by the board of
19 education, it's not mandating what the buyer can and cannot
20 do. It's mandating what the board of education can or
21 cannot do when it's making that disposition.

22 But to the extent claim for relief three, that the
23 board of education acted arbitrarily, capriciously, and with
24 manifest abuse of discretion when it decided to no bid the
25 property, I do think that the conversations between

1 potential buyers and board of education's reliance on
2 representations made from those -- by one party to those
3 conversations to the board without making their own inquiry
4 does go to the question of whether that's arbitrary and
5 capricious and with the manifest abuse of discretion.

6 The board of education has no way of knowing
7 whether there are persons interested in this property
8 outside of the two individuals who had previously made an
9 offer on the 17 and the trust who nobody questions their or
10 you can't or shouldn't question their interests here. But
11 the board of education decided, you know what, there's not
12 any interest in this property, we're just going to sell it
13 to the trust.

14 But they didn't sell it -- they didn't enter --
15 enter into two separate agreements to sell 5 and 12 acres to
16 the trust. When it was determined that the two parties
17 interested in 17 acres were not interested in 12, the board
18 of education went back and said, You know what, we're just
19 going to sell the whole 17 to the trust.

20 And, again, whether there's other entities,
21 individuals, nonprofits, for profits, government entities,
22 whoever, that is interested in the property does not go to
23 the question of whether it's appropriate under the exception
24 to 160A-266 to sell the land to a nonprofit for, you know,
25 qualifying land to a nonprofit under that exception there.

1 And I -- before -- and, again, I know the board of
2 education, it has represented publicly that it agrees that
3 there are issues that could -- questions as to the issues
4 that we raised.

5 Whether -- to what extent -- if you're selling 5
6 acres of land of cultural and historical significance to a
7 nonprofit who is in the business of preservation of land,
8 can you then -- and you're doing that to privately negotiate
9 a sale, can you then also sell them 12 acres because it has
10 been attached to that 5 acres for another use here?

11 There was a -- there was another school -- after
12 this Rosenwald School was on this land, that Rosenwald
13 School was torn down and that land was used for students of
14 all -- for the past -- it's cited in -- in the complaint.
15 The -- the exact number is escaping me.

16 But the school has been used for Moore County
17 students in general for a number of years. Not just the 5
18 acres but the 12 -- 12 additional acres has been used for
19 Moore County students for a number of years.

20 So -- so there is a question. Nothing in the
21 statute says that if you're selling some land under this
22 exception then you can sell other land under this exception
23 that otherwise wouldn't qualify.

24 I think a point has been raised of -- I think the
25 trust -- if I understand what Mr. Van Camp has been saying

1 about the historical nature of West Southern Pines as a
2 whole and look at this other historical section of Southern
3 Pines, why can't West Southern Pines be historical; that
4 there's been an -- I think the assertion there is that the
5 12 acres is significant and it would be qualified -- of
6 qualifying significance under the exception.

7 And I don't think that that question is so clear
8 that you can render the cause of action alleged here as
9 baseless based on Mr. Camp's (verbatim) assertion that it's
10 clearly significant so this entire lawsuit is baseless,
11 because the board of education agreed with me on that prior
12 to us bringing the lawsuit.

13 The -- and we -- I believe that this lawsuit, as
14 bringing this on behalf of the plaintiffs, that they and I
15 have prosecuted this lawsuit judiciously. We didn't belabor
16 the issue. We sought an injunctive relief for the
17 purpose -- for the lawsuit, was frustrated by the sale, and
18 instead of belaboring the point we let the issue go.

19 I don't believe that Ms. Pratte, Mr. Moore, nor
20 myself has intent to bring this to reraise this issue at
21 this point. The rule -- sanctions are meant as a deterrence
22 against baseless filings, an allegation that's not grounded
23 in fact, claims for relief which are not legally tenable or
24 when the allegations or the claims are imposed -- interposed
25 for a improper purpose. And that's not present here.

1 The -- the trust might not like the substance of
2 the lawsuit, and I understand that. And I do -- would agree
3 with Mr. Van Camp that the trust is collateral damage in
4 what's been going on with the board of education.

5 And the plaintiffs' suit was always about the
6 decisions of the board of education which has openly
7 acknowledged that they're doing things that -- well, I'll
8 withdraw that, Your Honor.

9 I'm not -- I don't want to speak for the board of
10 education. They're not here to speak for themselves.
11 Because they're -- and, again, they've been dismissed out of
12 this. And now this is ongoing because the -- the trust is
13 continuing -- perpetuating this. And this feels like, you
14 know, the sanctions are meant to deter the baseless filings
15 allegations not grounded in any fact.

16 And today feels like this is meant to -- this is
17 meant to deter future action against the board of education
18 or the trust, although I don't know why -- what -- what
19 action there would be there from the plaintiffs or myself.
20 But this feels like an action to deter future -- future
21 litigation. And I don't think that that is a proper purpose
22 of sanctions here.

23 But I would submit that -- that this was -- the --
24 the temporary restraining order, to the extent that the
25 requirements of 65(b) were not met to grant a temporary

1 restraining order, which, again, I believe I was clear with
2 the court on November 8th that I was not seeking to give
3 opposing parties notice or -- or hearing on that initial
4 restraining order temporary -- of temporary nature not to
5 exceed 10 days, and I believe I was clear with the court on
6 that.

7 To the extent that the complaint did not show cause
8 for why notice should be waived or why -- or even why one
9 should be entered, and -- and that is not sufficient
10 certification in writing of the reasons that they need not
11 be noticed and the proper -- the proper remedy is a denial
12 which is exactly what happened.

13 And we didn't belabor that point and we didn't try
14 and come back in another ex parte hearing. In fact, we
15 didn't try and come back because we didn't think that -- we
16 thought that the matter had been -- we didn't think the
17 board of education was taking any action, at least while the
18 lawsuit was getting going. Nobody had filed an answer yet.
19 Motion for extension of time had been requested and granted.

20 And, then, with no -- Mr. Van Camp didn't pick up
21 the phone and call my office to discuss this either. I
22 mean, nobody picked up the phone to call my office to
23 discuss the suit. We didn't know anything was going on
24 until we learned that the board of education decided to just
25 go ahead before it -- legal filings really got going was

1 just going to go ahead and close on the sale of the land.

2 And then we filed the motion for preliminary
3 injunction on December 13th which ultimately ended up being
4 moot but --

5 THE COURT: What -- what did the school board do on
6 November the 8th, 2021, with respect to the sale of this
7 property after you filed your lawsuit on that date but did
8 not receive a temporary restraining order?

9 MR. WHITE: I believe the board of education did
10 not vote on the deed on November 8th. It already had a
11 signed contract for the sale of land, but it did not vote on
12 the deed until December 13th and voted to approve it on
13 December 13th, and then closed on the sale before any of
14 these issues could be brought before the court.

15 The, Your Honor, the -- I'm -- I'm a little
16 confused because the -- the complaint fairly takes issue
17 with the board of education and whether its actions are
18 lawful. And it seeks an injunction to prevent the board
19 from taking unlawful actions. And, yet, it seems as if the
20 trust and our request for seeking injunction preventing a
21 board of elected officials from taking unlawful action is
22 somehow an improper use of the judicial process.

23 To the extent that -- again, the allegations are
24 grounded in fact but with an unfortunate use of the
25 subjective word which has been picked apart relentlessly by

1 Mr. Van Camp. But the uncontroverted facts of 55, 99, and
2 120, those allegations, is that a call took place with a
3 potential bidder and then the bids were discussed.

4 And to the extent that it's not as alleged, then,
5 denial by opposing parties is appropriate, proper,
6 necessitated. And to the extent that more action should be
7 taken, you know, maybe the court goes to a motion to strike
8 such paragraphs, but we took a dismissal on this in an
9 effort to not waste the court's time.

10 And now it seems as if because you cannot go back
11 and do a motion to strike, now we're looking at sanctioning
12 plaintiffs or myself over three paragraphs where a call did
13 take place, bids were discussed in those calls.

14 And, Your Honor, I believe that -- I don't believe
15 that this rises to the level of sanctions, as Mr. Van Camp
16 has -- has made his case. Of course, we disagree on that
17 just like we disagree on other facts of this case.

18 It's -- this case does -- I think we both agree
19 that this case invites passions from both sides which I --
20 I'm not here for. I'm just here on the statutory question
21 as it was raised. And as has been said multiple times, this
22 is nothing to do with the trust or whoever the potential
23 buyer of the property would have been.

24 This is a question -- this is a question of whether
25 the board of education was violating laws governing the

1 disposition of the property that's held by the board of
2 education.

3 Thank you, Your Honor.

4 THE COURT: All right. Thank you, Mr. White.

5 MR. VAN CAMP: Can I have two minutes, Your Honor,
6 please?

7 THE COURT: Two minutes.

8 MR. VAN CAMP: Two minutes.

9 First, Drain the Swamp is in this lawsuit. That's
10 who actually made the bid. Ron Jackson is the owner of
11 Drain the Swamp.

12 But if you look at the emails, I'll direct the
13 court's attention to Mr. Birath's affidavit and exhibits.
14 He works for the school board. He compiled all these emails
15 back and forth from Ron Jackson and -- and Drain the Swamp
16 who -- who did the bid.

17 Second, I misspoke earlier. November 8th after
18 they filed the lawsuit you denied the TRO. The school board
19 was scheduled to vote, finalize this, and they punted it for
20 another month in fear of the lawsuit. So it worked
21 temporarily.

22 Thirdly, they keep talking about they have nothing
23 against the trust and this is just about, you know, proper
24 procedure. Mr. Hensley is reported -- and it's in the
25 exhibits, it's in my letter, and it's in the exhibits to the

1 letter -- referred to any sale to the trust as a crack deal.

2 THE COURT: I read that.

3 MR. VAN CAMP: And he also referred and made the
4 false statement that the trust would open an abortion clinic
5 if they --

6 THE COURT: I read that too.

7 MR. VAN CAMP: So another problem with the truth.

8 But, I mean, as far as motives for whether you like
9 or dislike a particular entity, you wouldn't say those
10 things if it wasn't -- if it wasn't personal.

11 The -- the -- the argument that there's
12 certification by Mr. White in paragraphs 127 through 131, I
13 just read them again. There's nothing to indicate notice to
14 any party or why. It's a clear violation of Rule 65 of the
15 Rules of Civil Procedure.

16 And, finally, Your Honor, I would strongly request
17 and suggest that the -- the court read that Birath
18 affidavit. It kind of explains the procedures and -- and
19 the policies and how -- and the emails and that there were
20 no bidders and that there was no requirement legally that
21 the batter go out for bid when the school board -- I've been
22 dealing with this two years. And they had a full offer, a
23 full appraised value by the trust with a lot of hard work
24 trying to raise that -- that money.

25 And, of course, that motion for lis pendens that --

1 or the notice of lis pendens filed with the complaint was
2 another -- that stayed until the dismissal, was another way
3 to force them that -- to not be able to get financing to
4 close. So they also raised the money and paid the money
5 with cash.

6 So I think -- a lot -- lot to this. But I think
7 Birath's affidavit -- and, Your Honor, as to the merits,
8 our -- our motion in opposition to their motion for
9 preliminary injunction with all the 11 exhibits and -- and
10 all of that will clearly show that the historical and
11 cultural significance of this area, the -- all 17 acres
12 which -- which apparently hadn't been researched by the
13 plaintiff.

14 THE COURT: I'll give you two minutes, Mr. White,
15 if you so choose.

16 MR. WHITE: Your Honor, I think that every time we
17 hear more from Mr. Van Camp there's new information or
18 new -- something else to -- to get up on.

19 I think at this point now this notice of lis
20 pendens has been brought up is another reason why he should
21 be sanctioned. But I think that the court has everything
22 that -- that -- that we would ask the court to rule on.

23 THE COURT: All right. Thank you, Counsel.

24 As you gentlemen well know as is my custom and
25 practice, I will review the materials submitted to the court

1 and the matters contained in the court file which the court
2 has previously taken judicial notice of.

3 Once the court makes a decision on the defendant's
4 motion for sanctions, the court will send one -- one email
5 to counsel for the plaintiff and counsel for the defendant.

6 The prevailing party will be required to prepare an
7 order reflecting the court's ruling, circulate it to
8 opposing counsel for any objections as to the form of the
9 proposed order, and then require an order. And try to get
10 the proposed order, if any, be submitted to the court in
11 word capable of being edited.

12 Thank you, Counsel.

13 MR. VAN CAMP: Thank you, Your Honor.

14 MR. WHITE: And, Your Honor, will that email,
15 this -- the one email that's circulated to the parties, will
16 that include the findings of fact and conclusions of law in
17 it?

18 THE COURT: The prevailing party will be required
19 to prepare an order for the court to include findings of
20 fact and conclusions of law, yes, sir.

21 MR. WHITE: So those would be supplied by the
22 prevailing party?

23 THE COURT: Those will be provided in the proposed
24 order either by yourself or by Mr. Van Camp.

25 MR. WHITE: Thank you, Your Honor.

1 THE COURT: All right. Sheriff, if you would just
2 recess the court.

3 (Thereupon, the proceedings concluded at
4 5:10 p.m.)
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