

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH  
CAROLINA**

MAXWELL KADEL, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No.: 1:19-cv-272-LCB-LPA
	)	
DALE FOLWELL, in his official capacity as	)	
State Treasurer of North Carolina, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**JOINT MOTION FOR ENTRY OF STIPULATION TO CORRECT DEFENDANT  
NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY’S ANSWER**

Defendant State of North Carolina Department of Public Safety (“DPS”) and Plaintiffs Maxwell Kadel, Jason Fleck, Connor Thonen-Fleck, Julia McKeown, Michael D. Bunting, Jr., C.B., by his next friends and parents, Michael D. Bunting, Jr. and Shelley K. Bunting, Sam Silvaine, and Dana Caraway (collectively, “Plaintiffs”) desire to enter into this stipulation (Attachment A) to correct DPS’s Answer (ECF No. 96) and clarify DPS’s position as to the allegations in paragraphs fifteen through seventeen and paragraph 178 of Plaintiffs’ Amended Complaint (ECF No. 75). Correcting this error by stipulation will promote clarity between the parties and conserve judicial and party resources by eliminating the need for Defendant DPS to file an Amended Answer.

Respectfully submitted this the 8th day of July, 2021.

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Attorney General

/s/Alan D. McInnes

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pursuant to L.R. 83.1(d).

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document was filed through the CM/ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

This, the 8th day of July, 2021.

/s/Amy E. Richardson  
Amy E. Richardson  
*Counsel for Plaintiffs*

# ATTACHMENT A

**IN THE UNITED STATES DISTRICT COURT  
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DALE FOLWELL, in his official capacity as	)	
State Treasurer of North Carolina, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**STIPULATION TO CORRECT DEFENDANT NORTH CAROLINA DEPARTMENT OF  
PUBLIC SAFETY’S ANSWER**

THIS stipulation (“Stipulation”) is entered into, and effective as of, July 8, 2021 between Defendant State of North Carolina Department of Public Safety (“DPS”) and Plaintiffs Maxwell Kadel, Jason Fleck, Connor Thonen-Fleck, Julia McKeown, Michael D. Bunting, Jr., C.B., by his next friends and parents, Michael D. Bunting, Jr. and Shelley K. Bunting, Sam Silvaine, and Dana Caraway (collectively, “Plaintiffs”), collectively referred to as the “Parties.”

WHEREAS, DPS filed an Answer (ECF No. 96) to Plaintiffs’ Amended Complaint (ECF No. 75) on April 16, 2021, which stated as follows in response to Plaintiffs’ allegations in paragraphs fifteen through seventeen (emphasis added):

15. DPS lacks sufficient information or knowledge to form a belief as to the truth or falsity of the remaining allegations of *paragraph 18*, and cannot, therefore, admits or denies [*sic*] those allegations.

16. DPS lacks sufficient information or knowledge to form a belief as to the truth or falsity of the remaining allegations of *paragraph 18*, and cannot, therefore, admits or denies [*sic*] those allegations.

17. DPS lacks sufficient information or knowledge to form a belief as to the truth or falsity of the remaining allegations of *paragraph 18*, and cannot, therefore, admit or deny [*sic*] those allegations.

WHEREAS, DPS intended to state the corresponding number for each allegation rather than repeatedly listing paragraph 18.

WHEREAS, DPS has discovered a typographical error in paragraph 178, such that the word “denied” in the first sentence of that paragraph should be “admits.”

WHEREAS, DPS otherwise asserts that the remainder of its Answer correctly and accurately reflects its intended responses.

IT IS HEREBY STIPULATED by and between the Parties that the paragraphs should read as follows (with changes bolded and underlined):

15. DPS lacks sufficient information or knowledge to form a belief as to the truth or falsity of the remaining allegations of paragraph **15**, and cannot, therefore, **admit or deny** those allegations.

16. DPS lacks sufficient information or knowledge to form a belief as to the truth or falsity of the remaining allegations of paragraph **16**, and cannot, therefore, **admit or deny** those allegations.

17. DPS lacks sufficient information or knowledge to form a belief as to the truth or falsity of the remaining allegations of paragraph **17**, and cannot, therefore, **admit or deny** those allegations.

178. For purposes of this action, DPS **admits** that they are employers within the meaning of Title VII. The remaining allegations of paragraph 178 of the Amended Complaint are legal conclusions to which no response is required.

**STIPULATED TO BY AND BETWEEN**

/s/ Alan D. McInnes

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as State Treasurer of North Carolina, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**ORDER**

This matter is before the Court on a Joint Motion for Entry of Stipulation to Correct Defendant North Carolina Department of Public Safety’s Answer. (ECF No. 104).

Upon consideration of the unopposed motion by Defendant State of North Carolina Department of Public Safety (“DPS”) and Plaintiffs Maxwell Kadel, Jason Fleck, Connor Thonen-Fleck, Julia McKeown, Michael D. Bunting, Jr., C.B., by his next friends and parents, Michael D. Bunting, Jr. and Shelley K. Bunting, Sam Silvaine, and Dana Caraway (collectively, “Plaintiffs”) to correct DPS’s Answer (ECF No. 96) and clarify DPS’s position as to the allegations in paragraphs fifteen through seventeen and paragraph 178 of Plaintiffs’ Amended Complaint (ECF No. 75),

IT IS HEREBY ORDERED, that the motion for approval and entry of the Stipulation is GRANTED. The Stipulation, entered on the docket as ECF No. 104-1, shall be deemed filed as of the date of this Order.

This, the \_\_\_\_ day of July, 2021.

\_\_\_\_\_  
United States District Judge