

NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. 19 CVD 15723

Assigned Judge: BELL

STETSON WEBSTER,
Plaintiff,

v.
DANA DE VANE-WEBSTER,
Defendant.

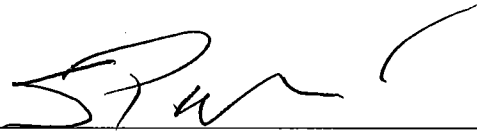
MOTION TO CONTINUE

1. The undersigned moves the Court for a Continuance in this case that is presently set for either a Conference Motion or Trial on August 29, 2024.
2. The issues set for hearing are: Plaintiff's Motion to Modify Child Support, Plaintiff's Motion for Rule 59 and 62, Plaintiff's Motion for Status on Defendant's Compliance, Plaintiff's Motion for Release and Inspection of Documents and Adverse Inference.
3. If the issues set for hearing include custody, child support, and/or spousal support, temporary orders addressing these issues are are not in place.
4. The basis for the Motion to Continue is:
 - a. Plaintiff (and a co-Plaintiff) commenced an action in Federal Court (Eastern District of North Carolina), naming four Wake County District Court Judges as Defendants. The action is File No. 5:24-CV-440-FL, consisting of two separate claims:
 - i. Claim One is titled "Complaint for Violation of Civil Rights Pursuant to 42 U.S.C. §1983," naming 4 defendants, including the assigned Judge in the case before this Court, in their "Official and Individual Capacities as District Court Judges."
 - ii. Claim Two is titled "Complaint for False Imprisonment Puruant to 28 U.S.C. §1367," naming the same defendants in the same capacity as Claim One (above).
 - b. The substance of the federal claims filed against the Judge in this domestic case include but are not limited to hearings held in the domestic case and orders entered by this Court on August 27, 2021; December 7, 2021; April 6, 2022; September 30, 2021; September 14, 2022; September 26, 2022; April 28, 2023; November 20, 2023; April 8, 2024; and April 23, 2024. Plaintiff specifically references facts and circumstances, including the orders entered by the Court, that form the basis of Plaintiff's claims that are set for hearing on August 29, 2024, in his federal claims.
 - c. While the federal claims may be without merit, while they are pending said claims create an unresolvable conflict similar to the conflict identified by the North Carolina Supreme Court in *In re Braswell* (358 N.C. 521 (2004)).
 - d. In order to address the conflict created by Plaintiff's federal claims against the District Court, Defendant is requesting a continuance until after the Attorney General's Office has had time to present a Motion to Dismiss the federal claims and a ruling has been entered on that motion by the Court of the Eastern District of North Carolina.

5. This case has not previously been continued.

6. I have contacted the opposing party and he objects to the continuance.

This the 26th day of August, 2024.

A handwritten signature in black ink, appearing to be "S. P. W.", written above a horizontal line.

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion to Continue has been served on the opposing counsel in the following manner:

By depositing a copy in the US Mail in a properly addressed, postpaid envelope to:

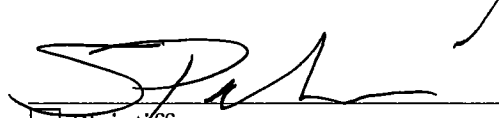
Stetson Mansfield Webster
317 Stone Arbor Way
Wendell, NC 27591

By hand delivery to: Cynthia Peacock, FCCC

By facsimile to: _____ Fax No.: _____

Other: _EFile and Serve via Odyssey and email to stetson@stetsonwebster.com

Date: _____



<input type="checkbox"/> Plaintiff	<input type="checkbox"/> Defendant
<input type="checkbox"/> Attorney for Plaintiff	<input checked="" type="checkbox"/> Attorney for Defendant