

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



Russell F. Walker,)
Plaintiff)
vs.)
North Carolina State Board of Elections) C.A. NO. 1:17CV78
and)
Hoke County Board of Elections,)
Defendants)

**MOTION IN OPPOSITION TO DEFENDANT HOKE BOARD OF ELECTIONS
FOR EXTENSION OF TIME**

Franz Kafka would have been proud of the Hoke Elections attorneys providing one of the most surreal pleadings that I have ever seen in my life.

Hoke Elections admits that Grady Hunt, attorney for Hoke County, and an agent for same was in fact personally served on 6 March 2017 at a meeting of the County Board of Commissioners. Yet paragraph 2 of Hoke's motion refers to "attempted service".

Well either the service of process was sufficient or it was not.

This is a black and white situation. There can be no grey.

Hoke Elections attorneys enter an appearance showing that they were in fact properly served and hence waive all defects in sufficiency of service. Hoke Elections attorneys are estopped to deny that Hoke was properly served on March 6, 2017.

Hoke attorneys from Brooks Pierce state that County attorney and member of the bar of this Court, Grady Hunt, is not authorized to accept service and has never accepted service on behalf of the County Board in prior litigation. That is ludicrous. Grady Hunt is not only a member of the bar of this court but an agent for the County. I have personally been in Superior Court (31 Jan 2017) with Hunt when he represented Hoke County. If Hunt believed that the service was insufficient in any regard he should have notified the court of the "attempted service"

and its alleged invalidity. Hunt did not and now the principle of estoppel is in effect. Hunt had access to the PACER system and could reasonably believe that a return of service would be filed with the Clerk. The return of service was docketed as item #13 with the clerk stating that an answer was due on 27 March 2017.

Pursuant to 28 U.S. Code § 1746 –“I declare under penalty of perjury that the foregoing is true and correct.

Walker prays that the Motion of Hoke Elections be denied for the several reasons listed above.

Executed on 27 March 2017



Russell F. Walker

CERTIFICATE OF SERVICE

I certify that I have placed a copy of this Motion in the U.S. mail, postage prepaid on 27 March 2017 to:

James Bernier
Assistant Attorney General
P.O. Box 629
Raleigh, NC 27602

Craig Schauer
Brooks Pierce
P.O. Box 1800
Raleigh, NC 27602



Russell F. Walker
(910) 281-4657
littlefarm1@windstream.net

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MAR 29 2017

CLERK, U.S. DISTRICT COURT
GREENSBORO, NC

Mark
1802
324 W MARKET ST
Greensboro

N.C.
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