

NORTH CAROLINA

MECKLENBURG COUNTY

STATE OF NORTH CAROLINA,

Ex rel. Carla Cunningham,
Marcia Crenshaw Hill, Kevin Canty,
Juan Delgado and Bryan Adams,

Petitioners,

v.

GARRY MCFADDEN,

Respondent.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

FILED 26CV000396-590

DATE: January 15, 2026

TIME: 11:39:50 AM

MECKLENBURG COUNTY

CLERK OF SUPERIOR COURT

BY: A. Gambleshaw

ORDER GRANTING
MOTION TO DISMISS
WITHOUT PREJUDICE

THIS MATTER CAME ON TO BE HEARD before the undersigned Superior Court Judge on 15 January 2026 upon Petitioners' Verified Petition For Removal From Office and Respondent's Motion To Dismiss. Petitioners were all present and represented by Mr. Jonathan Marx and Respondent was also present and represented by Ms. Elizabeth Greene and Mr. Gavin Bell. The Court, having considered the record, Petitioners' Verified Petition, Respondent's Motion, the file, legal authorities, and arguments of the attorneys, and having heard from the elected Mecklenburg County District Attorney, Spencer B. Merriweather, III who has declined to approve the Verified Petition, and having heard from the Mecklenburg County Attorney, Tyrone C. Wade, who has also declined to approve the Verified Petition, is of the opinion that Respondent's Motion should be GRANTED for lack of jurisdiction.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Respondent's Motion To Dismiss is **GRANTED** and the **Verified Petition is hereby DISMISSED without prejudice.**

It is also hereby ORDERED that the clerk shall mail or otherwise provide a copy of this ORDER to all parties of record as well as to Mr. Merriweather and Mr. Wade.

This the 15th day of January. 2026.



Honorable R. Stuart Albright
Superior Court Judge Presiding