

NORTH CAROLINA  
CURRITUCK COUNTY

FILE NO. 18-CVS- 228  
IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

SANDRA SCHNEIRLA, individually as  
an Aggrieved Person; and,  
THE VIRGINIA FOUR WHEEL DRIVE  
ASSOCIATION, INC.,  
a Virginia not-for-profit corporation,  
PLAINTIFFS,

COMPLAINT  
(INJUNCTIVE RELIEF)  
(VERIFIED COMPLAINT)  
(Jury Trial Demand)

FILED  
18 JUN 21 PM 2:24  
CURRITUCK COUNTY, C.S.C.  
BY JVR

VS.

COUNTY OF CURRITUCK,  
DEFENDANT.

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NOW COME the Plaintiffs complaining of the Defendant and say:

ACTION

This is an action for a temporary restraining order, a preliminary injunction and permanent injunctive relief, along with an award of damages, reasonable attorney fees and costs, for the Defendant's violation of the Article I, Section 32 of the Declaration of Rights of the North Carolina Constitution by enacting regulations that are a private emolument to a set of persons, Currituck County residents and real property owners.

JURISDICTION

Jurisdiction of this action is in the Superior Court pursuant to N.C.G.S. § 7A-245(a)(1)(3) and (4).

PARTIES

1. Sandra Schneirla is a United States citizen, an individual, and a resident of Virginia, is not a minor, is of the age of majority, is competent and is an aggrieved person suffering from the violations of the North Carolina Constitution by the Defendant.



2. Sandra Schneirla (hereinafter "Ms. Schneirla") is also vice-president of the Virginia Four Wheel Drive Association, Inc. and is an authorized representative of that Virginia not-for-profit corporation.
3. The Virginia Four Wheel Drive Association, Inc. (hereinafter "Association") is an organization that is incorporated in the State of Virginia. The Association is an aggrieved entity suffering from the violations of the North Carolina Constitution by Defendant.
4. The Defendant is a boundary-defined governmental subdivision, a county, that is a creation of the State of North Carolina and governed by a Board of Commissioners pursuant to the law of North Carolina.

### FACTS

5. The Currituck County Board of Commissioners on or about March 5, 2018, enacted regulations pertaining to requiring payment for beach parking permits for non-county residents and non-property owners to be able to lawfully park on the beaches of Currituck County.
6. These permitting regulations went into effect on or about May 28, 2018, in Chapter 10, Article II, Sec. 10-64 of the Currituck County Code of Ordinances. A copy of said ordinance Sec. 10-64 is attached as Exhibit "A" and is hereby incorporated by reference thereto as if fully set out herein.
7. Ms. Schneirla was required to purchase a permit at a cost of \$150.00 to be able to park her vehicle on the beach of Currituck County this summer as she has previously enjoyed doing for many years with no permitting fee. A copy of said permit and receipt for payment is attached as Exhibit "B" and is hereby incorporated by reference thereto as if fully set out herein.
8. Ms. Schneirla is not a resident of Currituck County and does not own realty in Currituck County.
9. The Association consists of a group of members who, amongst other places, regularly frequent the beaches of Currituck County for recreation and tourism while pursuing their



interest in driving four-wheel drive type vehicles and stopping and parking at places for rest and activities.

10. The Association is also an advocacy group for its members and their hobby described above. Upon information and belief, none of their members are residents of Currituck County and also do not own realty in Currituck County.
11. Members of the Association are now required to pay fees to the Defendant to be able to continue to pursue their hobby of parking their vehicles on the beaches in Currituck County.
12. Residents and real property owners of Currituck County are not required by Defendant to pay any fees to enjoy the same privileges of parking on the beaches in Currituck County.
13. The Plaintiffs have no statutory or procedural remedy at law, excepting an action for injunctive relief and an award of damages, to remedy their situation and condition of aggrievement due to the unconstitutional regulations enacted by the County of Currituck.
14. To continue to allow these beach parking permits to be required of non-county residents shall cause Plaintiffs to suffer irreparable harm as time cannot be reversed.
15. The Constitution of North Carolina is clear in Article I in Section 32 that "No person or set of persons is entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services."
16. By the Defendant requiring non-county residents to pay a substantial monetary fee for a permit to enjoy the public areas of North Carolina located in Currituck County yet not require any payment from residents of Currituck County, amounts to an unconstitutional private emolument to the residents of Currituck County who park upon the beaches in that county.
17. Sovereign Immunity is not a defense to this action as ruled in *Corum vs. University of North Carolina*, 330 N.C. 761 (1992), which also established that there is a private right of action to obtain a redress for the grievances of suffering a violation of the Declaration of Rights of the North Carolina Constitution.
18. The Plaintiffs, as shown above, have a very good likelihood of prevailing in this action for injunctive relief and award of damages.



19. The Plaintiffs have suffered actual damages due to the actions of the Defendant.
20. The actions of the Defendant have and are flagrantly flouting the law and the North Carolina Constitution; were committed knowingly and voluntarily with malicious and discriminatory intent against non-county residents; were and are outrageous, willful, wanton and reckless to the level that an award of punitive damages is justified and necessary to prevent such future behavior.

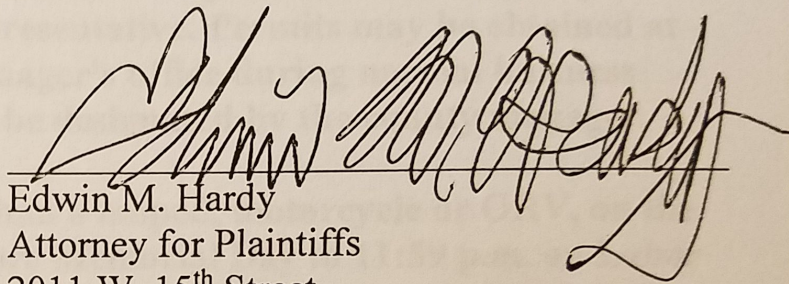
WHEREFORE, Plaintiffs hereby pray the Court for the following relief:

1. That this verified complaint be taken as an affidavit upon which orders of this court can be issued; and,
2. For a temporary restraining order immediately preventing the enforcement by Defendant, Currituck County, of the beach permitting provisions of Chapter 10, Article II, Sec. 10-64 of the Currituck County Code of Ordinances, until there is a hearing on a preliminary injunction; and,
3. For a preliminary injunction preventing the enforcement by Defendant, Currituck County, of the beach permitting provisions of Chapter 10, Article II, Sec. 10-64 of the Currituck County Code of Ordinances until a trial on the merits; and,
4. For a permanent injunction preventing the enforcement by Defendant, Currituck County, of the beach permitting provisions of Chapter 10, Article II, Sec. 10-64 of the Currituck County Code of Ordinances; and,
5. For an award of actual damages in excess of \$25,000.00; and
6. An award of punitive damages; and,
7. A jury trial on all issues so triable by a jury; and,
8. For an award of reasonable attorney fees as allowed by law; and,



9. That the costs be taxed to the Defendant; and,
10. For such other and further relief as the court deems just and proper and as the evidence allows by law and equity.

This the 21<sup>st</sup> day of June, 2018.

A handwritten signature in black ink, appearing to read 'Edwin M. Hardy', is written over a horizontal line.

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