

STATE OF NORTH CAROLINA
COUNTY OF DURHAM

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
File No. 7 CVS 6365

SEAN HAUGH; AND J. RUSSELL
CAPPS,
Plaintiffs,

v.

COUNTY OF DURHAM; ELLEN
W. RECKHOW, Chairman of the Durham
County Board of Commissioners, in her
official capacity, MICHAEL D. PAGE,
Vice-Chairman of the Durham County
Board of Commissioners, in his official
capacity; and LEWIS A. CHEEK, PHILIP
R. COUSIN JR., and BECKY M. HERON,
in their official capacities as members of
the Durham County Board of
Commissioners; MICHAEL M. RUFFIN,
Durham County Manager in his official
capacity; and NITRONEX
CORPORATION,
Defendants.

ORDER

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BY [Signature]
C.S.C.

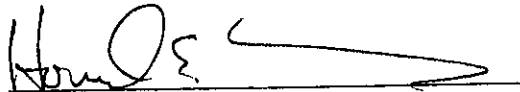
FILED

THIS CAUSE coming on to be heard and being heard before the Honorable Howard E. Manning, Jr., judge presiding over the April 14, 2008 session of Durham County Civil Superior Court, upon motions to dismiss filed by Defendants, Ellen W. Reckhow, Michael D. Page, Lewis A. Cheek, Philip R. Cousin, Jr., Becky M. Heron, and Michael M. Ruffin. The Plaintiffs were represented by Jeanette K. Doran, North Carolina Institute for Constitutional Law; the Defendant Nitronex Corporation was represented by Sarah M. Johnson, Wyrick Robbins Yates & Ponton L.L.P.; and the Defendants County of Durham, Ellen W. Reckhow, Michael D. Page, Lewis A. Cheek, Philip R. Cousin, Jr., Becky M. Heron, and Michael M. Ruffin, were represented by S. C. Kitchen, Durham County Attorney.

IT APPEARING TO THE COURT that the testimony of one officer, director or managing agent of Defendant Nitronex and of one official of Defendant County of Durham as to the purpose of Defendant Nitronex's move to Durham County and the role of the incentives awarded by Defendant County of Durham in inducing that relocation would aid in the Court's consideration of dismissal or summary judgment in this matter.

IT IS THEREFORE ORDERED that, pursuant to N.C.R. Civ. P. 30(b)(6), Plaintiffs shall have 30 days to depose one officer, director or managing agent of Defendant Nitronex and to depose one official of Defendant County of Durham as to the purpose of Defendant Nitronex's relocation to Durham County and the role of the incentives awarded by Defendant County in inducing that relocation; and further that Defendant Nitronex shall make available for deposition one officer, director or managing agent of Defendant Nitronex, and that Defendant County of Durham shall make available one official of Defendant County of Durham for such purposes.

This the 21st day of April, 2008.


Honorable Howard E. Manning, Jr.
Judge Presiding