



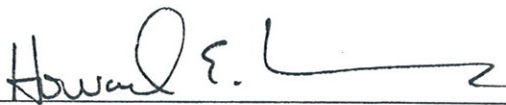
which are the underlying basis for the Defendant's motion to disqualify were not unethical in any respect and were a proper description of the gist of the Plaintiffs' Complaint.

The Court disapproves of the conduct of Defendant's counsel in making the motion to disqualify Plaintiffs' Counsel in the first place; however, after considering the affidavits presented and arguments, the Court finds and concludes that the issue raised by Defendant's counsel regarding disqualification was one of first impression and thus Rule 11 sanctions are not appropriate. *Herring v. Winston-Salem/Forsyth County Board of Education*, \_\_\_\_\_ N.C. App. \_\_\_\_\_, 656 S.E.2d 307 (2008).

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that:

1. Defendant, County of Durham's, motion to disqualify Plaintiffs' counsel is denied.
2. Plaintiffs' motion for Rule 11 sanctions is denied.

This the 8<sup>th</sup> day of July, 2008.



Honorable Howard E. Manning, Jr.  
Judge Presiding