

NORTH CAROLINA  
BUNCOMBE COUNTY

GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 12 CvS 03088

STEPHEN HEFNER, on behalf of )  
himself and all others similarly situated, )  
Plaintiff, )  
v. )  
MISSION HOSPITAL, INC., a North )  
Carolina Corporation, *et al.*, )  
Defendants. )

AFFIDAVIT OF  
LIEUTENANT FRANK  
BUCKNER

Lieutenant Frank Buckner of the Sheriff's Department of Buncombe County, North Carolina (the "Sheriff's Department"), being first duly sworn, deposes and says:

1. I am a citizen and resident of Buncombe County, North Carolina. I am at least 18 years of age and am otherwise competent to make this Affidavit.

2. I am currently employed, and at all times relevant to this Affidavit have been employed, as the Division Head for the Civil Process Division of the Sheriff's Department. In that capacity, I am familiar with the procedures and practices of the Civil Process Division.

3. According to Sheriff's Department records, the Plaintiff's notice of appeal in the above-captioned action was received by the Sheriff's Department on January 13, 2016; the document was served by the Civil Process Division on Mission Hospital, Inc., on January 14, 2016; and the matter was removed from active status in the Civil Process Division at 12:25 p.m. on January 14, 2016.

4. Pursuant to the procedures and practices of the Civil Process Division of the Sheriff's Department, after a document is served by the Civil Process Division and



removed from active status in the system, that document is delivered to an official of the Clerk of Court of Buncombe County, North Carolina, on the morning of the next business day so that the document can be filed by the Clerk's office in the appropriate court file. In accordance with these procedures and practices, the notice of appeal in the above-captioned action would have been delivered by a Civil Process Division employee to an official of the Clerk of Court on the morning of January 15, 2016.

5. I have spoken with Civil Process Division employees and reviewed our records on this matter and am quite confident that the above policies and practices were followed with respect to the notice of appeal in the above-captioned action.

Further the affiant sayeth naught.



Sworn to and subscribed before me  
this, the 5<sup>th</sup> day of February, 2016.

*Maria Reavis Fisher*

Notary Public

My commission expires: April 25, 2017

*Lt. Frank Buckner*

Lt. Frank Buckner

Buncombe County Sheriff's Department