

NORTH CAROLINA
ALAMANCE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
14-CVS-1701

KINGSDOWN, INCORPORATED,

Plaintiff,

v.

W. ERIC HINSHAW, REBECCA
HINSHAW, and ANNE RAY,

Defendants.

ANNE RAY,

Third-Party Plaintiff,

v.

FRANK HOOD, THOMAS I., MCLEAN,
GLENDEL STEPHENSON, WILLIAM S.
PEARSON, WAYNE E. TUMLIN, TUGGLE
DUGGINS P.A. and JOHN DOE,

Third-Party Defendants.

**NOTICE OF WITHDRAWAL OF
MOTION FOR SANCTIONS**

PLEASE TAKE NOTICE that Plaintiff Kingsdown, Incorporated (“Kingsdown”) hereby withdraws the Motion for Sanctions that was filed with the Court on or about April 17, 2015. Kingsdown is joined in this withdrawal by the other parties to the Motion for Sanctions—specifically, Third-Party Defendants Frank Hood, Thomas McLean, Glendel Stephenson, William Pearson, and Wayne Tumlin (collectively, the “Individual Third-Party Defendants”). In support of this Notice of Withdrawal, Kingsdown states the following:

1. This action was initiated when Kingsdown filed its Complaint on or about August 29, 2014. Kingsdown thereafter filed an Amended Complaint on or about September 2, 2014.

2. On or about October 17, 2014, Defendant Anne Ray (“Ray”) filed a Counterclaim against Kingsdown and a Third-Party Complaint against the Individual Third-Party Defendants. Ray’s Third-Party Complaint also asserted claims against Tuggle Duggins P.A. and an unnamed “John Doe.” Ray amended her Counterclaim against Kingsdown on or about November 4, 2014.

3. Kingsdown and the various Third-Party Defendants thereafter separately moved to dismiss Ray’s Counterclaim and her Third-Party Complaint; the Court granted these motions on or about March 25, 2015.

4. On or about April 17, 2015, Kingsdown, along with the Individual Third-Party Defendants, filed a Motion for Sanctions, essentially arguing that Ray should be sanctioned for filing her Counterclaim and Third-Party Complaint for an improper purpose.

5. Although Kingsdown believes that the Motion for Sanctions was not without basis, it now believes that no further action by the Court is required with respect to the Motion at this time.

6. Although undersigned counsel does not currently represent any of the Individual Third-Party Defendants in their individual capacities in this action, they have authorized undersigned counsel to notify the Court that they, too, believe that no further action by the Court is required at this time with respect to the Motion for Sanctions.

7. Accordingly, Kingsdown, with the consent of the Individual Third-Party Defendants, withdraws the Motion for Sanctions, effective immediately. As this case moves forward, Kingsdown preserves its right to seek the Court’s guidance, if necessary, with respect to the propriety of Ray’s litigation conduct.

8. As a result of this Notice of Withdrawal, the Motion for Sanctions is no longer before the Court. Accordingly, no further action is needed by the Court or any party with respect to the Motion, which now can be removed from the Court's docket.

9. The time for Ray to respond to the Motion for Sanctions has not expired. Accordingly, Ray should suffer no prejudice from the withdrawal of the Motion for Sanctions.

This the 30th day of April, 2015.

/s/ Alan W. Duncan

Alan W. Duncan
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served by first class mail upon the following:

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This the 30th day of April, 2015.

/s/ Alan W. Duncan

Alan W. Duncan