

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:10-CV-00265-H

MICHAEL BATEMAN, VIRGIL GREEN, )  
FORREST MINGES, JR., GRNC/FFE, INC., )  
and SECOND AMENDMENT FOUNDATION, )  
INC., )

*Plaintiffs,* )

v. )

BEVERLY PERDUE, REUBEN F. YOUNG, )  
STOKES COUNTY, and CITY OF KING, )

*Defendants.* )

**AFFIDAVIT OF  
WARREN LEE**

I, Warren Lee, being duly sworn, do depose as follows:

1. I am over 18 years of age, am competent to testify, and have personal knowledge of the matters referred to herein.

2. My job title is Director, New Hanover County Department of Emergency Management and 911 Communications. I have held this position since May 5, 2003. I previously served as Director of Emergency Services for Lee County, NC from May, 1993 until May 2003, and as Assistant Emergency Management Director for Cumberland County, NC from December 1990 until May 1993. I am a graduate of NC State University with a B.S. degree in Science Education. I am also a graduate of the Municipal Administration Course at the Institute of Government, University of North Carolina at Chapel Hill. I currently hold a State of North Carolina Emergency Management Coordinator Type 1 certification.

3. During my first three years in emergency management I served as an assistant director. For the past 17 years I've held the position of department director. I have served as Emergency Operations Center (EOC) Director during at least a dozen major emergencies or disasters during my career. I have coordinated operations for ice storms, record snowfalls, severe thunderstorms, tornadoes, floods and hurricanes. At least eight of these events reached major disaster status and received federal disaster declarations. I have also been actively involved in a much higher number of other disaster responses, including hazardous materials releases, wildfires, industrial facility fires, power outages, nuclear power plant incidents, droughts and other weather events.

4. My leadership experience in disaster response and recovery includes the following major incidents: Hurricane Bertha, Hurricane Fran, Hurricane Floyd, Hurricane Isabel, Hurricane Ophelia, Hurricane Charley, Hurricane Ernesto, and the January 2000 Winter Storm.

5. When a hurricane threatens the southeastern coast of North Carolina, New Hanover County enacts its emergency operations plan. One of the first official actions is the meeting of the county control group to consider any protective action decisions that the emergency management director deems necessary to protect the citizens of the county. The control group consists of the mayors of the four municipalities, the chairman of the county board of commissioners, the county manager, the emergency management director and the clerk to the board of commissioners. Also included in the meeting are municipal, county, state and private sector leaders who are critical players in local emergency operations. A number of critical decisions are considered during the control group meeting, including the timing of the issuance of a local state of emergency declaration, imposing voluntary or mandatory evacuation orders, and establishing schedules for the opening of emergency public shelters, the Emergency Operations Center and the Individual Care Coordination

Center (IC-3). No single event triggers the control group meeting or any of the protective action recommendations that come from it. Each storm is different and the timing of these decisions varies.

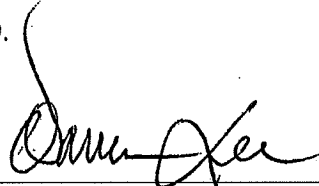
6. Mandatory evacuation for major storms is one of our most important life saving tools. Mandatory evacuation orders are generally imposed for strong category 2 and higher storms. The areas included in the evacuation order are normally the beaches, the low-lying areas adjacent to the Atlantic Intracoastal Waterway and its feeder creeks and all mobile home parks. Emergency public shelters will be opened in New Hanover County when wind speeds are expected to reach tropical storm force through category 3 (39 MPH - 130 MPH). Evacuees will be directed to inland shelters in Harnett and Johnston Counties for Category 4 and 5 storms (131 MPH - 155+ MPH).

7. Major hurricanes historically cause widespread and lengthy power outage and extensive public and private property damage. Local boards sometimes impose curfews and restrict citizens to their own property immediately after a storm's passage as well as sometimes imposing restrictions on alcohol, drugs, and weapons. This is done to protect the public from hazards and give emergency response personnel time to conduct search and rescue operations, survey damage and evaluate and abate life-threatening hazards without placing themselves in danger in the process. It is not uncommon for law enforcement personnel to establish traffic control points and security road blocks in areas where extensive damage is prevalent, particularly business districts.

8. The authority to impose curfews and other restrictions and prohibitions during emergency situations is an important tool for local governing bodies. Prohibitions against the possession of firearms or ammunition except on one's own property are intended to make our community safer for emergency workers as well as the average citizen during emergency situations.

Law enforcement and other public safety personnel occasionally encounter persons who are in violation of curfew or other restrictions and prohibitions in effect at the time. If those persons are carrying firearms, the safety of the rescue workers and the safety of the public can be seriously jeopardized.

This the 15<sup>th</sup> day of December, 2010.

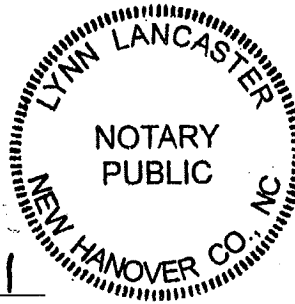


Warren Lee

Sworn to and subscribed before  
me, this the 15<sup>th</sup> day of December, 2010.



Notary Public



My commission expires: Sept 10, 2011

Respectfully submitted, this the 15<sup>th</sup> day of December 2010.

ROY COOPER  
Attorney General

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**CERTIFICATE OF SERVICE**

I hereby certify that on this day, December 15, 2010, I electronically filed the foregoing **AFFIDAVIT OF WARREN LEE** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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