

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

LEE COUNTY

FILE NO.: 16 CVS 329

2016 MAY 27 A 11: 29

LITTLE RIVER, LLC,  
Petitioner,

LEE COUNTY, C.S.C.

v.

BY:  ANSWER

LEE COUNTY,  
Respondent.

The Respondent responds to the Petition for Writ of Certiorari and for Judicial Review by numbered paragraphs as follows:

1. Paragraph 1 is admitted.
2. Paragraph 2 is admitted.
3. Paragraph 3 is admitted.
4. Paragraph 4 is admitted.
5. Paragraph 5 is admitted.
6. Paragraph 6 is admitted.
7. Paragraph 7 is admitted.
8. Paragraph 8 is admitted.
9. Paragraph 9 is denied.
10. Paragraph 10 is denied.
11. Paragraph 11 is denied.
12. As to Paragraph 12, it is admitted that Little River submitted some evidence on the matters alleged therein. The probity and convincing force of said evidence is denied.

13. As to Paragraph 13, it is admitted that Little River offered 19 proposed conditions of approval of the application and submitted a preliminary site plan. All other allegations contained therein are denied.

14. Paragraph 14 is denied.

I. The allegations in Roman Numeral paragraph I are denied.

15. As to Paragraph 15, it is admitted that Little River submitted some evidence on the matters alleged therein. The probity and convincing force of said evidence is denied.

16. As to Paragraph 16, it is admitted that Little River submitted some evidence on the matters alleged therein. The probity and convincing force of said evidence is denied

17. As to Paragraph 17, it is admitted that Little River submitted some evidence on the matters alleged therein. The probity and convincing force of said evidence is denied.

18. As to Paragraph 18, it is admitted that Little River submitted some evidence on the matters alleged therein. The probity and convincing force of said evidence is denied.

19. As to Paragraph 19, it is admitted that Little River submitted some evidence on the matters alleged therein. The probity and convincing force of said evidence is denied.

20. Paragraph 20 is denied.

21. Paragraph 21 is denied.

22. Paragraph 22 is denied.

23. Paragraph 23 is denied.

24. Paragraph 24 is admitted.

25. As to Paragraph 25, it is admitted that Little River submitted some evidence on the matters alleged therein. The probity and convincing force of said evidence is denied.

II. The allegations in Roman Numeral paragraph II are denied.

26. As to Paragraph 26, it is admitted that Little River submitted an application that addressed in some form or fashion the standards and specifications for quarries in Section 5.23 of the UDO. All other allegations contained therein are denied.

III. The allegations in Roman Numeral paragraph III are denied.

27. As to Paragraph 27, it is admitted that Little River submitted some evidence on the matters alleged therein. The probity and convincing force of said evidence is denied.

28. Paragraph 28 is denied.

IV. The allegations in Roman Numeral paragraph IV are denied.

29. As to Paragraph 29, the first sentence of that paragraph is admitted. As to the second sentence of that paragraph, it states a legal conclusion to which no factual response is required. To the extent a factual response is required it is denied.

30. As to Paragraph 30, it is admitted that Little River submitted some evidence on the matters alleged therein. The probity and convincing force of said evidence is denied.

31. As to Paragraph 31, it is admitted that Little River submitted some evidence on the matters alleged therein. The probity and convincing force of said evidence is denied.

32. As to Paragraph 32, the Respondent lacks sufficient information to form a belief as to the truthfulness of this allegation and therefore, denies the same.

33. As to Paragraph 33, it states a legal conclusion to which no factual response is required. To the extent a factual response is required it is denied.

34. Paragraph 34 is denied.

35. The responses to the allegations contained in Paragraph 35 are realleged as if fully set forth herein.

36. Paragraph 36 is admitted.

37. Paragraph 37 is denied.
38. Paragraph 38 is denied.
39. Paragraph 39 is denied.
40. Paragraph 40 is denied.
41. Paragraph 41 is denied.
42. Paragraph 42 is denied.
43. Paragraph 43 is denied.
44. Paragraph 44 is denied.
45. Paragraph 45 is denied.

**GENERAL DENIAL**


Any allegations not specifically admitted herein are denied.

WHEREFORE, the Respondent prays the Court for the following relief:

1. That the Petition of Little River, LLC be dismissed.
2. The relief sought in the Petition be denied.
3. For such other and further relief as the Court deems appropriate.

This the 23<sup>rd</sup> day of May, 2016.

YARBOROUGH, WINTERS & NEVILLE, P.A.


  
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**CERTIFICATE OF SERVICE**

I do hereby certify that a copy of the foregoing Answer has been delivered by the office of the Postal Service to the individual named below:

**Ms. Karen Kemerait  
M. Gray Styers, Jr.  
Smith Moore Leatherwood  
434 Fayetteville Street, Suite 2800  
Raleigh NC 27601**

This the 25<sup>th</sup> day of May, 2016.

  
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