

STATE OF NORTH CAROLINA  
COUNTY OF CARTERET

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
13 OSP 14194

<p>Sue Michaud,</p> <p>Petitioner,</p> <p>v.</p> <p>Kieran Shanahan; Mikael R. Gross; N.C. Department Of Public Safety,</p> <p>Respondent.</p>	<p><b>ORDER GRANTING RESPONDENT'S MOTION FOR SUMMARY JUDGMENT</b></p>
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THIS MATTER is before the undersigned Administrative Law Judge for consideration and disposition of all pending motions.

The procedural history of this contested case is as follows: The petition for contested case was filed with the Office Administrative Hearings (OAH) on June 24, 2013. A Motion to Stay was filed with OAH on October 18, 2013, pending resolution of EEOC investigations and a federal lawsuit filed in the US District Court for the Eastern District of North Carolina. An amended Motion to Stay was filed with OAH on December 23, 2013 pending the resolution of the EEOC investigation and federal lawsuit. An Order of Stay was issued by the Honorable Melissa Owens Lassiter on December 30, 2013. On March 21, 2014, Judge Lassiter lifted the stay and the contested case was reassigned to the undersigned. Both parties had submitted pre-hearing statements. Respondent's Motion for Summary Judgment was filed electronically with OAH on May 5, 2014. A Request for Response to Respondent's Motion was sent to Petitioner also dated May 5, 2014, which gave Petitioner until May 25, 2014 to respond to the Motion. To date, there has been no response by Petitioner.

Based on Petitioner's failure to respond to discovery and those matters being deemed admitted, and no further showing by Petitioner, there is no genuine issue of material fact. This matter therefore should be and hereby is **DISMISSED WITH PREJUDICE**.

This the 14<sup>th</sup> day of August, 2014.

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Donald W. Overby  
Administrative Law Judge

STATE OF NORTH CAROLINA  
COUNTY OF CARTERET

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
13OSP14194 and 13OSP14195

Sue Michaud Petitioner  v.  Kieran Shanahan Mikael R Gross N C Department Of Public Safety Respondent	<b>ORDER AMENDING DECISION</b>
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Pursuant to 26 NCAC 3.0129, for the purpose of correcting a clerical error, IT IS HEREBY ORDERED that the above-captioned Decision, issued from this Office on August 15, 2014 is amended to reflect both of Petitioner's case numbers (13OSP14194 and 13OSP14195) in the caption and to provide the following notice of appeal rights:

**NOTICE**

**This is a Final Decision** issued under the authority of N.C. Gen. Stat. § 150B-34.

Under the provisions of North Carolina General Statute § 150B-45, any party wishing to appeal the final decision of the Administrative Law Judge must file a Petition for Judicial Review in the Superior Court of the county where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, the county where the contested case which resulted in the final decision was filed. **The appealing party must file the petition within 30 days after being served with a written copy of the Administrative Law Judge's Final Decision.** In conformity with the Office of Administrative Hearings' rule, 26 N.C. Admin. Code 03.0102, and the Rules of Civil Procedure, N.C. General Statute 1A-1, Article 2, **this Final Decision was served on the parties the date it was placed in the mail as indicated by the date on the Certificate of Service attached to this Final Decision.** N.C. Gen. Stat. § 150B-46 describes the contents of the Petition and requires service of the Petition on all parties. Under N.C. Gen. Stat. § 150B-47, the Office of Administrative Hearings is required to file the official record in the contested case with the Clerk of Superior Court within 30 days of receipt of the Petition for Judicial Review. Consequently, a copy of the Petition for Judicial Review must be sent to the Office of Administrative Hearings at the time the appeal is initiated in order to ensure the timely filing of the record.

This the 12<sup>th</sup> day of February, 2015.

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Donald W. Overby  
Administrative Law Judge