

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

DURHAM COUNTY

DISTRICT COURT DIVISION

25CV012521-310

**DURHAM COUNTY,  
ex rel: Maggie Clapp**

**Petitioner,**

v.

**AMANDA SHENELLE WALLACE,**

**Respondent.**

**RULE 60(b) MOTION**

**NOW COMES** Amanda Wallace (“Ms. Wallace”), Respondent, by and through undersigned counsel, pursuant to Rule 60(b) of the North Carolina Rules of Civil Procedure; the First and Fourteenth Amendments to the United States Constitution; and North Carolina Constitution, Article I, Sections 12, 14, and 19, and respectfully moves this Court to relieve Ms. Wallace of certain provisions of the Permanent No-Contact Order entered in this matter on December 5, 2025. In support of her motion, Ms. Wallace offers the following:

**INTRODUCTION**

Following a hearing on December 5, 2025, the Honorable James T. Hill granted Petitioner’s request for a no-contact order to be imposed against Ms. Wallace. In so doing, the Court issued specific restrictions on Ms. Wallace by way of a written order, as well as by way of verbal directives issued from the bench. As detailed below, the Court imposed unlawful content-based restrictions on Ms. Wallace, as well as unlawful time, place, and manner restrictions, thereby actively exposing Ms. Wallace to civil contempt for exercising her protected speech. Consequently, Ms. Wallace, through counsel, hereby seeks relief from certain provisions of the Court’s existing order.

**PROCEDURAL HISTORY**

1. Respondent Amanda Wallace is a resident of Durham County, North Carolina.
2. Petitioner is the Durham County government on behalf of the Director of Durham County Social Services (“DSS”) Maggie Clapp (“Ms. Clapp” or “Director Clapp”), a public official.
3. On November 19, 2025, Petitioner filed a Petition for No-Contact Order against Ms. Wallace

pursuant to the Workplace Violence Prevention Act. N.C. GEN. STAT. § 95-260 et seq.; Ex. 1, Petition for No-Contact Order (“Petition”).

4. Among other things, the Petition alleged that Ms. Wallace “accused [Durham County DSS Director] Maggie Clapp of engaging in criminal acts and acts of moral turpitude, including but not limited to: kidnapping, genocide, and holding children hostage.” Ex. 1, Petition ¶ 8.
5. Petitioner further alleged that Ms. Wallace “has engaged in a pattern of behavior of harassing [Durham County DSS Director] Maggie Clapp at workplace, through email, in the community, and most recently at standing outside the home of Maggie Clapp.” *Id.* at ¶ 12.
6. Petitioner also filed an accompanying Affidavit from Director Clapp. Ex. 2, Aff. of Maggie Clapp.
7. On November 19, 2025, the Honorable Kevin E. Jones issued an *ex parte* Temporary No-Contact Order against Ms. Wallace. Ex. 3, Temporary No-Contact Order.
8. On December 5, 2025, a hearing was held in Durham County District Court, with the Honorable James T. Hill presiding, to determine whether Petitioner was entitled to a permanent no-contact order. Petitioner offered one witness, Director Clapp, and Respondent offered two witnesses: Professor Sarah Katz, who was accepted by the court as an expert in family policing abolition, and Ms. Wallace.
9. Following closing arguments by counsel, Judge Hill asked Petitioner’s counsel to provide him with a copy of the proposed order that Petitioner’s counsel drafted prior to the hearing. Ex. 6, Afternoon Session Trial Tr. at 27; *see* Ex. 8, Petitioner’s Pre-trial Proposed Order.
10. Counsel for Ms. Wallace requested that, if the Court was inclined to grant the no-contact order, she would like the opportunity to propose limitations on any restrictions. Counsel asked the Court if she could also submit proposed language within 24 hours, which the Court denied. *See id.* at 28.
11. Judge Hill issued his order from the bench. In so doing, the Court read from Petitioner’s proposed order and made verbal edits that he directed Petitioner’s counsel to incorporate into what would become the final Order. *See id.* at 30-37. In just over half an hour from the close of evidence, the Order was finalized. *See id.*
12. Among other things, Judge Hill ordered the following:
  - “As to Ms. Clapp's residence, Ms. Wallace may not go into the Liberty Warehouse Apartment complex or the sidewalks or streets adjacent to said complex. Ms. Wallace

may go to the Durham Food Hall.” Ex. 4, Permanent No-Contact Order ¶¶ 2-5.

- “Respondent Amanda Wallace shall not contact by telephone Maggie Clapp at any Durham County property, at any location she is engaged in the business of Durham County DSS, at her residence, or the surrounding areas of said locations. Ms. Wallace may email Ms. Clapp but may not use abusive, threatening, and harassing language.” Ex. 4, Permanent No-Contact Order ¶ 5.

13. From the bench, the Court added the following:

- “I think Ms. Wallace has the right to correspond with Ms. Clapp and the department via email. Yet the language does not need to be threatening, harassing, you’re a kidnapper, you have genocide, go back to Florida, that type of stuff. Am I giving you—I mean, I—you can dress this up. Ms. Wallace has the absolute First Amendment right to protest and air her grievances.” Ex. 6, Afternoon Session Trial Tr. at 32.
- When directed at Director Clapp, Ms. Wallace cannot use the words: “Kidnap. Genocide. Kidnap, especially. That is accusing her of being a felon. And I think that is outside the realm of first—protected—First Amendment protected speech.” *Id.* at 33.
- “Ms. Wallace cannot go to the residence or the apartment building where the director lives. Central Park is fine. That is a public forum. But need to stay away from the sidewalks around where Ms. Clapp lives.” *Id.*
- Regarding Ms. Wallace’s access to Central Park: “You can—you can go down Foster Street. And as you come down Foster, the park’s right there on your left, and you don’t have to come anywhere near the Liberty Warehouse Apartments. You can come around on the other side. You can go on the other side and come in through the woods. I mean, there are many ways to get to the Central Park without going by—she probably don’t need to go down Rigsbee Avenue... On the other side. Down the side that the apartment’s on, go right across the street from Rigsbee... And across the street when you go down Corporation, down across the side, when you go down Foster. None of the sidewalks right around the apartments where she lives.” *Id.* at 35.

14. Director Clapp’s residence, Liberty Warehouse Apartments, is adjacent to Durham Central Park. *See* Ex. 4, Permanent No-Contact Order ¶ 19. “Central Park is regularly the location of protests in Durham.” *Id.*

### ARGUMENT

15. Rule 60(b) of the North Carolina Rules of Civil Procedure allows a court to “relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) Mistake, inadvertence, surprise, or excusable neglect;
- (2) Newly discovered evidence which by due diligence could not have been discovered in

time to move for a new trial under Rule 59(b);

- (3) Fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;
- (4) The judgment is void;
- (5) The judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or
- (6) Any other reason justifying relief from the operation of the judgment.”

N.C. GEN. STAT. § 1A-1.

16. The Court should grant relief under N.C. R. CIV. P. 60(b)(6) <sup>1</sup> when the movant shows that “(1) extraordinary circumstances exist; (2) justice demands it; and (3) the movant has a meritorious defense to the underlying claims.” *Oxford Plastics, Div. of Plastics Eng'g Corp. v. Goodson*, 74 N.C. App. 256, 328 S.E.2d 7 (1985).
17. Here, the Court should grant Ms. Wallace’s motion because the Permanent No-Contact Order issued on December 5, 2025 creates *extraordinary circumstances* by exposing her to unlawful enforcement of the Order—which could include civil contempt—for lawfully exercising her constitutional rights guaranteed by the First and Fourteenth Amendments to the United States Constitution; and North Carolina Constitution, Article I, Sections 12, 14, and 19.
18. The penalties for civil contempt are censure, fine, and/or imprisonment. *See* N.C. Gen. Stat. § 5A-12.
19. Additionally, Ms. Wallace has a meritorious defense to the underlying claims because the at-issue provisions of the Order implicate lawful exercise of her rights to petition the government, freedom of speech, freedom of protest, freedom to dissent, and due process of law. *See* U.S. CONST. amends. I and XIV; N.C. CONST. art. 1, §§ 12, 14, and 19. Specifically, these provisions impose (1) unlawful content-based restrictions on Ms. Wallace’s constitutionally protected political speech; (2) unlawful time, place, and manner restrictions on Ms. Wallace’s constitutionally protected political speech; and (3) unreasonable restrictions on her access to a

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<sup>1</sup> While Ms. Wallace pleads her motion under subpart (6) of Rule 60(b), the Court of Appeals has made it clear that the trial court, in its discretion, can choose to grant the motion pursuant to whichever subpart of Rule 60(b) it determines is most appropriate, even where the movant has not plead that subpart. *See Pope v. Pope*, 247 N.C. App. 587, 593, 786 S.E.2d 373, 378 (2016) (“[A] Rule 60(b) movant need not specify under which subpart of Rule 60(b) relief is sought...Likewise, the trial court need not set aside a final judgment under the subpart specified by the movant.”).

traditional public forum.

20. The Court should use its “grand reservoir of equitable power,” *Branch Banking & Trust Co. v. Tucker*, 131 N.C. App. 132, 137, 505 S.E.2d 179, 182 (1998), in N.C. R. Civ. P. 60(b)(6) to revise the Order, as requested below, because she is suffering harms (and is at risk for further harm) caused by the Order that warrant immediate relief from this Court. *See* Ex. 7, Affidavit of Amanda Wallace. (Ms. Wallace has timely filed a notice of appeal in this matter, and plans to proceed to seek other appropriate relief through that channel.<sup>2</sup>)

**I. THE ORDER HARMS MS. WALLACE BY IMPOSING UNCONSTITUTIONAL CONTENT-BASED RESTRICTIONS ON HER PROTECTED POLITICAL SPEECH, EXPOSING HER TO UNLAWFUL ENFORCEMENT.**

21. The Order infringes on Ms. Wallace’s freedom of speech by prohibiting her from using particular words directed at Director Clapp, as well as prohibiting Ms. Wallace from using “abusive, threatening, and harassing” language when emailing Director Clapp. Both prohibitions are content-based restrictions on Ms. Wallace’s protected political speech, and neither passes constitutional muster.
22. “Under [the Free Speech Clause of the First Amendment], a government, including a municipal government vested with state authority, ‘has no power to restrict expression because of its message, its ideas, its subject matter, or its content.’” *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015) (quoting *Police Dep’t of Chicago v. Mosley*, 408 U.S. 92, 95 (1972)).
23. “Content-based laws—those that target speech based on its communicative content—are **presumptively unconstitutional** and may be justified only if the government proves that they are **narrowly tailored to serve compelling state interests**.” *Id.* (emphasis added).
- A. Prohibiting Ms. Wallace from using the words “kidnap” and “genocide” when directed at Director Clapp is a content-based restriction on protected political speech that does not pass strict scrutiny.
24. The oral provision of the Order restricting Ms. Wallace’s use of the specific words, like “kidnap” and “genocide,” when directed at Director Clapp Ex. 6, Afternoon Session Trial Tr. at 33, is a quintessential content-based restriction. *See Reed*, 576 U.S. at 164 (noting

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<sup>2</sup> When a Rule 60(b) motion is made in the trial court while the matter is being appealed, the Court of Appeals instructs that the proper procedure is for the trial court to enter an “indicative ruling.” If the trial court indicates that it would grant the motion, the Court of Appeals will then remand the case to the trial court to enter judgment on the motion. If the trial court indicates that it would deny the motion, the movant can request review in the appellate proceedings. *See Bell v. Martin*, 43 N.C. App. 134, 258 S.E.2d 403 (1979), *rev’d on other grounds*, 299 N.C. 715 (1980).

“[g]overnment regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed.”). Therefore, it is presumptively unconstitutional unless the government can overcome strict scrutiny, the most exacting standard our Constitution affords.

25. Here, the government claims that its interest is in protecting Director Clapp from being accused of crimes. This alleged interest does not pass muster for two key reasons.
26. First, it fundamentally mischaracterizes Ms. Wallace’s speech. As the Court heard at trial, Ms. Wallace, a layperson, uses these terms colloquially and expressively to describe the effect of the family policing system that Director Clapp leads as Director of Durham County DSS. *See generally N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964) (articulating a “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include **vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials**” (emphasis added)).
27. Ms. Wallace has not accused Director Clapp of crimes, evidenced by the fact that she has not contacted law enforcement about Director Clapp, nor taken any other steps to subject Director Clapp to formal criminalization, such as seeking a criminal warrant from a magistrate. Rather, Ms. Wallace’s speech falls squarely within the arena of “political hyperbole”—protected speech, which the Supreme Court has recognized “is often vituperative, abusive, and inexact.” *See Watts v. United States*, 394 U.S. 705, 708 (1969). In light of these facts, the government’s asserted interest in policing Ms. Wallace’s exact words is not “compelling.”
28. Second, even if the Court were to find that Ms. Wallace was, in fact, formally accusing Director Clapp, as the leader of Durham County DSS, of kidnapping and genocide, accusing someone of a crime is a matter of public importance. *See, e.g., Adventure Outdoors, Inc. v. Bloomberg*, 552 F.3d 1290, 1298 (11th Cir. 2008) (noting that accusations of “alleged violations of federal gun laws” by gun stores were speech on “a matter of public concern”); *Boule v. Hutton*, 328 F.3d 84, 91 (2d Cir. 2003) (holding that allegations of “fraud in the art market” involve “a matter of public concern”); *Obsidian Fin. Grp., LLC v. Cox*, 740 F.3d 1284 (9th Cir. 2014) (finding that accusing a court-appointed trustee of “tax fraud” is a “matter of public concern”).
29. The Constitution affords special protection to speech on matters of public importance, like Ms. Wallace’s speech at issue here. *See Snyder v. Phelps*, 562 U.S. 443, 452 (2011) (quoting *Connick v. Myers*, 461 U.S. 138, 145 (1983)) (“[S]peech on public issues occupies the highest rung of the hierarchy of First Amendment values, and is **entitled to special protection.**” (emphasis added)). The government cannot restrict speech on matters of public importance simply because it is “upsetting or arouses contempt.” *See id.* (quoting *Texas v. Johnson*, 491 U.S. 397, 414 (1989)).

30. As such, the Order’s restriction on Ms. Wallace’s ability to use the words “kidnap” and “genocide” when directed at Director Clapp suffers a fatal flaw: the government’s asserted interest in shielding Director Clapp from being accused of crimes does not constitute a compelling government interest for First Amendment purposes. First, Ms. Wallace’s descriptive language amounts to nothing more than political hyperbole, which is protected speech. Second, the government’s asserted interest ignores the “special protection” afforded to matters of public importance.
31. Even if shielding Director Clapp from “false accusations of criminality and moral turpitude,” Ex. 1 ¶ 8, were a compelling government interest—it is not—a prohibition on the specific words, namely “kidnap” and “genocide,” also fails the narrow tailoring prong of strict scrutiny analysis, as it is woefully under- inclusive, thus failing to satisfy the narrow tailoring prong of strict scrutiny. *See Reed*, 576 U.S. at 171-172 (holding town sign regulation’s distinctions “fail as hopelessly underinclusive” where the regulation prohibits directional signs as a threat to driver safety but not ideological or political signs). Fundamentally, prohibiting Ms. Wallace from using the word “kidnap” and “genocide” when directed at Ms. Clapp, amounts to viewpoint discrimination, “an egregious form of content discrimination,” that rarely survives strict scrutiny analysis. *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995)
32. The Court should remove the prohibition from the Order to prevent further exposing Ms. Wallace to punishment for exercising her First Amendment right to freedom of speech.
- B. Prohibiting Ms. Wallace from using “abusive, threatening, and harassing” language when emailing Director Clapp is an unconstitutionally vague, content-based restriction on protected political speech that does not pass strict scrutiny.
33. The Order states that “Ms. Wallace may email Ms. Clapp but may not use abusive, threatening, and harassing language.” Ex. 4, Permanent No-Contact Order ¶ 5.
- i. *The provision violates the First Amendment right to freedom of speech because it does not serve a compelling government interest.*
34. Prohibiting Ms. Wallace from using “abusive, threatening, and harassing language” constitutes a content-based prohibition because it “target[s] speech based on its communicative content,” i.e., the specific language being used. *See Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015). Where a prohibition targets “some messages but not others, and makes it impossible to determine whether the [person has violated the prohibition] without examining the content of its communication,” the prohibition is content-based. *State v. Bishop*, 368 N.C. 869, 876 (2016). Thus, like the prohibition on Ms. Wallace’s use of “kidnap” and “genocide,” this is also presumptively unconstitutional, and it cannot stand because it fails to serve a compelling government interest, a requisite prong of strict scrutiny. *See id.*

35. Here, the government claims an interest in prohibiting Ms. Wallace from emailing Director Clapp using so-called “abusive, threatening, and harassing” language to prevent Director Clapp from experiencing emotional distress. On direct examination, when asked about how Ms. Wallace’s email made her feel, Director Clapp answered: “Uh, I mean, well, it made me very upset...I felt harassment, again, and just continue to feel harassed.” Ex. 5, Morning Session Trial Tr. at 17.
36. Protecting Director Clapp, a public official leading a highly contentious government department, from feeling “very upset” is not a compelling government interest.
37. Imposing a presumptively unconstitutional restriction on Ms. Wallace’s speech because Director Clapp feels “very upset” runs afoul of the Supreme Court’s “longstanding refusal” to impose liability “because the speech in question may have an adverse emotional impact on the audience.” *See Hustler Magazine v. Falwell*, 485 U.S. 46, 55 (1988).
38. Even if the government were to assert it has a compelling government interest in preventing Director Clapp from being “harassed,” that too fails. “There is no categorical ‘harassment exception’ to the First Amendment’s free speech clause.” *Saxe v. State Coll. Area Sch. Dist.*, 240 F.3d 200, 204 (3d Cir. 2001) (Alito, J.).
39. Because the government does not have a compelling interest, it did not overcome the presumed unconstitutionality of this content-based restriction.
  - ii. *The prohibition on “abusive, threatening, and harassing” language violates the Fourteenth Amendment’s due process requirement because it is vague, unduly inhibiting Ms. Wallace’s First Amendment rights.*
40. The prohibition on using “abusive, threatening, and harassing” language in emails to Director Clapp does not provide Ms. Wallace fair notice of what she can and cannot say, violating her due process rights and chilling her First Amendment rights.
41. The Fourteenth Amendment states that the government shall not “deprive any person of life, liberty, or property, without due process of law.” U.S. CONST. amend. XIV.
42. First, the Order is an injunction, as it is a “court order commanding or preventing an action.” Black’s Law Dictionary 904 (10th ed. 2014). “This injunction, like a criminal statute, prohibits conduct under fear of punishment. Therefore, we look at the injunction as we look at a statute.” *United Transp. Union v. State Bar of Mich.*, 401 U.S. 576, 581, (1971).
43. “A statute is unconstitutionally vague under the Due Process Clause [of the Fourteenth Amendment] if it fails to provide a person of ordinary intelligence fair notice of what is prohibited...” *Martin v. Lloyd*, 700 F.3d 132, 135 (4th Cir. 2012) (internal quotations removed).
44. “[W]here a vague statute abuts upon sensitive areas of basic First Amendment freedoms, it

operates to inhibit the exercise of those freedoms. Uncertain meanings inevitably lead citizens to steer far wider of the unlawful zone than if the boundaries of the forbidden areas were clearly marked.” *Grayned v. City of Rockford*, 408 U.S. 104, 109 (1972) (cleaned up).

45. This provision of the Order is vague because it does not give Ms. Wallace fair notice of what it means for language to be “abusive, threatening, and harassing.” In the context of this Order, those terms are undefined and subjective. Just as the Court in *Grayned* forewarned, for fear of being accused of violating this Order, Ms. Wallace has refrained from emailing Director Clapp at times when she otherwise would have done so. *See* Ex. 7, Affidavit of Amanda Wallace.
46. Because the prohibition against “abusive, threatening, and harassing” language in emails to Director Clapp does not serve a compelling government interest,<sup>3</sup> nor does it provide fair notice to Ms. Wallace of what those terms mean in this context, it is unconstitutional. Absent relief from this Court, Ms. Wallace faces the prospect of being punished for lawfully exercising her First Amendment rights, a risk that justifies relief at this stage.

## **II. THE ORDER HARMS MS. WALLACE BY IMPOSING UNCONSTITUTIONAL TIME, PLACE, AND MANNER RESTRICTIONS ON HER PROTECTED POLITICAL SPEECH, EXPOSING HER TO UNLAWFUL ENFORCEMENT.**

47. The Order totally bans Ms. Wallace from contacting Director Clapp by telephone. Ex. 4, Permanent No-Contact Order ¶ 5.
48. Because this prohibition is overbroad and the government did not articulate, much less prove, a significant government interest in imposing it, this time, place, and manner restriction on Ms. Wallace’s ability to communicate with a public official violates her First Amendment rights to freedom of speech and to petition the government.
49. The government may only impose reasonable time, place, and manner restrictions on First Amendment activity if “they (1) were content neutral, (2) preserved ample alternative channels for communication, and (3) were narrowly tailored to serve a significant governmental interest. *Hulbert v. Pope*, 70 F.4th 726, 734 (4th Cir. 2023) (quoting *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989)).
50. Here, while it is content-neutral and there are alternative channels for communication with Director Clapp, the restriction is unconstitutional because it is not “narrowly tailored to serve a

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<sup>3</sup> Additionally, even if the government were to assert a government interest in protecting government officials, the prohibition still fails. As the Supreme Court of North Carolina has rightly recognized drawing from *Watts*, “even if a state’s interest in protecting public officials is ‘overwhelming,’ the First Amendment interest in protecting speakers who engage in controversial but constitutionally permissible speech is even more substantial.” *State v. Taylor*, 379 N.C. 589, 600 (2021) (citing *Watts*, 394 U.S. at 707). Prohibiting Ms. Wallace from using “abusive, threatening, and harassing” language—the contours of which are subjective and undefined—is not “narrowly drawn to achieve that end,” and, as such, is impermissible. *Ark. Writers’ Project, Inc. v. Ragland*, 481 U.S. 221, 231 (1987). Likewise, the prohibition fails where the “effect of the statute” is “posited . . . as the State’s interest.” *Simon & Schuster, Inc. v. Members of N.Y. State Crime Victims Bd.*, 502 U.S. 105, 120 (1991) (noting “this sort of circular defense can side step judicial review of almost any statute, because it makes all statutes look narrowly tailored.”).

significant governmental interest.”

51. The ban on phone calls fails the third prong, first, because: “A decree must relate specifically and exclusively to the pleadings and proof. If not so related, the provision, because of its vagueness, will jeopardize the exercise of protected freedoms. This injunction, like a criminal statute, prohibits conduct under fear of punishment. Therefore, we look at the injunction as we look at a statute, and if upon its face it abridges rights guaranteed by the First Amendment, it should be struck down.” *United Transp. Union*, 401 U.S. at 581.
52. Petitioner made no allegations—and the record contains no evidence—that Ms. Wallace ever made any phone calls to Director Clapp. *See* Ex. 1, Petition; Ex. 6, Afternoon Session Trial Tr.; and Ex. 5, Morning Session Trial Tr.
53. The Court did not make any factual findings relating to Ms. Wallace contacting Director Clapp by phone. *See* Ex. 4, Permanent No-Contact Order.
54. The government did not prove—or even allege—that it has any interest at all, let alone a significant one, in restricting Ms. Wallace from calling Director Clapp, and there is no support in the record for the Court to infer one.
55. Thus, the provision is not narrowly tailored, as it is vague – it does not “relate specifically and exclusively to the pleadings and proof.” *United Transp. Union*, 401 U.S. at 581. Because it is “not so related, the provision, because of its vagueness, will jeopardize the exercise of protected freedoms.” *Id.*
56. This provision further fails the third prong because it is a total ban on this avenue of communication. *See Frisby v. Schultz*, 487 U.S. 474, 485 (1988) (“A complete ban can be narrowly tailored, but *only if* each activity within the proscription's scope is an appropriately targeted evil.” (emphasis added)).
57. The record does not support a finding that Ms. Wallace contacting Director Clapp by phone is an “appropriately targeted evil” for the reasons articulated above: what evil? There is no evidence in the record regarding Ms. Wallace engaging in this activity at all.
58. Thus, the provision is also overbroad because it unjustifiably restricts Ms. Wallace from engaging in the First Amendment activity of lawfully petitioning her government.
59. Lastly, to the extent that the Court issued this provision intending to prevent a hypothetical future risk that Ms. Wallace would “harass” or otherwise abuse Director Clapp via telephone, the provision is an unlawful prior restraint.
60. “Temporary restraining orders and permanent injunctions—i.e., court orders that actually forbid speech activities—are classic examples of prior restraints.” *Alexander v. United States*, 509 U.S. 544, 550 (1993). “Any prior restraint on expression comes to this Court with a heavy presumption against its constitutional validity.” *Org. for a Better Austin v. Keefe*, 402 U.S. 415, 419 (1971) (striking down a prior restraint on “offensive” and “coercive” speech, reasoning

that such speech is protected by the First Amendment, and the party seeking the injunction did not carry his burden to justify it).

61. In this case, putting forth no evidence that Director Clapp has a constitutionally valid interest in being free from phone calls, from Ms. Wallace under any and all conditions, the government has not carried its burden. Even if this Court found that government has asserted a significant government interest, which it has not, the prohibition still fails as it evinces no tailoring, much less *narrow* tailoring to achieve the end.
62. Because this provision banning Ms. Wallace from calling Director Clapp is unsupported and otherwise overbroad it fails intermediate scrutiny and is unconstitutional. Absent relief from this Court, Ms. Wallace faces the prospect of being punished for lawfully exercising her First Amendment rights, a risk that justifies relief at this stage.

**III. THE ORDER HARMS MS. WALLACE BY UNCONSTITUTIONALLY RESTRICTING HER ACCESS TO A TRADITIONAL PUBLIC FORM, DURHAM CENTRAL PARK, AND BY EXPOSING HER TO ERRONEOUS ENFORCEMENT OF THE ORDER.**

63. The Order bans Ms. Wallace from going into “the Liberty Warehouse Apartment complex or the sidewalks or streets adjacent to said complex.” Ex. 4, Permanent No-Contact Order ¶¶ 2-5.<sup>4</sup>
64. Acknowledging that Durham Central Park is adjacent to this apartment complex, the Court orally ordered that “Central Park is fine” because it “is a public forum.” Ex. 6, Afternoon Session Trial Tr. at 32.
65. In response to a request for clarification from Ms. Wallace’s counsel, the Court attempted to explain exactly which nearby sidewalks and entrances to the park that Ms. Wallace was allowed to use:

You can—you can go down Foster Street. And as you come down Foster, the park’s right there on your left, and you don’t have to come anywhere near the Liberty Warehouse Apartments. You can come around on the other side. You can go on the other side and come in through the woods. I mean, there are many ways to get to the Central Park without going by—she probably don’t need to go down Rigsbee Avenue... On the other side. Down the side that the apartment’s on, go right across the street from Rigsbee... And across the street when you go down Corporation, down across the side, when you go down Foster. None of the sidewalks right around the apartments where she lives.

*Id.* at 35.

66. As articulated above, the Order is an injunction with criminal consequences that courts should

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<sup>4</sup> The Order identifies only one carveout to this prohibition, noting, “Ms. Wallace may go to the Durham Food Hall.” Ex. 4, Permanent No-Contact Order ¶4.

treat like a statute. *See United Transp. Union*, 401 U.S. at 581. “A statute is unconstitutionally vague under the Due Process Clause if it fails to provide a person of ordinary intelligence fair notice of what is prohibited...” *Martin v. Lloyd*, 700 F.3d at 135 (internal quotations removed).

67. “[W]here a vague statute abuts upon sensitive areas of basic First Amendment freedoms, it operates to inhibit the exercise of those freedoms. Uncertain meanings inevitably lead citizens to steer far wider of the unlawful zone than if the boundaries of the forbidden areas were clearly marked.” *Grayned*, 408 U.S. at 109 (cleaned up).
68. In Ms. Wallace’s case, the discrepancies between the oral and written provisions in the Order that are meant to govern where she can move around Liberty Warehouse Apartments, and thus Durham Central Park, do not provide fair notice of which streets, sidewalks, and entrances to the park Ms. Wallace can freely access, and are therefore vague.
69. Indeed, again validating the Court’s concern set out above in *Grayned*, Ms. Wallace is afraid of going to the park at all for fear of being wrongfully accused of violating the Order by Director Clapp, or by a law enforcement officer who might be shown a copy of the written Order that does not plainly say that Ms. Wallace has a right to be in the park. *See Ex. 7, Affidavit of Amanda Wallace*.
70. Despite the Court’s attempt to provide clarity, the provisions of the Order restricting Ms. Wallace’s movements around Liberty Warehouse Apartments remain vague and are thus unconstitutional.
71. Further, because the provisions of the Order that explicitly affirm Ms. Wallace’s ability to access the park were only issued orally, the written Order is vague as to her ability to access the park. This creates an unlawful chilling effect on Ms. Wallace’s ability to participate in First Amendment activity in Durham Central Park, a traditional public forum. It also violates her Fourteenth Amendment right to due process, exposing her to erroneous enforcement whenever she exercises her right to go there.

### **CONCLUSION**

72. The Permanent No-Contact Order is an injunction that prohibits Ms. Wallace from engaging in certain First Amendment activities under threat of punishment, including imprisonment.
73. As it stands, the Order violates Ms. Wallace’s constitutional rights to petition the government, freedom of speech, freedom of protest, freedom to dissent, and due process of law by:
  - (1) imposing unlawful content-based restrictions on Ms. Wallace’s protected political speech that forbid her from saying particular words directed at a public official and vaguely limit the type of language she can use in emails to Director Clapp;
  - (2) imposing unlawful time, place, and manner restrictions on Ms. Wallace’s protected political speech that are unconnected to a significant government interest; and

- (3) imposing vague restrictions on her ability to move around Liberty Warehouse Apartments, unreasonably burdening her access to a traditional public forum.

*See* U.S. CONST. amends. I and XIV; N.C. CONST. art. 1, §§ 12, 14, and 19.

74. Given what is at stake—Ms. Wallace’s liberty—the Court has a duty at this stage to ensure its Order comports with constitutional protections for Ms. Wallace’s rights.

**WHEREFORE**, Ms. Wallace, through counsel, hereby moves this Court to revise the Permanent No-Contact Order entered in the above-captioned case to:

1. Remove the content-based speech restrictions;
2. Remove—and if not remove, narrowly tailor—the restrictions on Ms. Wallace’s ability to communicate with Director Clapp by phone;
3. Clarify in writing the provisions regarding Ms. Wallace’s ability to access and utilize Durham Central Park, including specifically identifying the streets, avenues, roads, and or sections thereof, that Ms. Wallace may or may not use to access the park, while preserving Ms. Wallace’s access to Durham Food Hall, provided for in the Order; and
4. Grant any other relief deemed appropriate by the Court.

Respectfully submitted, this the 16<sup>th</sup> day of March, 2026.

/s/ Dominique J. Erney  
Dominique J. Erney (NCSB #62345)  
dominique@scsj.org

/s/ Janki M. Kaneria  
Janki M. Kaneria (NCSB #54879)  
janki@scsj.org

**Southern Coalition for Social Justice**  
P.O. Box 51280  
Durham, NC 27717  
352-672-3145

# Exhibit 1

**STATE OF NORTH CAROLINA  
DURHAM COUNTY**

**IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
FILE NO.**

**DURHAM COUNTY  
ex rel MAGGIE CLAPP,  
Petitioner**

**vs.**

**PETITION FOR NO-CONTACT  
ORDER**

**AMANDA SHENELLE WALLACE  
423 IDLEWOOD DR  
DURHAM, NC 27703  
Respondent,**

COMES NOW Petitioner, by and through counsel, and on behalf of Maggie Clapp, employee of Petitioner, pursuant to the North Carolina Workplace Violence Prevention Act, under Chapter 95, Article 23, of the North Carolina General Statutes, to obtain a temporary and permanent no-contact order against Respondent Amanda Shenelle Wallace, and in support of said motion, pleads the following:

1. The Petitioner is a political subdivision of the State of North Carolina, having powers conferred upon it by the General Assembly and by the General Statutes of North Carolina. Petitioner is located in Durham County, whose primary offices are located at 200 East Main Street, Durham, NC 27701.
2. Maggie Clapp is the current Director for the Durham County Department of Social Services and is employed by Durham County Department of Social Services. As the Director of Durham County Department of Social Services, Maggie Clapp oversees the Department's Child Welfare Unit, as well as the many other divisions within the Durham County Department of Social Services (DSS).
3. As part of her responsibilities as Durham DSS Director, Maggie Clapp is called upon to work at several government properties within Durham County, at locations outside of Durham County properties in the community and across the State, and at her home.
4. On information and belief, Respondent Amanda Shenelle Wallace is a citizen and resident of Durham County, North Carolina, (both) residing at 423 Idlewood Drive,

Durham, NC 27703. Amanda Shenelle Wallace is a registered voter and registered at this address per the North Carolina Board of Elections. Per the election records, she voted most recently using this registration on November 1, 2025.

5. On information and belief, all actions relevant to this matter occurred in Durham County, North Carolina.
6. An Affidavit in support of this Petition is attached hereto and incorporated by reference.
7. On information and belief, Respondent Amanda Shenelle Wallace, with knowledge and forethought and with the intent to place the employee or employer in reasonable fear for the employee's safety, has, on more than one occasion, harassed Maggie Clapp, Durham County DSS Director, as defined by GAS 14-277.3A, such that Maggie Clapp has been tormented, terrorized and/or terrified, and said actions serve no legitimate purpose.
8. On information and belief, Respondent Amanda Shenelle Wallace has on more than one occasions, accused employee Maggie Clapp of engaging in criminal acts and acts of moral turpitude, including but not limited to: kidnapping, genocide, and holding children hostage. On information and belief, said accusations have occurred outside the Durham County DSS building, at the County Courthouse, at Durham DSS board meetings (wherever they have occurred), and via email.
9. On information and belief, Respondent Amanda Shenelle Wallace's actions have resulted in employee Maggie Clapp suffering substantial emotional distress by placing her in fear of continued harassment and in fear of her own safety and the safety of her immediate family.
10. On information and belief, Respondent Amanda Shenelle Wallace's actions have interfered and/or have attempted to interfere with the legitimate and lawful business of Durham County, including, but not limited to, defaming a primary leader in Durham County, placing said leader in fear, and demanding that said primary leader "go back to Florida," which if said employee bowed to the pressure, would result in Durham County having a vacuum in leadership of a department that handles critical day to day services for the community.
11. A protective order is necessary to prevent the further escalation of Respondent's actions and to stop Respondent's harassment of Maggie Clapp and to prevent Respondent from interfering in the business of the County.
12. On information and belief, good cause exists for a temporary order to prevent the further escalation of Respondent's actions and to stop Respondent's harassment of

Maggie Clapp, has engaged in a pattern of behavior of harassing employee Maggie Clapp at workplace, through email, in the community, and most recently at standing outside the home of Maggie Clapp, both writing and screaming accusations that Maggie Clapp has committed crimes and acts of moral turpitude, and to prevent Respondent from interfering in the business of the County.


13. As the Director of Durham County DSS, Maggie Clapp and/or her family could be placed in jeopardy of further harassment should her home address become known to the public.

Wherefore, the Petitioner respectfully requests of the Court that:

1. The Court issues a temporary civil no-contact order pursuant to NCGS 95-264.
2. The Court issues a permanent civil no-contact order pursuant to NCGS 95-264.
3. The civil no-contact orders contain the following provisions:
  - a. Respondent shall not visit, assault, molest, or otherwise interfere with Durham County or Maggie Clapp at any Durham County property, at any location she is engaged in the business of Durham County DSS, at her residence, or the surrounding areas of said locations, or otherwise interfere with the employer operations;
  - b. Respondent shall cease stalking Maggie Clapp at any Durham County property, at any location she is engaged in the business of Durham County DSS, at her residence, or the surrounding areas of said locations.
  - c. Respondent shall not abuse or injure, Durham County, Durham County property, or Maggie Clapp at any Durham County property, at any location she is engaged in the business of Durham County DSS, at her residence, or the surrounding areas of said locations.
  - d. Respondent shall not contact by telephone, written communication, or electronic means Maggie Clapp at any Durham County property, at any location she is engaged in the business of Durham County DSS, at her residence, or the surrounding areas of said locations
4. The Court allow Respondent be allowed to protest at the main entrance to Durham DSS, or any other Durham County property, so long as she remains at least 25 feet from the entrance, does not use any voice amplification devices, and not yell or chant when minor children are entering or leaving the building, when said children are or appear to be having engagement with services offered by the location, including but not limited to supervised visitation, protective services, medical appointment and/or treatment, SNAP services, and/or income assistance services.

5. Redact the Employee Maggie's Clapp's address from any public accessible court documents related to this matter and prevent said address from being available to the general public through this court process.
6. The Court grant other relief as the Court deems just and proper,

This the 18th day of November 2025.

  
\_\_\_\_\_  
Robin K. Martinek  
Sr. Assistant County Attorney  
PO Box 3508  
Durham, NC 27702  
rmartinek@dconc.gov  
919-560-0720

**VERIFICATION**

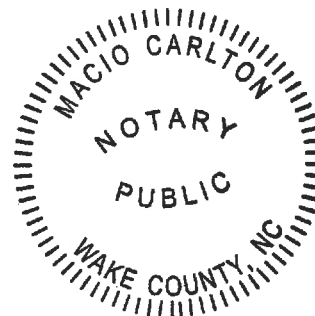
I, Claudia Hager, being duly sworn, deposes and says that they are the petitioner herein, that they have read the foregoing documentation and that all of the allegations stated therein are true to their knowledge based on the affidavit of the employee, except to those things stated upon information and belief and as to those, they believe them to be true.

  
\_\_\_\_\_  
**Claudia Hager**  
**County Manager**  
**For Durham County, Petitioner**

Sworn to and subscribed before me  
this 18<sup>th</sup> day of November, 2025

  
\_\_\_\_\_  
Notary Public

My Commission expires: March 24, 2030



# Exhibit 2

**STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE  
DURHAM COUNTY DISTRICT COURT DIVISION  
FILE NO. 25CV012521-310**

**DURHAM COUNTY  
ex rel MAGGIE CLAPP,  
Petitioner**

**vs.**

**AFFIDAVIT OF MAGGIE CLAPP**

**AMANDA SHENELLE WALLACE  
423 IDLEWOOD DR  
DURHAM, NC 27703  
Respondent,**

NOW COMES Maggie Clapp being first duly sworn, and deposes and says:

1. I, Maggie Clapp, am over the age of eighteen, and not under any disability which would preclude me from giving this affidavit in accordance with law.
2. I reside in Durham County, North Carolina, with my husband Dr. David Clapp. There are no other members of our household.
3. I am employed with Durham County as the Director of the Department of Social Services and have been since 2023.
4. This affidavit is offered in support of Durham County's petition for a temporary and permanent and no contact order pursuant to Workplace Violence Prevention Act, including but not limited to N.C. Gen. Stat. § 95-260, 95-264(a), and referencing as necessary § 14-277.3A and is based upon my personal knowledge and observations.
5. The statements in this affidavit are true and accurate to the best of my knowledge,
6. On several occasions over the last year, Amanda S. Wallace ("Respondent") has appeared and remained at Durham County Department of Social Services ("Durham DSS") located at 414 East Main Street, Durham, NC 27701 before, during, and after regular business hours.
7. While at Durham DSS, Respondent has positioned herself at both the front entrance of Durham DSS and the employee entrance/exits (Queen Street and Ramsey Street). While standing at those entrances on several occasions, she has aggressively shouted defamatory and harassing statements, such as but, not limited to: "Maggie Clapp, Kidnapper," "Maggie Clapp commits Genocide," "Go Back to Florida, Maggie Clapp the Kidnapper." While engaged in protests at Durham DSS, Respondent has accused the affiant of criminal acts, including but not limited to kidnapping and genocide. I am

informed and believe that the purpose of these actions is to publicly shame, harass, and cause fear and intimidation upon affiant and Petitioner's employees. The actions of Amanda Wallace have caused affiant to be afraid for her own safety, the safety of her family, and the safety of other employees.

8. Respondent Amanda Wallace has appeared at several Durham DSS board meetings where I am present as part of my duties. On multiple occasions during these board meetings, she has called affiant a kidnapper or stealer of black children.
9. Respondent Amanda Wallace has appeared at Court hearings where affiant was present as part of her duties as Director of Durham DSS. On two occasions at the courthouse, Respondent Amanda Waller called affiant a kidnapper.
10. On or about March 26, 2025, Respondent Amanda Wallace specifically called out to affiant during a DSS board meeting and, referencing a specific child welfare case scheduled for court later that week, stated that "if that baby is not returned to the family, there will be a problem." Said statement placed affiant in fear that Respondent would take further action to harm, harass, or torment, herself, her family, or her staff.
11. On or about April 22, 2025, Respondent Amanda Wallace sent an email to affiant, stating the following:

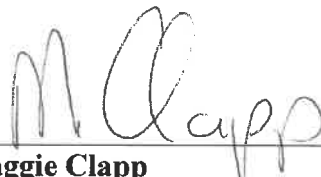
Dear Maggie Clapp,

You continue to direct your designees to tear families a part [sic] and then keep them a part [sic] for years! You should be ashamed of yourself!  
Release ALL THE CHILDREN you are holding hostage! QUIT YOUR JOB!!!"

12. The email referenced above came from the same email address that Amanda Wallace has regularly used to communicate to myself and others.
13. On November 7, 2025, at approximately 6:16 PM, while inside my apartment, affiant observed Amanda Wallace writing, in large chalk letters on the street below my window, the statement "Maggie Clapp Kidnaps Black Children." My windows and blinds were open at the time. As I attempted to close them and alerted my husband Dr. David Clapp, Amanda Wallace turned toward our residence, looked up, and began shouting, "Maggie Clapp Kidnapper" and "Maggie Clapp Commits Genocide."
14. My husband attempted to secure the windows while Amanda Wallace appeared to record video toward the interior of our home.
15. In addition to the statement listed above, Amanda Wallace wrote additional phrases in the street and surrounding area accusing myself or DSS of kidnapping black children, and the statement "GO BACK TO FLORIDA MAGGIE CLAPP THE KIDNAPPER"

16. I contacted law enforcement. An officer from Durham Police Department responded and informed me that Ms. Wallace had written similar statements as those cited above on two additional streets surrounding my building and had drawn arrows pointing directly to my specific residence.
17. As a result of Amanda Wallace's actions towards me, including repeatedly harassing me and accusing me of criminal acts at my place of employment, through email, at locations associated with my work, and at my home, I have experienced an ongoing and reasonable fear for my safety, severe emotional distress, and fear of further intimidation, harassment, and stalking. I feel I have been harassed, tormented, terrified, and terrorized by Amanda Wallace's actions.
18. Amanda Wallace willfully, and on more than one occasion harassed me, Maggie Clapp, without legal purpose and, on information and belief, with the intent to place me in reasonable fear for my safety, use fear to dissuade me from doing my lawful duties, and torment and terrify me by appearing at my workplace and my home shouting defamatory and false accusations of criminality and moral turpitude, and these action can serve no legitimate purpose other than to harass affiant.
19. I fear for the safety of myself and my family and of further harassment and believe a protective order is necessary to prevent the further escalation of Respondent's actions and to stop Respondent's harassment.

This 18<sup>th</sup> day of November, 2025



**Maggie Clapp**  
**Director of Durham DSS**



Sworn to and subscribed before me  
 this 18 day of November, 2025  
Montrella Richardson Springfield  
 Notary Public  
 My Commission expires: 9-2-2030

# Exhibit 3

Durham County

DATE: November 19, 2025

TIME: 2:58:16 PM

In The General Court Of Justice  
District Court Division

DURHAM COUNTY

Name And Address Of Petitioner/Employer

Durham County  
200 E Main Street  
Durham Nc 27701

CLERK OF SUPERIOR COURT

BY: Pittman, Keajae

**TEMPORARY  
NO-CONTACT ORDER PURSUANT  
TO THE WORKPLACE VIOLENCE  
PREVENTION ACT**

Ex Parte

**VERSUS**

Name And Address Of Respondent

Amanda Shenelle Wallace  
423 Idlewood Drive  
Durham Nc 27703

G.S. 95-264

**FINDINGS**

The Court hereby finds that:

- 1. The Court has jurisdiction over the subject matter.
- 2. This Order is entered ex parte. Immediate and irreparable injury, loss, or damage will result to the petitioner or petitioner's employee before notice can be served and respondent heard in opposition because *(define injury and state why it is irreparable)* Defendant's pattern of harassment and threatening behavior has continued to escalate.

and the petitioner  certified to the court in writing the efforts that have been made to give notice and the reasons supporting the petitioner's claim that notice should not be required.  certified to the court that there is good cause to hear the matter ex parte because the harm that is intended to be prevented would likely occur if respondent were given prior notice of the petitioner's efforts to obtain judicial relief.

- 3. This Order is entered after notice has been provided to the respondent. Present at the hearing were:
  - the petitioner, represented by \_\_\_\_\_.
  - the respondent, represented by \_\_\_\_\_.
- 4. The petitioner's employee has suffered unlawful conduct by the respondent in that:  
Defendant continues to record and make derogatory comments to Petitioner's employee Maggie Clapp as the employee is performing her job duties. Defendant showed up to Petitioner's employee's home and drew chalk arrows to the employees's home indicating that she was a kidnapper. Defendant continues to make veiled threats of harm to Plaintiff's employee.

5. The petitioner is an employer that suffered unlawful conduct by the respondent in that:

6. Other:

(Over)

**CONCLUSIONS**

- 1. The respondent committed one or more acts of unlawful conduct upon an employee of the petitioner.
- 2. The respondent committed one or more acts of unlawful conduct upon the petitioner, who is an employer.
- 3. The petitioner has failed to prove grounds for issuance of a temporary no-contact order.

**ORDER**

It is ORDERED that:

- 1. The respondent not visit, assault, molest, or otherwise interfere with the employer or the employer's employee at the employer's workplace, or otherwise interfere with the employer's operations.
- 2. The respondent cease stalking the employer or the employer's employee at the employer's workplace.
- 3. The respondent cease harassment of the employer or the employer's employee at the employer's workplace.
- 4. The respondent not abuse or injure the employer, including the employer's property, or the employer's employee at the employer's workplace.
- 5. The respondent not contact by telephone, written communication, or electronic means the employer or the employer's employee at the petitioner's workplace.
- 6. Other relief deemed necessary and appropriate by the court: Defendant shall not visit the home of employer's employee (Maggie Clapp).

Defendant shall not threaten, harass or assault employer's employee (Maggie Clapp).

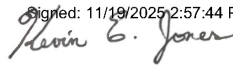
Defendant shall not contact employer's employee (Maggie Clapp).

Defendant shall remain no less than 100 feet from employer's employee (Maggie Clapp) in all public settings.

- 7. The terms of this Order shall be effective  for ten (10) days from the date of this Order.  until (specify date and time if less than 10 days) December 5, 2026.
- 8. It is ordered that the parties appear at the time and date set out below for a hearing on whether a permanent no-contact order should be entered.

|                                     |                                  |   |
|-------------------------------------|----------------------------------|---|
| <i>Date Of Hearing</i><br>12/5/2025 | <i>Time Of Hearing</i><br>9:30AM | <i>Location Of Hearing</i><br>Courtroom 5A, 5th Floor |
|-------------------------------------|----------------------------------|---|

|                           |                        |  |
|---------------------------|------------------------|--|
| <i>Date</i><br>11/19/2025 | <i>Time</i><br>2:57 PM | <i>Name Of District Court Judge Or Designated Magistrate (type or print)</i><br>Kevin E. Jones |
|---------------------------|------------------------|--|

|  |
|--|
| <i>Signature Of District Court Judge Or Designated Magistrate</i><br><br><small>Signed: 11/19/2025 2:57:44 PM</small> |
|--|

**NOTICE TO RESPONDENT: A KNOWING VIOLATION OF A CIVIL NO-CONTACT ORDER SHALL BE PUNISHABLE AS CONTEMPT OF COURT WHICH MAY RESULT IN A FINE OR IMPRISONMENT. THE COURT MAY FIND YOU IN CIVIL OR CRIMINAL CONTEMPT.**

**CERTIFICATION**

I certify this Order is a true copy.

|                                      |  |  |
|--------------------------------------|--|--|
| <i>Date</i><br>11/19/2025 2:58:23 PM | <i>Signature Of Clerk</i><br> | <input checked="" type="checkbox"/> Deputy CSC<br><input type="checkbox"/> Assistant CSC<br><input type="checkbox"/> Clerk Of Superior Court |
|--------------------------------------|--|--|

**NOTE TO CLERK:** G.S. 95-268 provides: "The clerk of court shall deliver on the same day that a civil no-contact order is issued a certified copy of that order to the sheriff." The statute also provides that a copy of the order shall be issued promptly to and retained by the police department of the municipality of the employer's workplace. If the employer's workplace is not located in a municipality or in a municipality with no police department, copies shall be issued promptly to and retained by the sheriff and the county police department, if any, of the county in which the employer's workplace is located.

# Exhibit 4

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
25 CV 012521-310

COUNTY OF DURHAM

**DURHAM COUNTY,**  
**EX REL: Maggie Clapp**  
**Petitioner,**

vs.

**Amanda Shenelle Wallace**  
**Respondent.**

FILED  
DATE: December 5, 2025  
TIME: 4:44:46 PM  
DURHAM COUNTY  
CLERK OF SUPERIOR COURT  
BY: Pittman, Keajae

**NO CONTACT**  
**ORDER**

---

This matter coming before the undersigned Judge on this the 5<sup>th</sup> day of December, pursuant to the Petitioner's petition for no-contact order on behalf of Maggie Clapp, pursuant to the North Carolina Workplace Violence Prevent Act, under Chapter 95, Article 23. Robin K. Martinek and Patrick Kuchyt, of the Durham County Attorney's Office are present and represent the Petitioner. The Court has jurisdiction over the parties and subject matter, and the respondent has been provided notice of the hearing.

Based on the Evidence presented, the Court makes the following:

#### **FINDINGS OF FACTS**

1. The Petitioner is a political subdivision of the State of North Carolina, having powers conferred upon it by the General Assembly and by the General Statutes of North Carolina. Petitioner is located in Durham County, whose primary offices are located at 200 East Main Street, Durham, NC 27701.
2. Maggie Clapp is the current Director for the Durham County Department of Social Services (Durham DSS) and is employed by Durham County. As the Director of Durham DSS, Maggie Clapp oversees the Department's Child Welfare Unit, as well as the many other divisions within the Durham County Department of Social Services (DSS).
3. As part of her responsibilities as Durham DSS Director, Maggie Clapp is called upon to work at several government properties within Durham County, at locations outside of Durham County properties in the community and across the State, and at her home.
4. Durham County, by and through Durham DSS, provides necessary services for members of the community, including but not limited foster care services, medical services, food and nutrition services, and income support services.
5. The Durham DSS Building located at 414 East Main Street, Durham, North Carolina. Provides medical and dental services, Medicaid, Foster Care services, and supervisor

visitation for the children of Durham County. Said children go to these building to receive these services.

6. All actions relevant to this matter occurred in Durham County, North Carolina.
7. Amanda Wallace is a resident of Durham County and a founding member of the organization Operation Stop CPS.
8. Amanda Wallace has previously been the subject of a no contact order related to the prior director and employees of Durham DSS based on her intimidating and harassing employees of Durham County (Durham Co. Dept. of Social Services vs. Amanda Wallace, 22 CVD 3028).
9. Maggie Clapp resides in Durham County, North Carolina.
10. On several occasions over the last year, Amanda S. Wallace (“Respondent”) has appeared and remained at Durham County Department of Social Services located at 414 East Main Street, Durham, NC 27701 before, during, and after regular business hours.
11. While at Durham DSS, Respondent has positioned herself at both the front entrance of Durham DSS and the employee entrance/exits (Queen Street and Ramseur Street). While standing at those entrances on several occasions, she has directly confronted Maggie Clapp on at least 4 occasions, aggressively shouted defamatory and harassing statements, such as but, not limited to: “Maggie Clapp, Kidnapper,” “Maggie Clapp commits Genocide,” “Go Back to Florida, Maggie Clapp the Kidnapper.” While engaged in protests at Durham DSS, Respondent has accused Maggie Clapp of criminal acts, including but not limited to kidnapping and genocide.
12. Respondent Amanda Wallace has appeared at Court hearings where Maggie Clapp was present as part of her duties as Director of Durham DSS. On two occasions at the courthouse, Respondent Amanda Waller has confronted Maggie Clapp and called her a kidnapper.
13. Respondent Amanda Wallace has appeared at several Durham DSS board meetings where Magie Clapp is present as part of her duties. On multiple occasions during these board meetings, she has called Maggie Clapp a kidnapper or stealer of black children.
14. On or about March 26, 2025, Respondent Amanda Wallace specifically called out to Maggie Clapp during a DSS board meeting and, referencing a specific child welfare case scheduled for court later that week, stated that “if that baby is not returned to the family, there will be a problem.” Said statement placed Maggie Clapp in fear that Respondent would take further action to harm, harass, or torment, herself, her family, or her staff.
15. On or about April 22, 2025, Respondent Amanda Wallace sent an email to Maggie Clapp, stating the following:

Dear Maggie Clapp,  
You continue to direct your designees to tear families a part [sic] and then keep them a part [sic] for years! You should be ashamed of yourself!  
Release ALL THE CHILDREN you are holding hostage! QUIT YOUR JOB!!!”

16. The email referenced above came from the same email address that Amanda Wallace has regularly used to communicate Maggie Clapp and others.
17. Durham DSS hosted an adoption event to celebrate the adoption of children from foster care. Both adoptive parents and children were present. The event took place inside the Durham Hilton in a private ballroom. The event was not open to the public and was invitation only. Amanda Wallace, accompanied by others, entered into the Ballroom without invitation and began shouting that the children were kidnapped and black genocide. Amanda Wallace was filming the event. Children who had been recently adopted and their families were present in the ballroom when Ms. Wallace came into the ballroom. The Court can infer that the children hear the comments about kidnapping and black genocide by Amanda Wallace. Maggie Clapp fearing for the safety of those present as well as the impact of the inflammatory statements alerted hotel staff. Amanda Wallace, and the others accompanying, were told by hotel staff that they were not allowed there and asked to leave. Despite being directed to leave by hotel staff, Amanda Wallace chose to try to stay in the ballroom. While being escorted out, Amanda Wallace confronted Maggie Clapp directly and accused Maggie Clapp of being a kidnapper of black children. Amanda Wallace appearing at a private event without invitation, filming the event, and confronting Maggie Clapp and accusing her of kidnapping created scared and intimidated Maggie Clapp, such that she felt unsafe driving home, as she feared that Amanda Wallace would follow her to her home to continue to harass her. Maggie Clapp called her husband to come pick her up.
18. On November 7, 2025, at approximately 6:16 PM, while inside her apartment, Maggie Clapp observed Amanda Wallace writing, in large chalk letters on the street below the window of her residence, the statement “Maggie Clapp Kidnaps Black Children.” Maggie Clapp’s windows and blinds were open at the time. As Maggie Clapp attempted to close the blinds and alert her husband, Amanda Wallace turned toward her residence, looked up, and began shouting, “Maggie Clapp Kidnapper” and “Maggie Clapp Commits Genocide.” At the same time, Amanda Wallace pointing a camera phone towards the interior of Maggie Clapp’s home, filming or attempting to film Ms. Clapp while she was in her residence. Amanda Wallace then began drawing arrows from her writings towards the residence of Maggie Clapp. While Amanda Wallace was evasive in her answers, she did not deny videotaping Maggie Clapp in her home.
19. While Liberty Warehouse Apartments is adjacent to the Central Durham Park. Central Park is regularly the location of protests in Durham. Clapp’s residence does not face or border the park.

20. In addition to the statement listed above, Amanda Wallace wrote additional phrases in the street and surrounding area accusing Maggie Clapp or DSS of kidnapping black children, and the statement "GO BACK TO FLORIDA MAGGIE CLAPP THE KIDNAPPER." The statements and arrows were written on the street, on the sidewalk, and on areas associated with the property where Maggie Clapp resides.
21. Maggie Clapp contacted law enforcement. An officer from Durham Police Department responded and informed Ms. Clapp that Amanda Wallace had written similar statements as those cited above on two additional streets surrounding her building and had drawn arrows pointing directly to her specific residence. Maggie Clapp later confirmed the officer's report by observing the additional statements at other locations around her residence.
22. At a later date, Maggie Clapp saw chalk marks on the sidewalk near her home. She immediately was seized with a panic that Amanda Wallace was back at her home again. It turned out that the chalk marks were unrelated to Maggie Clapp or Amanda Wallace; however, Maggie Clapp still experienced the trauma just from seeing said chalk marks, due to the harassment and fear caused by Respondent Amanda Wallace.
23. Due to Amanda Wallace's actions, Ms. Clapp fears for her safety and the safety of her family.
24. As a result of the actions by Ms. Wallace, Maggie Clapp has been fearful for her safety, the safety of her family, and others close to her. She has had to participate in therapy to deal with Amanda Wallace's conduct.
25. Amanda Wallace has repeatedly accused Ms. Clapp of being a kidnapper or kidnapping children. This is a felony criminal act, and a serious accusation.
26. As a result of Amanda Wallace's actions towards Maggie Clapp, including repeatedly harassing Ms. Clapp and accusing her of criminal acts at her place of employment, through email, at locations associated with her work, and at her home, Ms. Clapp has experienced an ongoing and reasonable fear for her safety, severe emotional distress, and fear of further intimidation, harassment, and stalking. She has been harassed, tormented, terrified, and terrorized by Amanda Wallace's actions.
27. Amanda Wallace willfully, and on more than one occasion harassed Maggie Clapp, without legal purpose and, on information and belief, with the intent to place her in reasonable fear for her safety, use fear to dissuade her from performing her lawful duties, and to torment and terrify her by appearing at her workplace and her home shouting defamatory and false accusations of criminality and moral turpitude, and these actions can serve no legitimate purpose other than to harass Maggie Clapp.
28. The purpose of the actions by Amanda Wallace and directed at Maggie Clapp has been to publicly shame, harass, and cause fear and intimidation upon Maggie Clapp and Petitioner's employees. The actions of Amanda Wallace have caused Maggie Clapp to be

afraid for her own safety, the safety of her family, and the safety of other employees. Respondent's harassment of Maggie Clapp serves no legal purpose.

29. As a result of Amanda Wallace's actions towards Maggie Clapp, including repeatedly harassing her and accusing her of criminal acts at her place of employment, through email, at locations associated with her work, and at her home, Maggie Clapp has experienced an ongoing and reasonable fear for her safety, severe emotional distress, and fear of further intimidation, harassment, and stalking. She has been harassed, tormented, terrified, and terrorized by Amanda Wallace's actions
30. Amanda Wallace has knowingly engaged in harassing conduct directed towards Maggie Clapp on more than one occasion without legal purpose that has tormented, terrorized, and terrified Maggie Clapp.
31. Amanda Wallace knew or had reason to know that her actions would place a reasonable person in Maggie Clapp's circumstances to fear for her safety or the safety of her immediate family or close associates and/or suffer substantial emotional distress by placing Maggie Clapp in fear of continued harassment, bodily injury, or death.
32. Respondent Amanda Shenelle Wallace, with knowledge and forethought and with the intent to place the employee or employer in reasonable fear for the employee's safety, has, on more than one occasion, harassed Maggie Clapp, Durham County DSS Director, as defined by NCGS 14-277.3A, such that Maggie Clapp has been tormented, terrorized and/or terrified, and said actions serve no legitimate purpose.
33. Respondent Amanda Shenelle Wallace's actions have interfered and/or have attempted to interfere with the legitimate and lawful business of Durham County, including, but not limited to, defaming a primary leader in Durham County, placing said leader in fear, and demanding that said primary leader "go back to Florida," which if said employee bowed to the pressure, would result in Durham County having a vacuum in leadership of a Department that handles critical day to day services for the community.

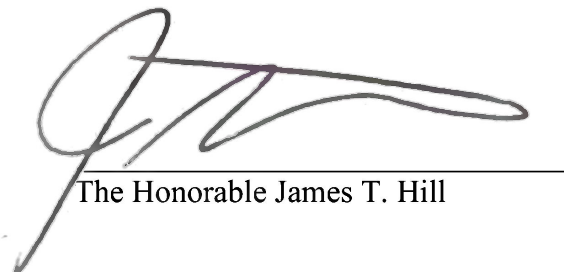
### **CONCLUSIONS OF LAW**

1. The employee Maggie Clapp and/or the employer Durham County have suffered unlawful conduct committed by the Respondent Amanda Wallace.
2. Good cause exists in this matter to enter a permanent no-contact order as to Maggie Clapp against Respondent Amanda Wallace and to prevent Respondent Wallace from interfering in the activities of the Petitioner Durham County.

**IT IS THEREFORE ORDERED AND DECREED THAT**

1. This no contact shall be in effect for one year from the date of this order. All parties are aware that this order could be extended pursuant NCGS 95-267.
2. Respondent Amanda Wallace shall not visit, assault, molest, or otherwise interfere with Maggie Clapp at any Durham County property, at any location she is engaged in the business of Durham County DSS, at her residence, or the surrounding areas of said locations, or otherwise interfere with the employer operations. As to Ms. Clapp's residence, Ms. Wallace may not go into the Liberty Warehouse Apartment complex or the sidewalks or streets adjacent to said complex. Ms. Wallace may go to the Durham Food Hall.
3. Respondent Amanda Wallace shall cease stalking Maggie Clapp at any Durham County property, at any location she is engaged in the business of Durham County DSS, at her residence, or the surrounding areas of said locations. As to Ms. Clapp's residence, Ms. Wallace may not go into the Liberty Warehouse Apartment complex or the sidewalks or streets adjacent to said complex. Ms. Wallace may go to the Durham Food Hall.
4. Respondent Amanda Wallace shall not abuse or injure, Durham County, Durham County property, or Maggie Clapp at any Durham County property, at any location she is engaged in the business of Durham County DSS, at her residence, or the surrounding areas of said locations. As to Ms. Clapp's residence, Ms. Wallace may not go into the Liberty Warehouse Apartment complex or the sidewalks or streets adjacent to said complex. Ms. Wallace may go to the Durham Food Hall.
5. Respondent Amanda Wallace shall not contact by telephone Maggie Clapp at any Durham County property, at any location she is engaged in the business of Durham County DSS, at her residence, or the surrounding areas of said locations. Ms. Wallace may email Ms. Clapp but may not use abusive, threatening, and harassing language. As to Ms. Clapp's residence, Ms. Wallace may not go into the Liberty Warehouse Apartment complex or the sidewalks or streets adjacent to said complex. Ms. Wallace may go to the Durham Food Hall.
6. Respondent Amanda Wallace shall be allowed to protest at the main entrance to Durham DSS, or any other Durham County property, so long as she remains at least 50 feet from the entrance, does not use any voice amplification devices, and does not yell or chant when minor children are entering or leaving the Durham DSS building.
7. Amanda Wallace may attend the Durham County Board Meetings and Durham County Board meetings but she will confine her statements during those meetings to those times allotted for public comment.

This the 5th day of December



The Honorable James T. Hill

NOTICE TO RESPONDENT: A KNOWING VIOLATION OF A CIVIL NO-CONTACT ORDER SHALL BE PUNISHABLE AS CONTEMPT OF COURT WHICH MAY RESULT IN A FINE OR IMPRISONMENT. THE COURT MAY FIND YOU IN CIVIL OR CRIMINAL CONTEMPT

| CERTIFICATION   |  |   |   |
|---|--|---|---|
| I certify this Order is a true copy.  |  |   |   |
| <i>Date</i>   | <i>Signature Of Clerk</i>                        | <input type="checkbox"/> <i>Deputy CSC</i>              | <input type="checkbox"/> <i>Assistant CSC</i> |
|   |  | <input type="checkbox"/> <i>Clerk of Superior Court</i> |   |
| <b>NOTE TO CLERK:</b> <i>G.S. 95-268 provides: "The clerk of court shall deliver on the same day that a civil no-contact order is issued a certified copy of that order to the sheriff." The statute also provides that a copy of the order shall be issued promptly to the police department of the municipality of the employer's workplace, or the sheriff and any county police department if the employer's workplace is not located within a municipality with a police department.</i> |  |   |   |
| RETURN OF SERVICE   |  |   |   |
| I certify that this No-Contact Order Pursuant To The Workplace Violence Prevention Act was received and served as follows:  |  |   |   |
| <i>Date Served</i>  | <i>Time Served</i>                               | <input type="checkbox"/> AM <input type="checkbox"/> PM | <i>Name Of Respondent</i>                     |
| <input type="checkbox"/> By delivering to the respondent named above a copy of this order.  |  |   |   |
| <input type="checkbox"/> By leaving a copy of this order at the dwelling house or usual place of abode of the respondent named above with a person of suitable age and discretion then residing therein.  |  |   |   |
| <i>Name And Address Of Person With Whom Copies Left</i>   |  |   |   |
|   |  |   |   |
| <input type="checkbox"/> Respondent WAS NOT served for the following reason:  |  |   |   |
|   |  |   |   |
| <i>Date Received</i>  | <i>Signature Of Deputy Sheriff Making Return</i> |   |   |
| <i>Date Of Return</i>   | <i>Name Of Sheriff (type or print)</i>           |   |   |
| <i>County Of Sheriff</i>  |  |   |   |
| <b>NOTE TO SHERIFF:</b> <i>G.S. 95-268 provides: "Unless the respondent was present in court when the order was issued, the sheriff shall serve that order upon the respondent and file proof of service in the manner provided for service of process in civil proceedings."</i>   |  |   |   |

# Exhibit 5

Filename: 12.5 hearing audio AM\_wallace  
Speakers: Janki Kaneria, Judge James T. Hill, Patrick Kuchyt, Robin Martinek, Maggie Clapp, Sarah Katz, Female Speaker, Male Speaker

Attorney Janki Kaneria: 00:00:08 May I approach, Judge?

Judge James T. Hill: 00:00:10 Hm?

Attorney Kaneria: 00:00:10 May I approach, Your Honor?

Judge Hill: 00:00:12 Sure.

Attorney Kaneria: 00:00:17 [inaudible 00:00:17]

Judge Hill: 00:00:21 That's fine. I mean, why is it not letting me—this computer is just gives me all grays of problems.

Female Speaker: 00:00:43 What is it not letting you do?

Judge Hill: 00:00:45 Well, it's [inaudible 00:00:46] sign it. I ain't written anything. I just want to write the lawyers names in there. And I—again, let me just start over. Let me. You say this is 534? [pause] I don't think it's me.

Female Speaker: 00:01:14 Can I come up?

Judge Hill: 00:01:15 It's coming up. It's—I went out and came back in, so I get the right pulled up. So. All right, you see? All right, get up here, please. You see what it's doing? It's not—it says you want me to want to put a signature, but I haven't put anything in there yet. I just want to put the attorneys names and then when I get ready to put the—you see the problem?

Female Speaker: 00:01:56 It should let you just still go ahead and sign.

Judge Hill: 00:01:58 I won't sign, because it's—nothing's signed yet.

Female Speaker: 00:02:04 Because the box isn't going to go away, but it's just to let you—

Judge Hill: 00:02:09 It won't let me get extra lawyers or nothing like one of the others to come up.

Attorney Patrick Kuchyt: 00:02:16 Your Honor, if I may, I-I'm just trying to—I-I-I hear your concern. Um, briefly—brief—I have a proposed order that I'll be planning on, um—

Judge Hill: 00:02:25 Well, I don't—we'll see, but I—

Attorney Robin Martinek: 00:02:27 I mean, not-not right now. Obviously, I wouldn't do it right now, but I'm just—in anticipation of the need to have

Filename: 12.5 hearing audio AM\_wallace  
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an order, [inaudible 00:02:34] proposed orders that I've drafted I've already shared the, uh, that version with, uh—

Judge Hill: 00:02:41 Okay, well—because I'm just looking at the form here that, you know, it pulls up the form, and I make all sorts of x's and I'll write out—

Attorney Martinek: 00:02:48 Right, yeah.

Judge Hill: 00:02:49 —just wonderful equals.

Attorney Martinek: 00:02:52 Yeah, that's why we were going to go ahead and try to do just a bit more—

Judge Hill: 00:02:55 Okay.

Attorney Martinek: 00:02:55 —because I think it's going to be less, um [crosstalk 00:02:57]

Judge Hill: 00:02:57 All right. Okay.

Attorney Martinek: 00:02:58 I think there's—you know, just—

Judge Hill: 00:02:59 Let's say—okay, let's—so I just sit here and listen and make notes and let y'all do your thing. How's that?

Attorney Martinek: 00:03:07 [inaudible 00:03:07]

Female Speaker: 00:03:07 I'll look at it and see while you're—

Judge Hill: 00:03:10 All right, so y'all go ahead then. I—

Male Speaker: 00:03:14 If you agree or disagree with what's going on in court, it doesn't matter. Okay? You keep your comments to yourself. Otherwise, I will personally escort you out. All right? That means on this first bench, all the way back. It doesn't matter whether you agree or disagree with what's going on here in this courtroom. Keep your comments to yourself or you will be escorted out of here.

Judge Hill: 00:03:37 All right, Mr. Rob.

Attorney Martinek: 00:03:41 Thank you, Your Honor. Your Honor, [inaudible 00:03:44] for the department of, uh, Durham County, um, on behalf of Maggie Clapp, uh, Director of Durham County Department of Social Services [so please support 00:03:54]. Um, we believe the evidence today to show that Maggie Clapp, who is a Durham County, uh, resident and the director of Durham County

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Department of Social Services overseeing several, uh, necessary services for people within our community, um, on a daily basis, and that Amanda Wallace, who is the founder of Operation Stop CPS, a group that opposes [inaudible 00:04:22] of Durham County and the Department of Social Services.

00:04:26 While Durham County agrees that the [inaudible 00:04:27] to protest and the action of government [inaudible 00:04:31]. In this ma—in this case, there has been pattern of behavior by Ms. Wallace that resulted in personal attacks on Maggie Clapp. Including accusing her of committing criminal acts, acts of moral turpitude, such as kidnapping and committing genocide, that she has, uh, demonstrated a course of [inaudible 00:04:58], an escalation of her behaviors and confrontations. And these confrontations have inflicted fear, have terrorized, have emotionally distressed, have intimidated, and have harassed Maggie Clapp to no legal purpose.

00:05:15 The pattern-pattern of behavior that resulted in—that has resulted in Maggie Clapp feeling harassed [inaudible 00:05:23], terrorized, and or terrified, has happened at her work, at her the courthouse, at, um, DSS board meetings, via email, in the community, and most recently at her home. These actions have resulted in Maggie Clapp having sheltered at home, fearing for safety, worrying about what's going to happen next, fearing that Amanda Wallace and perhaps others that she incites to do so will, um, create more harassment or even further harm to herself or her family.

00:06:11 Your Honor, the evidence will show that Amanda Wallace has used abusive language towards Maggie Clapp and that she has even attempted and achieved, uh, apparently attempted, or-or did film Maggie Clapp inside Ms. Clapp's own home. This action is brought through the Workplace Prevention Act, uh, which is based, uh, as you are aware, it's CGS 95 through 260 to 268. And this allows employers to seek protection, no contact orders to either persons, as in this case, for harassing employees of a business or subsidiary of the government.

00:06:53 Here, Your Honor, we are specifically asking for a one year no contact order against Amanda Wallice as to Maggie Clapp, so that Ms. Clapp does not have to fear that what Amanda Wallace will do next, be it at her work, in the community, and most importantly, at her home, where she should have expectation of privacy and safety. We are also asking the court to understand

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that the Durham County court wishes to honor Ms. Wallace's ability to legally protest under the First Amendment within reasonable guidelines. Thank you.

Attorney Kaneria: 00:07:41 Good morning, Your Honor. Janki Kaneria and [John Meek Ernie 00:07:42] on behalf of Amanda Wallace. We believe the evidence will show that Ms. Wallace was engaging in First Amendment protected activity. She has the right to petition the government. She has the right to free speech under the United States Constitution and the North Carolina Constitution, and this TRO is Durham County, the TRO that was ordered, and this request for a permanent no contact order is Durham County's way to silence the movement. Ms. Wallace is part of the movement to abolish family policing. And many of the movement's members are here in court today.

00:08:30 We believe—um, in regards to every incident outlined by the county in their affidavit and in the petition and the accompanying affidavit, we will—the evidence will show that all three of these events were First Amendment protected activity. Ms. Clapp, the director of Social Services, lives adjacent to a public park. Public parks have the highest level of scrutiny, strict scrutiny, and the government has the burden to show that any restriction on the First Amendment serves—is narrowly tailored and serves a compelling government interest.

00:09:13 A public official's feelings being hurt because they don't like what a citizen is saying is not a compelling government interest. And we would ask the court, after you listen to evidence, that to not issue this no contact order.

Attorney Martinek: 00:09:33 Your Honor, first I would ask the court [inaudible 00:09:35] to notice, uh, the prior action of *Durham DSS v. Amanda Wallace*, 22 CVD 3028. Uh, this is a matter to show that, um, Amanda Wallace has previously had a no contact order taken out against her for, um, harassment and, uh, intimidation of a director of the department, uh, Durham County, uh, director of Department of Social Services for Durham County. So, we would be asking the court to take judicial notice of that, um, case, and-and-and certainly and free to take notice of, um, the judicial opinion, uh, appellate opinion came down, uh, following the [injury 00:10:16] of that order.

Attorney Kaneria: 00:10:17 We have no, um, opposition to the court taking judicial notice. However, we would ask the court to limit, um, petitioner's cross examination about that order, and any asks from that order.

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Judge Hill: 00:10:30 Well, I'll deal with it as I deal with it. I mean—okay, I am aware of it.

Attorney Martinek: 00:10:38 Thank you. Your Honor, if I could, um, have Maggie Clapp take the stand?

Female Speaker: 00:10:59 Raise your right hand and place your left hand on the Bible. Do you solemnly swear today that the evidence you will now give in court shall be the truth, the whole truth, and nothing but the truth so help you God?

Maggie Clapp: 00:11:06 Yes, I do.

Female Speaker: 00:11:08 Please have a seat. Thank you.

Attorney Martinek: 00:11:23 Please state your name for the record.

Maggie: 00:11:24 Maggie Clapp.

Attorney Martinek: 00:11:25 And Ms. Clapp, um, are you listed in Durham County?

Maggie: 00:11:28 Yes, I am.

Attorney Martinek: 00:11:29 And are you—what is your—are you employed by Durham County?

Maggie: 00:11:33 Yes, I'm the director of Department of Social Services.

Attorney Martinek: 00:11:37 Okay. And, um, what you do as the director of Department of Social Services?

Maggie: 00:11:42 Um, we provide Medicaid services, SNAP, um, we do, uh, Children and Family Services, adult services, we help with [inaudible 00:11:51]. So, my role is to manage those, uh, state and federal mandated programs, um, [inaudible 00:11:56].

Attorney Martinek: 00:12:01 Um, and just to be clear, are—do children come to the—where—well, let me ask [inaudible 00:12:08], move to strike. Where is, uh, your primary business location, i.e., Department of Social Services?

Maggie: 00:12:13 Um, 414 East Main Street.

Attorney Martinek: 00:12:16 And that's a large, uh, building on Main Street?

Maggie: 00:12:19 Yes. We share it public health, the Department of Public Health.

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Attorney Martinek: 00:12:24 And people coming into that building, um, include both adults and children, is that correct?

Maggie: 00:12:29 Yes.

Attorney Martinek: 00:12:30 Okay. And to your knowledge what, um, types of services are provided by—within that building, um, for children of the Durham County community?

Maggie: 00:12:40 Uh, they have the dental clinic, um, and I believe that immunization, I don't want to speak for public health, but they have a couple of clinics, um, where they serve children. And then on our end, uh, we provide Medicaid, um, services and SNAP services to children as well as we have visitation, um, uh, visitation with parents, um, in that building right next to my office, actually.

Attorney Martinek: 00:13:05 Um, other than for visitation, would, um, children that are either coming into foster care or-or-or in foster care, um, be coming—come into that building?

Maggie: 00:13:16 Yes, um, if they are in [inaudible 00:13:18] placement or coming to speak with their social worker, um, or if-if some of them are in a place program, so they come [inaudible 00:13:26].

Attorney Martinek: 00:13:33 And are you familiar with Amanda Wallace?

Maggie: 00:13:37 Yes.

Attorney Martinek: 00:13:38 Okay. And are you familiar with Operation Stop CPS?

Maggie: 00:13:40 Yes, I am.

Attorney Martinek: 00:13:42 Okay. How are you familiar with, uh, Ms. Wallace?

Maggie: 00:13:44 Um, I first, um, met her, in, uh, I think in a board meeting. Um, I started in April 2023, so I think it was in that fall, um, that she started to come to our board meetings, and has introduced herself as Amanda Wallace, uh, at the board meetings, uh, the board chair asks people's name and address.

Attorney Martinek: 00:14:07 And just to be clear, have you seen Ms. Wallace on more than one occasion?

Maggie: 00:14:11 Yes, um—

Attorney Martinek: 00:14:12 she's identified herself as Amanda Wallace?

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Maggie: 00:14:14 Yes. Probably in the last year alone, nine out of 12 of our board meetings, [inaudible 00:14:20].

Attorney Martinek: 00:14:23 Okay. Um, now—and you’re also familiar with the-the-the group Operation Stop CPS?

Maggie: 00:14:34 Yes, she is the founder of that group. And she states that when she introduces herself at our board meetings.

Attorney Martinek: 00:14:48 And then—now, does Amanda Wallace, either by herself or with others, appear at protests outside of Durham County Department of Social Services?

Maggie: 00:15:02 Yes, they do. Um, I think, um, in the past year, probably three times. Um, three or more, I can remember at least three.

Attorney Martinek: 00:15:16 Three or four that you witnessed?

Maggie: 00:15:17 Yes, yes, that I was there for.

Attorney Martinek: 00:15:19 Okay. And then, um, and-and where did these protests take place?

Maggie: 00:15:25 Uh, right outside of our building, um, usually the front door. And walking around the building. And usually right at the entrance.

Attorney Martinek: 00:15:41 Have they ever been at the employee entrance?

Maggie: 00:15:43 Yes. Um, at once the—one of the protests, yes, um—

Attorney Kaneria: 00:15:47 Objection, Your Honor. We would ask that the court limit testimony to just what is in the petition and the affidavit, and additional facts, um, not be considered by the court. We had no notice that other protests were at issue for the county.

Attorney Martinek: 00:16:05 Your Honor, it—our—the notice clearly states our petition specifically talks about these events that happened down on DSS property, or at, uh, DSS buildings, at the courthouse, um, via email, at her home. Um, these are general ideas. And in fact, I will note that, uh, it says at the DSS building. It doesn’t say just the main entrance. It specifically cites the DSS building. And there are two, at least two entrances, if not more entrances to that building.

Judge Hill: 00:16:38 She can answer the question. Objection is overruled.

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Maggie: 00:16:43 Can you repeat the question?

Attorney Martinek: 00:16:44 Does-does she just protest at the, uh, main entrance?

Maggie: 00:16:50 No, there's been protests on [inaudible 00:16:52] around the building, and right by employee entrances on Queen Street, um, and has, um, told staff that they should quit their job and stop working for me.

Attorney Martinek: 00:17:10 And—

Judge Hill: 00:17:10 Doesn't Queen—

Attorney Martinek: 00:17:13 It's right off of Main, Your Honor.

Judge Hill: 00:17:16 DSS is on Main Street, and Queen runs right down beside it. You got DSS building, you got Queen Street and got your main parking lot. Is that correct?

Attorney Martinek: 00:17:26 The—

Judge Hill: 00:17:27 Isn't that correct? I'm facing DSS building. The parking lot's to your left, and the street—

Attorney Martinek: 00:17:34 The parking lot is no longer there. I don't think that parking lot's there anymore.

Judge Hill: 00:17:36 Well, it was. [inaudible 00:17:39] but the Queen Street runs right down beside it.

Attorney Martinek: 00:17:41 So, Your Honor, as-as-as you're facing the Department of Social Services building, and I think I—I'm just trying to give you orientation, I believe my understanding is that-that the, uh, primary entrance would be facing—if you're standing across the street, it would be facing you on the left side of the building underneath the columns, and then on—towards the right side of the building, Queen Street runs across, uh, Main Street—

Judge Hill: 00:18:05 Okay, I got you.

Attorney Martinek: 00:18:06 —and there's a—around the corner, there is an entrance for employees.

Judge Hill: 00:18:11 Okay, I got you. All right, go ahead. Sorry.

Attorney Martinek: 00:18:15 Just to be clear, was that an accurate description of, uh, the layout?

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Maggie: 00:18:18 Yes.

Attorney Martinek: 00:18:20 Okay. Now, I think, um, when Amanda Wallace has been in these protests, has she ever, uh, directed, uh, language at you?

Maggie: 00:18:41 Yes. Um, she calls me a kidnapper, she tells—she states that I kidnap Black children, um, that I commit genocide, um, and that I should go back to Florida.

Attorney Martinek: 00:19:08 Now, does she say this in a calm, quiet voice?

Maggie: 00:19:14 No. She shouts. She shouts it.

Attorney Martinek: 00:19:18 She shouts it.

Maggie: 00:19:18 Yes.

Attorney Martinek: 00:19:25 And are these statements directed at you?

Maggie: 00:19:29 Yes. She says Maggie Clapp kidnaps Durham children. She says Maggie Clapp kidnaps Black children, and that Maggie Clapp—

Attorney Kaneria: 00:19:37 Objection Your Honor, as to hearsay.

Attorney Martinek: 00:19:42 [inaudible 00:19:42] opposing party.

Judge Hill: 00:19:43 Overruled.

Attorney Martinek: 00:19:50 Um, when you have been confronted by Amanda Wallace, and her screaming these things at you, just talking about at-at those—at those three or more protests outside of Durham DSS, how does that make you feel?

Maggie: 00:20:16 Um, well, it-it, um, doesn't make me feel very good, um, because I'm just doing my job. Um, it also, uh, scares me, [inaudible 00:20:26] um, like that, but it's just [inaudible 00:20:31] overall, um, because those are pretty, um, critical things to be accused of. They're not truthful but they're also, um, very serious crimes.

Attorney Martinek: 00:20:44 And when you say, uh, you're fearful, what are you fearful of? What were you—and again, what about those moments where she's confronting you, screaming at you, accusing of these crimes, what are you afraid of?

Maggie: 00:21:15 That it will escalate, [inaudible 00:21:15] people, um, I get concerned with what could happen, that it could get physical.

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Attorney Kaneria: 00:21:34 Your Honor, at this time, I would object to speculation.

Attorney Martinek: 00:21:39 Your Honor, this is [inaudible 00:21:40].

Attorney Kaneria: 00:21:42 This is not—

Attorney Martinek: 00:21:42 [inaudible 00:21:42] stressful. She's afraid of, and specifically talks about, in the-the statute that she's allowed to talk about what she's afraid of.

Judge Hill: 00:21:52 I believe within the purview of the statue, feelings are a little bit more relaxed. So, I believe this is appropriate testimony as to how she feels because of it. I think that is something specific in the statute and it's also, I think, specifically referenced in the prior opinion concerning the DSS.

00:22:22 Excuse me. Mr. Deputy, someone is recording. Once again, this is a public hearing. The general public can be here as long as they do not disrupt the courtroom proceedings. The deputy has made numerous announcements. If we have to delay the proceedings again, the offending party could potentially be subject to direct contempt of court. And with direct contempt of court, you could potentially be taken into immediate custody and placed in the Durham County jail.

00:23:19 I want everybody to come in here and hear this. I have no problem with that. But we're going to stay—we're going to be orderly. You need to add anything else, Mr. Deputy? Does that pretty much cover it?

Male Speaker: 00:23:37 Everybody understand that? Thank you.

Judge Hill: 00:23:41 I don't want to put anybody in jail. I don't like to put people in jail. But if you disrupt the courtroom proceedings, I will. Okay, Mr. M. Go ahead.

Attorney Martinek: 00:23:54 Thank you, Your Honor. Ms. Clapp, um, like you said you had these concern, these, uh, feelings, this fear, um, that—of escalation to physical violence, escalation being harassment. Is that correct?

Maggie: 00:24:14 Yes.

Attorney Martinek: 00:24:15 Um, is that just for yourself?

Maggie: 00:24:17 No, it's for my staff and my family.

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Judge Hill: 00:24:24 For your staff and who did you say then?

Maggie: 00:24:24 My family.

Judge Hill: 00:24:26 Okay.

Attorney Kaneria: 00:24:29 Your Honor, we would object. We would object to that. The petitioner took out the no contact over on behalf of Maggie Clapp, and so we would ask the court to just limit to her fear, her feelings, um, and not—

Attorney Martinek: 00:24:44 Your Honor, this Durham County's action. Um, taking out the specifically having matter related to Maggie Clapp, and specific as to that order. However, her being able to talk about her-her fear for her staff because the statute specifically talks about her ability to—her fear or herself, her family, or close people. Close.

Judge Hill: 00:25:07 I'm going to allow it. Then it-it all depends on what I direct put in the order, but I will allow it. Go ahead.

Attorney Martinek: 00:25:13 Thank you. Um, Your Honor at this time, I'm going to ask that the court, uh, receive into evidence the affidavit of Maggie Clapp. It was previously submitted in this matter and was filed in support of the petition. I would ask that you receive it into evidence, Your Honor, [inaudible 00:25:51].

Judge Hill: 00:25:53 Is that in addition to the verified complaint?

Attorney Martinek: 00:25:57 Yes, Your Honor.

Judge Hill: 00:25:57 There were step ups, because I've had—I've seen the ver—I've seen the verified complaint.

Attorney Martinek: 00:26:01 The verified complaint note, an affidavit, um, that was supposed to be filed, we did, I don't know why it didn't get attached directly to it. Um, I supplemented it, um, a few days later, um, when this, uh, I believe, uh, Ms. [inaudible 00:26:15] uh, brought it to my attention that it was not captured in the, um, in the original filing. And again, not sure why that didn't happen, um, but, uh, I did add that affidavit that was involved.

Judge Hill: 00:26:30 Any objection?

Attorney Kaneria: 00:26:33 No, Your Honor.

Judge Hill: 00:26:34 Okay, all right.

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Attorney Kaneria: 00:26:34 We-we have-we have records.

Judge Hill: 00:26:35 With no objection, it is admitted.

Attorney Martinek: 00:26:37 I may approach.

Judge Hill: 00:26:38 If you have to. This is my copy.

Attorney Kaneria: 00:26:39 However, Your Honor, we do—we—just to forecast for the court, we will be objecting to parts of the affidavit for cross.

Judge Hill: 00:26:45 Oh, sure. This is what she says, and you can cross examine. Do all whatever you need to do. Go ahead.

Attorney Martinek: 00:26:53 Thank you, Your Honor. Now, um, do you just work at DSS?

Maggie: 00:27:05 Yes. Oh—

Attorney Martinek: 00:27:06 I mean, at the DSS building. Let me-let me clarify.

Maggie: 00:27:09 No, I also work from home. We have a hybrid schedule, a hybrid work schedule which is at home and at work.

Attorney Martinek: 00:27:15 Is there any other places you work?

Maggie: 00:27:17 No.

Attorney Martinek: 00:27:18 Do you have appearances as a director in other locations—

Maggie: 00:27:21 Yes.

Attorney Martinek: 00:27:22 —such as in this courthouse or in the community?

Maggie: 00:27:24 Um, I frequently go to Admin 1 and Admin 2 buildings, um, of the county for, uh, different meetings and, uh, training. Then also I come to the courthouse to support my staff, um, during various periods.

Attorney Martinek: 00:27:39 Okay. You have events in the community as well?

Maggie: 00:27:42 Yes, I have several events throughout the year.

Attorney Martinek: 00:27:45 And, uh, I'm going to bring your attention then to, uh, the courthouse. Have you encountered Amanda Wallace at the courthouse?

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Attorney Kaneria: 00:27:53 Objection, Your Honor. This is one of the incidents that was not in the affidavit, and it was not in the petition, and so we would ask the court to not allow this testimony as we—it is not relevant to what we were served with and the notice that we have. And this statute allows for two or more acts. Just the county has said that. But it's trying to get other acts in without giving us notice. It's not fair and has prejudice, as well.

Attorney Martinek: 00:28:24 Your Honor, again, the, uh, provision itself, uh, cites that there is, uh, she—associated with her work in the community at the Department of-Department of Social Services which includes, uh, as it says, she's called upon work in several government properties within Durham County locations outside of the government-government—Durham County properties in communities across the state and at her home.

Attorney Kaneria: 00:28:51 But, Your Honor, the elements, the acts, that are outlined by the statute, there are two or more acts, those acts in the accompanying affidavit from this act, they listed three acts. These vague statements, they don't give me enough and my client enough notice to know what is talk—especially when we're considering that a lot of this is First Amendment protected activity, and Ms. Wallace has the right to protest, she has the right to petition the government, and she has the right to voice her dissent. And so, we would once again ask the court to limit the testimony to what is in the affidavit with the acts, uh, the county [inaudible 00:29:27]

Attorney Martinek: 00:29:28 Your Honor, if I may, number nine of the affidavit, respondent Amanda Wallace appeared in a court hearing where [inaudible 00:29:33] present and part of her duties as director of Durham DSS on two occasions at this courthouse, remand—respondent Amanada Wallace called Clapp a kidnapper.

Judge Hill: 00:29:42 I'm going to allow it, if you'll narrow it down to specific date, but I'm going to allow the testimony. Go ahead.

Attorney Martinek: 00:29:51 So, have you encountered Amanda Wallace at the courthouse? At this courthouse?

Maggie: 00:29:55 Yes.

Attorney Martinek: 00:29:56 Okay. Inside or out?

Maggie: 00:29:58 Um, outside and inside.

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Attorney Martinek: 00:29:59 Okay. Do you know how many times?

Maggie: 00:30:02 Um, probably about three. Most recent, um, was maybe a month ago, um, in-in the courtroom.

Attorney Martinek: 00:30:10 Okay. And, um, when she's-she's seen you at the courthouse, either outside or inside—

Attorney Kaneria: 00:30:16 Your Honor, we would object to the leading questions.

Attorney Martinek: 00:30:20 I haven't finished my question, so, Your Honor, I don't know if she can tell if I'm leading or not.

Judge Hill: 00:30:24 Complete your question, Mr. M.

Attorney Martinek: 00:30:31 And when you have seen Amanda Wallace at the courthouse, either inside or out, has Ms. Wallace ever yelled at you or confronted you?

Attorney Kaneria: 00:30:42 Your Honor, we object to the leading.

Judge Hill: 00:30:43 Overruled. Go ahead.

Maggie: 00:30:46 Yes. Um, she [inaudible 00:30:47] um, she screams that I kidnap Black children, stop kidnapping Black children. Um, genocide comments, um, and [inaudible 00:30:58] kidnapper, again.

Attorney Martinek: 00:31:07 Now, I just want to be clear. Did she say that outside of the courthouse?

Maggie: 00:31:12 Yes, outside the courthouse.

Attorney Martinek: 00:31:14 Okay. Um, what, if anything, has she said to you inside the courthouse?

Maggie: 00:31:20 Nothing inside the courthouse. Um, the last time when I saw her, she had left the courthouse, emailed me and the board, um, to say that I ran out of the courtroom, um, to-to get out of testifying, which is not accurate.

Attorney Kaneria: 00:31:36 Your Honor, we would object to hearsay. I believe I heard there was an email, and there's not robust evidence.

Attorney Martinek: 00:31:44 Again, Your Honor, these are, uh, often opposing party statements.

Judge Hill: 00:31:48 Overruled.

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Attorney Martinek: 00:31:55 Now, um, again, going to these, um, the incidences that occurred in the courthouse, in the moment that you were confronted by Ms. Wallace and her making these statements, and again, um, how did—how did you feel about that? How did it make you feel?

Maggie: 00:32:28 Um, it made me feel uncomfortable, uh, it made me feel scared because again, um, it's shouting happening, and again, saying things that are pretty serious offenses. They're not true. Uh, it's made it so I don't come to the courthouse anymore to support my staff because usually when I come, I'm alone, kind of just kind of, again, support my staff, or part of my job is to, um, manage staff and oversee their work, but I'm not able—I'm not going to [inaudible 00:32:57] anymore because of the [inaudible 00:33:00].

Attorney Martinek: 00:33:09 Okay, that's—attending the courthouse is part of your-your duties, is that correct?

Maggie: 00:33:14 Yes.

Attorney Martinek: 00:33:16 As far as managing staff?

Maggie: 00:33:17 Yes.

Attorney Martinek: 00:33:31 You just mentioned email, uh, that Amanda Wallace sent after a courthouse incident. Um, has Amanda Wallace, um, emailed you before?

Maggie: 00:33:42 Yes, um, several times. Um, the one time that comes to mind is on Good Friday, um, she emailed me, um, that—

Attorney Kaneria: 00:33:49 Your Honor, objection to speculation and lack of foundation. How do the email—the emails came from Amanda Wallace? Also, I've not seen—seen any of these emails, and the best evidence for the court would be to see a copy of the email.

Attorney Martinek: 00:34:07 Your Honor, I'd note that the emails is specifically referenced in the affidavit and quoted in the affidavit.

Judge Hill: 00:34:15 I'll allow it.

Attorney Martinek: 00:34:18 Um, well, let's—before we get in—too far into the substance of it, you said you received an email from Amanda Wallace on Good Friday?

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Maggie: 00:34:25 Yes.

Attorney Martinek: 00:34:26 Um, how did you know it was from Amanda Wallace?

Maggie: 00:34:29 Um, it's her email address. She—um, it—when I first started, uh, we emailed to try to set up a meeting, um, with me and my—and my board chair at the time. Uh, so we had corresponded, uh, several times and I was also sent her email address by, um, an attorney, [inaudible 00:34:48].

Attorney Martinek: 00:34:51 And she's responded to you on that email address?

Maggie: 00:34:53 Yes.

Attorney Martinek: 00:34:54 Okay. And that email address is-is actually the email address operationstopcps@gmail.com?

Maggie: 00:35:00 Yes.

Attorney Martinek: 00:35:04 Your Honor, if I may approach. I'm going to show you what I've marked as Petitioner's exhibit two. You recognize this document?

Maggie: 00:35:16 Yes, that's the email from Good Friday.

Attorney Martinek: 00:35:18 Okay. And is this the email that you received from Ms. Wallace?

Maggie: 00:35:22 Yes.

Attorney Martinek: 00:35:23 Okay. And starting with the subject line, can you read, uh, that email for the court?

Maggie: 00:35:29 Yes. Uh, the subject line is, in bold, "Today is not a Good Friday. Um, [inaudible 00:35:34] Maggie Clapp, you continue to direct your designees to tear families apart and then keep them apart for years. You should be ashamed of yourself. Release all the children," in capital letters, "you are holding hostage. Quit your job," in capital letters, and exclamation points after that.

Attorney Martinek: 00:35:52 Your Honor, I ask that the court receive into evidence as, uh, petitioner's exhibit two.

Attorney Kaneria: 00:35:57 Your Honor, we would object. This is the first time I've seen a copy of the email. Um, the email was referenced in the affidavit, but we need the actual email itself as there is additional information on here, like the title, the subject, the from, sent to—I don't—I didn't see any of that until today.

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Attorney Martinek: 00:36:16 Your Honor, these are temporary hearings—these are—I mean, these are hearings related to a restraining order where speed is of the essence, obviously, Your Honor. And this—it’s been nearly, I believe, two weeks, uh, maybe, uh, two and a half weeks since the filing of this matter, and there’s been a holiday over the course of it. And again, it’s Ms. Wallace’s email. It was directly [inaudible 00:36:40] from Ms. Wallace. She had the ability to follow up with her client about that email.

Attorney Kaneria: 00:36:47 Your Honor, I would also note that this feels like it’s a copy and paste of the email and not a printout of the email that would show that this is, you know, from a Durham County employee or anything like that. We object to this as evidence.

Judge Hill: 00:37:06 I’ll admit it.

Attorney Martinek: 00:37:06 Thank you. So, Ms. Clapp, you received this email. It told you quit your job.

Maggie: 00:37:28 Yes.

Attorney Martinek: 00:37:31 Told you to stop holding children hostage.

Maggie: 00:37:33 Yes.

Attorney Martinek: 00:37:40 How did that make you feel?

Maggie: 00:37:41 Uh, I mean, well, it made me very upset. I was home with my family, um, because it’s Friday. Um, my mom has dementia and we went home to visit her. Um, and, um, it just—I felt harassment, again, and just continue to feel harassed. And I did not do the things in that email. We were just doing our job at DSS mandated by the state and federal government.

Attorney Martinek: 00:38:12 Do you feel like—did you feel like she was actually trying to get you to quit?

Maggie: 00:38:16 Yes, I feel that she continues to harass me so that I can quit.

Attorney Martinek: 00:38:34 Uh, you mentioned als—previously that, um, Ms. Wallace has appeared at, um, DSS board meetings.

Maggie: 00:38:41 Yes.

Attorney Martinek: 00:38:42 And you’re present at these board meetings?

Maggie: 00:38:44 Yes.

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Attorney Martinek: 00:38:45 And those happen how often?

Maggie: 00:38:47 Every month, we're mandated, we have to have a board meeting.

Attorney Martinek: 00:38:52 And say in the last year, how many times has Amanda Wallace appeared at those board meetings?

Maggie: 00:38:58 I think she's only missed there, and I did miss one in September, so I don't, um, know who was there. I was not there. I was on vacation.

Attorney Martinek: 00:39:08 Okay.

Maggie: 00:39:09 I would say nine times in—nine or less, though.

Attorney Martinek: 00:39:13 Okay. And does Ms. Wallace sit quietly in those board meetings?

Maggie: 00:39:32 No. Um, she, uh, [inaudible 00:39:34] myself, she will, um, again usually direct comments to me like, "This is for you, Director Clapp," one of them in March, she said if I don't return—we hold our board meetings on Wednesday, um, so that two days later, Friday was the court date, um, and she said if I don't return the children by Friday, then, um, there will be a problem. And that felt like a threat to me.

Attorney Martinek: 00:40:00 Um, does she say anything else directed at you?

Maggie: 00:40:08 Yes, um, that I'm—that I need to stop kidnapping children, uh, that I'm not doing my job, that I'm a, um, slave owner, um, and other things, um, like that. And telling my staff that are working, um, stop working for this slave owner. And there's been several disruptions throughout the board meeting where the board chair has had to—

Attorney Martinek: 00:40:35 You said that the board chair has had to [inaudible 00:40:36]

Maggie: 00:40:37 Has had to get security and had to reiterate again that public comment is only at beginning of the board meeting and there's several interruptions throughout the board meeting.

Attorney Kaneria: 00:40:46 Your Honor, we would again ask the court to limit testimony about the board meeting to just the one board meeting that was pled, which is the March board meeting.

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Attorney Martinek: 00:40:57 Your Honor, that is—it was not pled as just one board meeting, Your Honor, the state in the petition and the affidavit says she appears at board meetings and in particular, and she uses derogatory language, she uses accusatory language, she uses her criminal action—acts of moral turpitude, and on this one occasion, in addition, made a statement that basically appeared to be a threat directed at Maggie Clapp. And again, [you're in notice being the state 00:41:32], Your Honor.

Judge Hill: 00:41:34 You got paragraph eight that says she appears in numerous board meetings. Then you go out to paragraph 10 where you got specifics. So, I think paragraph eight basically, I think covers board meetings, plural.

Attorney Kaneria: 00:41:49 But Your Honor, my objections, the basis of my objections, that Ms. Wallace again is allowed to go to board meetings. They are public meetings and she's allowed to protest. They are public protests. If this county is pleading something as harassment, I have to be able to tell what is harassment versus what is the activity that they wish for my client—

Judge Hill: 00:42:09 Yes, I understand. And that's where we get down to the order pro—portion. So, I understand. I understand what you're saying. Go ahead. Mr. M.

Attorney Martinek: 00:42:22 Just one moment, Your Honor.

[pause]

Attorney Martinek: 00:42:51 Now, again, based on the incidences that have happened, I'm—well, I'm first going to talk about the-the accusations of being a slave owner and, um, kidnapping, um, Black children by Amanda Wallace. How did those make you feel?

Maggie: 00:43:11 Um, well, not very good, as those are, um, very, um, egregious crimes, um, and it doesn't—it's against my character, um, and it also continues to make me a little fearful because they continue to be escalating with, um, her shouting at them, her emailing me, and things like that so, um, it goes against my character, um, and that's very important to me.

Attorney Martinek: 00:43:44 Again, I'm going to ask you when she, um, has made these accusations at you at the board meeting, what are you afraid of?

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Maggie: 00:43:56 Um, I'm afraid of where that will lead, um, because again, just feeling that if-if-if people really believe that to be true, um, people can act on that, [inaudible 00:44:06] as someone who is doing those things, you-you could act on that.

Attorney Martinek: 00:44:16 Um, the—now I'm going to direct your attention to the specific statement that you mentioned, um, about if you don't return those children, then there will be a problem.

Maggie: 00:44:33 Yes.

Attorney Martinek: 00:44:35 Um, not asking you to be—say anything about the specific case involved, um, but do you as a director have the authority and or ability to, uh, return children that are under the [inaudible 00:44:52]?

Maggie: 00:44:53 No. Only a judge can order that.

Attorney Martinek: 00:44:57 And how did you take that language that she said when she directed that at you, Maggie Clapp?

Maggie: 00:45:06 Um, it—I felt threatened. The, um, mother was also present, so, um, there was a threat. I felt threatened, um, with what would happen on Friday because I knew that, um, that probably would not be ordered by the judge at that time. So, I was concerned as to what would happen after that.

Attorney Martinek: 00:45:28 Um, just to be clear, did you, um, do anything in response to that threat? Did you change your behaviors in any way?

Maggie: 00:45:38 Um, I did go to—we have security in the building. So, after that I met, um, and they talked about, um, where I sit in the board meetings, um, just to make sure that, uh, no one can come behind me, um, because there's been times when that has happened and that concerned me. Um, and my staff has also felt that, so we had to—I had to find a boardroom where we feel more safe.

Attorney Martinek: 00:46:20 Now, you said that you often have—you sometimes have activities in the community related to Department of Social Services?

Maggie: 00:46:30 Yes.

Attorney Martinek: 00:46:31 Okay. Um, are you aware of any—uh, um, are you—are you—have you experienced incidences in the community where you

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were doing work related to the Department of Social Services where Amanda Wallace has appeared?

Maggie: 00:46:51 Yes, uh, last November 2024. I think it's November 2<sup>nd</sup>. Um, [crosstalk 00:46:56]

Attorney Kaneria: 00:46:56 Your Honor, we would object. This was once again not in the affidavit, and we have no notice of her—this is the first time I heard that the county was alleging that this was one of the stalking acts was this morning.

Attorney Martinek: 00:47:14 Your Honor, number—page number 12 in the petition specifically states that, um, Maggie, uh, that respondent's harassment of Maggie Clapp and engaged in manner of harassing employee Maggie Clapp in the workspace, in the email, in the community, and most recently, standing outside the home of Maggie Clapp. So, this is a, again, notice that there are incidences that occur in the community as well as at other locations.

Judge Hill: 00:47:46 Number 12? You said number 12—

Attorney Martinek: 00:47:49 I believe it's number 12, which starts on page two and carries over into page three.

Attorney Kaneria: 00:47:58 Your Honor, I just know this is over a year ago. And there are many community events, and I think that dates are helpful—

Judge Hill: 00:48:08 This year, it says the home. I don't see—number 12 that's saying anything about [inaudible 00:48:13] so—

Attorney Martinek: 00:48:14 I'm sorry, Your Honor?

Judge Hill: 00:48:15 I believe number 12—

Attorney Martinek: 00:48:18 Yes, Your Honor, starts out on information [inaudible 00:48:19]—

Judge Hill: 00:48:19 Yeah.

Attorney Martinek: 00:48:19 —that causes this temporary order to prevent and to stop respondent's harassment of Maggie Clapp as engaged in dedication pattern of behavior of harassing Maggie Clapp, workplace, or email, in the community, and most recently at—standing outside the home of Maggie Clapp. So—

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Judge Hill: 00:48:40 I will sustain the objection to the question as worded. You could try again.

Attorney Martinek: 00:48:48 Okay. Has Amanda Wallace appeared at DSS events in the community? Um, we'll just start there.

Maggie: 00:49:07 Yes, um, she has, um, appeared, um, where I was there on November 2<sup>nd</sup>, um, last year. We had an adoption event, um, [crosstalk 00:49:17]

Attorney Kaneria: 00:49:17 I raise my objection.

Judge Hill: 00:49:20 Overruled.

Maggie: 00:49:22 Um, we were at the Hiltons in Durham, um, in the ballroom. Um, it was, um, keynote speaker was, uh, presenting. Um, it was, um, we called the sneaker ball so they could dance and, uh, wear their sneakers. Uh, and all of a sudden there's a commotion at the front door, um, of the ballroom. I looked up, um, and it was Amanda Wallace, um, along with other, um, people in her group, um, uh, interrupting and, again, telling, um, that we could have Black children and, um, how could we be here celebrating this, um, and, um, I quickly ran, um, through the ballroom, um, to get to the security because there was children in there, um, they were very frightened, and my staff was frightened. Um, we were stunned. Um, and so, uh, I met the security at the front desk and got them and told them that we had guests there that were not wanted or invited. Um, [crosstalk 00:50:19]

Attorney Kaneria: 00:50:20 I would object to—Your Honor, I would object to any characterization of children and what other people felt, on speculation.

Judge Hill: 00:50:30 You can't tell what other people felt but you can tell who was there. Go ahead.

Attorney Martinek: 00:50:35 Your Honor, I believe she felt-she felt that she could also clarify how she knew. I mean I think that's for cross examination. How would she know that they were fearful? It's not merely speculation. And I can also clarify with-with questions about how she knew.

Judge Hill: 00:50:47 Well, clarify. Move on.

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Attorney Martinek: 00:50:50 Okay. Um, just something to pause your story from the day. You said that the children and other people—and people in there were, um, scared.

Maggie: 00:51:03 Yes.

Attorney Martinek: 00:51:03 Why do you believe that?

Maggie: 00:51:05 Well, one of the children asked, um, why they weren't happy for them—

Attorney Kaneria: 00:51:09 Your Honor.

Maggie: 00:51:09 Uh, and then, um—

Attorney Kaneria: 00:51:11 Objection to hearsay.

Judge Hill: 00:51:12 Sustained as to that.

Attorney Martinek: 00:51:14 Your Honor, is this not the truth of the matter of certain of why she believes that people were scared.

Attorney Kaneria: 00:51:19 Your Honor, the children are not—

Judge Hill: 00:51:21 Sustained as to that. Move on.

Attorney Martinek: 00:51:24 Okay. Um, all right, so I'm just going to pick up where you were in your narrative. You ran to security, or the front desk, you said?

Maggie: 00:51:35 Yes, yes.

Attorney Martinek: 00:51:36 To get security.

Maggie: 00:51:37 Yes.

Attorney Martinek: 00:51:38 Okay. Um, why did you run to the front desk?

Maggie: 00:51:43 Because they were in the ballroom with, uh, children and our guests and they were screaming all of these things about kidnapping Black children, um, genocide, and, uh, they were shouting different things about why people would be there to celebrate adoption. I did not—I just know that, you know, that my staff, when I went past security, one of my staff was crying at the table. Um, so I wanted to end this as quickly as possible.

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Attorney Martinek: 00:52:13 All right. Now, to your knowledge, was, uh, Ms. Wallace—you said Ms. Wallace was there with part of a group. I'm just going to ask you directly, your—to your knowledge, was Ms. Wallace making the statements that you said you heard?

Maggie: 00:52:29 Yes.

Attorney Martinek: 00:52:30 Okay. To your knowledge, was Ms. Wallace, um, filming, trying to film the event?

Maggie: 00:52:35 Yes, um, she was. And, uh, my security came, it took them, um, a few minutes to try to get everybody out. Um, because all of them had to come in. Um, I was standing there, um, we had moved my-my staff that was there, also, um, away. So, I was standing there with some of my staff, um, and, um, as they walked by and down the hallway, um, to leave, to go protest out on the street, um, she screamed, um, that I had to quit and go back to Florida.

Judge Hill: 00:53:07 Where was this again, Mr. Rob? You told me but I forgot.

Attorney Martinek: 00:53:10 Um, I'll clarify. What-what—where was the location that this occurred?

Maggie: 00:53:15 It was in the Hilton Durham.

Attorney Martinek: 00:53:16 Okay. And that's downtown Durham, Hilton?

Maggie: 00:53:18 Yes.

Attorney Martinek: 00:53:19 Okay. And you said that was in a—so that's a private business, correct?

Maggie: 00:53:23 Yes.

Attorney Martinek: 00:53:24 Okay. And you said that the intrusion came into the ballroom.

Maggie: 00:53:29 Yes.

Attorney Martinek: 00:53:29 Was the ballroom—um, was this event, you said, you described as a sneaker ball, was this a public event open to everyone?

Maggie: 00:53:36 No, we had invited, um, you know, the parents, um, and children at the workplace. And so, it was—um, we had a table registration people out from, um, and that's, um, you have to register in there.

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Attorney Martinek: 00:53:49 Okay. And so, these would—these indications were the [inaudible 00:53:53] who actually were adopting children, the children who were being adopted?

Maggie: 00:53:59 Yes.

Attorney Martinek: 00:53:59 And anybody specifically invited by the department?

Maggie: 00:54:01 Correct, yes.

Attorney Martinek: 00:54:03 Was Ms. Amanda Wallace invited by the department?

Maggie: 00:54:05 No.

Attorney Martinek: 00:54:06 Okay. And just to be clear, does the department have a duty to try to maintain confidentiality related to adoption?

Maggie: 00:54:19 Yes.

Attorney Martinek: 00:54:30 Now. You said that she told you to quit and go back to Florida?

Maggie: 00:54:38 Yes.

Attorney Martinek: 00:54:39 Okay. During that event, did Ms. Wallace direct any other statements to you?

Maggie: 00:54:52 Just to stop kidnapping Black children.

Attorney Martinek: 00:55:01 And did she say that in the ballroom in front of, uh, children, social workers, and adopted parents?

Maggie: 00:55:08 Yes.

Attorney Martinek: 00:55:18 Okay. And how close did Ms. Wallace get to you during that incident?

Maggie: 00:55:34 Um, very close, because I was standing there, um, in front of my staff trying to make sure that nothing occurred, um, because it-it was very chaotic, um, with the security and everything. So, um, I was right there, um, at the door.

Attorney Martinek: 00:55:49 Okay. When security came in, did you hear them ask Ms. Wallace to leave?

Maggie: 00:55:56 Um, no, I did not. I—no, because I was trying to—my staff was very emotional there. Um, but that was what they were doing.

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And when they opened the doors to try to get people out, they were saying, "We need you to exit."

Attorney Kaneria: 00:56:11 Objection to hearsay.

Attorney Martinek: 00:56:16 She can describe what happened during the events, the time [inaudible 00:56:18] just to show what people had heard. And if there's a staff person saying, "You need to leave," directed at Ms. Wallace then that tells us that we knew there was at least somebody said that she needs to leave. Not—whether or not the purpose of it, why it was, but that's what was her. And therefore because Ms. Wallace at that point was effectively trespassing—

Attorney Kaneria: 00:56:43 Your Honor.

Attorney Martinek: 00:56:43 —she's been told by hotel staff to leave.

Attorney Kaneria: 00:56:46 Your Honor.

Attorney Martinek: 00:56:47 I-I [inaudible 00:56:48] If she—if there's indications that she had notice that she was not allowed to be there and that's a private space, then she knew, or had reason to know that she was trespassing by continuing to be there and not cooperating with the staff.

Attorney Kaneria: 00:57:12 Your Honor, I would also ask the court to instruct the county attorney to not make legal conclusions such as trespassing or harassment. That is for the court to determine. Um, but just stick to descriptors. And additionally, this is hearsay and it is being offered for the matter [inaudible 00:57:32] asserted to illustrate the harassment, the fear that Ms. Clapp felt.

Judge Hill: 00:57:41 Well, uh, Mr. M, move on.

Attorney Martinek: 00:57:43 Thank you, Your Honor. So, during this event when all of this was going on, were you scared?

Maggie: 00:57:59 Yes, I'm scared, um, of what was going to happen, um, for me, my staff. Um, I had come alone. My husband was not feeling well that day. Um, so I drove my own car, um, so I ended up calling him after, um, and telling him what occurred because they had gone out to the street and still protesting. And, um, it's a county car, very identifiable. So, he, uh, came to pick me up because I was worried that they were going to see the county car and follow me.

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Attorney Martinek: 00:58:28 Why were you worried that they could see the county car and follow you?

Maggie: 00:58:31 Um, because it was, um, they were—they were—seemed very angry and were shouting, um, and they came into a-an event and frightened children. Um, and they continued to yell down the hallway as they were being, um, exited by hotel security, um, that I had to go back to Florida, that I was a kidnapper, [inaudible 00:58:54] and so, I-I don't—I didn't know what would happen if I drove past them.

Judge Hill: 00:59:05 Excuse me, just a moment. Could you go and give them a hand?

Female Speaker: 00:59:08 Yeah, [inaudible 00:59:08].

Judge Hill: 00:59:11 So, this is all we got. So, we got rid of the last case. This is it. Okay, good. I don't like to see folks just hanging around now. So, we've taken care of the other hearing. So, you're the only game in town now. That's good. All right. Move on.

Attorney Martinek: 00:59:25 Um, now I would like to direct your attention to, um, the events of November 7, 2025, [inaudible 00:59:35] affidavit.

Judge Hill: 00:59:36 What dates did you say?

Attorney Martinek: 00:59:38 November 7<sup>th</sup>.

Judge Hill: 00:59:39 November the 7<sup>th</sup>?

Attorney Martinek: 00:59:40 November 7<sup>th</sup>. Um, can you—uh, what time did this event occur?

Maggie: 00:59:50 Uh, a little after 6:00. I was still working. I was actually on a work call.

Attorney Martinek: 00:59:57 Okay. Um, do you recall, was it, um, light or dark out?

Maggie: 01:00:06 Um, it was starting to get, um, dark. It was, uh, still light.

Attorney Martinek: 01:00:15 Just to clarify, do you mean dusk?

Maggie: 01:00:17 Yes. Yes.

Attorney Martinek: 01:00:21 Okay. Um, and this event, were you at your home?

Maggie: 01:00:38 Yes, I was. and my husband.

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Attorney Martinek: 01:00:41 And your husband was in your home too?

Maggie: 01:00:43 Yes.

Attorney Martinek: 01:00:43 Okay. And, um, is that the only people that were in the home at the time?

Maggie: 01:00:48 No.

Attorney Martinek: 01:00:51 And, um, can you describe what type of home you have? Is it a— is it a house? Is it a condo? Is it an apartment? Is it a townhouse?

Maggie: 01:01:02 Just an apartment. Um, and two sides of the apartment are all windows.

Attorney Martinek: 01:01:08 Okay.

Maggie: 01:01:16 [inaudible 01:01:16]

Attorney Martinek: 01:01:18 A corner?

Maggie: 01:01:19 Yes.

Attorney Martinek: 01:01:20 Okay. Was the window opened or closed?

Maggie: 01:01:30 Uh, they were open.

Attorney Martinek: 01:01:32 And-and-and to be clear, when you say windows are open, is it the-the actual window were open, or were the blinds open?

Maggie: 01:01:39 No, um, just the windows open, um, and then all the blinds were—most of the blinds were closed.

Attorney Martinek: 01:01:49 Um, can you tell us in your own words, um, what happened that night?

Maggie: 01:01:56 Yes, I was, um, when I'm on the phone, I pace. I was walking back and forth, um, in front of the windows, um, the one that faces [B street 01:02:03]. Um, and something caught my eye and I looked down, um, and I saw Amanda Wallace with, um, at least two other people, uh, who I could not identify. Um, and, um, they had been, uh, writing on the street, uh, Maggie Clapp kidnaps Black children. Um, and, uh, she looked up, um, and she said, "Oh, there you are," um, and something like, "There's the kidnapper," had her phone out, um, aimed at my apartment.

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01:02:33 Um, and at that point, I got, um, was [inaudible 01:02:36] for my husband, um, to come and help me, um, to get the blinds closed, um, because they could see inside my house. And then, um, once they—once she, um—sorry. Once she identified that which apartment mine was, I don't know if she knew or not before, but when she saw me in the window, she knew. Um, so, uh, she draw arrows, um, in chalk to my exact apartment.

Attorney Kaneria: 01:03:08 Your Honor, we would object to speculation.

Attorney Martinek: 01:03:15 I'm not sure what the speculation is.

Judge Hill: 01:03:17 Overruled. She said she saw her draw arrows. I think that's what she says. So, move on.

Attorney Martinek: 01:03:26 Okay. So, um, you said she pointed her phone at you?

Maggie: 01:03:31 Yes.

Attorney Martinek: 01:03:31 At your window? [inaudible 01:03:32] trying to film you?

Maggie: 01:03:34 Yes.

Attorney Martinek: 01:03:42 And you said your husband was there. You said you screamed. Why did you scream?

Maggie: 01:04:00 Because I looked outside my window, I saw a person who has been harassing me for two and a half years, um, knowing now exactly where I lived. Um, and was looking inside my home [crosstalk 01:04:09]

Attorney Kaneria: 01:04:09 I would object to the—objection.

Attorney Martinek: 01:04:14 We have to stop, now that she said objection.

Attorney Kaneria: 01:04:17 The characterization of harassment, conduct is harassment is for the court to make.

Judge Hill: 01:04:24 I can make the determination, but I'm going to let laypeople talk about how they feel, but I'll make the legal determination one way or another if I decide that's what it is.

Attorney Kaneria: 01:04:32 Okay.

Attorney Martinek: 01:04:33 And you were talking about [inaudible 01:04:35]. Or you can go back and start over if you need to because of the objection interrupted your train of thought.

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Maggie: 01:04:44 Okay. Um, so yes, you asked me a question. Um, yes, I did. David was—my husband was, um, in his office, the second bedroom. And I couldn't get all the blinds and windows closed fast enough. Um, and so I, um, you know, looking out the window, and seen someone that had been, in my opinion, harassing me, that's at least how I feel, um, and now knowing exactly where I live, and drawing arrows, um, and started drawing arrows, I got very scared, so I was calling him to help me as quickly as possible to close up our house, because I felt violated, um, which is—it was [inaudible 01:05:28]. It's my home.

Attorney Martinek: 01:05:31 Um, you said you saw her writing things in the street. Do you know what she was writing?

Maggie: 01:05:36 Uh, yes, she was writing "Maggie Clapp kidnaps Black children." Um, later, when I went down to the lawn, a police officer actually saw, um, you know, that I commit genocide. Um, but it was mostly Maggie Clapp kidnaps Black children.

Attorney Martinek: 01:05:51 Now, you said that when you first saw the-the things written on the street, they were, uh, you saw them written on the street. Were there other locations that these things, these-these statements were made or-or written, that you saw?

Maggie: 01:06:05 Yes, uh, they were—um, on the other side of my building on Foster Street, um, as well as, um, the street that joins Rigsbee and Foster. So, all around my building, um, where there's streets. So, that's Corporation, Rigsbee, and Foster Street.

Attorney Martinek: 01:06:22 Okay. And did you—um, was there writing on the street?

Maggie: 01:06:29 Writing on the street and writing also, um, in my—at my—in my building is a little courtyard area where my apartment sits, and that's where the genocide, um, writings were.

Attorney Martinek: 01:06:40 Okay. And-and all these writings were done in the same type of chalk, apparently?

Maggie: 01:06:45 Yes. Yes. And the arrows were on the sidewalk pointing to my apartment, not on the street.

Attorney Martinek: 01:06:53 Um, and you said that there was a little courtyard. Is that on the public street?

Maggie: 01:06:59 No.

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Attorney Martinek: 01:07:00 Is that on the public sidewalk?

Maggie: 01:07:01 No.

Attorney Martinek: 01:07:09 Is that near the entrance to the building that you live in? Or an entrance?

Maggie: 01:07:12 It's—yes, um, it's near, not the main entrance, but there's a side entrance it was near.

Attorney Martinek: 01:07:23 And you said you—you spoke to the police. Did you call the police?

Maggie: 01:07:33 Yes, I did. Um—

Attorney Martinek: 01:07:34 Why did you call the police?

Maggie: 01:07:35 Because [inaudible 01:07:36] she was at my home, um, and these statements were very inflammatory, um, and I was scared. So, um, I called Durham police department, and they told me to make sure that I closed all blinds, locked the windows, and the door, um, and to stay away from the windows.

Attorney Martinek: 01:07:57 I'm going to ask you, based on that incident right there in that moment, how were you feeling?

Maggie: 01:08:05 I was terrified to have somebody, um, again that was screaming these things at me, sending me emails, um, continues to harass me over and over again, um, know exactly where I lived. Um, I had had an incident, um, before when I was, uh, called at work on my private phone [inaudible 01:08:25]

Attorney Kaneria: 01:08:27 Your Honor, objection to relevance. Again, this was not in the affidavit and it's hearsay.

Attorney Martinek: 01:08:34 [inaudible 01:08:34]

Judge Hill: 01:08:36 Yeah, move on.

Attorney Martinek: 01:08:38 But, um, but again, um, talking about this particular incident, prior to this incident occurring, did you have a feeling of safety?

Maggie: 01:08:57 I had a feeling that there's a—not completely, because there had been another incident that I [had calls 01:09:04]

Attorney Kaneria: 01:09:05 Objection.

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Maggie: 01:09:07 I had—it was a feeling, [inaudible 01:09:09].

Judge Hill: 01:09:14 Overruled.

Attorney Martinek: 01:09:18 Um, did you have a sense, a feeling, that you had a-a-a feeling you had privacy in your home?

Maggie: 01:09:26 Not anymore, after that.

Attorney Martinek: 01:09:28 Before that?

Maggie: 01:09:30 Uh, yes.

Attorney Martinek: 01:09:32 Okay. And since that incident, how did feelings change, or-or have they?

Maggie: 01:09:40 No, they haven't. Um, a few days ago, um, we like to go for walks around the neighborhood. Um, and a few days ago we were going on a walk and, um, we—I guess they-they just had a, um, protest, um, for ICE and so there was, um, chalk drawings, um, and on the street. And I, um, freaked out, um, thinking that it was happening again. Um, so we immediately went home.

Attorney Martinek: 01:10:10 And when you say you freaked out, what do you mean by that?

Maggie: 01:10:13 I just. I saw it and I thought, "Oh my God, this is really [inaudible 01:10:16], my husband calmed me down and said, "Look," and showed me, um, how it's related to the ICE protest, um, and we went back inside.

Attorney Martinek: 01:10:31 Now, and so, when you say you-you-you freaked out, did it cause a change in your feeling, your body? Did you tighten up? Did you relax? Did your, um, heartbeat elevate or lower?

Maggie: 01:10:45 I started to cry, um, without really noticing. I was scared. Um, [inaudible 01:10:51] calm down and showing me that, [inaudible 01:10:55].

Attorney Martinek: 01:11:02 And I just want to be clear. Did the event that took place on November 7<sup>th</sup> exacerbate your feeling of lack of safety?

Maggie: 01:11:20 Yes.

Attorney Martinek: 01:11:35 Now, I want to be clear. Um, when Amanda Wallace—you saw Amanda Wallace right outside you window. Was she in a park?

Maggie: 01:11:51 No. My apartment does not [show on a park 01:11:55].

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Attorney Martinek: 01:12:13 Let me have just one moment, Your Honor.  
[pause]

Judge Hill: 01:12:22 I've been reluctant to ask this question, but since it's already apparent that the defendant knows where you live, is this the Liberty Apartments?

Maggie: 01:12:33 Yes.

Judge Hill: 01:12:34 Okay. I'm a Durham County native, so I'm familiar with a lot of this stuff, so it helps me if I can get a visual.

Attorney Martinek: 01:12:43 Your Honor, just—we're fine with it, [inaudible 01:12:46] Liberty Warehouse Apartments, but we'd ask for a motion that—

Judge Hill: 01:12:49 I am very familiar with the Liberty Warehouse. Before it was a warehouse, my daddy worked there for Walker Stone, so I know exactly where you're talking about and I know the sign out front, the Green Cafe. So, that's why I was asking when you were talking.

Attorney Martinek: 01:13:05 And I appreciate that, Your Honor. Just we would ask that—that Ms. Clapp's specific address not be [inaudible 01:13:09].

Judge Hill: 01:13:10 And I didn't want to give it, but enough information was given, so it just helps me to get the visual. So, I'm-I'm-I'm with you.

Attorney Martinek: 01:13:18 Thank you, Your Honor.  
[pause]

Attorney Martinek: 01:14:17 Uh, and just to be clear, Ms. Clapp, are you an elected official?

Maggie: 01:14:20 No.

Attorney Martinek: 01:14:22 And, uh, do you still, um, have, uh, these fears that you described?

Maggie: 01:14:29 Yes. Um, we were going to, um, we were thinking about [inaudible 01:14:37] but, um, since I found out from the director of Person County, um, that Amanada Wallace was also [inaudible 01:14:48]

Attorney Kaneria: 01:14:48 Objection, Your Honor.

Judge Hill: 01:14:50 I'll sustain that. I'll sustain that.

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Attorney Martinek: 01:14:55 Well, without mentioning anything that's happening in Person County, can you explain what you felt when you give your answer?

Maggie: 01:15:02 Yes. Um, my mother was very frightened and she wouldn't understand. So, um, the people coming to our house and screaming those things, um, so we're not considering that anymore. Um, and as far as my husband and I, um, we have talked about moving because we—I don't feel safe anymore. Um, our gate, um, our apartment building, um, people tend to get into it, um, and I don't feel safe knowing that my exact apartment is now known. Um, and so, um, and after that walk a few days ago, um, I-I have not made—I don't work from home.

Attorney Martinek: 01:15:41 Is that a change from your normal behavior?

Maggie: 01:15:42 Yes.

Attorney Martinek: 01:15:45 And so, prior to these incidents, would you normally [inaudible 01:15:48] your work and go back home?

Maggie: 01:15:49 No, we love, um, Durham, and so we like walking around the city.

Attorney Martinek: 01:16:03 Has—based on these repeated events, has this caused your fear to rise?

Maggie: 01:16:12 Yes. Um, I have a lot of anxiety, um, around this. Um, I feel violated, um, and I'm—I'm scared a lot because people now know where I live, Amanda knows where I live, um, and I've been harassed for two and a half years, and it just seems to keep escalating. So, I think worry about, you know, driving into work. Um, I'm taking [inaudible 01:16:36] um, going to work, in my normal county car.

Attorney Martinek: 01:16:47 Your Honor, I have no further questions for Ms. Clapp.

Judge Hill: 01:16:50 Okay, it's quarter after 12:00. We will go to 1:00 and come back at 2:30. But I just let everybody know the lay of the land. I mean, I—ain't no way we're going to get done this morning, just so everybody can be aware of what we're doing. But I turn into a pumpkin at 1:00 for the benefit of my clerks and my deputies and come back at 2:30. Okay, go ahead.

Attorney Kaneria: 01:17:14 Thank you, Your Honor. Good afternoon, Ms. Clapp.

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Maggie: 01:17:22 Good afternoon.

Attorney Kaneria: 01:17:23 One of the primary responsibilities of the Department of Social Services is to advocate for the removal of children from their homes through dependency court proceedings, correct?

Attorney Martinek: 01:17:33 Objection, relevance.

Attorney Kaneria: 01:17:35 It's one of her duties.

Judge Hill: 01:17:36 Well, this is cross examination and you have to get pretty far afield for me to sustain an objection on cross examination, Mr. M.

Attorney Martinek: 01:17:43 Okay, thank you, Your Honor. Just note that I may continue to make objections, even if—

Judge Hill: 01:17:46 Well, go right ahead. But I mean, I would probably cont—well, it all depends. But I-I don't know how much you want to get into the record. I will tell you this. For eight and a half years that was my courtroom here in Durham. But I mean, I don't know how much basis you want to have, but I know, I'm very well aware of what DSS does. But if you want to make the record, that's fine.

Attorney Kaneria: 01:18:07 I would like to.

Judge Hill: 01:18:08 But just so we can kind of cut to the chase.

Attorney Kaneria: 01:18:11 Yes, Your Honor. Your office advocates in court for the separation of children from their parents, correct?

Maggie: 01:18:20 No, we do not advocate. Um, we would like to help families stay together. We present the facts in court, um, and then they decide.

Attorney Kaneria: 01:18:30 As the director of Durham County Social Services, you are ultimately responsible for the whole department, correct?

Maggie: 01:18:36 Yes.

Attorney Kaneria: 01:18:37 And your responsibilities are codified in statute?

Maggie: 01:18:40 Correct.

Attorney Kaneria: 01:18:42 And the removal of children from their homes is one of the most consequential things that can happen under North Carolina law, correct?

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Attorney Martinek: 01:18:49 Your Honor, objection. This is far afield.

Judge Hill: 01:18:55 She's going to ask one or two more questions and then she's going to move on to the facts specific to this case, Mr. M.

Attorney Martinek: 01:19:03 Thank you, Your Honor.

Maggie: 01:19:08 Um, can you repeat the question?

Attorney Kaneria: 01:19:09 Yes, of course. The removal of children from their homes is one of the most consequential things that can happen under North Carolina law, correct?

Maggie: 01:19:19 I'm not—

Attorney Martinek: 01:19:19 I'm going to object, Your Honor, in that she's asking her to interpret North Carolina law and [crosstalk 01:19:25]

Judge Hill: 01:19:26 As the director of Durham County DSS, and that's where I think she can give her feelings on what she—her job is. But-but as a judge who sat in that courtroom, that is a very consequential thing that happens in families when children are removed for whatever reason. That is consequential. So, move on.

Maggie: 01:19:55 Yes, it is a consequential thing, not just in the state, but in other states and elsewhere in the world.

Attorney Kaneria: 01:20:01 And sometimes your office argues for the permanent separation of children from their parents, correct?

Maggie: 01:20:06 We present the facts.

Attorney Kaneria: 01:20:08 Through children are placed in foster care, correct?

Attorney Martinek: 01:20:13 Objection, Your Honor. And we're getting again, getting far afield.

Judge Hill: 01:20:16 Yeah, we are getting a little far afield.

Attorney Kaneria: 01:20:18 Okay, Your Honor. I'll move on.

Judge Hill: 01:20:20 Like I said, I know what DSS stuff is, because as I said, that was my courtroom for eight and a half years. So, I know what they do.

Attorney Kaneria: 01:20:28 I'll move on, Your Honor.

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Judge Hill: 01:20:29 You can move on.

Attorney Kaneria: 01:20:31 Your term with—you're familiar with the term the civil death penalty, correct, in reference to the termination of parental rights?

Attorney Martinek: 01:20:40 Objection, Your Honor. Relevance.

Attorney Kaneria: 01:20:43 Your Honor, we are fighting about language, and la—that language is—

Judge Hill: 01:20:50 Go ahead.

Attorney Kaneria: 01:20:51 Thank you.

Judge Hill: 01:20:51 Go ahead.

Attorney Kaneria: 01:20:54 You're familiar with—sorry, answer.

Judge Hill: 01:20:57 I ruled, she can answer the question if she knows.

Maggie: 01:21:02 No, I'm not familiar with that.

Attorney Kaneria: 01:21:04 Are you familiar with the term the family policing system?

Maggie: 01:21:07 Yes.

Attorney Kaneria: 01:21:09 And you're aware that this term has been used by scholars, activists, and lawyers to describe the child welfare system, correct?

Attorney Martinek: 01:21:16 Objection, Your Honor.

Judge Hill: 01:21:18 If she knows, she can answer. Mr. M. If she don't know, she can say she don't know.

Maggie: 01:21:23 I do not know that.

Attorney Kaneria: 01:21:24 And you're aware that there's an entire movement that focuses on the abolition of the family policing system?

Maggie: 01:21:31 Yes.

Attorney Kaneria: 01:21:35 And you're aware that one of the criticisms of the family policing system is that it's often done in secret behind closed doors?

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Attorney Martinek: 01:21:42 Objection.

Judge Hill: 01:21:43 Overruled.

Maggie: 01:21:46 Can you repeat that?

Attorney Kaneria: 01:21:47 One of the criticisms of the family policing system is that parents feel that, and community feels that it is done in secret behind closed doors.

Maggie: 01:21:58 I-I'm not really—no. I'm not aware of that.

Attorney Martinek: 01:22:03 Your Honor, I'm going to object again. I'm also going to continue to make specific objections. I'm going to continue to—I'm going to object to this line of questioning; we're going well beyond the facts that are specific to this case. We're talking about—she's talking about national movements and things like that. That's not what we're here about today, Your Honor.

Attorney Kaneria: 01:22:20 But we are here about language.

Attorney Martinek: 01:22:21 We hear about a series of incidents related to the-the, uh, harassment as defined by law of an employee of Durham County. What the national movements are what—is not relevant to this matter.

Judge Hill: 01:22:38 I'll sustain your objection, Mr. M. Move on.

Attorney Kaneria: 01:22:43 You're aware there's a federal lawsuit pending in the middle district of North Carolina that is challenging the lack of transparency in dependency courtrooms?

Attorney Martinek: 01:22:50 Objection, Your Honor. Again, relevance.

Judge Hill: 01:22:55 She can an—if she's aware, she can answer.

Maggie: 01:22:58 I'm not aware.

Attorney Kaneria: 01:23:03 You are aware of Operations Stop CPS, you testified earlier, correct?

Maggie: 01:23:06 Yes.

Attorney Kaneria: 01:23:07 And you've been to the Operations Stop CPS website before?

Maggie: 01:23:11 One time.

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Attorney Kaneria: 01:23:13 And you've read the vision and the mission of the organization?

Maggie: 01:23:15 No.

Attorney Kaneria: 01:23:16 Are you aware of Dorothy Roberts?

Maggie: 01:23:18 No.

Attorney Kaneria: 01:23:18 Are you aware—are you aware that terms like kidnapping and genocide in the context of removing children from their families were coined by Dorothy—or were coined by scholars to capture the lived experiences of families experiencing separation?

Attorney Martinek: 01:23:34 I—Your Honor, I'm going to object, number one, because again that's not relevant to the matter before the court. Number two, it appears like she's sounding like she's attempting to testify instead of asking questions of Ms. Clapp, related to this incident.

Attorney Kaneria: 01:23:49 The court has heard kidnapping and genocide referenced.

Judge Hill: 01:23:52 This is cross examination. I give defense counsel broad leeway in cross examination. And if you'll pull that microphone to you just a little bit. I've got a big mouth, you know, and I'm having a little hard time hearing you.

Attorney Kaneria: 01:24:09 I can-I can—

Judge Hill: 01:24:10 Folks generally have no problem hearing me. My voice is big and it carries. But I'm having a little problem with you. You're kind of soft spoken. So—

Attorney Kaneria: 01:24:19 Okay. You're aware that terms like kidnapping and genocide in the context of removing children from their families capture the lived experiences of families experiencing separation?

Attorney Martinek: 01:24:32 I'm going to object to that. That's purely speculation, Your Honor.

Judge Hill: 01:24:36 I already overruled you, Mr. M.

Attorney Martinek: 01:24:38 Well, it's a different question, Your Honor.

Judge Hill: 01:24:40 Well, I'm going to still, I'm going to overrule you. Go ahead.

Attorney Martinek: 01:24:41 If she knows, then—

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Maggie: 01:24:43 I'm not aware.

Attorney Kaneria: 01:24:47 To be clear, you don't like that Ms. Wallace calls you a kidnapper.

Attorney Martinek: 01:24:50 Your Honor, I—again—

Judge Hill: 01:24:51 Overruled.

Attorney Martinek: 01:24:54 The term could be clear, Your Honor. I'm not—I'm not sure where that comes from, and that's—

Judge Hill: 01:24:58 Mr. M, I think you've asked questions about this, how it makes her feel. So, I think she can—

Attorney Martinek: 01:25:02 I think she can ask about it—

Judge Hill: 01:25:04 So, she asked her the question. She does not like it to be called a kidnapper. That's the question.

Attorney Martinek: 01:25:08 That's fine. I'm fine with that question, Your Honor.

Judge Hill: 01:25:09 She can answer that question.

Maggie: 01:25:14 No, I am not—I don't like that.

Attorney Kaneria: 01:25:16 You don't like that Ms. Wallace accuses you of genocide.

Maggie: 01:25:19 No.

Attorney Kaneria: 01:25:21 And you don't like that Ms. Wallace accuses you of stealing Black children.

Maggie: 01:25:24 No.

Attorney Kaneria: 01:25:28 As the director of Social Services, you serve as the executive member of the Durham County Board at the Board of Social Services, correct? Do you have an executive?

Maggie: 01:25:39 No, I'm not part of the board. Um, I'm not a part of [inaudible 01:25:43].

Attorney Kaneria: 01:25:45 You're an executive to the board, correct?

Maggie: 01:25:46 Yes.

Attorney Kaneria: 01:25:48 Okay, I apologize. And board meetings are public meetings?

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Maggie: 01:25:53 Yes.

Attorney Kaneria: 01:25:54 And the date of the board meetings are listed on the county website?

Maggie: 01:25:58 Yes.

Attorney Kaneria: 01:25:59 And the public can attend the board meetings.

Maggie: 01:26:01 Absolutely.

Attorney Kaneria: 01:26:02 And Ms. Wallace is considered to be part of the public?

Maggie: 01:26:04 Yes.

Attorney Kaneria: 01:26:06 So, she's allowed to attend the board meeting?

Maggie: 01:26:08 Yes.

Attorney Kaneria: 01:26:10 And the public can comment at these board meetings?

Maggie: 01:26:12 Yes, we have a five-minute public comment at the start of the board meeting.

Attorney Kaneria: 01:26:16 And so, on March 26, 2025, Ms. Wallace spoke at the allotted public comment time, correct?

Maggie: 01:26:21 Yes.

Attorney Kaneria: 01:26:24 And your email is available to the public?

Maggie: 01:26:28 Yes.

Attorney Kaneria: 01:26:29 Because you're a public employee?

Maggie: 01:26:32 I'm a county employee, yes.

Attorney Kaneria: 01:26:36 And on April 22, 2025, you received an email from Operation Stop CPS?

Maggie: 01:26:43 Yes.

Attorney Kaneria: 01:26:45 Did Ms. Wallace not put her signature on that email?

Maggie: 01:26:48 Um, it says Amanda Wallace in the main Operation Stop CPS.

Attorney Kaneria: 01:26:53 But she did not sign off on it?

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Attorney Martinek: 01:26:55 Objection, relevance. We've already addressed the fact that she—uh, it was an email that had come from Ms. Wallace—

Attorney Kaneria: 01:27:03 We—that is—

Attorney Martinek: 01:27:03 Communications have occurred between Ms. Wallace and Ms. Clapp previously.

Attorney Kaneria: 01:27:07 And we're crossing on that. And also, that is—we are disputing that.

Judge Hill: 01:27:10 Overruled. Overruled. Ms. Clapp has forgotten the question. Ask again, please.

Attorney Kaneria: 01:27:19 The email did not have a signature?

Maggie: 01:27:20 No.

Attorney Kaneria: 01:27:22 Ms. Wallace did not sign off on the email.

Maggie: 01:27:23 No, it was the email that we used, as I said, to go back and forth about having a meeting at one time.

Attorney Kaneria: 01:27:31 And you're aware that multiple people have access to that email account?

Maggie: 01:27:35 No, I never received an email from anyone else other than Amanda Wallace from that email.

Attorney Kaneria: 01:27:40 But you're assuming that Ms. Wallace and sent you the email.

Attorney Martinek: 01:27:45 Objection.

Maggie: 01:27:48 I was going by email address.

Attorney Kaneria: 01:27:57 One moment, Your Honor. You live in an apartment building in downtown Durham, correct?

Maggie: 01:28:09 Yes.

Attorney Kaneria: 01:28:10 And it's adjacent to Durham Central Park?

Maggie: 01:28:12 Uh, yes. One part of it is.

Attorney Kaneria: 01:28:18 You saw Amand—or, Ms. Wallace outside your window, right?

Maggie: 01:28:21 Yes.

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Attorney Kaneria: 01:28:21 And she was on the sidewalk?

Maggie: 01:28:23 Yes. She was on the street and the sidewalk.

Attorney Kaneria: 01:28:28 And you called the police?

Maggie: 01:28:29 Yes.

Attorney Kaneria: 01:28:30 And they did not arrest Ms. Wallace?

Maggie: 01:28:32 No.

Attorney Kaneria: 01:28:34 And to be clear, Ms. Wallace never came to your apartment building door that you saw.

Maggie: 01:28:38 No.

Attorney Kaneria: 01:28:39 And you never saw her enter your apartment building?

Maggie: 01:28:42 No.

Attorney Kaneria: 01:28:48 In regards to the adoption event, that was announced at a board meeting, correct?

Maggie: 01:28:54 I don't know.

Attorney Kaneria: 01:28:54 To the best of your—

Maggie: 01:28:55 I-I-I don't—I can't recall. Usually announce—we usually talk about it after the fact.

Attorney Kaneria: 01:29:01 And multiple people were with Ms. Wallace?

Maggie: 01:29:03 Yes.

Attorney Kaneria: 01:29:04 And it was at the Hilton?

Maggie: 01:29:06 Yes.

Attorney Kaneria: 01:29:08 Anyone can go into the Hilton?

Maggie: 01:29:10 Yes.

Attorney Kaneria: 01:29:10 There's a bar there that people can go—come to drink at?

Maggie: 01:29:14 Um, I-I don't know. I haven't been in the whole hotel.

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Attorney Kaneria: 01:29:23 You testified that there have been multiple protests, correct?

Maggie: 01:29:26 Yes.

Attorney Kaneria: 01:29:31 You said that there have been multiple—oh, sorry. I already asked that. And multiple people attend these protests in addition to Ms. Wallace, correct?

Maggie: 01:29:39 Yes.

Attorney Kaneria: 01:29:40 The community shows up?

Maggie: 01:29:42 Yes.

Attorney Kaneria: 01:29:44 You stated that you were afraid of escalating violence.

Maggie: 01:29:48 Yes.

Attorney Kaneria: 01:29:49 But there has been no violence.

Maggie: 01:29:51 No.

Attorney Kaneria: 01:29:51 For two and a half years, there's been no violence.

Maggie: 01:29:54 Correct.

Attorney Kaneria: 01:29:57 In all of your interactions, there's been no violence with Ms. Wallace.

Attorney Martinek: 01:30:01 I'm have an objection, Your Honor, on the grounds that the session doesn't require actual violence to have occurred, [crosstalk 01:30:06].

Judge Hill: 01:30:06 Cross-examination.

Attorney Martinek: 01:30:08 Sorry?

Judge Hill: 01:30:09 Cross-examination. She can ask the question.

Attorney Kaneria: 01:30:17 You still go to work at the DSS building, correct?

Maggie: 01:30:19 Yes.

Attorney Kaneria: 01:30:20 And you've not moved to another condo building?

Maggie: 01:30:23 No. The cost of that [inaudible 01:30:26]

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Attorney Kaneria: 01:30:30 Did—you didn't seek professional help like going to therapy?

Maggie: 01:30:34 Have I? Yes, I have gone to therapy .

Attorney Kaneria: 01:30:38 About this?

Maggie: 01:30:39 Yes, this is part of it as my job as director. Yes.

Attorney Kaneria: 01:30:47 Every day your office is engaged with issues and people that can be highly emotional.

Maggie: 01:30:52 Yes.

Attorney Kaneria: 01:30:52 Abuse and neglect investigations?

Attorney Martinek: 01:30:57 I'm going to object to the relevance of this matter, Your Honor, relevance as to the—

Judge Hill: 01:31:02 I'll give it a little bit of leeway. Overruled.

Attorney Kaneria: 01:31:09 And this work can be contentious?

Maggie: 01:31:11 Yes.

Attorney Kaneria: 01:31:12 Emotional?

Maggie: 01:31:12 Yes.

Attorney Kaneria: 01:31:13 High stakes for everyone involved?

Maggie: 01:31:14 Yes.

Attorney Kaneria: 01:31:15 And you're used to that.

Maggie: 01:31:16 Yes.

Attorney Martinek: 01:31:18 Your Honor, I'm going to, again, object to the relevance of this line of questioning as it relates to the matter before the court.

Attorney Kaneria: 01:31:27 Your Honor, this is providing context that—

Judge Hill: 01:31:30 I'm—I'm going to allow it. I'm going to allow, overruled it, let's bring it home.

Maggie: 01:31:37 Can you repeat the question?

Attorney Martinek: 01:31:41 I-I think she answered, Your Honor.

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Attorney Kaneria: 01:31:44 I can-I can repeat myself. It's high stakes for everyone involved?

Maggie: 01:31:52 Yes.

Attorney Kaneria: 01:31:54 Okay. Many people are asking questions about family court cases, correct?

Attorney Martinek: 01:31:59 Objection. Openly broad and speculative.

Judge Hill: 01:32:02 Sustained.

Attorney Kaneria: 01:32:06 One moment, Your Honor. You testified that late—that you feel harassed.

Maggie: 01:32:42 Yes.

Attorney Kaneria: 01:32:44 But Ms. Wallace can also feel like the removal of children is kidnapping or separation or genocide?

Attorney Martinek: 01:32:52 I'm-I'm sorry, what is the statement? I'm sorry, I couldn't hear the question because it-it blocked out for a moment. I-I need to hear the whole question.

Attorney Kaneria: 01:32:58 I said you testified that laypeople—that you feel harassed by Ms. Wallace, correct?

Maggie: 01:33:05 Yes.

Attorney Kaneria: 01:33:07 And Ms. Wallace can feel that this family separation is genocide and kidnapping of Black children?

Attorney Martinek: 01:33:14 Your Honor, I'm going to object. It's inflammatory and argumentative.

Judge Hill: 01:33:17 Sustained as to wording.

Attorney Kaneria: 01:33:24 Your Honor, I believe no further questions.

Attorney Martinek: 01:33:28 I have a redirect, Your Honor, if I may. Just again trying to limit the scope to what, uh, opposing counsel has instructed as, uh, focused on. Um, opposing counsel, Ms. Clapp, uh, asked you a lot of questions that basically, you don't like things that happened. You don't like when she calls you this stuff, you don't like it. Is your feelings related to being called a kidnapper, being accused of Black, uh, Black genocide, being harassed on a regular basis, is it limited to you just don't like it?

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Maggie: 01:34:08 No, it's, um, it goes against my character and it also-it also frightens me because, again, these are serious—these are serious things, um, and I don't know how people will react when they-they actually believe that. So, Amanda actually believes that. I'm not sure what is going to happen as far as escalating. While there's been no violence, there's certain an escalation as I've been director. It's started at board meetings, and then it came to my home.

Attorney Martinek: 01:35:02 [inaudible 01:35:02]

Judge Hill: 01:35:04 I'm sorry?

Attorney Martinek: 01:35:05 That's all.

Judge Hill: 01:35:07 Anything else from Ms. Wallace?

Attorney Kaneria: 01:35:12 Sorry, Your Honor?

Judge Hill: 01:35:12 Anything else?

Attorney Kaneria: 01:35:14 It's been two and a half years, correct?

Maggie: 01:35:16 Yes.

Attorney Kaneria: 01:35:16 And nothing has happened.

Attorney Martinek: 01:35:17 Objection, Your Honor. Asked and answered and does not go to direct—the questions that I—that were asked on my re-redirect.

Judge Hill: 01:35:27 Sustained.

Attorney Kaneria: 01:35:31 No further questions.

Judge Hill: 01:35:32 All right, you can go down.

Maggie: 01:35:34 Thank you.

Judge Hill: 01:35:38 Anything else Mr. Attorney Martinek:?

Attorney Martinek: 01:35:41 Uh, Your Honor, [inaudible 01:35:51] I mean, Durham County has no further evidence at this time.

Judge Hill: 01:35:56 All right.

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Attorney Kaneria: 01:35:58 Your Honor, we have two witnesses, Ms. Wallace and then we have an expert testimony as well.

Judge Hill: 01:36:04 Call your witnesses.

Attorney Kaneria: 01:36:05 Okay, thank Your Honor. We would call Ms. Wallace.

Judge Hill: 01:36:08 Okay. As I say we're going to go to 1:00 and we'll break and we'll come back. So, but I—I've got all day.

Attorney Kaneria: 01:36:22 Your Honor, if I may, um, I'm happy to start with my expert testimony. I just want to be mindful so that Ms. Wallace is—um, whatever the court prefers.

Judge Hill: 01:36:33 Go ahead. It's your case, whichever way you want to do it.

Attorney Kaneria: 01:36:37 Okay.

Judge Hill: 01:36:37 It's up to you how you call it.

Attorney Kaneria: 01:36:41 Your Honor, we would actually call our expert testimony today.

Judge Hill: 01:36:44 Okay.

Attorney Martinek: 01:36:50 The name?

Attorney Kaneria: 01:36:53 Sorry?

Attorney Martinek: 01:36:53 The name?

Attorney Kaneria: 01:36:54 Professor Sarah Katz.

Attorney Kuchyt: 01:37:05 Your Honor, the department—or, I'm sorry, the county will have an objection to this witness.

Judge Hill: 01:37:09 Well, let's see what happens.

Female Speaker: 01:37:14 Do you solemnly swear today—do you solemnly swear today what you will now give the court will be the truth, the whole truth, and nothing but the truth so help you God?

Professor Sarah Katz: 01:37:22 Yes.

Attorney Kaneria: 01:37:36 Good morning, Professor Kahn.

Professor Katz: 01:37:37 Good afternoon.

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Attorney Kaneria: 01:37:39 Good afternoon. Can you please state your full name for the record?

Professor Katz: 01:37:43 Yes. Sarah Katz.

Judge Hill: 01:37:46 Spell that for me, S-A-R-A-H, and then?

Professor Katz: 01:37:48 K-A-T-Z.

Judge Hill: 01:37:52 Because my clerk also has to be able to get that in her record, so we—okay, go right ahead.

Attorney Kaneria: 01:37:59 Thank you, Your Honor. What is your professional work address?

Professor Katz: 01:38:03 Um, Temple University Beasley School of Law, 1719 N. Broad St. In Philadelphia, PA, 19122.

Attorney Kaneria: 01:38:12 What do you do for work, currently?

Professor Katz: 01:38:15 Um, I am an employed full time member of the faculty at Temple University Beasley School of Law. My title is clinical professor of law. I also currently hold the title of senior fellow with the Stoneleigh Foundation, which is a three-year, um, fellowship.

Attorney Kaneria: 01:38:34 What is the Stoneleigh Foundation?

Professor Katz: 01:38:36 The Stoneleigh Foundation is, um, a-a foundation that is based in Pennsylvania. Um, it funds various different work that is meant to, um, better the lives of families, children and families.

Attorney Kaneria: 01:38:55 How long you—have you been a professor at Temple University?

Professor Katz: 01:38:59 I've been a full time member of the faculty for 13 and a half years. I also was an adjunct member of the faculty for five years prior to that.

Attorney Kaneria: 01:39:10 Your Honor, may I approach the witness?

Judge Hill: 01:39:11 You may.

Attorney Martinek: 01:39:26 [inaudible 01:39:26]

Attorney Kaneria: 01:39:26 Yes, I have a copy for you.

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Attorney Martinek: 01:39:28 And this is—

Attorney Kaneria: 01:39:29 [inaudible 01:39:29]

Attorney Martinek: 01:39:29 Okay, I just wanted to be sure.

Attorney Kaneria: 01:39:32 [inaudible 01:39:32] What is this document, marked defendant's exhibit one?

Professor Katz: 01:39:40 This is my curriculum vitae.

Attorney Kaneria: 01:39:44 And does it accurately reflect your teaching experience, your sc—your educational background and your scholarly work?

Professor Katz: 01:39:50 Yes, it does.

Attorney Kaneria: 01:39:50 Your Honor, we would move to admit this into evidence.

Attorney Martinek: 01:39:54 I have no objection.

Judge Hill: 01:39:55 All right.

Attorney Kaneria: 01:40:07 Can you briefly describe your educational and professional background before joining Temple?

Professor Katz: 01:40:13 Um, yes. I hold a bachelor's degree from Columbia University, New York City, um, where I graduated in 1997. I after that worked for 1199 Union as a political organizer and then for the Children's Defense Fund, um, as a community organizer. Uh, after that I attended University of Pennsylvania Law School, where I earned my J.D., and after leaving, uh, University of Pennsylvania Law School, I clerked for about a year in the Eastern District of Pennsylvania, and that was for the Honorable Norma Shapiro, um, and then began, uh, working first as a staff attorney, then as a supervising attorney, with the Community Legal Services in Philadelphia.

01:40:58 Um, during the time I was in Community Legal Services in Philadelphia, and again, my adjunct faculty role at Temple University, and in 2012, I was a fulltime faculty at the law school where I was a professor.

Attorney Kaneria: 01:41:14 What were some of your responsibilities while at Community Legal Services?

Professor Katz: 01:41:18 I was an attorney in the Family Advocacy Unit. So, the Family Advocacy Unit functions to represent parents in the cases that

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are brought by the Department of Human Services in Philadelphia, which is the county agency to DSS here in Durham.

Attorney Kaneria: 01:41:36 Professor Katz, can you describe for the court what your area of focus has been as a legal scholar?

Professor Katz: 01:41:43 Um, yes. I, uh, have focused on family law and specifically on child welfare law. I'm involved in overall family policing. Um, I, uh, have written in these areas and taught in these areas. I also, um, most of my scholarship is focused on trauma informed advocacy and [inaudible 01:42:04].

Attorney Kaneria: 01:42:10 Do you focus on abolitionist work?

Professor Katz: 01:42:13 I do, um, particularly my current work, um, with the Stoneleigh Foundation is on a project that focuses specifically on furthering racial justice in the family policing system. And that has meant, um, a—that has meant a, um, research, um, [inaudible 01:42:36] law scholarship, as well as curriculum development that is all focused around, um, abolition of the family policing system.

Attorney Kaneria: 01:42:49 When you say family—can you explain what family policing abolition is and looks like?

Professor Katz: 01:42:54 Um, yes. So, we'll start with the—the term abolition should be a term that is actually familiar to most people [inaudible 01:43:01] um, because it dates back to—

Attorney Martinek: 01:43:05 Your Honor, I'm going to object as to, at this point, what's the relevance as to this question? She hasn't been qualified as an expert at this time, and what does this have to do with, uh, Article 23, uh, chapter-chapter 95?

Attorney Kaneria: 01:43:20 Your Honor, we are—Professor Katz is well published. She has a variety of different topics, and this is the area that I would like to tender her an expert in. And that is why I'm asking the court.

Attorney Martinek: 01:43:33 What area?

Attorney Kaneria: 01:43:34 Family policing abolitionist scholarly work.

Attorney Martinek: 01:43:39 Your Honor, that—A, we were not providing notice that that is what she was going to be, um, proffered as an expert in. Uh, and second of all, that doesn't meet the court made determination as to whether or not the criteria of article 23 of

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chapter 95 [inaudible 01:43:53]. She may be an expert in that area, but it has no relevance [inaudible 01:43:58].

Attorney Kaneria: 01:44:04 Your Honor, I provided notice.

Judge Hill: 01:44:08 She's an expert. And of course, I'll listen. It's just a matter of how much weight I want to give it.

Attorney Martinek: 01:44:14 Thank you, Your Honor.

Attorney Kaneria: 01:44:14 Thank you, Your Honor.

Attorney Martinek: 01:44:19 And can you clarify what is she being qualified as an expert in?

Attorney Kaneria: 01:44:23 Family policing abolition, scholarly work.

Judge Hill: 01:44:27 You got all that?

Attorney Martinek: 01:44:30 Yes.

Judge Hill: 01:44:32 Okay. And she—you asked—she asked the questions. I mean, you can feel free to object, and I'll feel free to either sustain or overrule. So, go ahead.

Attorney Martinek: 01:44:43 And, Your Honor, before you make the ultimate, uh, determination as for her being qualified and all, may-may I [inaudible 01:44:51].

Judge Hill: 01:44:51 Oh, yeah, you can go ahead. No question.

Attorney Martinek: 01:44:53 Okay.

Judge Hill: 01:44:53 Absolutely.

Attorney Martinek: 01:44:54 All right. Um—

Attorney Kaneria: 01:44:58 May I continue?

Judge Hill: 01:44:59 What?

Attorney Kaneria: 01:45:00 May I continue?

Judge Hill: 01:45:01 No, he's going to voir dire the witness. [crosstalk 01:45:02]

Attorney Kaneria: 01:45:02 Oh, he's going to voir dire. Okay, I wasn't sure.

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Judge Hill: 01:45:05 I'm retracting and bringing back my qualification and give him a chance to voir dire the witness before she's declared an expert, which is the appropriate procedure.

Attorney Martinek: 01:45:16 Okay. Um, and ma'am, are you licensed to practice in North Carolina?

Professor Katz: 01:45:24 I am not. I am licensed to practice in Pennsylvania.

Attorney Martinek: 01:45:29 Um, what is your familiarity with, um, the Workplace Violence Prevention Act in North Carolina?

Professor Katz: 01:45:38 Very—I have no—very little familiarity [inaudible 01:45:45]

Attorney Martinek: 01:45:47 Have you ever met or spoken to Maggie Clapp?

Professor Katz: 01:45:51 No, I have not.

Attorney Martinek: 01:45:53 Have you ever seen her prior to today in person?

Professor Katz: 01:45:56 No.

Attorney Martinek: 01:45:57 Have you ever witnessed Amanda Wallace and Maggie Clapp in the same room together?

Professor Katz: 01:46:01 I haven't. Well—no, I have not.

Attorney Martinek: 01:46:06 Are you familiar with any of the incidents or occurrences that were testified to during Maggie Clapp's, um, testimony by personal knowledge?

Professor Katz: 01:46:16 No.

Attorney Martinek: 01:46:22 Your Honor, once again, I'm going to renew my objection as to relevancy of this witness. She's not going to aid in court's decision of this matter.

Attorney Kaneria: 01:46:30 Your Honor, the county has said that words like kidnapping and genocide are harassment. But the court has to determine the difference between harassment and political speech. What Professor Katz is here to do is explain to the court why language like genocide, kidnapping, are a part of a legal framework that is used to describe what is happening in courtrooms across America. That is political speech. And that is why we are tendering her as an expert, which I have not even done yet. I am just simply laying the foundation for that.

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Attorney Martinek: 01:47:06 Your-Your Honor, she's not being proffered as an expert in political speech. She's being proffered as an expert opinion in family policing and abolition. The other thing is she can't testify as an expert as to legal conclusions. That is for the trier of fact. According to *Smith vs. Childs*, it is improper, as well as, um, *State vs. Parker*, is improper for anybody to testify legal conclusions or legal matters that usurps the ability of the trier of facts.

Attorney Kaneria: 01:47:33 Your Honor, the court has to determine under the statute whether the conduct was lawful or unlawful and did not serve a legitimate purpose. Legitimate purpose would include political speech, the right to petition the government. And this is an expert on a political movement that sup—that is evidence supported that this is lawful conduct, calling some—referencing things that are happening in dependency court as genocide or kidnapping is lawful, and it is also the language of this movement.

Attorney Martinek: 01:48:07 Your Honor, once again, whether or not it is lawful is up to the trier of fact to decide. And an expert witness cannot be used to try and make [inaudible 01:48:17], especially one that's not even licensed to practice in North Carolina [inaudible 01:48:21].

Judge Hill: 01:48:21 I will let her talk for a little bit but it's going to be very narrow. She is an expert, but your questions need to be very narrowly tied.

Attorney Kaneria: 01:48:31 Will do. Tell me about the movement to abolish family policing.

Professor Katz: 01:48:39 The word—as I started to say before, the word abolition is something that should be familiar to the court and everyone assembled, because it is—it dates back to the history and founding of our country. Um, for as long as there has been enslavement, um, enslavement was—was part of the history of founding ideology of our country. There's also been a movement, um, there has been resistance efforts to that which we call abolition.

01:49:06 Um, modern—the modern day, modern day abolitionists believe that the enslavement, in fact, did not end but instead changes form, and lives on in—that legacy lives on in the laws and systems and structures of various institutions, um, including the child welfare system. Um, the term family policing is used, um, with regard to the child welfare system because many people, um, including scholars, believe that it more accurately,

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um, describes the role of the child welfare system, um, in—as, um, a tool to surveil and control and punish, um, families, specifically Black, Brown, and Indigenous families, which are the families who are most involved in the system.

01:50:14 So, family policing abolition refers to, um, the national ecosystem of various community organizing efforts, liberal organizing efforts, um, that are, uh, led by, um, the families who are most impacted by the systems, specifically Black, Brown, and Indigenous families, um, that have been impacted and that—and again, people that stand in solidarity with those leaders, those families who have been impacted, um, by the system. So, that’s what, when we refer to family policing abolition, that’s what we’re referring to.

01:50:58 And as I started to say, there’s a body of scholarly literature not just within the law, within the social sciences, which discusses and bolsters, um, misunderstanding of the system. Um, for example scholars like [inaudible 01:51:16] um, scholars like [inaudible 01:51:18]

Attorney Martinek: 01:51:21 Your Honor, she’s launching into a narrative [inaudible 01:51:25].

Judge Hill: 01:51:24 Okay, ask another question.

Attorney Kaneria: 01:51:30 In the context of the movement to abolish family policing, what does language like kidnapping or hostage mean?

Attorney Martinek: 01:51:39 Your Honor—

Judge Hill: 01:51:41 It’s up for me to decide. She can give her opinion on it but that’s up for me to decide. Go ahead.

Professor Katz: 01:51:47 So, because family policing abolition focuses on being led by and amplifying the voices of families who are most impacted, kidnapping references the lived experiences of families, specifically children and parents, who are separated, um, by the family policing system. Um, there are—there’s social sciences literature that supports, um, misunderstanding of the experience of family separation. Specifically, scholars like, um, social work Professor Mitchell has written, um, about how, um, children and their parents experience the trauma of that separation, as, um, as a kidnapping, or a hostage taking.

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01:52:40 Legal scholars such as Dr. Trivedi at University of Baltimore School of Law, [inaudible 01:52:45] at University of Michigan School of Law, have written about the implications of the social science literature on the law, and specifically called [inaudible 01:52:57] to consider the fact that the trauma is akin to kidnapping and hostage taking, um, that's experienced by families. So, that currently references [inaudible 01:53:08] scholarly literature.

Attorney Kaneria: 01:53:13 Thank you Professor Katz. In the context of the movement to abolish family policing, what does language like genocide mean?

Professor Katz: 01:53:20 So, the United Nations's definition of genocide includes, um, forcibly removing the children of one group to another. Um, it also—another definition of genocide according to the United Nations is to imprint conditions upon one particular group that results in the full or partial destruction of that group. Um, kidnapping is a term—I'm sorry, genocide is a term that is utilized, um, by, uh, by families to reflect the conditions that result as a result of the systematic removal, um, of Black, uh, Brown and Indigenous families.

01:54:12 And that is going to be a phenomenon that's been discussed in the scholarship of Professor Roberts, um, that I mentioned, as well as, um, in my own scholarship, um, specifically an article that I published last year, which focuses on the impact of the civil death penalty, uh, which is coauthored, uh, with impacted leader Corey Best, um, that article discusses the impact specifically of the civil death penalty, [inaudible 01:54:41] discrimination of human rights, and how it is related to genocide, amongst Black, Brown, and Indigenous families.

Attorney Kaneria: 01:54:51 And has your work ever been cited before?

Professor Katz: 01:54:56 Um, my work has been—

Attorney Martinek: 01:54:57 Your Honor, I'm going to object [inaudible 01:54:59] qualify as an expert.

Attorney Kaneria: 01:55:01 I'll withdraw.

Judge Hill: 01:55:03 [inaudible 01:55:03] Move on.

Attorney Kaneria: 01:55:06 No more questions.

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Attorney Martinek: 01:55:12 Um, so is it your expert opinion that every person that says the word genocide or kidnapping or hostage taking means it in the same context that you do?

Professor Katz: 01:55:25 No, I don't.

Attorney Kaneria: 01:55:26 Objection.

Attorney Martinek: 01:55:28 And is it your expert opinion that telling children they were kidnapped is part of the family, uh, family policing abolishing?

Professor Katz: 01:55:41 I'm not sure I understand.

Attorney Kaneria: 01:55:44 Yeah, objection to—

Attorney Martinek: 01:55:46 So, one of the—one of the things that was testified to and allegations that was made was that Ms. Wallace was in a room full of children and told them that they had been kidnapped by screaming, you know, you're kidnapping children. Is that part of the movement that you are [inaudible 01:56:03]?

Attorney Kaneria: 01:56:03 Objection, Your Honor. That is not Professor Katz's testimony.

Judge Hill: 01:56:10 Cross examination is part of the testimony.

Attorney Kaneria: 01:56:11 Or Ms. Clapp's—

Judge Hill: 01:56:12 I give—I gave you broad leeway in cross examination and I'm going to give them broad leeway. And that's just—I always give folks broad leeway in cross examination. So, she can answer the question. You probably need to ask it again.

Attorney Martinek: 01:56:31 Does telling children that they were kidnapped further the goals of a—the foster—I'm sorry, the family policing abolitionist movement?

Professor Katz: 01:56:41 The family policing abolitionist movement is a political activist movement and, uh, and a-and a legal framework, a-a legal analytical framework and that's all I can offer an opinion on. I don't have any specific knowledge of the events, um, you're describing.

Attorney Martinek: 01:57:08 Your Honor, I have no further questions.

Attorney Kaneria: 01:57:11 None for me, as well.

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Judge Hill: 01:57:12 All right, you can come down. Is she excused to go back to Philadelphia if she so desires?

Attorney Kaneria: 01:57:17 Yes, Your Honor.

Judge Hill: 01:57:18 You're excused. We will come back at 2:30. Mr. Deputy, I'm going to let you coordinate the exit however you deem best. So, just be seated, stay seated, and follow the instructions of the deputy.

# Exhibit 6

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Male Speaker: 00:00:01 Ladies and gentlemen, one more time, I'm going to remind you, all your cell phones should be turned off before you cross the threshold. And they should be away. That means they're not out in the open, not in your lap, not in your hand. Put them in a pocket. If you have no pockets, the person you came in with, if they have a pocket, put it in their pocket. But it cannot be out. If you have no pockets and you have no place to put it, go put it back in your car, okay?

00:00:24 No-no musical devices. If it twits, twitches, twerks, makes any kind of musical anything, we're going to take it, okay? We will take it. If you have a camera, camera glasses, and or watch or anything that you're recording on, take that stuff off. Turn it off.

Judge James T. Hill: 00:00:47 All right, I believe we're here.

Attorney Janki Kaneria: 00:00:50 Thank you, Your Honor. Good afternoon. We would call Amanda Wallace to the stand.

Judge Hill: 00:00:56 Okay.

Female Speaker 1: 00:00:59 Raise your right hand, place your left hand on the Bible. All right. [inaudible 00:01:04] Do you soundly affirm that the evidence you shall now give report shall be the truth, the whole truth, and nothing but the truth, this being your solid affirmation? You can have a seat.

Attorney Kaneria: 00:01:22 Good afternoon. Can you please introduce yourself to the court?

Amanda Wallace: 00:01:26 My name is Amanda Wallace and I'm the founder of Operation Stop CPS.

Attorney Kaneria: 00:01:29 Can you tell us about Operation Stop CPS?

Amanda: 00:01:33 Operation Stop CPS is a grassroots campaign and our long term mission is to abolish the family policing system. Um, what that work looks like, educating the community about the realities of the system, especially here in Durham. Right? Like understanding the numbers, understanding that over 70 percent of children in Durham County custody are Black. Right? Understanding the average time that children stayed in custody is over two years in Durham.

00:01:56 And that's the work of Operation Stop CPS, to raise the public consciousness about what's happening in-in our communities.

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And it also looks like helping families navigate through this system, um, understand the language, understand how to advocate for themselves to their attorneys, um, and just—again, just being a support while they're going through one—I think Maggie said, right, this-this-this is one of the-the hardest things for a parent to be able to, uh, deal with is losing their child.

Attorney Kaneria: 00:02:25 Why did you start Operation Stop CPS?

Amanda: 00:02:30 Well, so I used to work inside of the family policing system. Again, some people call it Child Protective Services, but it is more accurately called, again, the family policing system, for 10 years in three different counties in North Carolina as an investigator. And what I saw was, you know, again, some people that have worked inside of this system believe that it is protecting children and that children are removed under the guise of protection.

00:02:58 But in reality, what I saw on the inside was that the policies and the laws that were being created actually were oppressive, and things like poverty were being mislabeled, um, as neglect and children were being taken away instead of the resources just being given to families. And so, I saw that and I thought that I could make a change from the inside. Um, I got on state committees that—like the state design team to try to think about what policies could change to, um, loosen, loosen the chains that are on families, uh, at risk.

00:03:32 And what I saw was that that's just not possible from the inside. That, like, one individual social worker is not going to be able to take down a system that has its roots in chattel slavery. It's just not going to happen. Uh, and so that's why Operation Stop CPS to be a part of the solution. Did not even understand the gravity of the movement that was already being built at the time. Um, and-and at the time it was just about reform, that I thought it was change the system, that we just educate parents about their rights, and be able to advocate for the attorneys that are sitting here right now, um, that-that maybe things could be different. Um, but again, I just saw that that—that this was possible, and that abolition is the only way forward, to abolishing the family policing system.

Attorney Kaneria: 00:04:23 Is Operation Stop CPS a part of the movement to abolish the family policing system?

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Amanda: 00:04:28 [inaudible 00:04:28]

Attorney Kaneria: 00:04:30 Tell us about the movement to abolish the family policing system.

Amanda: 00:04:34 The movement, um, to abolish the family policing system is an ecosystem of individuals and organizations, many of us are in this room right now, um, that are led by folks who are directly impacted by the system that have shared values. Right? Values that, uh, the family policing system is harmful. It is harmful to families. And that's not just me thinking it. It is what families have said over and over again. It is what has been documented over and over again, if the [inaudible 00:05:03] all these other people will take the time to read. Right? Like, uh, Professor Joseph Robertson, uh, Dr. Sarah Katz, again document the harm, um, that this system is.

00:05:15 So, again the movement gives language to something that people have, um, mislabeled for-for centuries. Um, and so that—that's the movement.

Attorney Kaneria: 00:05:25 Tell me how Durham County and its officials have reacted to Operation Stop CPS.

Amanda: 00:05:31 I think [inaudible 00:05:31] experiencing it today.

Robin Martinek: 00:05:32 Objection, Your Honor, as to we're here specifically about Maggie Clapp. Without a doubt, any Durham County officials or anybody that has [inaudible 00:05:40]

Attorney Kaneria: 00:05:41 Durham County is the petitioner, and I believe counsel made the argument that—about—stated that earlier, that Durham County is the petitioner.

Judge Hill: 00:05:53 I'll give you—I'll let her talk a little bit. We're not going to go too far, okay?

Attorney Kaneria: 00:05:56 Absolutely. Understood, Your Honor. Tell me how Durham County and its officials have reacted to Operation Stop CPS.

Amanda: 00:06:05 Again, like I said, I think everybody [inaudible 00:06:07] experienced it today, right? They change the rules when we show up. Um, they-they keep out of court, like, closed court. There's currently a case in the Fourth Circuit with, uh, before Judge Doretta Walker and Clarence Birkhead, again, because

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they are kicking people out who show up to support families.  
I've been kicked out of court—

Attorney Martinek: 00:06:28 Your Honor, I just object to—

Judge Hill: 00:06:30 All right, sustain. Sustained. Move on.

Attorney Kaneria: 00:06:34 Has anyone from the county tried to meet with you or talk with you prior to this hearing?

Amanda: 00:06:39 No.

Attorney Kaneria: 00:06:42 Tell us why you attend the Department of Social Services board meetings.

Amanda: 00:06:47 One, it's a public meeting, um, and that's our mission, is to understand and get education out to the community about the operating—how the department is operating. And so, at these meetings, um, the social services board is there. They are the governing body of services. At these meetings, there's public comment for five minutes. Five minutes for all 300,000 people in Durham. They have five minutes to-to talk about what it is that they, uh, their grievances.

00:07:14 And so, we go to be able to make sure that the record reflects that the—there's people in the community, there are parents in the community that do not believe that this is what is happening, um, in Durham. There's also documents that are given out at these meetings that talk about how many children are in foster care, the race of children in foster care. These are really important documents that we communicate and get information out to the, um, to the community. Um, so yeah, how—that's why we go, because, like, the—this is the seat of power. These are the governing—this is the governing board of this agency. And so, we want to show up and show purpose.

Attorney Kaneria: 00:07:51 How do you find out about the Department of Social Services board meetings?

Amanda: 00:07:55 On their website.

Attorney Kaneria: 00:07:56 Your Honor, if I may approach.

[pause]

Attorney Kaneria: 00:08:21 What is this document?

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Amanda: 00:08:24 Um, the—the Durham Social Services board website.

Attorney Kaneria: 00:08:28 And what is this right here?

Amanda: 00:08:29 This is 2025 meeting.

Attorney Kaneria: 00:08:32 What is this date right here?

Amanda: 00:08:34 March 26, 2025.

Attorney Kaneria: 00:08:35 Is this a fair and accurate representation of the website as you have seen it?

Amanda: 00:08:41 Yes.

Attorney Kaneria: 00:08:41 Your Honor, I'd like to move this into evidence.

Judge Hill: 00:08:46 Got it. Okay. It's in. I think this is your second exhibit, is that correct?

Attorney Kaneria: 00:08:50 Yes, Your Honor. It's the second exhibit.

[pause]

Attorney Kaneria: 00:09:13 Why did you chalk on the sidewalks and streets in downtown Durham, near Durham Central Park?

Amanda: 00:09:20 Like I said, our mission is to continue to raise the awareness of the community. Central Park is centrally located in Durham, gets a lot of foot traffic. There's a lot of people that could see, um, the messages on the-the sidewalks. Um, so that's why [inaudible 00:09:35].

Attorney Kaneria: 00:09:37 Have you done events there before?

Amanda: 00:09:39 We had, um, we had a visual for Stolen Children's Month, which is a national campaign led by those directly impacted by the family policing system to shift the narrative, um, that children are not being taken, again, for their safety, but also they are being—and again, this is from parents, right? This is how parents feel who are impacted that their children are being kidnapped by the system and stolen. Um, so again, we had a, um, a visual there where parents, community members, came out and spoke and, like, just held space, um, for—like, for healing.

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00:10:15 Like, you know, just to-to be able to hold that, um, because it is, uh, so much trauma to have your children taken away and still be in the same community with your child and-and feel like your child is being held hostage. Um, like, those are real feelings. I know-I know we spent, um, a lot of time, um, on the Department of Social Services director's feelings today. But, like, we move as a movement for the feelings of-of parents directly impacted by the system. Um, and so that's why we continue to hold and take direct action.

Attorney Kaneria: 00:10:49 As a resident of Durham County, have you witnessed other protests in Central Park?

Amanda: 00:10:54 I have.

Attorney Kaneria: 00:10:59 Have you participated in protests that are not protesting family policing?

Amanda: 00:11:04 Yes. There's been, what, ICE protests there. Um, I'm trying to think of any other—there's been Stop The Gun Violence protests there. I mean, there's been protests at Central Park. It's a-it's a very well-known place that people protest.

Attorney Kaneria: 00:11:19 Can you tell us about the adoption event that ha—occurred about a year ago?

Amanda: 00:11:25 Yes. So, I was at a Social Services board meeting, and it was announced at the board meeting that they were going to have a sneaker ball to celebrate, um, the adoption of children. And, um, again, this is more accurately called the civil death penalty, when you terminate, you know, parents' rights to their children and sever their ties. Um, and so the community felt like, uh, that-that probably is something that the community should be at as well. Right? To be able to voice the dissent that they are celebrating, um, the civil death penalty.

00:11:57 And so, we, um, a-arrived at the event, registered at the table, and walked in as that happened.

Attorney Kaneria: 00:12:05 And there were other people with you that day, correct?

Amanda: 00:12:07 Yes.

Attorney Kaneria: 00:12:12 What would you do if you saw children crying at that event?

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Amanda: 00:12:16 I wouldn't do that. I wasn't there to-to make children cry. That's actually why I do this, is to make sure that children are safe, that children remain with their family, that they don't experience trauma. Um, so I'd [inaudible 00:12:28] children cry.

Attorney Kaneria: 00:12:31 Why do you refer to the director of Social Services as a kidnapper?

Amanda: 00:12:38 Well, what I meant from [inaudible 00:12:40] when children find and make a deep community with those who are directly impacted by the system, that is the language that is used. That is the language that is the-the feelings of those that are impacted. And so—

Attorney Martinek: 00:12:52 Your Honor, objection to this. Unresponsive.

Judge Hill: 00:12:56 I think she's getting there. I'm going to allow it. Go ahead.

Amanda: 00:13:00 Yeah, I was going to say that it, um, represents. She is the head of the Department of Social Services, which is the entity that is in the community, um, inflicting harm on the community. And so, uh, I would call anyone that holds that position. It's not about Maggie Clapp. It is about anyone that holds a position of being in the community and enacting harm onto the community.

Attorney Kaneria: 00:13:26 Just to be clear, it's not about Maggie Clapp personally.

Amanda: 00:13:28 It is not about Maggie Clapp.

Attorney Kaneria: 00:13:33 You worked at the Department of Social Services. How would you have described your role there?

Amanda: 00:13:38 [inaudible 00:13:38] Because I would describe my role when I worked inside the system exactly how we're describing it to-to the people who still work inside the system, right? As-as kidnapping children.

Attorney Kaneria: 00:13:54 Why do you reference genocide?

Amanda: 00:13:59 Because, as I sit in this courtroom and I see people who currently right now have their children taken from them and don't even know where their children are, don't even know what the name has been changed to, um, that is genocide. That is erasing people's, um, access to-to land, to wealth, to-to lineage. Like, that is genocide. So, that's why that, you know, I

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use that word. And again, it is-it is deeply rooted in the-the long research that proves and-and-and describes what this is.

Attorney Kaneria: 00:14:32 At any point on November 7, 2025, were you approached by a police officer?

Amanda: 00:14:37 No.

Attorney Kaneria: 00:14:37 And in past protests, if you've been approached by a police officer, what have you done?

Amanda: 00:14:45 Usually leave if they ask me to. Um, but if not, like, if they don't ask me to leave and I'm just, uh, protesting, I just stay and continue to protest. It's my protective right.

Attorney Kaneria: 00:14:56 So, when they ask you to leave, you—

Amanda: 00:14:58 Yeah, if I'm asked to leave.

Attorney Kaneria: 00:15:02 Who has access to the Operation Stop CPS email?

Amanda: 00:15:06 [inaudible 00:15:06]

Attorney Kaneria: 00:15:08 Did you ever intend—

[crosstalk 00:15:10]

Judge Hill: 00:15:13 [inaudible 00:15:13] go ahead.

Attorney Kaneria: 00:15:19 Did you intend at any point to terrorize, terrify, or torment the director of Social Services?

Amanda: 00:15:25 No.

Attorney Kaneria: 00:15:27 No further questions.

Judge Hill: 00:15:30 Cross examine?

Attorney Martinek: 00:15:35 All right. Ma'am, what is your current address?

Amanda: 00:15:43 You said [crosstalk 00:15:43]

Attorney Kaneria: 00:15:43 Your Honor, what is the purpose of this question?

Judge Hill: 00:15:48 I think she gave it when she got sworn in.

Attorney Kaneria: 00:15:49 It's on the—

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Judge Hill: 00:15:50 She can give it again. Go ahead.

Amanda: 00:15:54 [inaudible 00:15:54]

Judge Hill: 00:15:56 Okay.

Attorney Kaneria: 00:15:59 Your Honor, the address is listed on the documents accompanying.

Attorney Martinek: 00:16:02 Which, again, if I may—

Attorney Kaneria: 00:16:05 And the—it's on the TR—

Attorney Martinek: 00:16:06 —it's just for clar—clarification. There was an address relisted, or partly listed, or they counter listed on the original petition. However, that's not where she was served. She was served in front of the, um, the ad—Admin 1 on Main Street. So, we don't necessarily know that that's where she's been served, so if I could get to receive confirmation of that. The law requires that should the court issue an order in this case that it has to be served on her. We need to have an address to ensure that [inaudible 00:16:34].

Attorney Kaneria: 00:16:35 Your Honor, in the same way the county is asking for Ms. Clapp's address to be under seal, we ask the same for Ms. Wallace's. She is a public—or she engage—yes, she does—we don't want her address out there. She can get that in court, but we would ask.

Judge Hill: 00:16:53 Well, let's wait till I make the rule. We'll decide then. Go ahead.

Attorney Kaneria: 00:16:56 Okay.

Attorney Martinek: 00:16:57 Um, and is Operation Stop CPS your [sole movement 00:17:03]?

Amanda: 00:17:05 No.

Attorney Martinek: 00:17:17 So, let's talk about the, uh, the sneaker ball. So, you—as you were walking in the sneaker ball, was there an entrance table?

Amanda: 00:17:28 Yes.

Attorney Martinek: 00:17:29 Was there a—was there an individual sitting there?

Amanda: 00:17:32 Yes.

Attorney Martinek: 00:17:34 Did they ever tell you that you could not enter the ballroom?

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Amanda: 00:17:36 No.

Attorney Martinek: 00:17:39 And when you entered the ballroom, did you see children there?

Amanda: 00:17:43 No.

Attorney Martinek: 00:17:44 There's not a single child in the ballroom?

Amanda: 00:17:45 I don't-I don't recall seeing children. That wasn't my-my focus. I wasn't looking at-at children. I was looking to see—like, just sit down and-and be at the event.

Attorney Martinek: 00:17:56 Okay. Um, so you were looking to just sit down and be at the event. And what led to the, um, shouts about kidnapping children and the shouting at Ms. Maggie Clapp?

Amanda: 00:18:09 Because as soon as we came in to sit down, the department made it very clear that they didn't want us there. And so, I mean, Maggie just started running. I didn't see her run, but she had walked out. And then it was understood to me that walked outside so we could tell that they were going to try to tell us that were not welcome there. Um, and so, yeah.

Attorney Martinek: 00:18:29 Did you receive an invitation to the event?

Amanda: 00:18:32 I got the invitation at the public board meeting, when they were telling the public about it.

Attorney Martinek: 00:18:38 So, anything that is mentioned at the DSS board meeting is considered public [inaudible 00:18:42].

Amanda: 00:18:44 If it's not stated otherwise.

Attorney Martinek: 00:18:47 And wouldn't it be correct to say that when they were talking about the event, they were saying that it would be children and their families that were at the event?

Amanda: 00:18:56 I don't remember [that part 00:18:56].

Attorney Martinek: 00:18:58 Who else was there with you at that event?

Amanda: 00:19:02 Numerous people that, like, organized the Operation Stop CPS.

Attorney Martinek: 00:19:06 Sure. What are their names?

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Amanda: 00:19:08 Uh, you know, actually, I do not recall each person that was there.

Attorney Martinek: 00:19:12 Who was there at Ms. Clapp's house, um, on November 7<sup>th</sup> this year?

Amanda: 00:19:19 Um, I don't—yeah, I don't know either.

Attorney Martinek: 00:19:26 Do you remember the number of people that were there?

Attorney Kaneria: 00:19:28 Your Honor, I would object to this line of questioning as relevant. Ms. Wallace alone is the respondent in this case. And so, we would just ask the county to limit their questions to Ms. Wallace.

Attorney Martinek: 00:19:42 Your Honor, these questions go to the reasonableness of Ms. Maggie Clapp's fear. If there were multiple people there, numerous individuals, it can go into whether or not her component and issue with fear of any type of action was warranted.

Attorney Kaneria: 00:19:54 And the county could call those people as witnesses, list them in the-in the TRO, in the petition, but they did not. And so, we again ask the court to limit the testimony to just Ms. Wallace.

Judge Hill: 00:20:07 This is cross examination. I'll give you a little bit of leeway, but not a whole lot. Go ahead.

Attorney Martinek: 00:20:14 How many people were with you at Ms. Maggie Clapp's house?

Amanda: 00:20:19 I think it was maybe two.

Attorney Kaneria: 00:20:22 Objection to Ms. Ma—Ms. Clapp's home. I believe Ms. Wallace testified to Dur—the Durham Central Park, that that's where she was at.

Judge Hill: 00:20:32 I-I'm—she can answer the question.

Attorney Martinek: 00:20:37 Um, so again, how many people were at Ms. Maggie Clapp's apartment building with you?

Amanda: 00:20:50 So, I think you're talking about November 7<sup>th</sup>, right? We were talking around Central Park. And like I said, just previously, I think it was about two.

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Attorney Martinek: 00:21:05 So, at no point—so you are stating that at no point in time on November 7<sup>th</sup>, you entered the courtyard of Ms. Maggie Cap—Clapp’s apartment building?

Amanda: 00:21:13 No. Into the courtyard?

Attorney Martinek: 00:21:15 Correct.

Amanda: 00:21:17 No, it was not the courtyard, wasn’t the courtyard.

Attorney Martinek: 00:21:22 And you’re also stating that there were no arrows drawn to Ms. Maggie Clark’s apartment windows or-or towards her apartment building by you?

Amanda: 00:21:32 There were-there were arrows drawn to point to the message of, like, stop kidnapping Black children, CPS and genocide, hey, hey, ho, ho, CPS has got to go. Like, those were the arrows that led to the message.

Attorney Martinek: 00:21:49 And those messages were—not all of those were in front of the park, is that—isn’t that correct?

Amanda: 00:21:57 So, there’s different businesses around, [inaudible 00:21:59]. So, there was chalk around all of Central Park, like all on the street because that’s people sprinkling all around, to go to the OB and walk.

Attorney Martinek: 00:22:12 Um, did Ms. Clapp ever give you her address?

Amanda: 00:22:16 No.

Attorney Martinek: 00:22:17 Has she ever invited you to your home—to her home?

Amanda: 00:22:20 She won’t even answer if you have to set up a call.

Attorney Martinek: 00:22:24 Your Honor, not responsive to questions.

Judge Hill: 00:22:26 It was responsive. I can—I could infer. Go ahead.

Attorney Martinek: 00:22:31 How did you get Ms. Clapp’s address?

Amanda: 00:22:33 I didn’t say I had Ms. Clapp’s address.

Judge Hill: 00:22:37 I couldn’t understand what you said.

Amanda: 00:22:38 I didn’t say I had Ms. Clapp’s address.

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Attorney Martinek: 00:22:43 So, you had no idea Ms. Clapp was in that building?

Amanda: 00:22:47 Like her public—her address is public.

Attorney Martinek: 00:22:52 Okay. Your Honor, [unresponsive to a fault 00:22:52].

Judge Hill: 00:22:54 Answer the question directly, please.

Amanda: 00:22:56 Well. I'm-I'm-I'm [inaudible 00:22:57] to get that.

Attorney Martinek: 00:22:58 So, you were saying you had no idea that Ms. Clapp lived in that building.

Amanda: 00:23:03 I did not say that.

Attorney Martinek: 00:23:08 Did you know Ms. Maggie Clapp lived in that building?

Amanda: 00:23:11 Like I said, her address is public.

Attorney Martinek: 00:23:15 Your Honor, nonresponsive to the question.

Judge Hill: 00:23:18 I'm taking the—I'm—the court is inferring that as a yes.

Attorney Martinek: 00:23:27 Why did you start filming Ms. Clapp when you saw her at the window?

Amanda: 00:23:32 I didn't say I started filming Ms. Clapp at the window.

Attorney Martinek: 00:23:35 Your Honor, that's not responding to the question.

Patrick Kuchyt: 00:23:37 That's what she said, we're asking why she did it.

Judge Hill: 00:23:40 Please answer the question.

Amanda: 00:23:44 I—I don't understand the question.

Judge Hill: 00:23:46 Ask her the question again.

Attorney Martinek: 00:23:47 Ma'am, why did you start filming Ms. Clapp when you saw her in the window of her apartment?

Amanda: 00:23:55 So, it's safety protocol to ensure that you are recording when you are doing direct action. Um, and so we frequently record while we are doing direct action.

Attorney Martinek: 00:24:06 So, it's safety for you to record somebody inside their apartment?

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Amanda: 00:24:09 It's safety to record while [crosstalk 00:24:11]

Attorney Kaneria: 00:24:11 Objection, Your Honor, to the characterization. These are facts not in evidence.

Judge Hill: 00:24:15 Overruled. She can answer.

Attorney Martinek: 00:24:21 So, it is safety concerns for you to record somebody within their own residence?

Attorney Kaneria: 00:24:26 Again, Your Honor, facts not in evidence.

Attorney Martinek: 00:24:30 Your Honor, Ms. Clapp testified that she's been filmed in her apartment by Ms. Wallace.

Attorney Kaneria: 00:24:35 That's an assumption. And again, Your Honor, the best evidence would be the video, something else.

Judge Hill: 00:24:44 Ask her the question. She's going to answer. The objection is overruled.

Attorney Martinek: 00:24:49 So, it is safety for you to report somebody inside your own residence, inside their own residence.

Amanda: 00:24:59 I don't know how else to say this, but I did not say that I was recording Maggie in her home. What I said was we frequently record, like, what we are doing. That's what I said. Or that, like, folks record while we're doing direct action.

Attorney Martinek: 00:25:15 And you were recording on November 7<sup>th</sup>, isn't that correct?

Amanda: 00:25:18 I'm pretty sure we had recorded at some point. And it may not have been me. it could have been somebody else out there.

Attorney Martinek: 00:25:26 So, Ms.-Ms. Clapp said that she saw you raise your phone and state, "There she is. There's the kidnapper," and pointed her phone at you. You're saying you weren't recording when you did that.

Amanda: 00:25:39 She had [inaudible 00:25:40] window.

Attorney Martinek: 00:25:44 Your Honor, objection, nonresponsive.

Judge Hill: 00:25:46 Move along.

Attorney Martinek: 00:26:04 So, who-who eventually asked you to leave the, um, the sneaker ball in November of 2024?

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Amanda: 00:26:19 Like, the person? I don't know if it's [inaudible 00:26:22] they went and got hotel security.

Attorney Martinek: 00:26:26 So, it was hotel security. When they asked the first time, did you leave the first time that they asked?

Amanda: 00:26:30 We started to move to the door.

Attorney Martinek: 00:26:32 And what did you do as you moved to the door? Did you say anything, or point, or make any gestures?

Amanda: 00:26:39 We continued to dissent that this is the—that they are celebrating adoption, and we would more accurately characterize it as a civil death penalty. Um, and that this is something that should not be celebrated because of the harm that it is causing the families.

Attorney Martinek: 00:27:02 And you've previously been the recipient of a no contact order on behalf of the Department of Social Services in the past, isn't that correct?

Amanda: 00:27:11 Yes.

Attorney Martinek: 00:27:14 Um, and you appealed that order, isn't that correct?

Attorney Kaneria: 00:27:18 Your Honor, we took judicial notice of this order. And so, I would just—

Judge Hill: 00:27:25 Let me ask a couple of questions. I like—I can kind of see where he's going. But the order was issued and there was some tweaking. But the court of appeals did affirm after the order had expired, the year had passed before the board of appeals made the decision.

Attorney Kaneria: 00:27:42 Right. Perhaps my objection is premature, but just any facts, or as that was a different director of Social Services.

Judge Hill: 00:27:49 Understood. So, I'll give you a little leeway, but—

Attorney Martinek: 00:27:53 I appreciate that, Your Honor.

Judge Hill: 00:27:54 I know, I'm aware—I am very aware of the opinion.

Attorney Martinek: 00:27:59 Um, and you appealed that order, isn't that correct?

Amanda: 00:28:04 Yes.

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Attorney Martinek: 00:28:04 Did you beat that opinion?

Amanda: 00:28:06 I did.

Attorney Martinek: 00:28:06 You did. Um, so you saw in there where protesting a private property is not protected under the First Amendment.

Attorney Kaneria: 00:28:18 Objection. Your Honor, this is the line of questioning I was worried we would go down. If the county wants to—

Judge Hill: 00:28:25 [crosstalk 00:28:25] to go down. I mean, that's kind of a legal thing and that's—no. No. Just go somewhere else.

Attorney Martinek: 00:28:33 And Your Honor, if-if-if I may just make an offer proof, I'm-I'm planning to establish that there was knowledge, or should have been knowledge, that this could result in this type of action. I'm not asking—

Judge Hill: 00:28:41 But here we are today—

Attorney Kaneria: 00:28:42 And that is for closing.

Judge Hill: 00:28:44 —whether we're going to issue one or not. The order had expired. So, it's a matter of what I may or may not do today. So, let's don't go down that road.

Attorney Martinek: 00:29:09 How many times within the past 13 months would you say that you have accused Maggie Clapp by name of kidnapping a child, uh, committing genocide, or having hostages in her custody?

Amanda: 00:29:26 Social Services board meetings are monthly, [inaudible 00:29:31]. Um, and when we go to do those, we make a public comment when we're able to freely speak, um, I routinely bring up the fact that the Department of Social Services is kidnapping children, and that Maggie Clapp is currently the director and head of that, and so, she is also attached to that act.

Attorney Martinek: 00:29:55 And you stated earlier that it has nothing to do with Maggie Clapp herself. Like you said, it's about—it would be anybody. Isn't that correct?

Amanda: 00:30:03 I said that, yes, this is not about Maggie Clapp as an individual. I don't know Maggie, just like she doesn't know me. Like, this is about her role as the head of the Department of Social Services.

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Attorney Martinek: 00:30:20 So, then there's really no reason to go to her residence. Would that be correct?

Attorney Kaneria: 00:30:24 Objection, Your Honor. That's not in evidence.

Judge Hill: 00:30:27 Overruled.

Attorney Martinek: 00:30:31 So, there would be no reason to ever go to her residence. Would that be correct?

Amanda: 00:30:35 Are you referring to November 7<sup>th</sup> when we talk around, like Central Park? Or what? I misunderstood the question.

Attorney Martinek: 00:30:41 I-I'm—my-my question is what it is. There would be no reason for you to ever go to Maggie Clapp's residence if it's not about her, correct?

Amanda: 00:30:49 I can't predict the future. Maybe she'd quit and, like, then they'd—they would change.

Attorney Martinek: 00:30:55 So, it's your opinion that your rights allow you to protest somebody at their residence and not be prosecuted?

Amanda: 00:31:05 Can you repeat that?

Attorney Martinek: 00:31:06 It's your position that your First Amendment rights and your [crosstalk 00:31:09]

Attorney Kaneria: 00:31:09 Objection, Your Honor, that's a legal conclusion.

Judge Hill: 00:31:12 He hadn't asked the question yet.

Attorney Kaneria: 00:31:15 I apologize.

Attorney Martinek: 00:31:17 It's your opinion that you have the right to protest at somebody's home address?

Amanda: 00:31:22 [inaudible 00:31:22]

Attorney Kaneria: 00:31:23 Objection.

Judge Hill: 00:31:24 And I'll sustain that objection. That's not for me to decide.

Attorney Martinek: 00:31:39 One moment, Your Honor.

[pause]

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Attorney Martinek: 00:32:04 Your Honor, I have no further questions.

Judge Hill: 00:32:06 Are you going to redirect?

Attorney Kaneria: 00:32:07 Yes, Your Honor. Ms. Wallace, I'm going to ask you a couple of questions about November 7<sup>th</sup>, the chalk protest. There were other people with you, right?

Amanda: 00:32:18 Yes.

Attorney Kaneria: 00:32:20 Other people writing messages?

Amanda: 00:32:22 Yes.

Attorney Kaneria: 00:32:22 You did not go up to Ms. Clapp's door?

Amanda: 00:32:26 No.

Attorney Kaneria: 00:32:25 You did not—

Attorney Martinek: 00:32:26 Objection as to leading her.

Judge Hill: 00:32:31 Sustained.

Attorney Kaneria: 00:32:38 One moment, Your Honor.  
[pause]

Attorney Kaneria: 00:32:48 Did you go up to any apartment buildings in that area?

Amanda: 00:32:52 No.

Attorney Kaneria: 00:32:54 Where were you staying, or where were you chalking?

Amanda: 00:32:59 Around the sidewalks of Central Park in Durham. It's, like—it's, you know, the streets and the sidewalks around.

Attorney Kaneria: 00:33:10 So, what you thought was public.

Amanda: 00:33:11 Yes.

Attorney Kaneria: 00:33:14 For the sneaker ball event, when were—when did you start chanting?

Amanda: 00:33:21 What?

Attorney Kaneria: 00:33:21 Wha—in the sneaker ball event, when did you start chanting?

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Amanda: 00:33:27 Um, I didn't say I was chanting, I said that we were, you know, voicing the concern with the celebrating adoption. Um, but it was as we were exiting.

Attorney Kaneria: 00:33:38 Okay. No further questions.

Attorney Martinek: 00:33:48 No-no recross.

Judge Hill: 00:33:49 All right. You can come down. Are you done? Are you done? Are you done?

Attorney Kaneria: 00:33:58 I am done, Your Honor.

Judge Hill: 00:34:00 Anything else? Y'all got any rebuttal evidence from the county. Are y all done?

Attorney Martinek: 00:34:05 No, Your Honor.

Judge Hill: 00:34:06 Okay, so you get to argue first.

Attorney Kaneria: 00:34:08 Thank you, Your Honor.

Judge Hill: 00:34:13 And this is what I say to everybody every time in a situation like this. If I want to know from you, and then same goes for— you've heard me say this before—if I gave you everything you wanted today within my legal power, what would that be? So, I want you to be very specific and tell me why I should give it to you. And you do the same. That helps me narrow the issues.

Attorney Kaneria: 00:34:38 Thank you, Your Honor. The worst thing that can happen to a parent is to have their child taken. Many state supreme courts have called it the civil death penalty. In response to this tragic, horrible reality endured by many families, a movement to abolish the family policing system has emerged. From California to New York, that movement is in court here with us today.

00:35:06 On November 19, 2025, Durham County secured a temporary no contact order that effectively bars Ms. Wallace from accessing any Durham County public building or contacting any Durham County employee for expressing principles of this movement, for expressing dissent. This TRO is meant to silence the movement. It is overbroad, and it infringes on Ms. Wallace's First Amendment right to free speech, and right to assembly and free petition under the North Carolina State Constitution and the United States Constitution.

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00:35:42 Ms. Wallace was engaging in protected speech, not harassment. The temporary no contact order currently in place conflates Ms. Wallace's protected speech with harassment. Ms. Wallace's conduct is speaking out against an institution that the director of department—that the director of Social Services oversees, not against director of Social Services personally.

00:36:11 In its petition and accompanying affidavit, and additional testimony, the county has referred to four particular moments: a public comment Ms. Wallace gave on March 26, 2025, an email received by Ms. Clapp on April 22, 2025, and chalk art done in protest in Downtown Durham on November 7, 2025, and the sneaker ball event that happened a year ago.

00:36:42 When Durham County previously tried to obtain a no contact order, a case Your Honor is familiar with, against Ms. Wallace, her case was appealed to the Court of Appeals, where we—where we received a decision that outlines the five necessary elements of civil harassment. I have the case for the court and I'm happy to pass it out.

Judge Hill: 00:37:01 I got it up here already.

Attorney Kaneria: 00:37:04 The five elements of civil harassment are, one, knowing conduct, two, directed at, three, a specific person, four, that torments, terrifies—that torments, terrorizes, and terrifies, and five, serves no legitimate purpose. In regards to the March 26<sup>th</sup> public meeting, Ms. Wallace was making a public comment. The Department of Social Services board meetings are open to the public. And there are five minutes that are allotted for the entire community to make public comment.

00:37:36 Ms. Wallace followed the rules set out by the DSS board. She was expressing dissent in the venue provided to her by the county. It's going to be a problem. It's not a threat. Family separation is a problem. And this is protected speech that serves a legitimate purpose. To dissent.

00:38:00 In regards to the April 22<sup>nd</sup> email, the court heard testimony from Ms. Wallace that many people have access to the email. The content of the email itself is also protected speech, not harassment. The director of Social Services emails, as all other county employees, are publicly available online. And the director of Social Services is a public official. And Ms. Wallace and the member of the public have a right to critique a public official. And once again, Your Honor, there is legitimate purpose

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here. Ms. Wallace is exercising her right to petition her First Amendment right to petition the government.

00:38:47 In regards to the November 7, 2025, chalk art protest, the chalk art was not outside the director of Social Services' house. She lives in an apartment building that is adjacent to Durham Central Park in downtown Durham. The director of Social Services, a public official, chose to live in a building in downtown Durham near a park where there are a lot of protests, community-community events, as well as a farmer's market. It is common for protesters in Durham to chalk in that area because it is visible to the community. As Ms. Clapp testified, she saw chalk from an ICE protest that was calling what ICE was doing a genocide. The Director of Social Services does not live on the first floor. There was a barrier between Ms. Wallace, other community members, and the director herself.

00:39:42 Additionally, Your Honor, a park is a traditional public forum, a place where people are allowed to protest. In traditional public forums such as public streets and parks, any restriction based on the content of speech must satisfy strict scrutiny. And that restriction must be narrowly tailored to serve a compelling government interest. The feelings of a public official are not a compelling government interest. And, Your Honor, for that I have *Pleasant Grove v. Summum*, if I may pass up to the court.

Judge Hill: 00:40:15 I'll allow.

Attorney Kaneria: 00:40:20 That protest was meant to educate and inform the public and raise awareness about the harms of family policing. Ms. Wallace is using layman's terms to describe what is happening in dependency courts around the country. She's not using words for their legal definition. She's using the colloquial definition. Additionally, Your Honor, streets are a public forum, and for that, I have *Frisby v. Schultz*, which I'm also happy to pass up to the court or not.

00:40:56 In regards to the sneaker ball event which occurred over a year ago, anyone in the public could have attended the event. Ms. Wallace registered at the registration table. There was someone standing there, they let her in. And when Ms. Wallace was asked to leave, she left. And again, the language, kidnapping, is First Amendment protected speech and there is a legitimate purpose. That purpose is to dissent.

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00:41:28 As Ms. Wallace testified, she did not intend to torment, terrorize or terrify the director of Social Services or any employee of Durham County. It is not personal to the director of Social Services. The director of Social Services is a public official who is meant to be held accountable to the public, but now is claiming that she feels terrorized by First Amendment conduct?

00:41:55 Ms. Wallace is part of the movement to abolish the family policing system and just happens to have roots in Durham. But this is a national established movement that has language to describe the lived experience of what is happening to families and children every day in dependency court. The language she is using, kidnapping or genocide, is common language used to illustrate the family separation crisis brought on by the child welfare system. The court heard testimony from Professor Katz about how these provide—how these words provide a framework to understand what is happening to real people. It is research backed, social science, scholarly work.

00:42:36 And Your Honor, if I may take a moment to illustrate the court within—or to provide analogy for the court. Just a couple weeks ago, Customs and Border Patrol were walking around the streets of Durham taking-taking immigrants. And the Durham County residents, as well as official, were calling that kidnapping. Should Customs and Border Patrol take a no contact order over everyone calling them a kidnapper? That's absurd. Similarly, in the same way folks are calling for the impeachment of President Trump, should President Trump take a no contact order out against everyone calling for his impeachment? Durham is a city with a rich history of protest. It is a city. We have a city council that passed a Gaza ceasefire resolution.

00:43:32 And that is really what is at stake here, the role of dissent in our country. If counties are allowed to take no contact orders that restrict everyday people from voicing their concerns and opinions about the conduct of their governing office—their governing officials, then the First Amendment stands for nothing. And the First Amendment sets a high bar for what is considered a threat to public interest officials. In *State v. Taylor*, a North Carolina Supreme Court case, this says, "A true threat reflects an individual's effort to settle political disputes by violence rather than deliberation. An individual who communicates a true threat hopes to influence public decision making not by legitimate means, the legitimate means being the

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painstaking work of convincing fellow citizens or political leaders to change their action or views,” what Ms. Wallace is doing, “But by creating a per—pervasive fear in victims that they are target of violence,” what Ms. Wallace is not doing.

00:44:37 Additionally, Your Honor, in *Watts v. United States*, a man who refused to report for the draft stated, “If they ever make me carry a rifle, the first man I want to get my sights on is LBJ.” And the court ruled that this was political hyperbole. I have those cases for the court if the court wishes.

Judge Hill: 00:44:59 [inaudible 00:44:59] I know what you’re talking about. I know when—I’m old enough to remember all that.

Attorney Kaneria: 00:45:12 The First Amendment does not require dissent to be delivered in quiet and calm way. The government cannot dictate the tone of the dissent, simply time, place, and manner. The director of Social Services has acknowledged that family separation is the most consequential thing that can happen in this country and in the world. Ms. Clapp testified that she did not feel good, that she feels upset, uncomfortable, and this goes against her character. And Your Honor can accept all of this and still not issue this no contact order.

00:45:46 Any public official must withstand scrutiny from the public. A public official cannot weaponize the court system to evade dissent simply because they do not like what the member of the public is saying. Political speech serves a legitimate purpose. It is the foundation of our democratic society. And today, we ask the court to uphold the First Amendment and to not issue this contact—no contact order. Thank you.

Attorney Martinek: 00:46:16 Your Honor, may I address the court?

Judge Hill: 00:46:21 Um, [inaudible 00:46:22]

Attorney Martinek: 00:46:26 Your Honor, taking additional notice of the previous matter involving department—*Durham County Department of Social Services v. Amanda Wallace*, where she engaged in very similar tactics against a director of Social Services. She knew that that harassment, that pattern—those patterns of behavior, could create fear, and not only did that in this case, she did it knowingly and directly. She went to Maggie Clapp and called her a kidnapper, accused her of Black genocide, accused her of kidnapping Black kids.

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00:47:11 This was targeted and directed and happened on more than one occasion. And it was an escalating pattern of behavior. Not one incident, not even two incidents, but several incidents that were—I-I—opposing counsel, [inaudible 00:47:28] counsel, uh, respondent's counsel has essentially said it's only three or four, there were at least nine incidences that occurred where she directly called her kidnapper, not CPS is kidnapping babies, so we don't have—we don't like that. Maggie Clapp is a kidnapper. Maggie Clapp commits Black genocide. And Black genocide is a really strong term to use. It's not merely hyperbole. It's inciteful.

00:48:05 So—and-and further, Your Honor, if this wasn't directed at Maggie Clapp, then why would she tell her to quit her job? Why would she tell her, "Go back to Florida?" These are statements made to intimidate, harass and drive Ms. Clapp out of town. That is not a legal or legitimate purpose. Making someone fear for themselves, for their family, or for their employees, by a pattern of escalating behavior is not for a legitimate purpose. It's to try to bend others to your will, intimidate them, use the harassment, force them to do something, because it—their fear will hopefully, as she even said, she said, "Well, maybe she'll just quit." She testified to that. "Well, maybe she'll just quit."

00:49:14 That's a goal. And Durham County has a duty to our residents to—and our employees to prevent that kind of intimidation and harass us from taking place. You certainly heard repeatedly about how Ms. Clapp has—was—not just disliked what Amanda Wallace did, but was afraid because of what Ms. Wallace did, was terrorized, was tormented by Ms.—by what Ms. Wallace did. She has changed her patterns of behavior. She has had to seek therapeutic treatment. She is afraid of what's going to happen next because it keeps escalating.

00:50:14 And not only does she fear for herself, she fears for her family, she fears for her employees. She fears for the children that are under her charge, or that are seeking services at the department. Yes, they are important First Amendment rights. Durham County absolutely believes in First Amendment rights and the right to protest, reasonable means.

00:50:40 But First Amendment rights are not unending. The North Carolina court, appellate courts as well as the United States supreme courts and federal courts have found plenty of times where there can be limitations on their First Amendment rights.

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Very clearly. You cannot commit libel or slander. You cannot incite violent behavior. You can't threaten someone and claim First Amendment rights. You can't yell—the classic, you can't yell fire in a theater.

00:51:27 The First Amendment does not give you a right to harass and that there can be statutory restrictions on manners and types of speech. Criminal statutes make stalking, which they include verbal harassment, illegal in North Carolina. And that has been upheld by our courts. The North Carolina elected stalking harassment statute makes it legal to accuse someone of crimes or acts of immorality using electronic means, such as email or social media. The North Carolina has a specific statute forbidding the targeting, picketing, of a person at their home. Citizens, everyone, has an expectation of safety and privacy in their own homes. And the courts both at the state level and at the federal level have continually held—upheld that expectation.

00:52:33 And the violation of the expectation goes beyond legitimate purpose. The US Supreme Court has long recognized the safety and security of person's home in the face of opposing party's First Amendment rights. In addressing picketing at someone's home in *Frisby v. Schultz* 487 US 474, 1988 case, the Supreme Court discussed that the picketing is narrowly directed at the household, not the public. These types of picketers do not seek to disseminate a message to the general public, but to intrude upon the targeted residents, and do so in especially offensive ways. Moreover, even if some such picketers have a broader communicative purpose, their activity nonetheless inherently and offensively, offensively, intrudes on residential privacy. The devastating effect of targeted picketing on the quiet enjoyment of the home is beyond doubt.

00:53:35 The court further said that same case the resident is figuratively and perhaps literally trapped within the home and because of the unique and subtle impact of such picketing is left with no ready means of avoiding those unwanted speech. In *Schultz*, which was referenced in *Carey*—which is cited specifically referenced in *Carey v. Brown*, the Supreme Court noted, whether noisy or silent, alone or accompanied by others, whether on the streets or on the sidewalk.

00:54:16 I think there are few of us that would feel comfortable knowing that a stranger lurks outside our home. North Carolina has long

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recognized for intrusion upon seclusion, and the Court of Appeals has recognized that filming a party inside your home violates that and is a highly offensive intrusion. Again, I'll say it's a highly offensive intrusion. This has been both noted in *Miller v. Brooks*, Court of Appeal level 123 N.C. App. 20, as well as *Nichols v. Calhoun*, which while unpublished dealt with a dispute between neighbors where someone mounted a camera pointed in somebody's home. Even that said, "Well, we weren't looking at it," but it was enough. Just the pointing of the camera inside somebody's sanctity of their home was highly offensive.

00:55:20 And in this case the law is clear. This is a reasonable standard for someone in the victim's—whether she would know that someone in the victim's circumstances, not just any circumstance, but the victim's circumstances, would be placed in fear or find out how to [offense it 00:55:44]. And it's clear from testimony today, Ms. Clapp has felt tormented, terrorized, and emotionally distressed by this orchestrated campaign offensive and harassing behavior by Ms. Wallace.

00:55:58 And that has continued to escalate over time, until she actually dared to show up at her house. Ms. Wallace's claim that she was merely putting marks around the park is disagreeing with Ms. Clapp's noting that she does not—her apartment does not border, or is part of, the park. Ms.-Ms. Wallace was not standing in the park. She was standing in front of Ms. Maggie Clapp's home, drawing arrows towards Ms. Clapp's home, and then started screaming. Your Honor, we have two occasions of harassment in that one moment, or effectively, in that, uh, consecutive moment. [First appeals docket 00:56:51] has also upheld that instances under this law can occur shortly after effort. Even in the same day.

00:57:04 At the end of the day, a person should feel safe at their work, in their community, and especially at their home. Ms. Wallace has orchestrated a campaign of harassment to destroy Ms. Clapp's ability to feel free of this fear. The county is asking that the court put in place a no conduct order for Ms. Wallace as Maggie Clapp and to put—and that you put restrictions on Ms. Wallace to allow her to protest, but not to disrupt the legitimate business of Durham County and its employees.

00:57:41 And I can go into more specifics of what I'm asking—we're asking at this time, Your Honor, as far as that. That Ms. Wallace shall not visit nor assault, molest, or otherwise interfere with

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Durham County or Maggie Clapp at any Durham County property at any location she's engaged in the business of Durham County DSS, at her residence, or the surrounding areas of said-of said location or otherwise interfere with employer operations.

00:58:06 That respondent Amanda Wallace shall cease stalking Maggie Clapp at any Durham County property at any location she is engaged in the business of Durham County DSS, at her residence or the surrounding area of said locations. The respondent Amanda Wallace shall not abuse or injure Durham County, Durham County property or Maggie Clapp at any Durham County property at any location she's engaged in business to Durham County DSS at her resident or the surrounding areas of said locations. Respondent—we also ask that the court find it reasonable that for the protection of the department, that she—that Amanda Wallace further be—uh, shall not contact by telephone for communication or electronic means Maggie Clapp at any Durham County property, uh, any location she's engaged in business of Durham County DSS, at her residence or the surrounding areas of said location.

00:58:58 And that, finally, we would ask Your Honor that she be allowed to protest at the, um, main entrance to Durham DSS or any other Durham County property, so long as she remains at least 100 feet from the entrance, does not use any voice amplification devices, and does not [govern chants 00:59:13] when minor children-children are entering or leaving the Durham DSS building. Thank you.

Judge Hill: 00:59:22 You say you drafted a proposal. Do you have a copy I can actually hold in my hands and look at?

Attorney Martinek: 00:59:27 I can, um, I can arrange to print one out [inaudible 00:59:31].

Judge Hill: 00:59:32 Do that. I don't know what I'm going to do yet, but still, that would be helpful to me.

Attorney Martinek: 00:59:36 That'll-that'll be fine, Your Honor. I will.

Attorney Kaneria: 00:59:39 Your Honor, if Your Honor is inclined to issue the no contact order, I would like a chance to propose my own, um, limitations.

Attorney Martinek: 00:59:56 I apologize. It crossed my attention that the, um, county is also, um, asking that-that while Maggie Clapp be allowed to participate in both board commissioner meetings as well as the

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DSS Board meetings, that she do so virtually to limit the disruption and the chance of, um, the [inaudible 01:00:11].

Judge Hill: 01:00:13 You don't like that. And I understand—

Attorney Kaneria: 01:00:15 Yeah. Thank you, Your Honor.

Judge Hill: 01:00:17 Send me a copy of what you want. I may look at it, and I may go all the way or not at all. So, just let me look at it.

Attorney Kaneria: 01:00:25 Me as well, Your Honor?

Judge Hill: 01:00:25 Yes.

Attorney Kaneria: 01:00:26 Okay. Could I have 24 hours to draft something?

Judge Hill: 01:00:30 [inaudible 01:00:30]

Attorney Martinek: 01:00:29 Your Honor—

Judge Hill: 01:00:30 And I'm-I'm going-I'm going to issue a ruling from this bench right now, and I will direct somebody to draft an order and y'all go back and forth and it'll be sent to my queue and all that kind of good stuff.

Attorney Kuchyt: 01:00:43 Your Honor, to be clear, um, because the temporary order expires today, um, we would like to have an order in place, um, that is a full order, um, or be—or at least, um, something that would allow that, um, temporary order be extended to such time as the court—

Judge Hill: 01:01:03 Just give me the stuff. I'm tired of listening to y'all talk. I'm ready to [inaudible 01:01:07]. The jury's about ready to go out. You remember what Judge Allen used to do? The jury's getting ready to go out. If I have any questions, I'll ask you.

Attorney Martinek: 01:01:32 Your Honor, if I may, I need to go upstairs to access the [inaudible 01:01:34]

Judge Hill: 01:01:36 All right.

Attorney Kaneria: 01:01:37 And Your Honor, I don't have access to a county printer. Your Honor, I don't have access to a county printer, or any printer in this building.

Attorney Kuchyt: 01:01:50 If she has specific recommendations, I don't have a problem printing them.

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Judge Hill: 01:01:54 [inaudible 01:01:54]

Attorney Kuchyt: 01:01:57 Yeah, if she sends it to me, I don't have a problem.

Attorney Kaneria: 01:02:00 Thank you.  
[inaudible 01:02:01]

Judge Hill: 01:02:05 The court form would let me type up something, but if you are going to do this, that would make it a whole lot better.

Attorney Kuchyt: 01:02:10 I-I-I agree, Your Honor.

Female Speaker 2: 01:02:11 I can print it down here, [inaudible 01:02:13]

Judge Hill: 01:02:16 You email it to my boss; she can print it right here.

Attorney Kuchyt: 01:02:20 I can go ahead and—

Judge Hill: 01:02:20 My boss says if you print it to her, the person who really runs things—

Attorney Kuchyt: 01:02:23 I can send it to that boss. I know that boss's email.

Judge Hill: 01:02:27 So, send it to her. And she takes good care of it.

Attorney Kuchyt: 01:02:31 Yes, she does. I miss her from my other courtroom, Your Honor.

Judge Hill: 01:02:38 She's mine when I come in here. You can't have her back.

Female Speaker 2: 01:02:44 I'd rather stay here.

Judge Hill: 01:02:45 You're mine. When I'm here, [inaudible 01:02:46] you're mine.  
[pause]

Attorney Kuchyt: 01:03:23 [inaudible 01:03:23]

Attorney Kaneria: 01:03:25 Sorry?

Attorney Kuchyt: 01:03:26 [inaudible 01:03:26]

Attorney Kaneria: 01:03:27 Okay, cool. Thank you.  
[inaudible 01:03:31]

Female Speaker 2: 01:04:15 Yeah, I just—he already has it.

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Attorney Kuchyt: 01:04:17 Oh, okay. I'm sorry. Thank you.  
[pause]

Attorney Kaneria: 01:04:42 Yes. Sorry, I'm still drawing.  
[inaudible 01:04:43]

Attorney Kaneria: 01:05:06 Do you want to email it to me?

Attorney Kuchyt: 01:05:08 Sure, [inaudible 01:05:08]  
[pause]

Judge Hill: 01:10:22 Do you have something you want me to look at before I start running my mouth?

Attorney Kaneria: 01:10:26 Yes, Your Honor. I apologize. Just two more minutes.  
[pause]

Attorney Kaneria: 01:11:16 Your Honor, is it okay if I put it in the body of the email itself? Or would the court want a Word document?

Judge Hill: 01:11:22 Whatever facts you want to get to her—

Female Speaker 2: 01:11:24 Just do it as an attachment, and I'll give you my email.

Attorney Kaneria: 01:11:29 Yeah, of course.  
[pause]

Judge Hill: 01:12:25 —get something to me.

Attorney Kuchyt: 01:12:28 Uh, I can probably, if you give me what you'd like, I can add it and, uh—

Judge Hill: 01:12:32 All right. First page is just boilerplate. That's fine. Your first page is boilerplate, so that's—that information on the first page is boilerplate, one through five, that's just boilerplate stuff. Name, rank, and serial number.

Attorney Kuchyt: 01:12:46 You're good with that?

Judge Hill: 01:12:47 Yeah.

Attorney Kuchyt: 01:12:47 Okay.

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Judge Hill: 01:12:50 I think around—I do want some findings of fact in here that at the, uh, and you can word it how you want, and it goes early, that the Durham County Department of Social Services building located at the corner of Queen and Main, that you have the dental clinic, Medicaid service, foster care service, and supervised visitation with minor children. And I can't remember seeing here, but—oh yeah. Paragraph 10 gives all the exits on—your [Ramsar 01:13:39] runs down around the back of it, so that whole area where you have employee, it's number 10, they—they come and go.

01:13:50 Okay. When we get to paragraph 16, I believe there was testimony by the director that children were present at that event.

Attorney Kuchyt: 01:14:03 That's correct.

Judge Hill: 01:14:06 So, I would like something that children were present at that event. And the court can infer they were able to hear the term genocide, kidnapping, and all that stuff being said by Ms. Wallace. Paragraph 17, Ms. Wallace was evasive, but she did not actually deny that she videoed, um, the director in her home on that date. That's that intrusion of her privacy.

01:15:02 I will find that where this is, it is adjacent to Durham Central Park, and that is the forum for numerous protests, and that's fine, at Durham Central Park. Lots of folks protesting there. Um, paragraph—yeah, yeah, okay, fine. That's fine, 20's fine. Somewhere around paragraph 22 or somewhere we can indicate that as a result of all of these activities that, um, Ms. Clapp is fearful and as a result she has, um, had to go to therapy to deal with this, with the conduct. Let's see.

01:16:18 I do have problems with restricting Ms. Wallace from going personally to DSSBs, board meetings. I think she can do that. Uh, I'm a big First Amendment but she has a perfect right to come to DSS board meetings and speak three to five minutes that are allocated. And there's free speech. But when you allege that someone is a kidnapper, that is accusing someone of a crime. I think that language needs to be toned down. Kidnapping is a felony. I think that language needs to be toned down.

01:17:19 I think Ms. Wallace has the right to correspond with Ms. Clapp and the department via email. Yet the language does not need to be threatening, harassing, you're a kidnapper, you have

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genocide, go back to Florida, that type of stuff. Am I giving you—I mean, I—you can dress this up. Ms. Wallace has the absolute First Amendment right to protest and air her grievances. But I think a 50-foot buffer around all entrances in DSS is reasonable for the reasons that I've stated.

01:18:10 As I said, having sat in that courtroom for eight and a half years, these kids have been traumatized enough already. And they do not need to have—I don't think it's plain the kids have been traumatized. I think it's the same. And if they are going to the Department of Social Services for supervised visitation, that's a difficult situation already. And they do not need people outside yelling rape, kidnap, genocide. We don't need the further traumatize these kids. And there are no voice amplifications. It's pretty much in the last order; except I'm going to go 50 feet rather than 25.

Attorney Martinek: 01:19:01 And about the, um—and I think in the last order distribution, Your Honor, I think it specifically said like when children are coming to and from visitation services, [crosstalk 01:19:11]

Judge Hill: 01:19:10 We don't know what—

Attorney Kuchyt: 01:19:11 My concern was we couldn't know [crosstalk 01:19:13]

Judge Hill: 01:19:12 We don't know. If you see a child going in and out, you need—we don't know what they're going in there for.

Attorney Kuchyt: 01:19:18 That's why I-I-I—my request was for just children in general.

Judge Hill: 01:19:21 When children are going in, we don't know why they're going. They may be going to the dentist. They—social—DSS in that building, a lot of good services are there. Kids get physicals. They get their vaccinations and all that. So, I want the children to be protected.

Attorney Martinek: 01:19:40 Thank you, Your Honor. I will, uh, work on this—

Judge Hill: 01:19:42 Wait a minute. I'm not done yet.

Attorney Martinek: 01:19:44 I'm so sorry. I apologize.

Judge Hill: 01:19:47 You can be long winded. I understand that.

Attorney Martinek: 01:19:48 I-I am.

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Judge Hill: 01:19:49 As far as the residence of Ms. Wallace—I mean, Ms., um, Clapp, Ms. Wallace cannot go to the residence or the apartment building where the director lives. Central Park is fine. That is a public forum. But need to stay away—way from the sidewalks around where, uh, Ms. Clapp lives. She is not to make any video or audio recordings of Ms. Clapp. Here it is. But Ms. Wallace can go to county commissioner meetings. She can go to DSS board meetings. But if she’s seen stalking and harassing, um, Ms. Clapp. Am I giving you everything? I think I’ve given you a lot of what you’ve asked for here because I did have some problems with some of the same he was saying about, uh, not letting her come to the meetings and stuff like that. I mean, I—

Attorney Kaneria: 01:21:18 I have a couple of clarifying questions, Your Honor.

Judge Hill: 01:21:19 All right.

Attorney Kaneria: 01:21:20 Just so Ms. Wallace is on notice for what she can or can’t do. The le—the court has an issue with the length. So, in communications, what is the language that Ms. Wallace cannot use? What are the words that she cannot use?

Judge Hill: 01:21:36 Kidnap. Genocide. Kidnap, especially. That is accusing her of being a felon. And I think that is outside the realm of first—protected—First Amendment protective speech.

Attorney Martinek: 01:21:47 Your Honor, just to be clear, you’re not saying that—that she can’t use those terms in general, but she—we’re—directed at Ms. Clapp is the—

Judge Hill: 01:21:54 Yeah, yeah.

Attorney Kaneria: 01:21:55 So, would the county be okay with the Department of Social Services is kidnapping Black children?

Attorney Martinek: 01:22:03 We’re not okay with that, but [crosstalk 01:22:04]

Judge Hill: 01:22:04 Not okay, but I think that is—I think that is within her rights.

Attorney Kaneria: 01:22:09 Okay. Just wanted to make that clear. Additionally, the sidewalk surrounding, I believe you have to go to the side, like, on one of the sidewalks to get into Durham Park, and so—

Judge Hill: 01:22:20 No, you don’t.

Attorney Kaneria: 01:22:22 Okay.

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Judge Hill: 01:22:22 You can—you can go down Foster Street. And as you come down Foster, the park’s right there on your left, and you don’t have to come anywhere near the [Living street apartments 01:22:29]. You can come around on the other side. You can go on the other side and come in through the woods. I mean, there are many ways to get to the, uh, Central Park without going by—she probably don’t need to go down Rigsbee Avenue.

Attorney Kaneria: 01:22:45 Okay. But, if you recall—

Judge Hill: 01:22:48 If she wants to go to the park—hey, I am a big First Amendment person. You have an absolute right to talk. Like Voltaire says, I will defend your—to your death the right of what you say whether-whether I agree with it or not. So, I-I-I believe in the First Amendment.

Attorney Kaneria: 01:23:05 So, the court is saying the sidewalk on Rigsbee Street, that is also this—the sidewalk that—

Judge Hill: 01:23:11 On the other side. Down the side that the apartment’s on, go right across the street from Rigsbee.

Attorney Kaneria: 01:23:19 Okay.

Judge Hill: 01:23:19 And across the street when you go down Corporation, down across the side, when you go down Foster. None of the sidewalks right around the apartments where she lives. You get your word across.

Attorney Kaneria: 01:23:34 Your Honor, Ms. Wallace is concerned about the food hall, which is—the entrance is on Foster. I think she’s confused. Can she go, can she not protest?

Judge Hill: 01:23:46 Yeah, she can go in the food hall. I know where that is, too.

Attorney Kaneria: 01:23:48 Okay. And can she protest on the sidewalk?

Judge Hill: 01:23:51 That’s across the street side.

Attorney Kaneria: 01:23:54 Okay.

Attorney Martinek: 01:23:59 Your Honor, we, uh, I think, I believe—I do believe this is the last. We are requesting to be provided Ms. Wallace’s address and service, so we can serve her directly. It does not need to be on the record, but it needs to be provided to us.

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Judge Hill: 01:24:11 Yeah, we do, Ms. Wallace—we do need her address.

Attorney Kaneria: 01:24:17 And we're happy to provide the address. And Your Honor, we would like to see the copy of the order when it's sent with the court. I believe we've had some issues with attachments and things, so we would ask that the county email us.

Judge Hill: 01:24:35 Well, I tell you what I'm going to do. I'm going to go upstairs and when y'all—you've heard what I—what my ruling is. Just tweaking it. And when y'all ready, I'll come back down and say, you send it to my boss here, she will upload it in my queue, and I will sign it, and you will walk out with a copy in your hand.

Attorney Kaneria: 01:24:56 Thank you, Your Honor.

Judge Hill: 01:24:57 And I do expect everybody, once again, to remain orderly with no problems, because the gentlemen standing around here, they do have authority to do certain things which we don't want to do. So, we want everybody to maintain proper decorum. Y'all did a good job today with this very contentious case. Everybody's behaving, and I appreciate it. You just let me know when it's ready.

Female Speaker 2: 01:25:26 Yes, sir.

Judge Hill: 01:25:27 I'm leaving my computer, unless it's something else somebody needs. All right. I'm going up to my office, and I will be back when my boss tells me to come. Over here, the—this is the exhibits. That was the seal. That was admitted. That was admitted. That was admitted. This is mine. That was admitted. Okay.

Male Speaker: 01:26:01 [Court is at recess 01:26:01]

Judge Hill: 01:26:14 And I didn't look, but I guess you put an expiration on good for a year.

Attorney Martinek: 01:26:17 I-I did, Your Honor. I did. I added that this is good for one year.

Judge Hill: 01:26:21 I was just walking away; I thought about that.

Attorney Martinek: 01:26:24 Yeah, I-I did, too. I was like, finalizing everything, I was like, wait, did I actually put the one year? So, I did go back and put it in there.

Judge Hill: 01:26:30 Okay. Let me—here it is.

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[pause]

Judge Hill: 01:27:34 Where did you put the thing about all the services DSS does? Is it on down in there?

Attorney Martinek: 01:27:39 Yes, Your Honor. But actually, I realized I had a couple of typos in that sentence. I'd be happy to resend it with the typos corrected. But it's number five. It says, um, Durham DSS building located at 414 East Main Street, provides medical—

Judge Hill: 01:27:56 Okay. Yeah, that's good. That's good. That's what I was wanting.

Attorney Martinek: 01:27:59 So, I'll—I'll—I'll send another one with the corrected language because I think I misspelled provides. I was typing fast, so I will—I will—so, uh—so I'll wait till you finish—

Judge Hill: 01:28:15 It's okay. I don't think you need to do that. We'll get the idea across.

[pause]

Attorney Kaneria: 01:32:02 Yes, Your Honor.

Judge Hill: 01:32:03 You don't like it, but you can live.

Unidentified Speaker: 01:32:06 [inaudible 01:32:06]

Judge Hill: 01:32:07 Okay.

Attorney Kaneria: 01:32:09 Ms. Wallace has one question for the court, or maybe a couple questions. Um, the first part of the, "It is therefore ordered," You know, the first part of the order, um, "Shall not visit, assault, molest, or otherwise interfere with Maggie Clapp at any Durham County property," does sort of go against number six, that she may attend the board meetings. We just want to clarify somewhere in the order that Ms. Wallace is also allowed to email or just making sure that they don't contradict.

Attorney Martinek: 01:32:41 [crosstalk 01:32:41]

Judge Hill: 01:32:47 I think it looks fine.

Attorney Kaneria: 01:32:55 So, Ms. Wallace is saying if-if Ms. Clapp is at the county commissioner's meeting, is Ms. Wallace—

Judge Hill: 01:33:00 She can go to county commissioners meetings, and she can use her four or five minutes as long as she behaves and not be

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Speakers: Judge James T. Hill, Attorney Janki Kaneria, Judge Hill, Amanda Wallace, Robin Martinek, Patrick Kuchyt, Maggie Clapp, Male Speaker, Female Speaker 1, Female Speaker 2

disruptive. Can you put the date on this once I send it to you just—because it'll be stamped in today, because it's not November. It's going to be December.

Attorney Martinek: 01:33:22 Oh, I'm sorry, Your Honor. I apologize.

Judge Hill: 01:33:26 But you can fix that?

Female Speaker 2: 01:33:26 Yes.

Attorney Kaneria: 01:33:27 Your Honor, we have one more question. Is Ms. Wallace allowed to go to the Department of Social Services meeting for service—or, sorry, the building?

Amanda: 01:33:35 Outside—like, if it's not a Social Services board meeting or anything like that? Because it says I can't visit her at her place of residence, and she works at this place that you just said has all of these services, and I'm a resident, so are you saying I can't visit the Social Services building?

Judge Hill: 01:33:51 You can go to Social Services for services. All right, I'll slide it. All right, look, I—come here, this—I guess I just did exit. And you can put the date on it, right?

Female Speaker 2: 01:34:14 Yeah. Um, do actions, and then just do complete. Just make sure that your signature's up there.

Judge Hill: 01:34:21 And I would like a copy of this, too, just for me—to make sure you got it. But put today's date on it, if you would.

Female Speaker 2: 01:34:30 Yes, sir.

Judge Hill: 01:34:39 You got it?

[pause]

Female Speaker 2: 01:35:11 Yeah, I got it. I'll—

Judge Hill: 01:35:15 Okay, fix the date, and make that copy [inaudible 01:35:18]. So, can I shut my computer down?

Female Speaker 2: 01:35:23 Yes.

Judge Hill: 01:35:23 Do I have your permission?

Female Speaker 2: 01:35:25 Yes.

Filename: 12.5 hearing audio PM\_wallace  
Speakers: Judge James T. Hill, Attorney Janki Kaneria, Judge Hill, Amanda Wallace, Robin Martinek, Patrick Kuchyt, Maggie Clapp, Male Speaker, Female Speaker 1, Female Speaker 2

Judge Hill: 01:35:28 All right. Are you ready?

Female Speaker 2: 01:35:36 Yeah, I can check us out.

Judge Hill: 01:35:38 [inaudible 01:35:38] Mr. Deputy, I'll sing my song. At last, the party's over. They say that all good things must end.

Ms. Peterson: 01:35:53 Judge Hill, before you leave. I'm Ms. Peterson, I know you don't—

Judge Hill: 01:35:56 I know who you are.

# Exhibit 7

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

DURHAM COUNTY

DISTRICT COURT DIVISION

25CV012521-310

**DURHAM COUNTY,**  
**ex rel: Maggie Clapp**

**Petitioner,**

**v.**

**AMANDA SHENELLE WALLACE,**

**Respondent.**

**AFFIDAVIT OF AMANDA WALLACE**

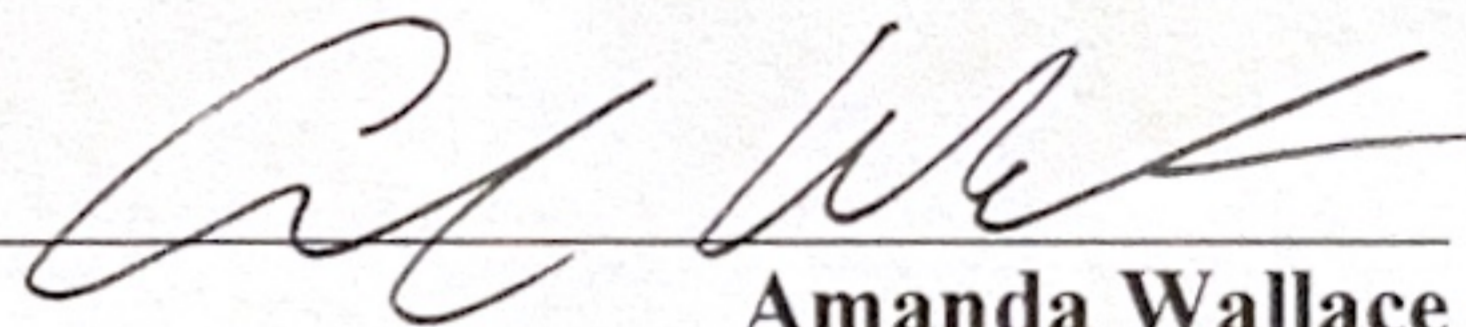
**NOW COMES** Amanda Wallace, Respondent, being first duly sworn, and deposes and says unto the Court:

1. I, Amanda Wallace, am over the age of eighteen, and not under any disability which would preclude me from giving this affidavit in accordance with law.
2. I reside in Durham County, North Carolina.
3. This affidavit is offered in support of my Rule 60(b) motion for relief from the order entered in this matter on December 5, 2025.
4. The statements in this affidavit are true and accurate to the best of my knowledge.
5. Since the Order was entered, I have been confused about whether and how I am allowed to go to Durham Central Park. This confusion has impacted my ability to participate in various activities at the park, such as protesting Immigration and Customs Enforcement (ICE), but also simply taking my kids to the park.
6. Additionally, in my work as a community organizer, I help plan an annual vigil during Stolen Children's Month that involves marching from the bull statue located downtown to Durham Central Park. Given the lack of clarity about where I am allowed to be in this area, I am worried about whether I can participate in that demonstration as planned. This is significantly impacting my ability to lead this event.
7. Even though the Order technically says I can go to the Food Hall at the park, I feel at risk of being arrested or accused of violating the Order when I go there because of its

proximity to Liberty Warehouse Apartments and the lack of clarity regarding which streets and sidewalks I can be on in that area.

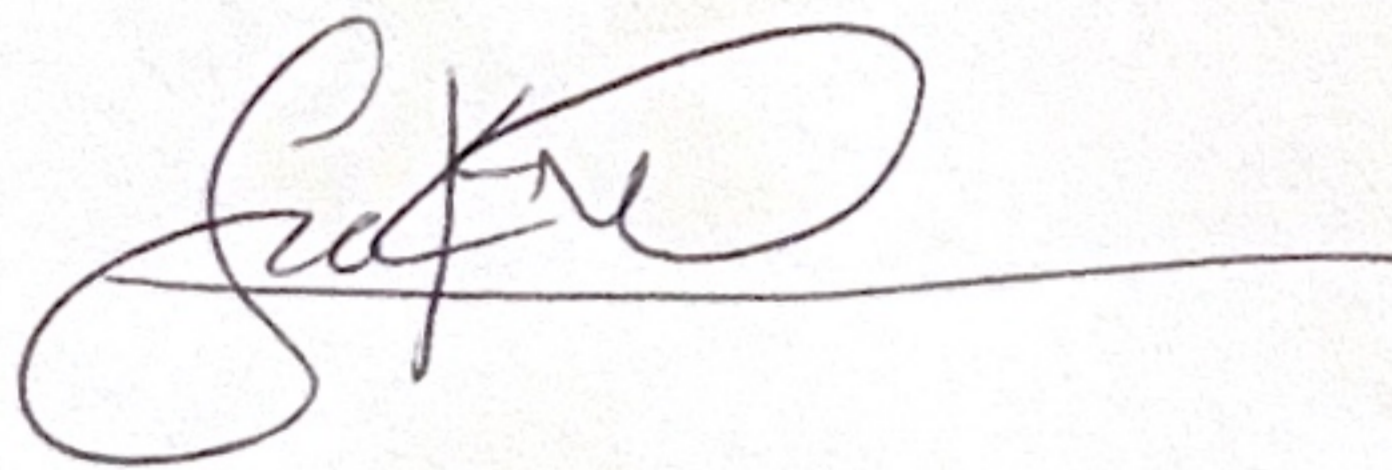
8. I regularly attend the Durham County Department of Social Services (DSS) board meetings, as I am allowed to do. I will sometimes send emails to all DSS board members after these meetings about a topic that came up at the meeting or a particular issue someone in the community is facing with respect to DSS.
9. I do not understand what the Court means when it says "abusive, threatening, and harassing" language. I am very worried about whether Director Clapp or anyone else will misinterpret my emails as "abusive, threatening, and harassing" if I write with passion or convey a sense of urgency.

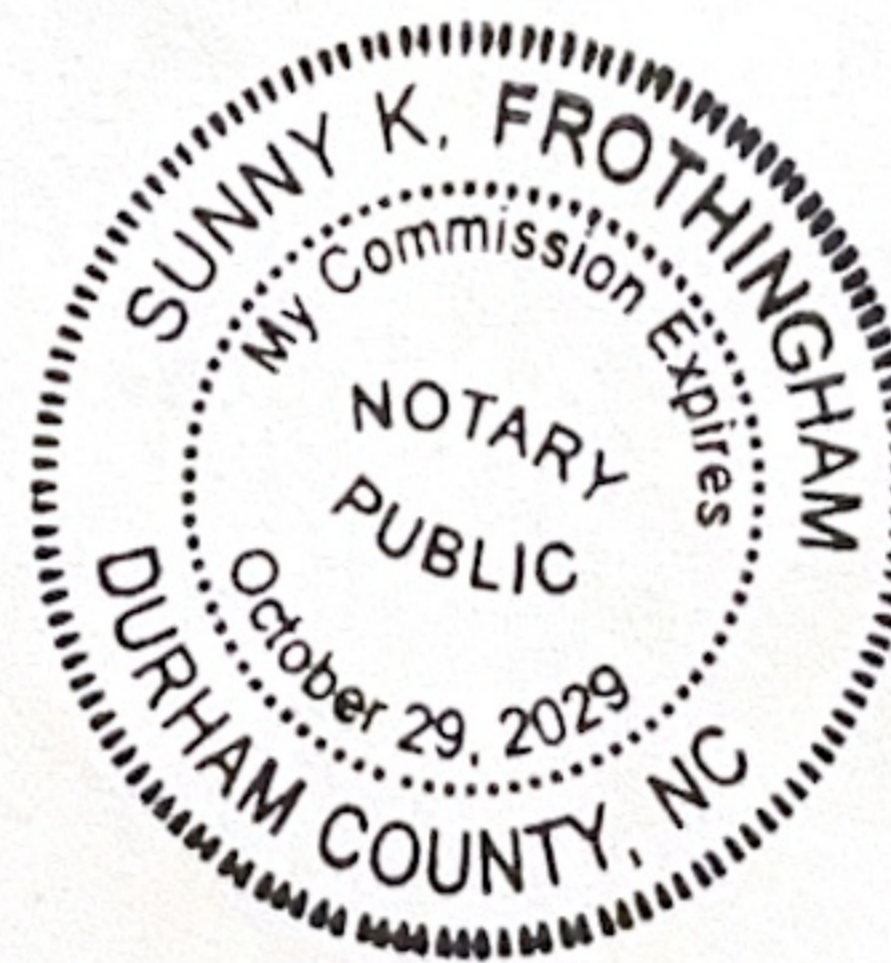
This the 13 day of March, 2026.

  
Amanda Wallace  
Respondent

SUBSCRIBED & SWORN BEFORE ME ON  
MARCH 13, 2026

SUNNY KHAN FROTHINGHAM





# Exhibit 8

**STATE OF NORTH CAROLINA**

**IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
25 CV 012521-310**

**COUNTY OF DURHAM**

**DURHAM COUNTY,  
EX REL: Maggie Clapp  
Petitioner,**

**NO CONTACT  
ORDER**

**vs.**

**Amanda Shenelle Wallace  
Respondent.**

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This matter coming before the undersigned Judge on this the 5<sup>th</sup> day of December, pursuant to the Petitioner's petition for no-contact order on behalf of Maggie Clapp, pursuant to the North Carolina Workplace Violence Prevent Act, under Chapter 95, Article 23. Robin K. Martinek and Patrick Kuchyt, of the Durham County Attorney's Office are present and represent the Petitioner. The Court has jurisdiction over the parties and subject matter, and the respondent has been provided notice of the hearing.

Based on the Evidence presented, the Court makes the following:

**FINDINGS OF FACTS**

1. The Petitioner is a political subdivision of the State of North Carolina, having powers conferred upon it by the General Assembly and by the General Statutes of North Carolina. Petitioner is located in Durham County, whose primary offices are located at 200 East Main Street, Durham, NC 27701.
2. Maggie Clapp is the current Director for the Durham County Department of Social Services (Durham DSS) and is employed by Durham County. As the Director of Durham DSS, Maggie Clapp oversees the Department's Child Welfare Unit, as well as the many other divisions within the Durham County Department of Social Services (DSS).
3. As part of her responsibilities as Durham DSS Director, Maggie Clapp is called upon to work at several government properties within Durham County, at locations outside of Durham County properties in the community and across the State, and at her home.
4. Durham County, by and through Durham DSS, provides necessary services for members of the community, including but not limited foster care services, medical services, food and nutrition services, and income support services.
5. All actions relevant to this matter occurred in Durham County, North Carolina.

6. Amanda Wallace is a resident of Durham County and a founding member of the organization Operation Stop CPS.
7. Amanda Wallace has previously been the subject of a no contact order related to the prior director and employees of Durham DSS based on her intimidating and harassing employees of Durham County (Durham Co. Dept. of Social Services vs. Amanda Wallace, 22 CVD 3028).
8. Maggie Clapp resides in Durham County, North Carolina.
9. On several occasions over the last year, Amanda S. Wallace (“Respondent”) has appeared and remained at Durham County Department of Social Services located at 414 East Main Street, Durham, NC 27701 before, during, and after regular business hours.
10. While at Durham DSS, Respondent has positioned herself at both the front entrance of Durham DSS and the employee entrance/exits (Queen Street and Ramseur Street). While standing at those entrances on several occasions, she has directly confronted Maggie Clapp on at least 4 occasions, aggressively shouted defamatory and harassing statements, such as but, not limited to: “Maggie Clapp, Kidnapper,” “Maggie Clapp commits Genocide,” “Go Back to Florida, Maggie Clapp the Kidnapper.” While engaged in protests at Durham DSS, Respondent has accused Maggie Clapp of criminal acts, including but not limited to kidnapping and genocide.
11. Respondent Amanda Wallace has appeared at Court hearings where Maggie Clapp was present as part of her duties as Director of Durham DSS. On two occasions at the courthouse, Respondent Amanda Waller has confronted Maggie Clapp and called her a kidnapper.
12. Respondent Amanda Wallace has appeared at several Durham DSS board meetings where Magie Clapp is present as part of her duties. On multiple occasions during these board meetings, she has called Maggie Clapp a kidnapper or stealer of black children.
13. On or about March 26, 2025, Respondent Amanda Wallace specifically called out to Maggie Clapp during a DSS board meeting and, referencing a specific child welfare case scheduled for court later that week, stated that “if that baby is not returned to the family, there will be a problem.” Said statement placed Maggie Clapp in fear that Respondent would take further action to harm, harass, or torment, herself, her family, or her staff.
14. On or about April 22, 2025, Respondent Amanda Wallace sent an email to Maggie Clapp, stating the following:

Dear Maggie Clapp,

You continue to direct your designees to tear families a part [sic] and then keep them a part [sic] for years! You should be ashamed of yourself!

Release ALL THE CHILDREN you are holding hostage! QUIT YOUR JOB!!!”

15. The email referenced above came from the same email address that Amanda Wallace has regularly used to communicate Maggie Clapp and others.
16. Durham DSS hosted an adoption event to celebrate the adoption of children from foster care. Both adoptive parents and children were present. The event took place inside the Durham Hilton in a private ballroom. The event was not open to the public and was invitation only. Amanda Wallace, accompanied by others, entered into the Ballroom without invitation and began shouting\_\_\_\_\_. Amanda Wallace was filming the event. Maggie Clapp fearing for the safety of those present as well as the impact of the inflammatory statements alerted hotel staff. Amanda Wallace, and the others accompanying, were told by hotel staff that they were not allowed there and asked to leave. Despite being directed to leave by hotel staff, Amanda Wallace chose to try to stay in the ballroom. While being escorted out, Amanda Wallace confronted Maggie Clapp directly and accused Maggie Clapp of being a kidnapper of black children. Amanda Wallace appearing at a private event without invitation, filming the event, and confronting Maggie Clapp and accusing her of kidnapping created scared and intimidated Maggie Clapp, such that she felt unsafe driving home, as she feared that Amanda Wallace would follow her to her home to continue to harass her. Maggie Clapp called her husband to come pick her up.
17. On November 7, 2025, at approximately 6:16 PM, while inside her apartment, Maggie Clapp observed Amanda Wallace writing, in large chalk letters on the street below the window of her residence, the statement “Maggie Clapp Kidnaps Black Children.” Maggie Clapps windows and blinds were open at the time. As Maggie Clapp attempted to close the blinds and alert her husband, Amanda Wallace turned toward her residence, looked up, and began shouting, “Maggie Clapp Kidnapper” and “Maggie Clapp Commits Genocide.” At the same time, Amanda Wallace pointing a camera phone towards the interior of Maggie Clapp’s home, filming or attempting to film Ms. Clapp while she was in her residence. Amanda Wallace then began drawing arrows from her writings towards the residence of Maggie Clapp.
18. In addition to the statement listed above, Amanda Wallace wrote additional phrases in the street and surrounding area accusing Maggie Clapp or DSS of kidnapping black children, and the statement “GO BACK TO FLORIDA MAGGIE CLAPP THE KIDNAPPER.” The statements and arrows were written on the street, on the sidewalk, and on areas associated with the property where Maggie Clapp resides.
19. Maggie Clapp contacted law enforcement. An officer from Durham Police Department responded and informed Ms. Clapp that Amanda Wallace had written similar statements as those cited above on two additional streets surrounding her building and had drawn arrows pointing directly to her specific residence. Maggie Clapp later confirmed the officer’s report by observing the additional statements at other locations around her residence.

20. At a later date, Maggie Clapp saw chalk marks on the sidewalk near her home. She immediately was seized with a panic that Amanda Wallace was back at her home again. It turned out that the chalk marks were unrelated to Maggie Clapp or Amanda Wallace; however, Maggie Clapp still experienced the trauma just from seeing said chalk marks, due to the harassment and fear caused by Respondent Amanda Wallace.
21. Due to Amanda Wallace's actions, Ms. Clapp fears for her safety and the safety of her family.
22. As a result of Amanda Wallace's actions towards Maggie Clapp, including repeatedly harassing Ms. Clapp and accusing her of criminal acts at her place of employment, through email, at locations associated with her work, and at her home, Ms. Clapp has experienced an ongoing and reasonable fear for her safety, severe emotional distress, and fear of further intimidation, harassment, and stalking. She has been harassed, tormented, terrified, and terrorized by Amanda Wallace's actions.
23. Amanda Wallace willfully, and on more than one occasion harassed Maggie Clapp, without legal purpose and, on information and belief, with the intent to place her in reasonable fear for her safety, use fear to dissuade her from performing her lawful duties, and to torment and terrify her by appearing at her workplace and her home shouting defamatory and false accusations of criminality and moral turpitude, and these actions can serve no legitimate purpose other than to harass Maggie Clapp.
24. The purpose of the actions by Amanda Wallace and directed at Maggie Clapp has been to publicly shame, harass, and cause fear and intimidation upon Maggie Clapp and Petitioner's employees. The actions of Amanda Wallace have caused Maggie Clapp to be afraid for her own safety, the safety of her family, and the safety of other employees. Respondent's harassment of Maggie Clapp serves no legal purpose.
25. As a result of Amanda Wallace's actions towards Maggie Clapp, including repeatedly harassing her and accusing her of criminal acts at her place of employment, through email, at locations associated with her work, and at her home, Maggie Clapp has experienced an ongoing and reasonable fear for her safety, severe emotional distress, and fear of further intimidation, harassment, and stalking. She has been harassed, tormented, terrified, and terrorized by Amanda Wallace's actions.
26. Amanda Wallace has knowingly engaged in harassing conduct directed towards Maggie Clapp on more than one occasion without legal purpose that has tormented, terrorized, and terrified Maggie Clapp.
27. Amanda Wallace knew or had reason to know that her actions would place a reasonable person in Maggie Clapp's circumstances to fear for her safety or the safety of her immediate family or close associates and/or suffer substantial emotional distress by placing Maggie Clapp in fear of continued harassment, bodily injury, or death.

28. Respondent Amanda Shenelle Wallace, with knowledge and forethought and with the intent to place the employee or employer in reasonable fear for the employee's safety, has, on more than one occasion, harassed Maggie Clapp, Durham County DSS Director, as defined by GAS 14-277.3A, such that Maggie Clapp has been tormented, terrorized and/or terrified, and said actions serve no legitimate purpose.
29. Respondent Amanda Shenelle Wallace's actions have interfered and/or have attempted to interfere with the legitimate and lawful business of Durham County, including, but not limited to, defaming a primary leader in Durham County, placing said leader in fear, and demanding that said primary leader "go back to Florida," which if said employee bowed to the pressure, would result in Durham County having a vacuum in leadership of a Department that handles critical day to day services for the community.

### **CONCLUSIONS OF LAW**

1. The employee Maggie Clapp and/or the employer Durham County have suffered unlawful conduct committed by the Respondent Amanda Wallace.
2. Good cause exists in this matter to enter a permanent no-contact order as to Maggie Clapp against Respondent Amanda Wallace and to prevent Respondent Wallace from interfering in the activities of the Petitioner Durham County.

### **IT IS THEREFORE ORDERED AND DECREED THAT**

1. Respondent Amanda Wallace shall not visit, assault, molest, or otherwise interfere with Durham County or Maggie Clapp at any Durham County property, at any location she is engaged in the business of Durham County DSS, at her residence, or the surrounding areas of said locations, or otherwise interfere with the employer operations.
2. Respondent Amanda Wallace shall cease stalking Maggie Clapp at any Durham County property, at any location she is engaged in the business of Durham County DSS, at her residence, or the surrounding areas of said locations.
3. Respondent Amanda Wallace shall not abuse or injure, Durham County, Durham County property, or Maggie Clapp at any Durham County property, at any location she is engaged in the business of Durham County DSS, at her residence, or the surrounding areas of said locations.
4. Respondent Amanda Wallace shall not contact by telephone, written communication, or electronic means Maggie Clapp at any Durham County property, at any location she is engaged in the business of Durham County DSS, at her residence, or the surrounding areas of said locations.

5. Respondent Amanda Wallace shall be allowed to protest at the main entrance to Durham DSS, or any other Durham County property, so long as she remains at least 100 feet from the entrance, does not use any voice amplification devices, and does not yell or chant when minor children are entering or leaving the Durham DSS building.
6. Amanda Wallace may attend the Durham County Board Meetings, but only virtually,

This the \_\_\_ day of November 2025

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The Honorable James T. Hill

NOTICE TO RESPONDENT: A KNOWING VIOLATION OF A CIVIL NO-CONTACT ORDER SHALL BE PUNISHABLE AS CONTEMPT OF COURT WHICH MAY RESULT IN A FINE OR IMPRISONMENT. THE COURT MAY FIND YOU IN CIVIL OR CRIMINAL CONTEMPT

|  |                      |  |
|--|----------------------|--|
|  | <b>CERTIFICATION</b> |  |
|--|----------------------|--|

I certify this Order is a true copy.

|             |                           |  |
|-------------|---------------------------|--|
| <i>Date</i> | <i>Signature Of Clerk</i> | <input type="checkbox"/> <i>Deputy CSC</i><br><input type="checkbox"/> <i>Assistant CSC</i><br><input type="checkbox"/> <i>Clerk of Superior Court</i> |
|-------------|---------------------------|--|

**NOTE TO CLERK:** G.S. 95-268 provides: "The clerk of court shall deliver on the same day that a civil no-contact order is issued a certified copy of that order to the sheriff." The statute also provides that a copy of the order shall be issued promptly to the police department of the municipality of the employer's workplace, or the sheriff and any county police department if the employer's workplace is not located within a municipality with a police department.

|  |                          |  |
|--|--------------------------|--|
|  | <b>RETURN OF SERVICE</b> |  |
|--|--------------------------|--|

I certify that this No-Contact Order Pursuant To The Workplace Violence Prevention Act was received and served as follows:

|                    |                    |   |                           |
|--------------------|--------------------|---|---------------------------|
| <i>Date Served</i> | <i>Time Served</i> | <input type="checkbox"/> AM <input type="checkbox"/> PM | <i>Name Of Respondent</i> |
|--------------------|--------------------|---|---------------------------|

- By delivering to the respondent named above a copy of this order.
- By leaving a copy of this order at the dwelling house or usual place of abode of the respondent named above with a person of suitable age and discretion then residing therein.

|   |
|---|
| <i>Name And Address Of Person With Whom Copies Left</i> |
|   |

- Respondent WAS NOT served for the following reason:
- 

|                       |  |
|-----------------------|--|
| <i>Date Received</i>  | <i>Signature Of Deputy Sheriff Making Return</i> |
| <i>Date Of Return</i> | <i>Name Of Sheriff (type or print)</i>           |
|                       | <i>County Of Sheriff</i>                         |

**NOTE TO SHERIFF:** G.S. 95-268 provides: "Unless the respondent was present in court when the order was issued, the sheriff shall serve that order upon the respondent and file proof of service in the manner provided for service of process in civil proceedings."

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that they have served the foregoing motion on opposing counsel, Robin Martinek & Geri Ruzage, via email:

Robin Martinek, Sr. Asst. County Atty.  
rmartinek@dconc.gov

Geri Ruzage, Deputy County Atty.  
gruzage@dconc.gov

This the 16th day of March, 2026.

/s/ Dominique Erney  
Dominique Erney (NCSB #62345)  
dominique@scsj.org

/s/ Janki Kaneria  
Janki Kaneria (NCSB #54879)  
janki@scsj.org

Southern Coalition for Social Justice  
P.O. Box 51280  
Durham, NC 27717  
352-672-3145