

Attorney General's Office Files Motion for Deal

Written by Steve Frank

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The N.C. Attorney General's Office stepped in Friday to the federal case filed by Ashe County Commissioner Gerald Price against a number of court and local law enforcement officials. The NCAG's office filed a motion on behalf of Watauga County Clerk of Court Diane C. Deal to dismiss the federal suit filed against Deal June 3rd, arguing that Price, who is representing himself in the case, served a summons in a way that failed to comply with federal rules of civil procedure. The motion cited the 11th amendment to the constitution and Deal's "absolute judicial immunity." At issue is the repossession of Price's 2007 Toyota Camry, taken Oct. 26th of last year. Price's suit names eight defendants and seeks \$7.5 million for alleged civil rights violations. Others named include four Watauga attorneys who were involved in the arbitration, Ashe County Sheriff James Williams along with deputies Jerry Lewis and Randy Lewis. Williams, Lewis and Lewis filed for an extension June 10 to respond to charges that they violated Price's civil rights by taking his property without valid warrant or territorial jurisdiction, Williams saying in that he was just doing his job when he executed an order from the Watauga County Clerk of Court to take possession of the vehicle. Price alleged in his complaint that Deal violated his civil rights, denying him due process by awarding the Toyota to CitiFinancial Auto, who held the loan on the car, in an October 16, 2012, arbitration hearing. Price had allegedly not made any payments on the Toyota since February 2012, and allegedly attempted to discharge the delinquent loan with a third-party check for \$13,817.46, which was returned "unable to locate account," according to case documents. Price, though, points out that Deal's summary judgment against him was overturned by a Watauga County District Court judge 11 days before the car was repossessed. The order from Chief District Court Judge Alexander Lyerly to set aside the arbitration award pending trial was issued Nov. 14, 2012, according to documents filed in the arbitration.