

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

SETI JOHNSON and MARIE  
BONHOMME-DICKS, on behalf of  
themselves and those similarly situated,  
and SHAREE SMOOT and NICHELLE  
YARBOROUGH, on behalf of  
themselves and those similarly situated,

Plaintiffs,

v.

TORRE JESSUP, in his official capacity  
as Commissioner of the North Carolina  
Division of Motor Vehicles,

Defendant.

Case No. 1:18-cv-00467

(CLASS ACTION)

**FIRST AMENDED CLASS ACTION COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE RELIEF**

**I. PRELIMINARY STATEMENT**

1. Plaintiff Seti Johnson, a 27-year-old father of three young children, works sporadic jobs and supports his family on limited financial means. Plaintiff Marie

extreme hardship, without a driver's license they will face insurmountable difficulties in providing for their families and finding or maintaining gainful employment.

2. Plaintiff Nichelle Yarborough is a young mother who is singlehandedly raising her four children, including a ni

their children to and from school, attend medical appointments, or travel to buy groceries needed for daily life. This license revocation scheme forces the most economically vulnerable further into poverty, in violation of their right to due process and equal protection of the law under the U.S. Constitution.

4. The DMV automatically revokes a motorist's driver's license for an



license, or sent him adequate notice of how he can prevent the revocation if he cannot pay.

8. Plaintiff Ms. Bonhomme-Dicks similarly was ordered to pay \$388 for a traffic violation and is unable to pay. As a part-time jobholder who is the sole financial provider for her son and a contributing financial provider for two grandsons, she is already in debt and cannot pay \$388 toward a traffic ticket without sacrificing her family's basic needs. She faces a substantial risk of suspension of her driver's license due to her inability to pay \$388. The state court will notify the DMV that she has not paid on or around September 5, 2018, and pursuant to its policy and practice, the DMV will not inquire into whether Ms. Bonhomme-Dicks has the ability to pay or give her the opportunity to be heard on her ability to pay before revoking her license indefinitely.

9. Plaintiff Ms. Yarborough has suffered and will continue to suffer irreparable harm because of the DMV's unconstitutional license revocation scheme. She owes approximately \$221 for a traffic ticket, which she cannot afford to pay. The DMV revoked Ms. Yarborough's license without ever inquiring into whether she had the ability to pay or willfully failed to pay her traffic ticket costs. The standard notice that the DMV sent her said she had to "comply" with the citation and strongly suggested this meant paying her citation in full. The DMV never notified her that she had other options to prevent the suspension of her driver's license if she could not afford to pay.

10. Plaintiff Ms. Smoot is also a victim of North Carolina's unconstitutional license revocation scheme. Ms. Smoot was also convicted of traffic offenses and ordered

to pay fines and costs, but cannot afford to pay these tickets. The DMV revoked Ms. Smoot's driver's license because she was unable to afford the fines and costs. Defendant made no inquiry into her ability to pay or whether her non-payment was willful. The only notice Ms. Smoot received was that she had to pay her citation in full. She was not given notice of any other options to avoid revocation if she could not afford to pay.

11. North Carolina punishes hundreds of thousands of low-income people by

14. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this district.

### III. PARTIES

#### A. Plaintiffs

15. Plaintiff Seti Johnson is a resident of Mecklenburg County.

16. Plaintiff Marie Bonhomme-Dicks is a resident of Wake County.

17. Plaintiff Nichelle Yarborough is a resident of Franklin County.

18. Plaintiff Sharee Smoot is a resident of Cabarrus County.

#### B. Defendant

19. Defendant Torre Jessup is the Commissioner of the North Carolina Division of Motor Vehicles, who administers the DMV. In this role, Defendant has exclusive authority to revoke driver's licenses. N.C.G.S. §§ 20-2(a); 20-39(a). He is sued in his official capacity as a state actor for declaratory and injunctive relief only.

### IV. STATEMENT OF FACTS

#### A. A Driver's License is a Necessity to Pursue a Livelihood and Care for One's Self and Family.

20. As of fall 2017, over 436,000 individuals had their licenses indefinitely revoked by the DMV for failure to pay fines and costs assessed for motor vehicle offenses.

21. The indefinite revocation of driver's licenses for non-payment of fines and costs disproportionately affects low-income persons and communities of color.

22. The indefinite revocation of the driver's licenses of low-income North Carolinians has devastating consequences on a person's ability to pursue a livelihood and meet basic human needs. Eighty-six percent of Americans describe a car as a "necessity of life," which is higher than the percentage of people who identified air conditioning, a cell phone, a computer, and other consumer items to be a life necessity.<sup>2</sup>

23. Approximately 91% of North Carolina residents travel to work by car and only 1.1% travel to work by public transit.<sup>3</sup>

24. Reliable, accessible public transit remains scarce throughout the vast



26. Several studies have noted that a driver’s license is a “very common requirement” to obtain employment, including most jobs that “can actually lift people out of poverty.”<sup>7</sup>

27. Thus, North Carolina’s unconstitutional automatic license revocation scheme makes it difficult for North Carolinians to find and keep employment, indefinitely pushing low-income individuals into the criminal justice system and further into poverty.

28. Persons whose licenses are revoked face an unenviable choice: drive illegally and risk further punishment, or stay home and forgo the ability to meet the daily needs of themselves and their families. When faced with either losing their jobs or remaining unemployed, or otherwise risking being pulled over for driving with a revoked license, individuals often chose the latter—risking car impoundment, additional fines and costs, additional periods of revocation, and even imprisonment for driving on a revoked license—so they can maintain their livelihood and support their families.

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<sup>7</sup> See, e.g., Alana Semuels,

**B. The DMV Automatically Revokes Driver's Licenses For Non-Payment of Traffic Fines and Costs Pursuant to N.C.G.S. § 20-24.1.**

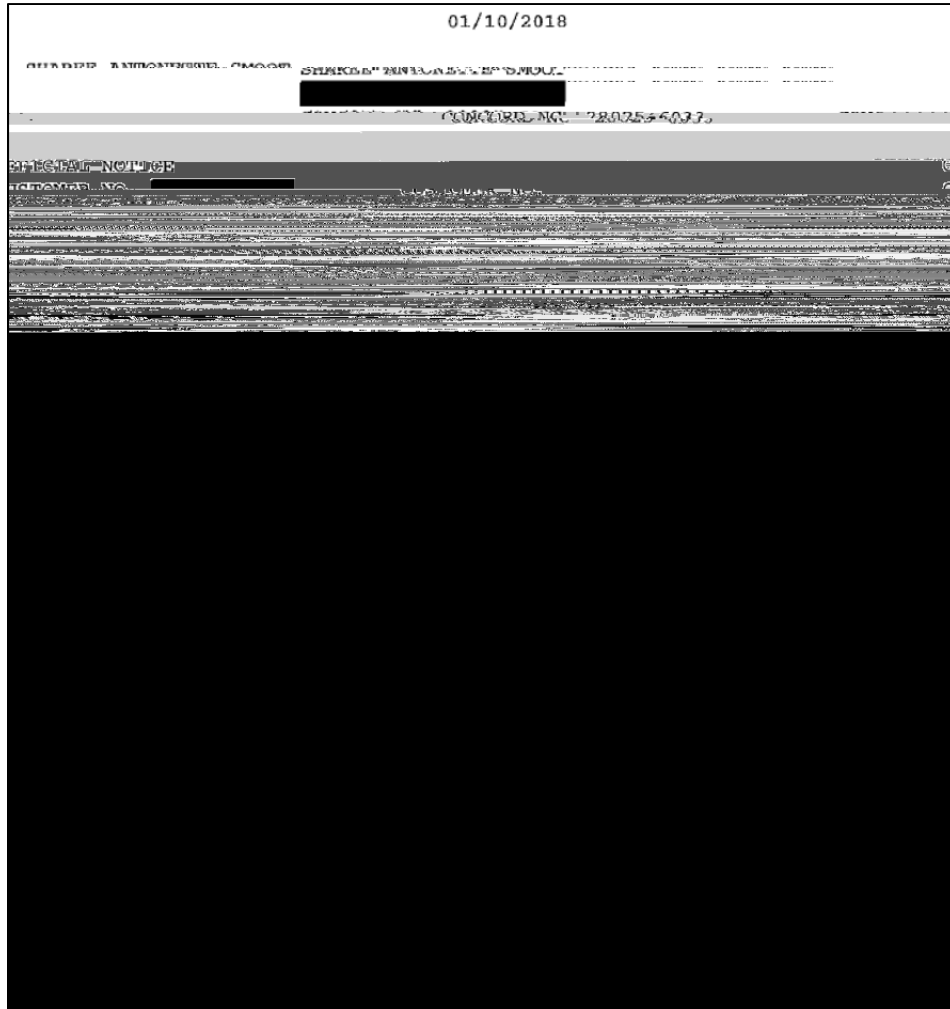
29. Revocation of driver's licenses is the exclusive province of the Commissioner of the North Carolina Division of Motor Vehicles. N.C.G.S. §§ 20-2(a); 20-39(a).

30. Courts in North Carolina are required to report to the DMV the name of any person charged with a motor vehicle offense who fails to pay a fine, penalty, or costs within 40 days of the date specified in the court's judgment. N.C.G.S. [(Rev. 2013) § 20-24.1(a)]

person has not paid fines and costs. This revocation is automatic and occurs without any regard to whether the person lacks the ability to pay. Upon receipt of this notice, the DMV enters a revocation order. *Id.* § 20-24.1(a)(2). By statute, the revocation order becomes effective 60 days after it is mailed or personally delivered to the motorist. *Id.* § 20-24.1(a).

**1. Revocation Notice**

32. The DMV sends the revocation order to a driver upon receipt of a notice from the court that the driver failed to pay fines and costs, as described in Paragraph 27.



N.C. DMV, Revocation Notice to Plaintiff Sharee Smoot (Jan. 10, 2018).

33. The Revocation Notice states that the driver’s “driving privilege is scheduled for an indefinite suspension in accordance with general statute 20-24.1 for failure to pay [a] fine”; provides an “effective date” that is approximately 60 days from the date the notice is mailed; and identifies the violation date, citation number, court, and court phone number related to the unpaid fine. *Id.*

34. The Revocation Notice then informs the driver that the DMV cannot accept payments for fines and costs, and the driver must contact the court “to comply with this

citation.” It goes on to recommend that to prevent revocation the driver must “comply” with the citation, as follows:

PLEASE COMPLY WITH THIS CITATION PRIOR TO THE EFFECTIVE DATE IN ORDER TO STOP THIS SUSPENSION.

*Id.*

35. Once a license is indefinitely revoked for non-payment, the DMV only lifts the revocation once the person is in “compliance” with the underlying citation. The Revocation Notice states:

REINSTATEMENT PROCEDURES:  
UPON COMPLIANCE WITH THIS CITATION, YOU MAY VISIT YOUR LOCAL DRIVER LICENSE OFFICE. AT SUCH TIME PROPER IDENTIFICATION AND PROOF OF AGE WILL BE REQUIRED.

*Id.*

36. The Revocation Notice does not provide, and the DMV does not provide, any information about how to obtain a hearing on the pending revocation.

37.

**2. Lack of any pre-revocation determination of ability to pay under Section 20.24.1**

39. Neither Section 20-24.1 nor the DMV requires any inquiry into ability to pay or a determination that motorists willfully failed to pay their fines and costs before revoking a driver's license for non-payment.

40. Instead, if drivers cannot pay in full, Section 20-24.1 places the burden on motorists to request a hearing to restore their licenses by showing a court that non-payment was not willful and that they are making a good faith effort to pay or the debt should be remitted. *Id.* § 20-24.1(b)(4). Yet, as set forth above, drivers are not informed about how to access this relief, and are told instead by the DMV that they must “comply” with the citation to avoid revocation, which, under the circumstances of the Revocation Notice, implies that the driver must pay the fines and costs in full. As a result, drivers rarely, if ever, invoke this process, leading to the revocation of tens, and possibly hundreds of thousands of North Carolinian driver's licenses each year, without any hearing or determination that a single one of these motorists was able to pay and willfully failed to do so.

41. If the motorist fails to satisfy Section 20-24.1(b), the license remains indefinitely revoked. *See id.* § 20-24.1(b), (c).

42. Neither Section 20-24.1 nor the DMV, as a matter of standard practice, requires a hearing before the driver's license revocation becomes effective to determine whether non-payment was willful. *See id.* § 20-24.1.



48.



address change,” to which Mr. Johnson pled guilty. The District Judge sentenced Mr. Johnson to pay a \$100 fine and \$208 in court costs. The judge did not give Mr. Johnson options to resolve the fine and costs other than paying the total \$308 to the District Court. Nor did the judge conduct a hearing to ask Mr. Johnson about his ability to pay the fines and costs.

53. At that hearing, the prosecutor told Mr. Johnson that he would have to pay \$100 that day or his license would be revoked. Mr. Johnson was unemployed at the time and had only \$300 to his name, but he pulled together the \$100 to pay that day to avoid losing his license.

54.

58. Without a driver's license, it will be difficult for Mr. Johnson to get to work, get food for his family, take his children to school and daycare, or take his family to doctor's appointments. He will likely face the impossible choice of driving illegally to maintain his new job and provide for his family, or lose the job and face even greater burdens in providing for his family.

**2. Ms. Bonhomme-Dicks.**

59. Plaintiff Marie Bonhomme-Dicks lives in Wake County. She is the sole caretaker and financial provider of her 15-year-old son, and she also assists in taking care of and financially providing for her two grandsons, who sometimes live with her for months at a time.

60. Ms. Bonhomme-Dicks struggles financially. Currently, her family's monthly living costs are more than her monthly income. She is in rental arrears and has been living in debt for months.

61. She has a part-time job as a Reservation Agent with an airlines company. She is unable to meet her family's basic needs with the income she earns and even sells her blood plasma for additional money. She also has endeavored to supplement her income by driving for ridesharing companies.

62. Ms. Bonhomme-Dicks relies on her driver's license to get to and from work, take her son to school, drop off and pick up her grandsons at daycare, travel to the grocery store, and take her family to church. Without her driver's license she would not be able to maintain her job, her family's only source of income.

63. On July 27, 2018, Ms. Bonhomme-Dicks pleaded guilty to speeding. The court ordered her to pay fines and costs amounting to \$388. If Ms. Bonhomme-Dicks does not pay \$388 by or around September 5, 2018, the court will notify the DMV that this amount is unpaid, and pursuant to its policy and practice, the DMV will enter an order revoking her driver's license, which will become effective approximately sixty days thereafter.

64. With mounting debt and a family to take care of, Ms. Bonhomme-Dicks cannot afford to pay \$388 for her traffic citation. A license revocation would result in devastating consequences for her family. She either will have to stop working and risk not being able to provide for her son and grandsons, or she will have to drive unlawfully and face further criminal consequences.

**D. Ms. Yarborough and Ms. Smoot Are Suffering Ongoing Harm From the Revocation of Their Licenses Because of Their Inability to Pay Fines and Costs.**

**1. Ms. Yarborough.**

65. Plaintiff Nichelle Yarborough lives in Franklin County, North Carolina. She is a single mother and the sole financial provider for her four young children. Ms. Yarborough's driver's license is currently revoked because she cannot afford to pay the fines, penalties, and court costs for a traffic ticket.

66. Ms. Yarborough's daughter and nine-month-old baby have intellectual disabilities, and they both require special care. Her nine-month-old baby, who was born premature at five months, also has serious medical needs. She requires almost weekly

appointments with various doctors, none of whom are accessible by public transportation or within walking distance of Ms. Yarborough's home.

67. Ms. Yarborough does not have consistent help from friends or family members in taking care of her children. Ms. Yarborough's home is located in a rural area where she has limited mobile phone service. No public transportation is accessible within walking distance of Ms. Yarborough's home.

68. Ms. Yarborough is also facing financial exigencies. She had to quit her job because of a risk pregnancy and then to take care of her premature baby, and she recently filed for bankruptcy because she cannot afford to pay her house payments and bills.

69. Ms. Yarborough has enrolled in community college with the hope that an education will provide better opportunities for her and her children. The community college in which she enrolled, however, is not within walking distance of her home.

70. Ms. Yarborough received a ticket in

72. The DMV never inquired into her ability to pay the costs

“District Court”) and was convicted of the lesser charge of “failure to notify DMV of address change.”

77. The District Court sentenced Ms. Smoot to pay approximately \$308, which she could not afford due to her limited economic resources. The District Court did not give her any option to resolve the fine and court costs besides paying in full and did not

82. Shortly after she started receiving overtime at work, Ms. Smoot's SNAP benefits were canceled, forcing her to choose between her family's needs, like paying the light bill or buying groceries.

83. Ms. Smoot also had to stop attending school at the University of North Carolina-Charlotte because she could not afford the cost of school and her family's bills on her limited income.

84. Because of her limited financial means, Ms. Smoot could not pay the fine, penalty, and court costs on her 2016 ticket, and the DMV revoked her driver's license in 2016.

85. In 2017, Ms. Smoot was convicted in the District Court of "DWLR NOT IMPAIRED REV" and ordered to pay \$235, which she could not afford to pay that day.

86.

89. Around this time, Ms. Smoot fell behind on her car payments and rent, and her car was repossessed. Because she did not have transportation to work, she lost her job, and she and her daughter had to move in with her grandmother.

90. Due to these circumstances, she also did not have the money to pay the fine, penalty, and court costs to stop the revocation by the date on this second Revocation Notice, and the DMV once again revoked her driver's license in 2018 for failure to pay.

91. Ms. Smoot needs a driver's license to travel to work, doctor's appointments, and her church, and to get food for her daughter. Without a valid driver's license, she has had to make the difficult choice of staying home, losing her job, and not being able to care for herself, her daughter, and her grandmother, whose bills she also helps pay, or drive illegally and risk further punishment.

92. Ms. Smoot, however, still does not have the money to pay either her 2016 ticket or 2017 ticket to reinstate her license.

93. Ms. Smoot currently makes \$12 per hour



## V. CLASS ALLEGATIONS

95. Plaintiffs seek to certify two separate classes.

96. Plaintiffs Mr. Johnson and Ms. Bonhomme-Dicks seek class certification pursuant to Fed. R. Civ. P. 23(a) and (b)(2) related to Claims One, Two, and Three, for which prospective injunctive and declaratory relief is sought. This Class is defined as: “All individuals whose driver’s licenses will be revoked in the future by the DMV due to their failure to pay fines, penalties, or court costs assessed by a court for a traffic offense.” This Class is referred

100. **Numerosity**: The exact sizes of the Future Revocation Class and the Revoked Class are unknown by Plaintiffs, but each Class plainly meets the numerosity requirement, thereby making joinder impracticable. Based on the DMV's response to an open records request, the Revoked Class had approximately 436,000 members in the fall of 2017—all individuals punished with an automatic and indefinite driver's license revocation for unpaid fines and costs.<sup>9</sup> That number has remained in the hundreds of thousands and has likely increased since fall 2017, due to the DMV's ongoing practice of automatically and indefinitely revoking the driver's licenses of people unable to pay their fines and costs.

101. The Future Revocation Class consists of hundreds of thousands of people who cannot or will not be able to afford to pay fines and costs and therefore face revocation of their licenses. The Future Revocation Class is forward-looking with the potential for new members to join the Class on an ongoing basis. The DMV will continue to revoke licenses for non-payment absent the requested injunction, causing this class size to grow over time.

102. Finally, members of the proposed Classes such as Plaintiffs Mr. Johnson, Ms. Bonhomme-Dicks, Ms. Yarborough and Ms. Smoot are spread out across the state, and they are typically low-income individuals who lack financial resources to bring an independent action or to be joined in this action. Putative members are facing or have experienced the revocation of their licenses precisely because of their inability to pay;

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<sup>9</sup> See Exhibit I to Declaration of Samuel Brooke, DE 6.

thus, it is reasonable to assume they would also be unable to afford counsel to bring their own separate action against Defendant.

103. **Commonality**: All persons comprising the proposed Classes are equally subject to the provisions of Section 20-24.1, which mandate the DMV to revoke a motorist's driver's license for non-payment without any determination a motorist willfully failed to pay and without providing a hearing, the effects of revocation before the revocation. All members of the proposed Classes also are equally subject to the Division's revocation of driver's licenses for non-payment.

104. Accordingly, Plaintiffs raise claims based on questions of law and fact that are common to, and typical of, the putative class members of both Classes they seek to represent. Common questions of fact include:

- a. Whether Section 20-24.1 mandates the DMV to revoke, and whether the DMV has a practice of revoking, a license for non-payment without requiring a pre-deprivation hearing;
- b. Whether Section 20-24.1 mandates the DMV to revoke, and whether the DMV has a practice of revoking, a license for non-payment without requiring an inquiry into a motorist's ability to pay and determining the motorist's non-payment was willful; and
- c. Whether the revocation notice provided by the DMV to drivers whose licenses will be revoked for non-payment fails to inform drivers that (1)

they may have a hearing before the revocation becomes effective; (2) a critical issue at that hearing will be their ability to pay fines and costs that they are alleged to have failed to pay; and (3) additional options exist under Section 20-24.1 to avoid revocation for those who cannot pay in full.

Common questions of law include:

- d. Whether Section 20-24.1 and the DMV's enforcement of the statute violate the Fourteenth Amendment by failing to inquire into a motorist's ability to pay and whether the motorist's non-payment was willful before revoking a license for non-payment;
- e. Whether Section 20-24.1 and the DMV's enforcement of the statute violate the Fourteenth Amendment Procedural Due Process Clause by revoking licenses before conducting a pre-deprivation hearing;
- f. Whether Section 20-24.1 and the DMV's enforcement of the statute violate the Fourteenth Amendment Procedural Due Process Clause by failing to provide adequate advance notice and opportunity to be heard; and
- g. Whether injunctive and declaratory relief is appropriate and if so, what the terms of such relief should be.

105. The relief sought for each proposed Class is common to all members of that respective Class. Plaintiffs seek relief declaring Section 20-24.1 and the DMV's enforcement of the statute are unconstitutional for both Classes. They additionally seek: (a) on behalf of the Future Revocation Class, an order enjoining the DMV from revoking

licenses for non-payment pursuant to Section 20-24.1, and (b) on behalf of the Revoked Class, an order mandating the DMV to lift license revocations entered under Section 20-24.1 and to restore the licenses of those whose licenses are presently revoked for non-payment under Section 20-24.1.

106.       **Typicality**: The claims of Plaintiffs Mr. Johnson and Ms. Bonhomme-Dicks are typical of the claims of the proposed Future Revocation Class as a whole. Mr. Johnson and Ms. Bonhomme-Dicks and the putative Future Revocation Class members will suffer the same direct, irreparable injury of a loss of their driver's license unless Section 20-24.1 is declared unconstitutional and the DMV is enjoined from revoking licenses pursuant to that statute, absent meaningful notice, a pre-revocation opportunity to be heard, and a determination of willful non-payment before the revocation.

107.       Because Plaintiffs Mr. Johnson and Ms. Bonhomme-Dicks and the proposed Future Revocation Class challenge the same unconstitutional statute, the DMV will likely assert similar defenses against Mr. Johnson and Ms. Bonhomme-Dicks and proposed Future Revocation Class members. Moreover, the answer to whether the statute is unconstitutional will determine the success of the claims of named Plaintiffs Mr. Johnson and Ms. Bonhomme-Dicks and every other proposed Future Revocation Class member: if Mr. Johnson and Ms. Bonhomme-Dicks succeed in the claim that the statute violates their constitutional rights, that ruling will likewise benefit every other member of the proposed Class.

108. Likewise, the claims of Plaintiffs Ms. Yarborough and Ms. Smoot are typical of the claims of the Proposed Revoked Class as a whole. Plaintiffs Ms. Yarborough and Ms. Smoot and the putative Revoked Class members have suffered the same direct, irreparable injury of loss of their driver's license, and this injury will



in class-action litigation involving complex civil rights matters in federal court and knowledge of the relevant constitutional and statutory law and Defendant's practice of revocation. Counsel also have the resources, expertise, and experience to prosecute this action.

## **VI. CLAIMS FOR RELIEF**

### **FIRST CLAIM FOR RELIEF**

**Fourteenth Amendment of the U.S. Constitution  
(Equal Protection and Due Process *Bearden* Violation)**





**SECOND CLAIM FOR RELIEF**  
**Fourteenth Amendment of the U.S. Constitution**  
**(Procedural Due Process — Failure to Provide a Pre-Deprivation Hearing)**

126. Plaintiffs re-allege and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth here.

127. Plaintiffs Mr. Johnson and Ms. Bonhomme-Dicks assert this claim on behalf of themselves and the proposed Future Revocation Class they seek to represent.

128. Plaintiffs Ms. Yarborough and Ms. Smoot also bring this claim on behalf of themselves and the proposed Revoked Class they seek to represent.

129. The Fourteenth Amendment of the U.S.

133. Sections 20-24.1 and 20-24.2 of the North Carolina General Statutes create a substantive standard for revocation of driver's licenses that involves the following factors: whether a driver (1) failed to pay fines and fees 40 days after due, and (2) did so willfully or in bad faith. Consequently, whether an individual has willfully failed to pay fines and court costs is a fact that is material to whether a license should be indefinitely revoked.

134. North Carolina motorists have a substantial interest in their driver's licenses.

135. The process established under Sections 20-24.1 and 20-24.2 and by the DMV creates a substantial risk of erroneously revoking the licenses of those who did not willfully fail to pay or have made good faith efforts to pay, even though the Legislature determined that these facts are material to the decision to indefinitely revoke a license. Yet the process established by these statutory provisions and implemented by the DMV does not mandate a pre-deprivation hearing and determination of willfulness. Thus, it is impossible for the DMV to accurately identify the individuals whose licenses should be revoked for willful non-payment and those whose licenses should not be revoked because they were unable to pay.

136. A pre-revocation hearing will reduce the risks of erroneous deprivation by

138. To the extent a pre-revocation hearing would impose some fiscal or administrative burdens on the State, these burdens are outweighed by the driver's substantial interest in maintaining a license and the need to ensure erroneous revocations do not occur.

139. There exist no extraordinary circumstances, important governmental or general public interests—that justify the absence of a hearing

143. Plaintiffs Mr. Johnson and Ms. Bonhomme-Dicks assert this claim on behalf of themselves and the proposed Future Revocation Class they seek to represent.

144. Plaintiffs Ms. Yarborough and Ms. Smoot also bring this claim on behalf of themselves and the proposed Revoked Class they seek to represent.

145. The Fourteenth Amendment of the U.S. Constitution prohibits the State of North Carolina from depriving any person of life, liberty, or property without due process of law.

146. The cornerstone of due process when a property interest is at stake is notice and a meaningful opportunity to be heard in a meaningful time and in a meaningful manner.

147. Notice must be reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action; to accurately describe legal rights and options available to the parties; and to afford them an opportunity to present their objections.

148. In circumstances where a punishment may be imposed, notice must adequately inform the party as to what the critical issue of the hearing will be.

149. The DMV fails to provide adequate notice to drivers either before or after licenses are revoked for failure to pay fines and costs, in violation of the Due Process Clause. The notice provided (1) misleadingly informs motorists that the only way they can prevent or end a license revocation is by paying the fines and costs owed in full; (2) fails to provide any notice about a right to a hearing; (3) fails to identify the remedies

available under N.C. Gen. Stat. Ann. Section 20-24.1(b)(4); and (4) fails to inform the driver that ability to pay will be a critical issue at any hearing.

150. The license revocations of Plaintiffs and members of both proposed Classes for non-payment, without adequate notice, violates the Procedural Due Process Clause of the Fourteenth Amendment to the U.S. Constitution.

## **VII. PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs re

payment without an inquiry into ability to pay and a finding that the motorist willfully failed to pay;

ii. violate the Procedural Due Process Clause of the Fourteenth Amendment of the U.S. Constitution by failing to affirmatively provide motorists a pre-deprivation opportunity to be heard on their inability to pay and to affirmatively inquire into willfulness and good faith before the revocation; and

iii. violate the Procedural Due Process Clause of the Fourteenth Amendment of the U.S. Constitution by failing to provide adequate notice of the opportunity to raise inability to pay or to otherwise challenge the revocation.

e. Enter an injunction to:

i. enjoin Section 20-24.1(a)(2) and (b)(3)-(4);

ii.

Dated August 7, 2018.

Respectfully submitted,

/s/ Kristi L. Graunke

Kristi L. Graunke

/s/ Samuel Brooke

Samuel Brooke

*On behalf of Counsel for Plaintiffs*



**CERTIFICATE OF SERVICE**

I certify that arrangements have been made to this day deliver a true and correct copy of the foregoing by this Court's CM/ECF system to the following attorney(s) of record for Defendant:

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Kathryne E. Hathcock  
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