

**COPY**

FILED

NORTH CAROLINA  
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

2025 FEB 28 FILE NO. 23-CVS-2108

KIMBERLY DUNCKEL and FAIRYTALE FARM ANIMAL SANCTUARY, )  
FORSYTH CO., C.S.C. )

BY PKS )

*Plaintiffs,* )

vs. )

) ORDER GRANTING DEFENDANTS'  
) MOTION FOR SUMMARY JUDGMENT  
) AND DENYING PLAINTIFFS' MOTION  
) FOR SUMMARY JUDGMENT

CITY OF WINSTON-SALEM, NORTH CAROLINA; ALLEN JOINES, in his official capacity as City Mayor; DENISE D. ADAMS, BARBARA H. BURKE, ROBERT C. CLARK, JOHN C. LARSON, JEFF MACINTOSH, KEVIN MUNDY, ANNETTE SCIPPIO, JAMES TAYLOR, JR., in their official capacities as City Council members; and CHRIS MURPHY, in his official capacity as Director of Planning & Development Services Department, )

*Defendants.* )

This matter coming on to be heard and being heard before the undersigned Honorable Superior Court Judge Troy Stafford presiding over the Forsyth County Superior Court Civil Motions Calendar on February 24, 2025. The Plaintiffs, Kimberly Dunckel and Fairytale Farm Animal Sanctuary, were represented by Caroline Grace Brothers and Renée Flaherty from the Institute of Justice and Bryan Scott from Akerman LLP. The Defendants, City of Winston-Salem, North Carolina, Allen Joines, in his official capacity as City Mayor, Denise D. Adams, Barbara H. Burke, Robert C. Clark, John C. Larson, Jeff MacIntosh, Kevin Mundy, Annette Scippio, James Taylor, Jr,

in their official capacities as City Council Members, and Chris Murphy, in his official capacity as Director of Planning and Development Services Department (collectively "the City"), were represented by Deputy City Attorney Anargiros Kontos and Assistant City Attorney Marissa A. West from the City of Winston-Salem City Attorney's Office.

This matter was on for Plaintiffs' and Defendants' Cross-Motions for Summary Judgment. After reviewing, the court file, the Plaintiffs' Motion for Summary Judgment, the Defendants' Motion for Summary Judgment, filed affidavits with exhibits, multiple briefs submitted by both the Plaintiffs and Defendants, case law submitted during the hearing and listening to the arguments of counsel, it appears to the court that there is no genuine issue as to any material fact. It also appears to the court that the City is entitled to summary judgment as a matter of law pursuant to Rule 56 of the North Carolina Rules of Civil Procedure.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Defendants' Motion for Summary Judgment is granted, the Plaintiffs' Motion for Summary Judgment is denied and this action is hereby dismissed.

This the 28 day of February, 2025.

  
The Honorable Troy Stafford,  
Superior Court Judge Presiding