

Former EMS director settles lawsuit for \$50K

Toppin claimed county denied her free speech

By **RITCHIE E. STARNES**
Editor

The former director of the Emergency Management Services has settled her federal lawsuit against Chowan County for \$50,000.

Through her attorney, Lloyd C. Smith, Angela L. Toppin said she would have taken less money in the March 6 settlement if county leaders had apologized for ruining her reputation. Former County Manager Peter Rascoe

demoted Toppin after she spoke out during a commissioners' meeting about how budget cuts would adversely impact EMS.

On behalf of Toppin, Smith filed suit May 16, 2011 alleging that Chowan violated her First Amendment right to free speech with a "retaliatory" demotion. Last Thursday, Smith applauded his client for standing up for her rights.

"Very few people would hire a lawyer to defend her constitutional right," Smith said. "She lost her job and her reputation. The way it was handled besmirched her reputation. She would have taken a lot less money for an

apology."

In a May 2, 2009 commissioners' meeting, Toppin publicly refuted Rascoe's comments that proposed EMS budget cuts would not pose any risks of departmental services. When the meeting was later opened for public comment, Toppin informed the commissioners that she never indicated that budget cuts would not jeopardize EMS services, the lawsuit stated.

"She felt like that she was



Toppin

trying to warn the public about safety," Smith said.

"It's not easy going against the county," he added. "She took on the machine to protect her constitutional right."

Two days later Rascoe demoted Toppin via a letter for "openly criticizing the management services of your direct supervisor." She was accused of insubordination and willful disregard to the chain of command, which undermined county services, the suit stated.

Toppin was later granted a grievance hearing by commissioners whereby her demotion was upheld.

But, an apology could have been much more costly. Once the lawsuit was filed the matter became the responsibility of the county's liability insurance carrier, said John Morrison, an attorney representing Chowan.

"The county's hands are somewhat tied," Morrison said. "The settlement is being paid with insurance proceeds. The insurance company gets to determine whether you settle or litigate. If we don't (follow the insurance company's instructions) the insurance doesn't cover and we're on our own."

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Jury absolves doctor, hospital

From staff reports

A Chowan County jury ruled that neither an obstetrician nor Chowan Hospital were negligent in a medical malpractice lawsuit.

Court records show the jury of 10 women and two men determined March 20 that neither former Edenton doctor Michael David Gavigan nor then Chowan Hospital were negligent in the July 9, 2005 birth of Roy Lee Brothers. Because of complications due to a prolapsed umbilical cord at the time of delivery, Brothers now suffers from developmental delays.

Attorneys for birth mother Lakisha Wiggins alleged that the delayed actions of Gavigan and the hospital led to a lack of oxygen to Brothers' brain at the time of birth.

Because neither defendant was found negligent in the first phase of the long-awaited trial, there was need for the second phase of the hearing when monetary damages are determined.

EGG-CELLENT



STAFF PHOTOS BY RITCHIE E. STARNES

Some 25,000 eggs await a swarm of children during the annual Easter egg hunt held at the American Legion Fairgrounds, Sunday. The hunt and festivities were sponsored by Open Door Church.

Worshippers gathered at the waterfront for a sunrise service, Sunday.

Planning Board delays vote

Opposition mounts against development

By **REBECCA BUNCH**
Staff Writer

Edenton's planning board decided Monday night to delay action until its May 6 meeting on a request for a conditional use permit for a proposed new housing development.

Board chairman Craig Miller said the delay would allow planning board members to review a market study being utilized by Raleigh-based Carolina Project Equities, LLC. The firm wants to construct 72 multi-family units on property located at 1311 Paradise Road. Town Planner Sam Barrow said that

the 7.1-acre tract designated for construction of the project known as Patriot's Pointe is part of what was originally the Beechwood development property, which is zoned R-5 for residential use.

Carolina Project's Mark Tipton said that he believed the project in question would benefit the community because of the care that would go into the project.

"We will own it, we will manage it, we will be there," Tipton said, adding that the company would have an on-site manager and maintenance person. "We keep a very good environment for our tenants."

Tipton said that while the project in question would be considered affordable, income-based housing he did not see that as a negative. He said the company's past developments have attracted professional people looking for a well-maintained place

to live and that he did not expect Patriot's Pointe to be any different.

That approach, Tipton said, would lead to growth in the community.

"(Patriot's Pointe) is going to really increase property values," Tipton said. "It will allow this area to grow instead of sitting dormant as it has for the past few years."

But others, including Miller and fellow planning board members Bill Moore and E.C. Toppin, questioned whether that was true.

All of them questioned where the people who would be moving into the development would find jobs in a town where the unemployment rate holds steady at about 10 percent.

"You said one thing that puzzles me," Toppin said to Tipton. "You talk about working people (moving into Patriot's Pointe) but

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Holmes' senior battles cancer

Diagnosed with Hodgkin's lymphoma

By **REBECCA BUNCH**
Staff Writer

This time of year high school seniors are usually consumed with thoughts of the prom and graduation. Nicole Sorey is among those excited about winding down the school year with memorable events. Sadly, her mind is also preoccupied with a diagnosis of Hodgkin's lymphoma.

Sorey, 17, has been diagnosed with Stage 2 Hodgkin's lymphoma. An active teen that volunteers with the sports medicine team at Holmes, Sorey said her first sign something was wrong began with a lingering sore throat. The sore throat would not go away.

Her mom, Tricia Bateman, said that Nicole came home one afternoon complaining of a sore throat.

"I feel like I have something in my throat when I swallow," Bateman remembers her daughter saying.

At first, there did not seem to be any cause for alarm, Bateman said. Her son had been suffering from a cold already, she said.

On March 25 at Vidant Medical Center in Greenville the family got the news that no one wants to hear about a loved one — Nicole had cancer.

"She had a biopsy and that's when we got the final diagnosis," Bateman said.

Sorey began four months of chemotherapy last week — an experience she describes as



Sorey

leaving her feeling "just really tired."

Hodgkin's lymphoma — formerly known as Hodgkin's disease — is a cancer of the lymphatic system, which is part of the immune system.

In Hodgkin's lymphoma, cells in the lymphatic system grow abnormally and may spread beyond the lymphatic system. As Hodgkin's lymphoma progresses, it compromises the body's ability to fight infection, according to information provided by the Mayo Clinic.

Hodgkin's lymphoma is one of two common types of cancers of the lymphatic system. The other type, non-Hodgkin's lymphoma, is far more common.

With treatment underway Sorey must be extremely careful to avoid germs and is wearing a

See **SOREY**, 2A

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