

NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
12-CVS-14344

LAWRENCE PIAZZA and SALVATORE
LAMPURI,

Plaintiffs,

v.

GREGORY BRANNON ET AL.

Defendants.

**CONSENT ORDER
OF PUBLIC REPRIMAND**

The above-captioned action came on before the undersigned judge of Superior Court for the purpose of this Consent Order of Public Reprimand as of the date subscribed below. The Court makes the following findings of fact:

1. The above-captioned action was tried to a jury in February 2014.
2. David Kirkbride entered court during the morning of February 14, 2014, while the jury was not present.
3. Among the first things that Mr. Kirkbride did upon entering the courtroom on the morning of February 14, 2014, was to hug the defendant, Dr. Gregory Brannon.
4. Mr. Kirkbride testified during the morning of February 14, 2014. He was still on the stand and under oath when the court returned from the court's lunch break.
5. Plaintiff's counsel asked Mr. Kirkbride, during cross examination on the afternoon of February 14 as follows:

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10 Q. Good afternoon, Mr. Kirkbride.

11 A. Good afternoon.

12 Q. You entered the courtroom sometime this morning,

13 correct?

14 A. Yes.

15 Q. What's the very first thing that you did when you

16 entered the courtroom?

17 A. I -- I sat down, and I may have said hello to Robert.

18 Q. Was Mr. -- Dr. Brannon sitting on the back row there

19 when you entered?

20 A. I guess he was.

21 Q. And you gave him a big bear hug, didn't you?

22 A. I think I may have shook his hand.

23 Q. You didn't give him a hug?

24 A. I don't -- I don't recall. I like Dr. Brannon very

25 much. We're good friends.

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1. Q. Okay.

2. A. I don't think I would hug him in a bear hug, but I

3. like him.

4. Q. This 147-minute phone call that you had with

5. Dr. Brannon, it wouldn't surprise you if you talked about the

6. Verizon opportunity in that phone call, would it?

7. A. I didn't have a 147-minute conversation with

8. Dr. Brannon.

9. Q. I'm sorry. My bad. I meant to say Dr. Piaszza, with

10. Larry Piazza. You did have a 147-minute conversation with him

11. according to his phone records that you've seen, correct?

6. Whether Mr. Kirkbride hugged Dr. Brannon on February 14, 2014 and whether the hug was a bear hug, were not facts material to any of the issues being tried before the Court.

7. Bias and character for honesty were relevant.

8. David Kirkbride consents to the entry of this order.

Based upon the foregoing findings of fact, the Court makes the following conclusions of law.

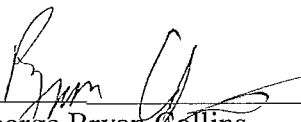
1. Mr. Kirkbride made a false statement under oath on February 14, 2014 in Courtroom 10B before me. This statement regards hugging Dr. Brannon and is set out above.

2. The Court, the courtroom clerk and the bailiff all personally witnessed behavior that Mr. Kirkbride denied doing under oath.

3. This conduct has caused harm to the administration of justice and to the profession and tends to undermine public confidence in the justice system.

4. As the sanction for the conduct at issue, the Court is entering this Order which it may at its discretion forward to the North Carolina State Bar.

This the 14th day of March, 2014.



Hon. George Bryan Collins
Superior Court Judge Presiding

Consent Order of Public Reprimand consented to on behalf of and with express written
authorization of:

David Kirkbride

By: Mark Finkelstein

Mark A. Finkelstein

Counsel to Kirkbride