

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JOHNATHAN HATCH and SHATERIKA  
NICHOLSON, on behalf of himself and herself  
and others similarly situated,

Plaintiffs,

v.

MICHAEL A. DEMAYO, individually, THE  
LAW OFFICES OF MICHAEL A. DEMAYO,  
P.C., LAW OFFICES OF MICHAEL A.  
DEMAYO, L.L.P., JASON E. TAYLOR,  
individually, LAW OFFICES OF JASON E.  
TAYLOR, P.C., BENJAMIN T. COCHRAN,  
individually, HARDISON & COCHRAN,  
PLLC, MICHAEL J. LEWIS, individually,  
LEWIS & ASSOCIATES ATTORNEYS AT  
LAW, P.A., CARL B. NAGLE, individually,  
NAGLE AND ASSOCIATES, P.A., JOHN J.  
GELSHENEN, individually, DAVIS &  
GELSHENEN LLP, MARK I. FARBMAN,  
individually, MARK FARBMAN, P.A., and  
THOMAS KREGER, individually.

Defendants.

Civil Action No.:

**Complaint (Class Action)**  
**(Jury Trial Demanded)**

NOW COME Plaintiffs, on behalf of himself and herself and others similarly  
situated, complaining of Defendants, and allege and say as follows:

## **SUMMARY OF THE ACTION**

**The Defendants violated the federal Driver's Privacy Protection Act of 1994 which Congress enacted to protect people and their personal information.**

State DMVs require people who apply for drivers' licenses and vehicle registrations to disclose personal information, including their name and residential address. *See Maracich v. Spears*, 133 S. Ct. 2191, 2206 (2013). For many years, this personal information was widely available from the DMVs with little restriction. *See id.* at 2198. The unrestricted disclosure of state DMV information led to two big problems:

(1) stalkers and criminals could get the information; and, (2) states commonly sold the personal information to marketers. *Id.* Congress addressed these two concerns by enacting the Driver's Privacy Protection Act of 1994 (DPPA), 18 U.S.C. § 2721 *et seq.*, which bans unwanted disclosure and use of personal information, including names and residential addresses.

Defendants in this case are lawyers and several law firms that have systematically violated the DPPA by knowingly obtaining protected personal information from motor vehicle records in North Carolina and then using that protected information for hundreds, or possibly thousands, of people in an effort to sell their legal services. This systematic abuse has continued even after the United States Supreme Court held, in 2013, that attorney solicitation is an improper use of DMV information. *See Maracich, supra* at 2209. A similar action was recently filed in the Middle District of North Carolina against different law firms for the same conduct as 1:16-cv-00542-LCB-JLW.

Plaintiffs in this case are individuals whose protected personal information was improperly obtained and used by one or more of the Defendants in violation of the DPPA when Defendants obtained protected DMV information from accident reports and then used that information to send marketing letters. Plaintiffs file this case for themselves, and for others whose privacy was violated, to do two things: (1) ask the Court for an injunction to stop Defendants from further abuse of personal DMV information; and, (2) to ask the Court to award damages as provided by Congress.

## **PARTIES**

1. Plaintiff Johnathan Hatch is a citizen and resident of Mecklenburg County, North Carolina.

2. Plaintiff Shaterika Nicholson is a citizen and resident of Guilford County, North Carolina.

3. Defendant Michael A. DeMayo is, upon information and belief, a citizen and resident of Mecklenburg County, North Carolina and is an attorney who regularly practices law in the Middle District of North Carolina.

4. Defendants The Law Offices of Michael A. DeMayo, P.C. and Law Offices of Michael A. DeMayo, L.L.P., (collectively “DeMayo Firm”) is a law firm organized as a professional corporation and a limited liability partnership, respectively, under the laws of the State of North Carolina. Defendant DeMayo Firm’s registered agent for service of process is Michael A. DeMayo, and said agent’s address is 1211 East Morehead Street, Charlotte, NC 28234. Defendant DeMayo Firm does business and markets its services under the name “Law Offices of Michael A. DeMayo L.L.P.” Defendant DeMayo Firm regularly markets its services and does business in the Middle District of North Carolina.

5. Defendant Jason E. Taylor is, upon information and belief, a citizen and resident of Mecklenburg County, North Carolina and is an attorney who regularly practices law in the Middle District of North Carolina.

6. Defendant Law Offices of Jason E. Taylor, P.C., (“Taylor Firm”) is a law

firm organized as a professional corporation under the laws of the State of North Carolina. Defendant Taylor Firm's registered agent for service of process is Jason E. Taylor, and said agent's address is 120 3<sup>rd</sup> Street NE, Hickory, NC 28601. Defendant Taylor Firm regularly markets its services and does business in the Middle District of North Carolina.

7. Defendant Benjamin T. Cochran is, upon information and belief, a citizen and resident of Wake County, North Carolina and is an attorney who regularly practices law in the Middle District of North Carolina.

8. Defendant Hardison & Cochran, PLLC, ("Hardison & Cochran") is a law firm organized as a professional limited liability company under the laws of the State of North Carolina. Defendant Hardison & Cochran's registered agent is Benjamin T. Cochran, and said agent's address is 4800 Six Forks Road, Suite 220, Raleigh, NC 27609. Defendant Hardison & Cochran regularly markets its services and does business in the Middle District of North Carolina.

9. Defendant Michael J. Lewis is, upon information and belief, a citizen and resident of Forsyth County, North Carolina and an attorney who practices law in the Middle District of North Carolina.

10. Defendant Lewis & Associates Attorneys at Law, P.A. ("Lewis & Associates") is a law firm organized as a professional association under the laws of the State of North Carolina. Defendant Lewis & Associates registered agent for service of process is Michael J. Lewis, and said agent's address is 285 Executive Park Boulevard,

Winston-Salem, NC 27103. Defendant Lewis & Associates regularly does business and has a principal place of business in the Middle District of North Carolina.

11. Defendant John J. Gelshenen, Jr. is, upon information and belief, a citizen and resident of Mecklenburg County, North Carolina and an attorney who practices law in the Middle District of North Carolina.

12. Defendant Davis & Gelshenen LLP (“Davis & Gelshenen”), is a law firm organized as a limited liability partnership under the laws of the State of North Carolina. Defendant Davis & Gelshenen’s registered agent for service of process is John J. Gelshenen, Jr., and said agent’s address 525 North Tryon Street, Suite 1600, Charlotte, NC 28202. Davis & Gelshenen regularly markets its services and does business in the Middle District of North Carolina.

13. Defendant Mark I. Farbman is upon information and belief, a citizen and resident of Mecklenburg County, North Carolina and an attorney who practices law in the Middle District of North Carolina.

14. Defendant Mark Farbman, P.A. (“Farbman Firm”), is a law firm organized as a professional association under the laws of the State of North Carolina. Defendant Farbman Firm’s registered agent for service of process is Mark Farbman, and said agent’s address is 310 South McDowell Street, Suite 912, Charlotte, NC 28204. Defendant Farbman Firm regularly markets its services and does business in the Middle District of North Carolina.

15. Defendant Thomas Kreger is, upon information and belief, a citizen and

resident of Durham County, North Carolina and an attorney who practices law in the Middle District of North Carolina.

### **JURISDICTION AND VENUE**

16. This action arises under and is brought pursuant to the DPPA. Subject matter jurisdiction is conferred upon this Court by 18 U.S.C. § 2724(a) and 28 U.S.C. § 1331 as the actions arise under the laws of the United States.

17. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, as one or more Defendants do business in the District and therefore are deemed residents of this district for purposes of venue. 28 U.S.C. §§ 1391(b) and (c).

### **FACTS**

#### **The DMV-349 Accident Report**

18. Law enforcement agencies in North Carolina are obligated to investigate crashes which are reported to them, such as those described below.

19. In conducting crash investigations, law enforcement officers in North Carolina must use a DMV-349 to record their investigations of reportable crashes, as defined by N.C. Gen. Stat. § 20-4.01(33b).

20. When law enforcement officers complete the DMV-349 in connection with a crash investigation they are obligated to comply with the then-current edition of the Instruction Manual for the DMV-349 (“the Manual”).

21. At the time of the collisions described below, the Manual instructed

officers to:

- a. record the names of drivers involved in a collision as follows: “Enter the driver’s name exactly as it appears on his/her driver’s license”;
- b. compare the address given by a driver to the address on that driver’s license and indicate on the DMV-349 whether those addresses match; and
- c. record each involved driver’s license number on the DMV-349.

22. At the time of the collisions described below, the Manual instructed officers to review the registration information for each vehicle involved in the wreck and to record the name and address of the registered owner of each involved vehicle on the DMV-349.

#### **Facts related to Johnathan Hatch**

23. On 13 September 2015, Plaintiff Johnathan Hatch was driving his vehicle and was involved in a motor vehicle accident (“the Hatch Accident”). The Hatch Accident was a reportable crash as defined by N.C. Gen. Stat. § 20-4.01.

24. The Charlotte Mecklenburg Police Department was notified of the accident and sent Officer P. J. Mulhall to investigate the accident.

25. At the scene of the Hatch Accident and at Officer Mulhall’s request, Plaintiff Johnathan Hatch presented his driver’s license to Officer Mulhall. Officer Mulhall transcribed certain information, including Plaintiff Johnathan Hatch’s name, address, date of birth, telephone number and driver’s license number into a standard

North Carolina Division of Motor Vehicles Crash Report known as a DMV-349. The source of Plaintiff Johnathan Hatch's address, date of birth, telephone number and driver's license number was the North Carolina Division of Motor Vehicles ("NCDMV").

26. At the scene of the Hatch Accident, Officer Mulhall asked Plaintiff Johnathan Hatch if the information shown on his driver's license was correct, and Plaintiff Johnathan Hatch informed Officer Mulhall that the information on his driver's license was correct. As a result of this interaction, Officer Mulhall checked a box on the DMV-349 to indicate that Plaintiff Johnathan Hatch's actual address matched the address on his driver's license.

27. At the scene of the Hatch Accident, Officer Mulhall transcribed on the DMV-349 certain information regarding the registration of the vehicle that Plaintiff Johnathan Hatch was operating at the time of the Hatch Accident. This information related to the registration of said vehicle and included Plaintiff Johnathan Hatch's name and address and the license plate year and number of said vehicle. The source of this information was the North Carolina Division of Motor Vehicles ("NCDMV").

28. Officer Mulhall filed the DMV-349 for the Hatch Accident with his department, which filed it with the NCDMV.

29. Within a few days of the Hatch Accident, Defendants Michael A. DeMayo, individually, the DeMayo Firm, Jason E. Taylor, individually, the Taylor Firm, John G. Gelshenen, individually, Davis & Gelshenen, Mark I. Farbman, individually, and



the Farbman Firm (“Hatch Defendants”) obtained a copy of the DMV-349 for the Hatch Accident or personal information from a motor vehicle record procured by an agent from a copy of the DMV-349. Said report contained Plaintiff Johnathan Hatch’s name and address, as well as the fact that the address on the DMV-349 matched the address on Plaintiff Johnathan Hatch’s driver’s license. Said report also contained the name and address of the other drivers involved in the Hatch Accident.

30. The Hatch Defendants obtained the DMV-349 for the Hatch Accident, or personal information from a motor vehicle record procured by an agent from a copy of the DMV-349, for the purpose of marketing those Defendants’ legal services.

31. The Hatch Defendants knew that the DMV-349 form for the Hatch Accident, or personal information from a motor vehicle record procured by an agent from a copy of the DMV-349, that they obtained and used contained personal information from a motor vehicle record because, among other things:

- a. The DMV-349 indicated that Plaintiff Johnathan Hatch’s address on the DMV-349 matched the address on his driver’s license. That fact could only have come from a review of Plaintiff Johnathan Hatch’s driver’s license;
- b. The DMV-349 had a blank for Plaintiff Johnathan Hatch’s driver’s license number, the contents of which blank were marked 25367785. Plaintiff Johnathan Hatch’s driver’s license number originated with, and could only have come from, NCDMV; and

- c. The Hatch Defendants knew that officers routinely record the names and addresses of vehicle owners from the vehicle registration card or from the computerized records from NCDMV.

32. The Hatch Defendants used the protected personal information of Plaintiff Johnathan Hatch, including his name and address, by addressing marketing materials to the address of Plaintiff Johnathan Hatch and mailing said materials. Defendants Michael A. DeMayo, individually, the DeMayo Firm, Mark I. Farbman, individually, and the Farbman Firm included a copy of the DMV-349 for the Hatch Accident in their respective mailings.

33. A true and accurate copy, save for redactions to prevent the unnecessary disclosure of the personal information of non-parties, of the mailings addressed to Plaintiff Johnathan Hatch's home by the Hatch Defendants are attached hereto as Exhibit 1.

34. The individual defendants named all personally acted by signing the letter or authorizing their personal signature and/or name to be affixed to the packages.

**Facts related to Shaterika Nicholson**

35. On 14 March 2016, Plaintiff Shaterika Nicholson was driving her vehicle and was involved in a motor vehicle accident ("the Nicholson Accident"). The Nicholson Accident was a reportable crash as defined by N.C. Gen. Stat. § 20-4.01.

36. The Greensboro Police Department was notified of the accident and sent Officer A.D. Rorie investigate the accident.

37. At the scene of the Nicholson Accident Officer Rorie's obtained Nicholson's driver's license. Officer Rorie transcribed certain information, including Plaintiff Nicholson's name, address, date of birth, telephone number and driver's license number into a standard North Carolina Division of Motor Vehicles Crash Report known as a DMV-349. The source of Plaintiff Nicholson's address, date of birth, telephone number and driver's license number was the North Carolina Division of Motor Vehicles ("NCDMV")

38. At the scene of the Nicholson Accident, Officer Rorie determined that Plaintiff Nicholson's actual address did match the address on her driver's license. As a result of this interaction, Officer Nicholson checked a box on the DMV-349 to indicate that Plaintiff Nicholson's actual address did not match the address on her driver's license as well as provided her Driver's License Restriction information.

39. At the scene of the Nicholson Accident, Officer Rorie transcribed on the DMV-349 certain information regarding the registration of the vehicle that Plaintiff Nicholson was operating at the time of the Nicholson Accident. This information related to the registration of said vehicle and included Plaintiff Nicholson's name and address and the license plate year and number of said vehicle. The source of this information was the North Carolina Division of Motor Vehicles ("NCDMV").

40. Officer Rorie filed the DMV-349 for the Nicholson Accident with his department, which filed it with the NCDMV.

41. Within a few days of the Nicholson Accident, Carl B. Nagle, individually,

Nagle And Associates, P.A, Mark I. Farbman, individually, and Mark Farbman, P.A. obtained a copy of the DMV-349 for the Nicholson Accident, or personal information from a motor vehicle record procured by an agent from a copy of the DMV-349. Said report contained Plaintiff Nicholson's name and address, as well as the fact that the address on the DMV-349 matched the address on Plaintiff Nicholson's driver's license. Said report also contained the name and address of the other drivers involved in the Nicholson Accident.

42. Defendants Benjamin T. Cochran, individually, Hardison & Cochran, PLLC, Michael J. Lewis, individually, Lewis & Associates Attorneys At Law, P.A., John G. Gelshenen, Davis & Gelshenen and Thomas Kreger obtained the DMV-349 for the Nicholson Accident, or personal information from a motor vehicle record procured by an agent from a copy of the DMV-349, for the purpose of marketing those Defendants' legal services.

43. Defendants Benjamin T. Cochran, individually, Hardison & Cochran, PLLC, Michael J. Lewis, individually, Lewis & Associates Attorneys At Law, P.A., Carl B. Nagle, individually, Nagle And Associates, P.A., John G. Gelshenen, Davis & Gelshenen, Mark I. Farbman, individually, Mark Farbman, P.A., and Thomas Kreger (the "Nicholson Defendants"), knew that the DMV-349 form for the Nicholson Accident, or personal information from a motor vehicle record procured by an agent from a copy of the DMV-349, that they obtained and used contained personal information from a motor vehicle record because, among other things:

- a. The DMV-349 indicated that Plaintiff Nicholson's address on the DMV-349 matched the address on his driver's license. That fact could only have come from a review of Plaintiff Nicholson's driver's license;
- b. The DMV-349 had a blank for Plaintiff Nicholson's driver's license number, the contents of which blank were marked 25367785. Plaintiff Nicholson's driver's license number originated with, and could only have come from, NCDMV; and
- c. The Nicholson Defendants knew that officers routinely record the name and address of vehicle owners from the vehicle registration card or from the computerized records from NCDMV.

44. The Nicholson Defendants used the protected personal information of Plaintiff Nicholson, including her name and address, by addressing marketing materials to the address of Plaintiff Nicholson and mailing said materials. Defendants Carl B. Nagle, individually, Nagle And Associates, P.A., Mark I. Farbman, individually, Mark Farbman, P.A. included a copy of the DMV-349 for the Nicholson Accident in their respective mailings.

45. A true and accurate copy, save for redactions to prevent the unnecessary disclosure of the personal information of non-parties, of the mailing addressed to Plaintiff Nicholson's home by the Nicholson Defendants are attached hereto as Exhibit 2.

46. The individual defendants named all personally acted by signing the letter or authorizing there personal signature and/or name to be affixed to the packages.

**Facts related to all Defendants**

47. Each of Defendants' mailings described above and attached as Exhibits 1-2 contained the words, "This is an advertisement for legal services" on the outside of the envelope and on the enclosed materials.

48. Driver's licenses and vehicle registration cards and records are motor vehicle records as defined by 18 U.S.C. § 2725(1).

49. Names and addresses on driver's licenses and vehicle registration cards and records constitute personal information that is protected by the DPPA.

50. Defendants regularly obtain DMV-349s on motor vehicle accidents, or personal information from a motor vehicle record procured by an agent from a copy of the DMV-349, in bulk for the purpose of marketing their legal services.

51. Upon information and belief, Defendants review information from DMV-349 forms that are obtained in bulk in order to determine who is at fault for each accident. Defendants only send marketing materials to those persons who do not appear to be at fault.

52. The mailings described above sent by Defendants are form mailings. The mailing sent by each Defendant to a Plaintiff is identical in all material respects to the mailings that each Defendant regularly sends to persons whose information has been obtained from DMV-349 forms.

53. Upon information and belief, Defendants send materials marked "This is an advertisement for legal services" only to persons whose names and addresses have been

gleaned from DMV-349 forms.

54. Plaintiffs did not consent to or allow any Defendant to obtain or use their personal information from a motor vehicle record.

55. Defendants regularly and knowingly use protected personal information from motor vehicle records to market their services to accident victims in the same manner that Defendants used the protected personal information of Plaintiffs.

### **CLASS ACTION ALLEGATIONS**

56. Plaintiffs bring this action on behalf of a Class defined as follows: All natural persons residing in North Carolina identified on a DMV-349 as either a driver whose address is designated on the DMV-349 as matching the address on that person's driver's license or a registered owner of a vehicle registered with the North Carolina Division of Motor Vehicles to whom a Defendant named in this action sent a mailing with the words "This is an advertisement for legal services" printed on the outside of the envelope within the 4 years preceding the filing of this action through conclusion of this action.

57. **Numerosity** (Fed. R. Civ. P. 23(a)(1)): The Class members are so numerous that joinder of all is impractical. Upon information and belief, Defendants have knowingly obtained and used the protected personal information of hundreds, if not thousands, of individuals meeting the above class definition from DMV-349 reports for marketing purposes. Upon information and belief, many of those persons' names and addresses are identifiable through documents maintained by Defendants.

58. **Existence and Predominance of Common Questions of Law and Fact** (Fed. R. Civ. P. 23(a)(2)): Common questions of law and fact exist as to all members of the Class and predominate over the questions affecting only individual members. The common legal and factual questions include:

- a. Whether Defendants knowingly obtained protected personal information from a motor vehicle record;
- b. Whether Defendants' primary purpose in obtaining protected personal information was the marketing of legal services; and
- c. Whether Defendants violated section 2722(a) of the DPPA by obtaining or disclosing personal information from a motor vehicle record without a permissible purpose under section 2721(b) of the DPPA;

59. **Typicality** (Fed. R. Civ. P. 23(a)(3)): Plaintiffs' claims are typical of the claims of each Class member. Plaintiffs have the same claims for liquidated damages that they seek for absent Class members.

60. **Adequacy** (Fed. R. Civ. P. 23(a)(4)): Plaintiffs are adequate representatives of the Class. Their interests are aligned with, and are not antagonistic to, the interests of the members of the Class they seek to represent, they have retained counsel competent and experienced in complex litigation and they intend to prosecute this action vigorously. Plaintiffs and their Counsel will fairly and adequately protect the interests of members of the Class.

61. **Predominance and Superiority** (Fed. R. Civ. P. 23(b)(3)): Questions of law and fact common to the Class members predominate over questions affecting only



individual members and a class action is superior to other available methods for fair and efficient adjudication of the controversy. The liquidated damages sought by each member are the same. However, each class member's liquidated damages are limited, such that individual prosecution would prove burdensome and expensive. It would be virtually impossible for the members of the Classes individually to redress effectively the wrongs done to them. Even if the members of the Classes themselves could afford such individual litigation, it would be an unnecessary burden on the courts to require class members to file thousands of individual lawsuits. Furthermore, individualized litigation presents a potential for inconsistent or contradictory judgments and increases the delay and expense to all parties and to the court system presented by the legal and factual issues raised by Defendants' conduct. By contrast, the class action device will result in substantial benefits to the litigants and the Court by allowing the Court to resolve numerous individual claims based upon a single set of proof in a unified proceeding.

**FIRST CLAIM FOR RELIEF: VIOLATION OF  
THE DRIVER'S PRIVACY PROTECTION ACT (18 U.S.C. § 2721 ET SEQ.)**

62. The allegations contained in the paragraphs 1 through 58, *supra*, are incorporated herein by reference.

63. Defendants knowingly obtained and used one or more Plaintiff's protected personal information from a motor vehicle record as described above.

64. Each Defendant knowingly obtained and used one or more Plaintiff's protected personal information from a motor vehicle record for the purpose of marketing

that Defendant's legal services.

65. When each Defendant knowingly obtained and used one or more Plaintiff's protected personal information, said Defendant lacked Plaintiffs' express consent as required by the DPPA.

66. When each Defendant sent its above-described mailing containing the words "This is an advertisement for legal services" to one or more Plaintiffs, Defendants knowingly used said Plaintiff's personal information from a motor vehicle record.

67. Defendants knowingly both obtained and used Plaintiffs' personal information from a motor vehicle record for the purpose of marketing legal services.

68. Advertising for legal services for the solicitations of new potential clients is not a permissible purpose for obtaining motor vehicle records under the DPPA. *Maracich v. Spears*, 133 S. Ct. 2191 (2013).

69. Defendants knowingly both obtained and used Plaintiffs' personal information from a motor vehicle record in violation of the DPPA.

70. Because Defendants regularly and knowingly obtain and use personal information from motor vehicle records for purposes of marketing their services, violations of the DPPA are likely to continue.

71. Under 18 U.S.C. § 2724(b)(4), the Court should enter a permanent injunction prohibiting Defendants from obtaining or using personal information from motor vehicle records for marketing purposes. Specifically, the Court should enjoin Defendants from:

- a. Obtaining names and addresses sourced from DMV-349s for purposes of marketing legal services;
- b. Sending mailings marketing legal services to drivers whose names and/or addresses are obtained by Defendants by means of DMV-349s; and
- c. Sending letters containing a copy of a completed DMV-349 for the purpose of marketing legal services.

73. Because Defendants obtained and used Plaintiffs' personal information from a motor vehicle record for a purpose not permitted under the DPPA, each Plaintiff is entitled to liquidated damages of \$2,500.00 for each letter in which his personal information was contained.

**WHEREFORE**, Plaintiffs pray the Court for the following relief:

1. To enter an Order certifying the proposed Class under Rule 23 and appointing Plaintiffs and the undersigned counsel of record to represent the Class;
2. To permanently enjoin each Defendant, pursuant to 18 U.S.C. §2724(b)(4), from:

- a. Obtaining names and addresses sourced from DMV-349s for purposes of marketing legal services;
- b. Sending letters marketing legal services to drivers whose names and/or addresses are obtained by Defendants by means of DMV-349s; and

- c. Sending letters containing a copy of a completed DMV-349 for the purpose of marketing legal services.
- 3. To award liquidated damages, pursuant to 18 U.S.C. §2724(b)(1), to each Plaintiff in the amount of \$2,500.00 for each instance in which a Defendant knowingly obtained or used that Plaintiff's protected personal information;
- 4. To award reasonable attorneys' fees and other litigation costs reasonably incurred, pursuant to 18 U.S.C. §2724(b)(3);
- 5. To award pre- and post-judgment interest as allowed by law;
- 6. For a trial by jury on all issues so triable; and
- 7. For such other and further relief as the Court deems just and proper.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

Respectfully submitted, this the 8th day of July 2016.

/s/ Jeffrey K. Peraldo

Jeffrey K. Peraldo

Attorney for Plaintiff

NC State Bar No.: 17556

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