

Shemeka Smith Assault With A Deadly Weapon

November 26, 2019 by JD Crouch







FI	ED	
DATE	August 30, 2023	
TIME	9:25:11 AM	
WAK	COUNTY	
CLEF	K OF SUPERIOR COURT	
STATE OF NORTH CAROLINA BY: L	FILE NO. 23CV	V018328-910
WAKE COUNTY	In The General Co	ourt of Justice
	District Co	ourt Division
Tigress Sydney Acute McDaniel, JD		
Plaintiff		
VERSUS	[PROPOSED] ORDER FOR	2
1210005	ENTRY OF DEFAULT REGAR	
Shameka Smith, Krysta Johnson,	DEFENDANT SHAMEKA SM	
and Brittany Johnson and Does,		

WHEREBY Plaintiff, regarding Defendant Smith, having most markedly shown prima facie evidence for defamation per se and malicious prosecution, and having further satisfied the requirements set forth under Rule 55 of the North Carolina Rules of Civil Procedure for entry of default, it is therefore ordered that Plaintiff's Motion for Entry of Default, regarding Defendant Smith is GRANTED.

Assistant Clerk

Date: 8/30/2023

STATE OF NORTH CAROLINA

WAKE COUNTY

FILE NO. 23CV018328-910

In The General Court of Justice

District Court Division

Tigress Sydney Acute McDaniel, JD Plaintiff	}	
	}	
VERSUS	} }	AMENDED COMPLAINT FOR DEFAMATION AND
Shameka Smith, Krysta Johnson, and Brittany Johnson and Does,	}	MALICIOUS PROSECUTION
Defendants	}	

NOW COMES Plaintiff to amend her original complaint to include attachments cited in her original complaint that were not uploaded with initial filing. Plaintiff also hereby amends paragraph 1 in her original complaint to denote the correct cause of action, and adds an additional statement to paragraph 37 to aid in the clarity of Plaintiff's claims. Plaintiff, otherwise, reincorporates, realleges and reasserts the entirety of her original complaint with such attachments included herewith to form the Amended Complaint.

A. JURISDICTION

Jurisdiction, regarding subject matter, is proper in this court according to:

- 1. This action is a complaint for defamation and malicious prosecution, and thus constitutes a civil action pursuant to NCGS § 1-6 et sequel;
- 2. This action is within the statute of limitations and this court can validly exercise personal jurisdiction over the parties pursuant to § 1-75.4 et sequel;
- 3. This action involves an amount in controversy under \$25,000.00 USD and thus the district court division is proper to hear this case pursuant to § 7A-243.

B. PARTIES

- The Plaintiff, Tigress Sydney Acute McDaniel born December 5, 1976, is a resident of Mecklenburg County, Charlotte, North Carolina.
- 2. The Defendant, Shameka Smith (hereinafter "Smith"), is an adult of legal age and under no legal disability, and a resident of Mecklenburg County, Charlotte, North Carolina.
- 3. The Defendant, Krysta Johnson (hereinafter "Johnson"), is an adult of legal age and under no legal disability, and a resident of Mecklenburg County, Charlotte, North Carolina.
- 4. The Defendant, Brittany Johnson (hereinafter "Brittany"), is an adult of legal age and under no legal disability, and a resident of Mecklenburg County, Charlotte, North Carolina.

C. NATURE OF CASE AND FACTUAL ALLEGATIONS

NOW COMES Plaintiff, complaining of the Defendants, alleges and says:

- 5. Plaintiff is a resident of Mecklenburg County, North Carolina, and is of legal age and under no legal disability, and further qualifies as reasonable prudent person.
- 6. All civil claims, torts and relevant acts asserted in this complaint occurred in Mecklenburg County, North Carolina, where both parties have been domiciled for all times material hereto, and otherwise the subject matter of this complaint entails libelous statements published by Defendants on social media, which has no regional bounds,

being publicly published without any viewing restrictions, to produce specific injury to Plaintiff.

D. CAUSE OF ACTION

Plaintiff alleges and so says that the following facts form the basis for her allegations:

- 7. On June 8, 2023, Plaintiff hosted an event to celebrate conferral of her Juris Doctorate;
- Smith attended this event with her self-asserted girlfriend, Krysta Johnson, but was not directly invited by Plaintiff;
- 9. Plaintiff, Smith, Johnson and Brittany met at this event, and before such time, had no relationship, albeit professional or personal.
- 10. During the event, Smith and Johnson solicited Plaintiff's services as a legal coach and document preparer to assist with an active child custody and visitation case.
- 11. Plaintiff explained the terms of service and disclosed the membership agreement, which is publicly promulgated at <u>www.TheEthicalGatekeeper.com</u>.
- 12. On that evening, both Smith and Johnson did, in fact, sign up for membership with Plaintiff's membership based vocational legal education and advocacy platform.
- During the course of Smith's and Johnson's active membership, from June 9, 2023 until June 29, 2023, Plaintiff provided both legal coaching and document preparation services at costs.
- 14. Over the course of the professional relationship, Smith and Johnson communicated on several occasions that they wanted,
 - a. "[the father of Smith's child] to relinquish his parental rights;"
 - b. "[the father of Smith's child] to be denied visitation with child;"
 - c. "to put an end to the custody battle;"

d. "to have the Temporary Custody Agreement terminated;"

at which time at each utterance, Plaintiff explained that a father's constitutional parental rights are inviolate unless there were exigent circumstances that satisfy a court that his rights should be questioned. Plaintiff provided such explanation in both academic and colloquial terms to ensure that both Smith and Johnson understood, to which both consistently responded that they understood the vocational legal education Plaintiff imparted. Plaintiff also explained the legal meaning for exigent circumstances and provided examples to clarify that based on the information Smith and Johnson provided, there was a significant unlikelihood that a court would find sufficient evidence to question the father's rights and enter an order (1) terminating visitation, (2) restricting visitation, (3) terminating the Temporary Parenting Agreement altogether, or (4) disposing of the custody case in Smith's favor without regard for the father's claims.

15. During the course of the professional relationship, because Smith and Johnson made commentary implying that they would willfully violate the Temporary Parenting Agreement, Plaintiff also had to remind Smith and Johnson that, although she was not yet a licensed attorney, her career in law, law enforcement or general capacity as fiduciary, having been a Federal Ranger with the National Park Service at border parks, having duties of both law enforcement and Applied Science based resource education and research, her commitment to high ethical and legal rigor was unwavering and that their commentary demonstrated their wanton disregard for the law which would result in termination of membership and services. This occurred, at least, 4 times, at which time Smith and Johnson affirmed that they did not intend to engage bad faith conduct. Plaintiff even iterated that their unchecked commentary negated any defense of plausible

deniability that Plaintiff could assert, if and when necessary, on the primary basis of her fiduciary capacity, and further, that her allegiance was to the furtherance of justice and upholding the law, at which time Smith and Johnson affirmed that they would not continue to make inappropriate or questionable commentary regarding the case.

- 16. The Temporary Parenting Agreement stipulated that, on June 17, 2023, Smith shall present child to the airport for a flight, notably chaperoned, for child to visit her father in Connecticut for Father's Day weekend until July 29, 2023.
- 17. During the week ending June 17, 2023, Smith and Johnson communicated escalatedly disturbing incidents claiming that the father had been both emotionally and physically abusive to child and Smith, and solicited document preparation services from Plaintiff to file a Domestic Violence Protective Order (hereinafter "DVPO"). Plaintiff was not initially convinced that Smith's and Johnson's claims were made in good faith, especially considering their previous commentary, and further, because Smith and Johnson expressed that they wanted the June 17, 2023 visitation to be canceled on this basis. When Plaintiff further inquired, Smith provided photographic evidence and observation notes from a psychologist who had evidently treated the child in 2022. Plaintiff, then, agreed to provide the document preparation service for the DVPO, but explained to Smith and Johnson that the DVPO, even if the *ex parte* temporary order was entered, would not have any legal effect on the TPA until the Defendant father was given opportunity to be heard in opposition. Smith and Johnson responded that they understood.
- 18. On June 18, 2023, notably on a Sunday, outside of Plaintiff's business hours, about which Plaintiff had previously reset professional expectations with Smith on, at least, two occasions prior to this occurrence, texted Plaintiff, "I was trying to call and ask you

something." The text was received by Plaintiff's cellular phone device, notably an iPhone 14 Pro Max, at 2am. When Plaintiff questioned Smith about the inappropriate hour of her text, she contended that she sent the text at a decent hour, notably from a Samsung cellular phone device at her assertion, but couldn't explain why she didn't observe the business hours regarding having texted Plaintiff on a Sunday.

19. Plaintiff intentionally did not respond until Monday, June 19, 2023, during business hours, having to explain again that,

"Good morning. Hours are there from Google Business and otherwise listed on all of TEG social media accounts. 2am is not ever an appropriate time and I'm certain you're fully aware of that. Juneteenth is a federal holiday now which my company has always recognized and thus TEG is not open today. Feel free to send your questions by email if you want on today and I'll answer them on tomorrow. Regarding meeting for tomorrow to complete your discovery answers, which again is scheduled for 2 hours, feel free to propose a timeframe. I propose 2-4p. Also, as I previously mentioned, it is important that you stick to the hours projected so that you do not incur additional charges. If the discovery goes beyond 2 hours you are billed immediately for each projected additional hour in advance before services can be rendered. Again, this is to stick closely to time projections, the scope of our business relationship Happy Juneteenth"

20. During the week ending June 25, 2023, Plaintiff and Smith, and Johnson often joining by way of phone call, met to complete document preparation for several documents,

including response to discovery requests and DVPO, the latter of which was filed on June 23, 2023.

- 21. On June 23, 2023 during the 1:30pm court session, Plaintiff accompanied Smith at her request to be heard on her complaint and request for DVPO, which was granted, albeit in the form of an *ex parte* temporary order and the hearing on the permanent order was set for July 7, 2023.
- 22. When exiting the courthouse, Smith seemed visibly discontented, which prompted Plaintiff to further inquire. Smith responded that she was unhappy because she would be out of town with child at dance competition on the date scheduled for hearing on the permanent order. Plaintiff explained that she could request a continuance. Smith, then, stated that "she wanted this to be over' and again repeated commentary that Plaintiff had warned her against, exclaiming that she "wanted him [the father] to just give up his parental rights." It was at this moment that Plaintiff first contemplated that Smith nor Johnson were not a good fit for membership.
- 23. On June 26, 2023, after and during a chain of emails between Plaintiff and Smith and Johnson (see attached), Plaintiff responded (appearing in green) to Smith's and Johnson's inquiries and statements (appearing in red),

I understand the need to try to save time but we want to make sure we aren't being looked at as a joke during this process as well as be able to make a substantial claim that's gonna get him out of our hair.

This is an unrealistic goal. If this is your goal, no one can assist nor represent nor coach you, because Desmond will be allowed to have visitation with his child, even if it is supervised if the court order a permanent restraining order just as your previous attorneys have iterated and reiterated.

Thank you for clarifying your intent and goal. I do want to continue to offer membership and services to you, but if your goal is opposite to what the law allows and, furthermore, unrealistic, then I cannot assist you. To continue your membership and services, a letter of affirmation is now required from both you and Shemeka, notarized, that states in your own words that you fully understand that there is no law that:

1. will altogether strip Desmond Sabb of his parental rights without proper court procedures;

 will not likely ever strip Desmond Sabb's parental rights if he demonstrates that he is complying with the DVPO and has undergone some form of class that shows the court that he is willing and has changed to be a better parent;
 will stop any and all co-parenting (even if minimal communication is ordered) unless Desmond acts upon his threats or escalates his threats and the court is satisfied that he continues to pose an imminent and repeated threat to Shemeka and London.

Also, as policy states, there are no refunds for services underway or completed.

When you have prepared that letter of affirmation and had it notarized, please send me a copy and then we can continue with your membership and services. I will, of course, require the original notarized copy when we meet again should you wish to continue with your membership and services.

I'll await your next email.

Tigress McDaniel, JD, PhD ABD, MS Chief Lawyer and Instructor for TEG

24. From June 26, 2023 to June 29, 2023, Smith and Johnson engaged increasingly evasive, passive aggressive and even combative conduct attempting to invalidate Plaintiff's request for the affirmation letter, and ultimately on June 29, 2023, after repeated disrespectful comments made by Smith attempting to insult Plaintiff and question her motivation, which was exceedingly straightforward and legally and ethically proper, Plaintiff informed Smith and Johnson that their membership was permanently terminated due to repeated violations of the membership, including but not limited bad faith conduct, lying to legal instructor/coach, and disrespectful and abusive language toward another member or instructor/coach.

- 25. Plaintiff had in possession 3 binders related to Smith's case, one of which was a white three-ringed binder she created for the client/member relationship, marked as "87." Smith had given two binders, black and three-ringed, to Plaintiff that she had, by her own purporting, repossessed from her previous attorney, that included evidence for the case. The black binders did not include the child's birth certificate nor social security card displaying the child's social security number.
- 26. On June 29, 2023, by phone verbally and email in writing, Plaintiff advised Smith and Johnson that they were no longer welcome at Plaintiff's residential property building, where she had regularly met with Smith and Johnson in the spaces designated by the property for co-work purposes, and that she would meet them at the Mecklenburg County courthouse to return the black binders only. Plaintiff had explained to Smith and Johnson on several occasions that the white binder constituted a lawyer's work product, and thus would remain in Plaintiff's possession. Plaintiff asked Smith and Johnson to confirm a meeting time, but Smith became belligerent, and refused to confirm a date and time to meet. Plaintiff explained that she had time sensitive pleadings to prepare on that day, and would await Smith's and Johnson's response to her email, attempting once again to schedule a meeting to deliver the black binders only.
- 27. On June 29, 2023, at approximately 6pm, as Plaintiff was returning from walking to a local convenience store with her minor child, Smith sprang up from behind one of the large planters in front of Plaintiff's residential property building, exclaiming "Tigress," then aggressively walking toward Plaintiff and her son making unintelligible comments, and disturbingly staring angrily at Plaintiff's son, at which time Plaintiff directed son to

retreat inside to their home and Plaintiff warned Smith that she was calling the police, which she did do, and the police did respond approximately 30 minutes later.

- 28. At Plaintiff's petition, the property manager for her residence, while in the presence of the police officers, gave Smith notice that she was banned from the property.
- 29. Police, beyond their scope of authority, attempted to mediate a meeting date to return the black binders, at which time Plaintiff reset expectations that the binders would be returned at the Mecklenburg County courthouse due to documents discovered that evidenced Smith's bad faith conduct and malicious prosecution of the father of her child for purported domestic violence and other behavior that she contended rose to the level of actionable stripping of the father's parental rights. Plaintiff again reiterated that she could and would meet Smith on Friday, June 30, 2023 at the courthouse at 10am after the family case clerk was notified, and Smith reluctantly agreed. The police ultimately left the scene, after providing Plaintiff with a report number at her request.
- 30. On June 30, 2023, Plaintiff, as committed, did, in fact, deliver the two black binders to Smith at the Mecklenburg County courthouse in the family case clerk's office, and Smith did, in fact, receive the two black binders, immediately after which time, Plaintiff did exit the courthouse and did not have any further contact with Smith nor Johnson.
- 31. On June 30, 2023, at approximately 4pm, Plaintiff received a notification on Facebook, notably from her political public figure page, <u>www.facebook.com/seetigressrun</u>. When she opened the notification, she discovered that she had been tagged in a defamatory post publicly published by Brittany, which also tagged Smith and Johnson, having the effect of being reposted on both Smith's and Johnson's respective Facebook pages, and again publicly so (see attached). Through the post, Brittany, Smith and Johnson accused

Plaintiff of (1) stealing property from Smith, (2) being a fake lawyer, (3) citing a notably wrongful felony conviction that Plaintiff suffered resulting from identity theft she experienced in 2006 from which she received a new social security number and federal protections, and which notably is under the process of being overturned through Plaintiff's relief measures, as substantiation for her false accusations, and (4) knowingly misrepresenting the nature of Plaintiff's lawful name change, about which Brittany, Johnson and Smith are all sufficiently aware having witnessed Plaintiff's speech at her June 8, 2023 event concerning her path from purported felon to Juris Doctorate, as further substantiation for their false accusations.

- 32. Plaintiff was, at first, completely unclear about Brittany Johnson's identity, having no knowledge of her legal name prior to this post and later association with her June 8, 2023 event, and deducing that she may be a relative of Johnson. After a quick search on Brittany's Facebook account, she discovered that Brittany was, in fact, a poet that had attended and even performed at her June 8, 2023 event as well, at the direction of the event planner that Plaintiff solicited for that event. Plaintiff had no prior knowledge of Brittany.
- 33. Brittany, Smith and Johnson elicited the public at large to "cancel" Plaintiff on the basis of the false allegations they posted.
- 34. Brittany, Smith and Johnson sought to subject Plaintiff to public disdain, discreditation, victimization with reckless disregard for the accuracy of the information they published, and fully intended to produce specific injury to Plaintiff.
- 35. Plaintiff immediately sent a Cease and Desist Notice to Brittany, Smith and Johnson demanding that they delete the posts and cease and desist any additional defamatory

conduct. In response, Brittany and Smith directly responded in belligerent refusal, and their posts, unedited, remain to date. In fact, Brittany and Smith, still tagging Johnson in such posts, have made additional defamatory posts about Plaintiff (see attached).

- 36. On July 10, 2023, Plaintiff returned home to find a handwritten note left at her door by someone purporting to be a sheriff deputy with a message to return their call at the number provided.
- 37. On July 12, Plaintiff presented herself to the Mecklenburg County Sheriff's window to accept service of the document purported by the sheriff deputy, which was a complaint initiated by Smith against Plaintiff for "No Contact Order For Stalking or Nonconsensual Sexual Conduct," case 23CVD10471. The temporary *ex parte* order had been denied, and the hearing on the permanent order scheduled for July 31, 2023. Having no probable cause, Smith initiated this complaint in malicious retaliation against Plaintiff, motivated by apparent anger about Plaintiff's discovery of Smith's deceit and Plaintiff's subsequent termination of her membership.
- 38. In Smith's complaint, she falsely alleges that Plaintiff stole her property, and further, will harm her, her child and her girlfriend (see attached). Smith also alleges that,

"I am afraid that if the ex parte order is not entered Tigress McDaniel aka Tosha McDougal will seek to terrorize me due to her past involvement with crime and being convicted of a felony class identity theft. She has also created different aliases so I am afraid she will continue to do so in order to inflict harm on others including myself. I want her to stay away from me, my daughter, and my girlfriend." "Defendant [now Plaintiff] has prior criminal behavior from which I just learned. She has gone to prison for identity theft and [unintelligible] others and I am afraid of what she could do to me and my loved ones."

"She is a criminal and a fraud."

- 39. Plaintiff reiterates and reasserts that Brittany, Smith and Johnson were all sufficiently informed that Plaintiff had a felony conviction for identity theft, albeit wrongful, prior to Smith's and Johnson's voluntary activation of paid membership with Plaintiff's company. Brittany, Smith and Johnson learned of Plaintiff's felony conviction at the June 8, 2023 event, and all of them conversed with Plaintiff about her experience, and ironically expressed empathy for what she had experienced, having been wrongfully convicted. Accordingly, Smith's allegation that she "just learned of [Plaintiff's] conviction is another demonstration of her bad faith and malice."
- 40. Plaintiff also reiterates and reasserts that she was not ever in possession of any purported property of Smith's nor Johnson's except for the two black binders, which were returned intact.
- 41. Plaintiff further reiterates and reasserts that she not ever had any relationship with Brittany, albeit personal or professional.

E. FIRST CAUSE OF ACTION (Defamation)

- 42. Plaintiff reasserts, realleges and reincorporates all herein stated in paragraphs 1 through41.
- 43. A complaint for defamation requires a showing of:
 - a. Defendant published the defamatory statement(s);
 - b. The statement(s) is/are about the Plaintiff;

- c. The statement harmed the reputation of the Plaintiff;
- d. The statement was published with some level of fault;
- e. And the statement was published without applicable privilege.
- 44. North Carolina has a broad definition of libel per se. This term refers to statements so egregious that they will always be considered defamatory and are assumed to harm the plaintiff's reputation, without further need to prove that harm. In North Carolina, a statement that does any of the following things amounts to libel per se:
 - charges that a person has committed an infamous crime;
 - charges a person with having an infectious disease;
 - tends to impeach a person in that person's trade or profession; or
 - otherwise tends to subject one to ridicule, contempt, or disgrace.

In North Carolina, a private figure plaintiff bringing a defamation lawsuit must prove that the defendant was at least negligent with respect to the truth or falsity of the allegedly defamatory statements. Public officials, all-purpose public figures, and limitedpurpose public figures must prove that the defendant acted with actual malice, i.e., knowing that the statements were false or recklessly disregarding their falsity.

- 45. The evidence clearly shows that Brittany, Smith and Johnson published the libelous statements, and have not deleted the posts which remain to date;
- 46. and such libelous statements were about Plaintiff;
- 47. and that such libelous statements have harmed the reputation of Plaintiff;
- 48. and that Brittany, Smith and Johnson acted negligently and recklessly in publishing libelous statements about Plaintiff;

- 49. and regarding Plaintiff's status as a public figure, that Brittany, Smith and Johnson did factually act with knowing malice with the intent to produce specific injury to Plaintiff and expose her to public disdain and diminution of her professional reputation as both a local politician and lawyer;
- 50. Brittany, Smith and Johnson also cited and re-published libelous articles published by The Charlotte Observer which are presently subject matter for Plaintiff's pending complaint against The Charlotte Observer for libel, and moreover, Brittany, Smith and Johnson have reasonable knowledge that those articles are factually libelous, and thus their re-publishing of the articles demonstrates their specific intent to subject Plaintiff to public disdain, ridicule, discreditation, victimization, and produce specific injury to Plaintiff without any regard toward determining the truth and accuracy of such publication. In fact, Smith cites the libelous statement that Plaintiff "filed 167 frivolous filings" in her complaint for "No Contact Order For Stalking or Nonconsensual Sexual Conduct," case 23CVD10471, to defraud the court to believe that her complaint is well substantiated. Smith used the knowingly libelous article in her defamatory Facebook posts, because she knew it would also help to convince her social viewers and readers that her defamatory statements were more likely true.
- 51. Brittany's, Smith's and Johnson's conduct, albeit Johnson's reposting of the defamatory posts, constitutes actionable prima facie defamation per se having all elements directly and entirely met.

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F. SECOND CAUSE OF ACTION (Malicious Prosecution)

52. Defendant reasserts, realleges and reincorporates all herein stated in paragraphs 1 through

51.

- 53. A cause of action for malicious prosecution requires a showing of
 - a. initiated or participated in the proceeding upon a complaint,
 - b. did so maliciously
 - c. without probable cause,
 - d. and the proceeding ended in favor of the Plaintiff.
- 54. Returning to the facts in paragraph 34 through 35,
 - a. Smith initiated a complaint for "No-Contact Order For Stalking or Nonconsensual Sexual Conduct" against Plaintiff;
 - b. Smith did so maliciously;
 - c. And without reasonable grounds;
 - d. And the court entered an order on July 3, 2023 denying her request for an *ex parte* Temporary No-Contact Order finding that "Plaintiff fails to state more than one occasion of unlawful conduct by defendant towards plaintiff."
- 55. Smith's conduct constitutes actionable *prima facie* malicious prosecution, having all elements directly and entirely met.

G. DAMAGES

56. Plaintiff has suffered loss of reputation, loss wages, and actual damages to investigate and remove defamatory content from social media as the direct and proximate result of

the acts of all Defendants, and seeks actual, presumed and punitive damages, having demonstrated that all Defendants acted with malice and wanton and willful disregard for Plaintiff rights and legal protections, which damages are in excess of Ten Thousand Dollars (\$10,000.00) pursuant to and shall be fully proven during litigation;

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays for the following remedy and relief:

- (1) That Plaintiff recover actual and general damages;
- (2) That the Plaintiffs recover punitive damages for actual damages "incurred or to be incurred in excess of twenty-five thousand dollars (\$25,000)" in full accordance with NC GS §1A-1 Rule 8, General Rules of Pleadings, with express regard to the plain language set forth therein; and
- (3) That the Plaintiff recover her costs from the Defendant and BE MADE WHOLE; and
- (4) That the court award such other and further relief as it deems necessary and equitable in

the circumstances.



Tigress McDaniel, JD Plaintiff 1235 East Blvd Suite E 793 Charlotte, NC 28203

Date: July 14, 2023

CERTIFCATE OF SERVICE

I hereby certify that, on this 14th day of July, 2023, in full accordance with Rule 4 et sequel of the NC Rules of Civil procedure regarding service, a copy of the COMPLAINT and SUMMONS have been delivered upon the Defendants in this action by placing date stamped copies in the custody of the USPS for delivery upon Defendants by certified mail, and via electronic service through the NC eFile system at Defendants' email addresses, as follows:

- Shameka Smith and Krysta Johnson 4215 Sugarstone Lane, Apt 233 Charlotte, NC 28269 Shemekam.smith@gmail.com k.johnson0721@yahoo.com
- Brittany Johnson
 Due to no known address, Plaintiff may elect to serve via public notice if she cannot identify a deliverable address.

Date: July 14, 2023

Tigress McDaniel, JD Plaintiff 1235 East Blvd Suite E 793 Charlotte, NC 28203

STATE OF NORTH CAROLINA	FIF 190. 23 CNO 10471
Mecklenburg County	In The Constal Court of the
ame Of Plaintiff/Victim Shemeka Smith ame Of Person Filing On Behalf Of Minor Or Incompetent Victim 2023 JUN 30	P 12: 26
	COMPLAINT FOR CO., C S.C. NO-CONTACT ORDER FOR STALKING
Chorloffe, NC 28269 VERSUS	OR NONCONSENSUAL SEXUAL
- Tosha McDougal or AKA alias Tigres 515 Jordan Place	s Mc Daniel
Charlotte, NC 28205	G.S. 50C-2
 related as parent and child or grandparent and grandparent and grandparent and grandparent and grandparent and grandparent adding relationship or have been in a dating relatio	rend child, are current or former household members, or are persons who are in ationship. In that situation use "Complaint And Motion For Domestic Violence boxes below that apply and fill in blanks. Additional sheets may be attached. e unlawful conduct occurred in this county. hat occurred in North Carolina, and I am a
the plaintiff's immediate family of close personal associated substantial emotional distress by placing the plaintiff in fear specific dates and describe in detail what happened and how it pla The defendent was my former left entrusted her with my prisonal inform Case and other left matters. When I for identify theft, as well as other f	ti legal purpose, followed or otherwise tormented, terrorized, or the plaintiff in reasonable fear for the plaintiff's safety or the safety of sor with the intent to cause, and which did cause, the plaintiff to suffer aced the plaintiff in fear of safety or how it caused substantial emotional distress.) COALM and legal document preparer. If the tor in order for her to assist me on my creation in order for her to assist me on my rauduent activity, alway with a news article in the courthouse due to over 167 fivelus filings rauduent my documents that included me and mu had over my documents to commit thrauduled activity is sisted widdown of a person under sisted widdown of a person under sisted widdown of a person under sisted widdown of a commit and a fraved.

Because Of These Acts Of Unlawful Conduct, The Plaintiff Requests That The Court Grant The Following Relief: (Check only boxes that apply.) 1. A permanent no-contact order. (A permanent order cannot last longer than one year.) 2. A temporary no-contact order. (A temporary order cannot last longer than ten days.) N/3. The temporary order to be issued ex parte (without notice to the defendant) because the plaintiff will suffer immediate injury, loss, or damage before the defendant can be heard in that: (explain) I am atraid that if the exparte order is not grated, Tigress MC Deniel Akin Tosha MC Dougal, will seek to terrorize me due to her past involvement with Crime and being convicted of a feluny class identity theft. She has also created different aliases so AND I am atraid she will below. I to do so in order to inflict horm on others, include most involvence block 3 above, checked of b. Below. I to do so in order to inflict horm on others, include most. a. I certify that I have made the following efforts, if any, to give notice to the defendant and give the following reasons AND supporting why notice should not be required: (explain) have spoken with defeatert and notified her that I no layer went any contact with Nev, have canceled my membership wil her business, and registed that D. I certify that there is good cause to grant the remedy because the harm that the remedy is intended to prevent would likely occur if the defendant were given any prior notice of the request for relief in that: (Give specific reasons why harm would occur if prior notice were given to defendant.) nas prior criminal behavior, from which I just leaned. She prisus for Identity theft and terronzing others and I am adraid at She could do to me and my loved ones. letendent has To order the defendant not to visit, assault, molest, or otherwise interfere with the plaintiff. To order the defendant to stop stalking the plaintiff. To order the defendant to cease harassment of the plaintiff To order the defendant not to abuse or injure the plaintiff. 8/To order the defendant not to contact, by telephone, written communication, or electronic means, the plaintiff. 19. To order the defendant to refrain from entering or remaining present at the plaintiff's residence, school, place of employment, or other places specified. (List other places where you want defendant ordered not to be.) 10. Other: (specify) 50, 7073 Signature Of Person Filing Date 30,2023 ine VERIFICATION I, the undersigned, being first duly sworn, say that I am the plaintiff in this action; that I have read the Complaint; that the matters and things alleged in the Complaint are true except as to those things alleged upon information and belief and as to those I believe them to be true and accurate. Date SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME 0 30 Date Slanature Signature Of Reison Signing Complain District Court Judge Name Of Person Filing Complaint (type or prin Clerk Of Superior Court Deputy CSC Assistant CSC Designated Magistrate NIT Date My Commission Expires Notary County Where Notarized SEAL AOC-CV-520, Side Two, Rev. 3/22 © 2022 Administrative Office of the Courts

Z3 CV() 10471 In The General Court Of Justice CEMEMBERS CIVIL RELIEF ACT DECLARATION GS Ch 127B, Art 4, 50 USC 3901 to 40 for the certification that may be required by GS 45-21 12 to the certification that may be required by GS 45-21 12 e true: service.* ary service.* y service.* y order from the defendant named above relating e similar to State active duty as a member of the tps //scra dmdc osd.mil/) to determine the bartment of Defense (DoD) If DoD security certificates provides when you attempt to access the website of another state
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e and members of the National Guard of another state
9.) (State how you know the defendant is or is not in the
privile I will the military
Atiliated with the military
0
he United States Army, Navy, Air Force, Marine Corps, authorized by the President or the Secretary of Defen
emergency, active service as a commissioned officer
n, any period of service during which a servicemember
I.S.C. 3911(2) The term "military service" also includes er an order of the Governor pursuant to Chapter 127A
nber of the National Guard of another state who reside
tate active duty, for a period of more than 30 consecuti
s true and correct.
s true and correct. Declarant (type or print) Demeka Smith
Of Declarant (type or print)
Shemeka Smith

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Information About Servicemembers Civil Relief Act Affidavits And Declarations

1. Plaintiff to file affidavit/declaration

plaintiff to file with the court an affidavitdoes not make an appearance, the court, before entering judgment for the plaintiff, shall require the In any civil action or proceeding, including any child custody proceeding, in which the defendant

- A stating whether or not the defendant is in military service and showing necessary facts to support the affidavit; or
- (B) if the plaintiff is unable to determine whether or not the defendant is in military service stating that the plaintiff is unable to determine whether or not the defendant is in military service.

50 U.S.C. 3931(b)(1).

N Appointment of attorney to represent defendant in military service

required to pay the costs of attorneys appointed pursuant to the Servicemembers Civil Relief Act. G.S. 50B-2(a), 50C-2(b), and 50D-2(b), plaintiffs in Chapter 50B, Chapter 50C, and Chapter Relief Act. To comply with the federal Violence Against Women Act and in consideration of State funds are not available to pay attorneys appointed pursuant to the Servicemembers Civil defense of the service member or otherwise bind the service member. 50 U.S.C. 3931(b)(2). member cannot locate the service member, actions by the attorney in the case shall not waive any appoints an attorney to represent the defendant. If an attorney appointed to represent a service that the defendant is in military service, the court may not enter a judgment until after the court If in a civil action or proceeding in which the defendant does not make an appearance it appears Servicemembers Civil Relief Act. Plaintiffs in other types of actions and proceedings may be 50D proceedings should not be required to pay the costs of attorneys appointed pursuant to the The allowance or disallowance of the ordering of costs will require a case-specific analysis

ω Defendant's military status not ascertained by affidavit/declaration

such judgments as the court determines necessary to protect the rights of the defendant under this applicable ordinance of a political subdivision of a State. The court may issue such orders or enter and setting aside of a judgment under applicable Federal or State law or regulation or under any may suffer by reason of any judgment for the plaintiff against the defendant, should the judgment be set aside in whole or in part. The bond shall remain in effect until expiration of the time for appeal the bond shall be available to indemnify the defendant against any loss or damage the defendant a bond in an amount approved by the court. If the defendant is later found to be in military service, Act. 50 U.S.C. 3931(b)(3). defendant is in military service, the court, before entering judgment, may require the plaintiff to file If based upon the affidavits filed in such an action, the court is unable to determine whether the

4. Satisfaction of requirement for affidavit/declaration

certificate, in writing, subscribed and certified or declared to be true under penalty of perjury. 50 U.S.C. 3931(b)(4). The presiding judicial official will determine whether the submitted affidavit is sufficient The requirement for an affidavit above may be satisfied by a statement, declaration, verification, or

ŝ Penalty for making or using false affidavit/declaration

A person who makes or uses an affidavit permitted under 50 U.S.C. 3931(b) (or a statement, declaration, verification, or certificate as authorized under 50 U.S.C. 3931(b)(4)) knowing it to be year, or both. 50 U.S.C. 3931(c) false, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one

AOC-G-250, Side Two, Rev 5/21 © 2021 Administrative Office of the Courts

CASE NUMBER:		1997 - 1997 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 -
PLEASE PRINT THE FOLLOWING INFORMATION: YOUR NAME:	Smith	and a second
FIRST YOUR TELEPHONE NUMBER: (843) (201-14	LAST R820	ļ
YOUR EMAIL ADDRESS: Shemelia M.	Smith@gmail.com	
Thank you!	0	

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1.111 A. (1.111 And 1.111)

STATE OF NORTH	I CAROLINA	File No 23 CV0 1047
Macklenburg	County	In The General Court Of Justice District Court Division
Jame Of Plaintiff Shemeka Sy	nith	NOTICE OF HEARING ON NO-CONTACT ORDER FOR STALKING
V	ERSUS	OR NONCONSENSUAL SEXUAL
Name Of Defendant		
- Tosha McDavaal	or 1914 alias Tigress MCC	PERMANENT ORDER
j	5	G.S. 50C-3,
To The Defendant Named		
The attached Complaint h conduct against the plainti	as been filed alleging that you hav ff.	e committed unlawful acts of stalking or nonconsensual sexua
□ 1 A beering will be b	ald hafara a district court judge at	the data time and location indicated below. At that time it will
	ether a temporary order should be	the date, time and location indicated below. At that time it will granted.
2. A hearing will be h	eld before a district court judge at	the date, time and location indicated below. At that hearing it
will be determined	whether a permanent no-contact of	order should be granted.
Date Of Heanng	Time Of Hearing	Date 7/2/22
7/31/23	9:00 Z AM PM	7/3/23
Location Of Hearing	6330	Signature
	ing Co. Courthouse	
832 East 4	th Street - Charlotte, NC	Deputy CSC Assistant CSC Clerk of Superior Court
tempora	ary no-contact order has been issued that o	f tach it with the complaint and summons to be served by the sheriff. If a order includes a notice of hearing for a permanent order and this separate earing date set in the temporary order is being changed.
ma	he complaint and summons has already be illing a copy of this Notice of Hearing to the ss mail and complete the "Certificate Of Se	en served and this notice is issued at a later date you are responsible for e defendant. In that situation only, you must mail a copy of the notice by first ervice" set out below.
	CERTIFICAT	E OF SERVICE
above by depositing a cop	f mailing shown below a copy of th by in a post-paid, properly address y of the United States Postal Serv	is Notice was served on the defendant at the address listed ed envelope in a post office or official depository under the ice.
Date Of Mailing	Date Of Certification	Signature Of Plaintiff

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STATE OF NORTH CAROLINA	File No 23CVD10471
- Mechlenburg County	In The General Court Of Justice District Court Division
Name And Address Of Plaintiff	
Shemeka Smith	
<u> </u>	TEMPORARY
- 4715 Sugarsture lane/ Apt 733 Charlotte, NC 28769	NO-CONTACT ORDER
VERSUS	FOR STALKING OR
Name And Address Of Defendant	NONCONSENSUAL SEXUAL CONDUCT
Tosha ME Dugal or Atch alias Tigress ME Dur 51,5 Jordon Place	MECKLENBURG COUNTY MECKLENBURG COUNTY
515 Toidon Place	FILED #203
Charlotte, NC 28705	FILCE III G.S 500
FINI	DINGS JUL 0 3 2923
The Court hereby finds that:	
1. The Court has jurisdiction over the subject matter.	ATOCLOCKM
2. This Order is entered ex parte. Immediate and irreparable in served and defendant heard in opposition because (<i>define inj</i>	jury, loss, or damage will result to the plaint terror event be
purpose and with the intent to: i. place the plaintiff in reasonable fear for the plaintiff	e defendant in that the defendant: ssed, as defined in G.S. 14-277.3A(b)(2), the plaintiff, without legal intiff's safety or the safety of the plaintiff's immediate family or close is conduct)
 ii. cause the plaintiff to suffer substantial emotion continued harassment, and this in fact caused conduct and plaintiff's reaction) 	al distress by placing the plaintiff in fear of death, bodily injury, or the plaintiff substantial emotional distress, in that <i>(describe defendant's</i>
knowingly, without freely given consent and for the pu	sexual conduct upon the plaintiff, in that the defendant, intentionally or irpose of sexual gratification or arousal, (describe defendant's conduct – nal or knowing touching, fondling, or sexual penetration, either directly or throug other an adult or a minor, for the purpose of sexual gratification or arousal, and
\$15. Other: Plaintiff fails to state mor	e than one principal F unlawfil
(conduct by defendant tow	ards plaintiff.
AOC-CV-523, Rev. 3/22 © 2022 Administrative Office of the Courts	(Over)

STATE OF NORTH CAROLINA		File No 23C40 10471
Micklenburg County		In The General Court Of Justice District Court Division
Te And Address Of Plaintiff		
Shemelia Snith	3	
4215 Sugarstine Lone, Apt 23: Churlotte, WC 28269		NO-CONTACT ORDER
VERSUS		FOR STALKING OR
me And Address Of Defendent	N	IONCONSENSUAL SEXUAL CONDUCT
oston MC Dugal or AKIA alias Tiges	sm cDoniel	
55ho MC Dugal or AKA alias Tiger 515 Juidon Place Charlotte, NC 78705		G S 50C-
Charloner DC 20203	FINDING	S
his matter was heard by the undersigned district court		has jurisdiction over the parties and subject matter, and the
efendant has been provided notice of the hearing.		
he Court hereby finds that: 1. This Order is entered by default for the remedy so	ought in the com	plaint because the defendant failed to
appear at this hearing and the allegations in	the complaint a	re sufficient to justify a no-contact order for stalking or
nonconsensual sexual conduct 2. Present at the hearing were: The plaintiff, representation of the plaintiff.	esented by	
the defendant, re	epresented by	
3. The plaintiff has suffered unlawful conduct commi	itted by the defer	ndant in that the defendant: as defined in G.S. 14-277.3A(b)(2), the plaintiff, without legal
purpose and with the intent to:		
		safety or the safety of the plaintiff's immediate family or close
personal associates, in that (describe	e defendant's cond	
ii. cause the plaintiff to suffer substanti	ial emotional dist	ress by placing the plaintiff in fear of death, bodily injury, or aintiff substantial emotional distress, in that (describe defendant's
ii. cause the plaintiff to suffer substanti continued harassment, and this in fa conduct and plaintiff's reaction)	act caused the pla	aintiff substantial emotional distress, in that (describe defendant's
continued harassment, and this in fa	act caused the pla	aintiff substantial emotional distress, in that (describe defendant's
continued harassment, and this in fa	act caused the pla	aintiff substantial emotional distress, in that (describe defendant's
continued harassment, and this in fa	act caused the pla	aintiff substantial emotional distress, in that (describe defendant's
 continued harassment, and this in factorial conduct and plaintiff's reaction) b. committed one or more incidences of nonconsent and knowingly, without freely given consent and consent	act caused the pla	aintiff substantial emotional distress, in that (describe defendant's
 continued harassment, and this in factorial conduct and plaintiff's reaction) b. committed one or more incidences of noncomplexity without freely given consent and "sexual conduct" is defined by G.S. 50C-1(4) as a clothing, of the sexual organs, anus, or breast of a sexual organs. 	act caused the pla	aintiff substantial emotional distress, in that (describe defendant's
 continued harassment, and this in factorial conduct and plaintiff's reaction) b. committed one or more incidences of nonconsent and knowingly, without freely given consent and consent	act caused the pla	aintiff substantial emotional distress, in that (describe defendant's
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		king the plaintiff. [01]	nerwise interiere with	ne plaintin. [vi]				
CITEMPORT VILLES IN 1997		assment of the plaintiff. [0	11					
		or injure the plaintiff. [01]						
		t the plaintiff by telephone		on or electronic mes	ine [05]			
and the second s		r remain present at the p				er places listed below		
	hen the plaintiff		iaintin s residence, sc	iou, place of employ	ment, and our			
		lant Ordered Not To Be						
7. Other: (sp	ecify) [08]							
	of this Order of] (4) · from the	data of this Order				
		nall be effective until	Jone (1) year from the	date of this Order.				
		the case is dismissed.		·				
Date	Time		irt Judge (type or print)	Signature Of	District Court Judg	A		
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NOTICE TO DE	FENDANT: AK	NOWING VIOLATION OF A C	IVIL NO-CONTACT ORD	R SHALL BE PUNISHA	BLE AS CONTEN	IPT OF COURT, WHICH		
	MA	RESULT IN A FINE OR IMPI		T MAY FIND YOU IN C	VIL OR CRIMIN	AL CONTEMPT.		
	and a state		CERTIFICATION					
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L certify that this		er For Stalking Or Nonco				the same set of		
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						Clerk Of Superior Co		
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NOTE TO CLER	the manner of	provides: "If the [defendant ovided for service of proces	s in civil proceedings in	accordance with Rule 4	(j) of the Rules of	of Civil Procedure."		
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See all photos





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and as my thoughts along with this

my personal blog as well as

#IssaVibe







Brittany Johnson is with Johnson Brittany. Jun $30 \cdot \mathfrak{S}$

How you an ethical gate keeper but you stole out of Burlington and Champs under somebody else name and went to PRISON 😂 😂 girl eat dirt outside your apartment complex 👹 <u>#YouADamnRobber</u> BYE TOSHA YA DAMN THIEF

Re: Itemized Accounting and Reconciliation for Clarity, Legal Document Preparation and Scheduling for Friday, June 23, 2023

From: tigressmcdanieljd. (tigressmcdanieljd@theethicalgatekeeper.com)

- To: shemekam.smith@gmail.com; k.johnson0721@yahoo.com
- Date: Monday, June 26, 2023 at 10:44 AM EDT

Good morning,

I have repeatedly set the expectation that:

EVERYTHING THAT YOU FILE INTO YOUR CASE REQUIRES SERVICE UPON THE OPPOSING SIDE.

I intend no emotion in the capitalized text, but I do intend to once again reiterate that you must serve a copy of everything you file to the other side. I've even accompanied Shemeka to the post office to show her the USPS certified mail forms. I have explained to Shemeka that the post office can assist her with completing those forms properly. Use of the post office is beyond my scope of services, because it is a service governed by USPS. You need to familiarize yourselves with regularly using the postal services available.

That said, I have explained to Shemeka and you, having been on the phone during many of our conversations, that:

1. Certified mail is only required when serving an emergent filing like the TRO or like the DVPO she just received;

2. Other filings that are not emergent can just be mailed to Desmond Sabb's attorney using regular mail.

As the court advised Shemeka regarding the DVPO, she needs to contact the county sheriff's office for Desmond place of residence and forward a copy of the DVP to them. This is beyond my scope of services in the regard that Shemeka will need to follow the directions that the county sheriff's department for Newington, Connecticut give her to carry out service of the DVPO upon Desmond Sabb.

Regarding serving any filings by email, as I have explained repeatedly, you can email copies of any of filings to Desmond Sabb's attorney, BUT EMERGENT FILINGS STILL REQUIRE CERTIFIED MAIL.

Again, my capitalized text is to iterate importance rather than show emotion.

Please understand that you alone are liable for failing to serve copies of your filings to Desmond Sabb and his attorney. Because Desmond Sabb is represented by an attorney, you can serve him by serving copies of your filings to his attorney. However, again, the DVPO must be served directly to Desmond Sabb by the sheriff's department for the county where he resides just as the judge advised Shemeka. Now regarding responding to some of your statements and my questions to you (your statements appear in red; mine appear in green):

I'm guessing Shemeka will need to re-file and re-serve the documents to ensure that her claims aren't thrown out due to improper service? Improper service is something that his attorney would definitely try to go for.

To what documents are you referring? Be specific by providing the captions for each document and respond here.

Shemeka has only served the documents from week before last. His address is in Hartford County. So we need to send the DVPO and new complaints to the Hartford County Marshal (Sheriff's Department).

If Shemeka served the documents from last week, she has no other documents to serve.

The DVPO will be served by Hartford County Sherriff's Department once Shemeka contacts them and provides them with a copy of the stapled order that the court advised her to send to the Hartford County Sheriff's Department.

I created the Certificate of Service form from the for the documents from last week and the week before last. Shemeka has them.

Why would you create a Certificate of Service for any of the documents from last week? And provide the captions for all of the documents you created a Certificate of Service for. Respond here.

We'd like to type the handwritten documents and re-file so that they are consistent with the other typed documents that were filed. I told Shemeka to try to type the handwritten documents as well but she may need some help with it. I also thought she should fill out the first page of the complaint to be able to have a copy of the original complaint for herself and to be able to serve documents ASAP.

What handwritten documents are your referring to. Respond here and be specific.

I understand the need to try to save time but we want to make sure we aren't being looked at as a joke during this process as well as be able to make a substantial claim that's gonna get him out of our hair.

This is an unrealistic goal. If this is your goal, no one can assist nor represent nor coach you, because Desmond will be allowed to have visitation with his child, even if it is supervised if the court order a permanent restraining order just as your previous attorneys have iterated and reiterated.

All of this is just so confusing and we are trying to make sense of it without overthinking and stressing out.

It is clear that you are overthinking a lot. You also are not heeding the reality that Desmond Sabb's constitutional rights as a father will be upheld, even if he is only allowed to see London under supervised visitation.

Just as your attorneys have advised you, a mother's custody rights are primarily regarded generally, and I have confirmed the same, but a father's rights will be regarded as well.

If Desmond heeds the DVPO and pleads the court that he will change or take selfimprovement classes or if he is transformed to be a better father on his own because he finally realizes that his behavior was toxic, the court will give him his lawfully entitled right and opportunity to be active in his child's life, again even if the court requires that his visitations are supervised at first. Because again, if he shows the court that he has changed, he is lawfully entitled to have the court reconsider the supervised visitation for his "good behavior" and then have the order changed to unsupervised visitation.

We appreciate all of your help.

Thank you for clarifying your intent and goal. I do want to continue to offer membership and services to you, but if your goal is opposite to what the law allows and, furthermore, unrealistic, then I cannot assist you.

To continue your membership and services, a letter of affirmation is now required from both you and Shemeka, notarized, that states in your own words that you fully understand that there is no law that: 1. will altogether strip Desmond Sabb of his parental rights without proper court procedures:

2. will not likely ever strip Desmond Sabb's parental rights if he demonstrates that he is complying with the DVPO and has undergone some form of class that shows the court that he is willing and has changed to be a better parent;

3. will stop any and all co-parenting (even if minimal communication is ordered) unless Desmond acts upon his threats or escalates his threats and the court is satisfied that he continues to pose an imminent and repeated threat to Shemeka and London.

Also, as policy states, there are no refunds for services underway or completed.

When you have prepared that letter of affirmation and had it notarized, please send me a copy and then we can continue with your membership and services. I will, of course, require the original notarized copy when we meet again should you wish to continue with your membership and services.

I'll await your next email.

Tigress McDaniel, JD, PhD ABD, MS Chief Lawyer and Instructor for TEG

A Subsidiary of Probetur Law, LLC "All things are presumed to be lawfully done until the reverse is proven." On Monday, June 26, 2023 at 02:16:46 AM EDT, Krysta Johnson <k.johnson0721@yahoo.com> wrote:

Hi Tigress,

We'd like to revisit the stuff filed on last week and this past Friday. To my knowledge there was no certificate of service form filed with the documents and Shemeka was unaware at the time. It's showing that is a requirement to properly serve a person. I see the verification statement added but the Certificate of Service is missing.

I'm guessing Shemeka will need to re-file and re-serve the documents to ensure that her claims aren't thrown out due to improper service? Improper service is something that his attorney would definitely try to go for.

Shemeka has only served the documents from week before last. His address is in Hartford County. So we need to send the DVPO and new complaints to the Hartford County Marshal (Sheriff's Department).

I created the Certificate of Service form from the for the documents from last week and the week before last. Shemeka has them.

We'd like to type the handwritten documents and re-file so that they are consistent with the other typed documents that were filed. I told Shemeka to try to type the handwritten documents as well but she may need some help with it. I also thought she should fill out the first page of the complaint to be able to have a copy of the original complaint for herself and to be able to serve documents ASAP.

I understand the need to try to save time but we want to make sure we aren't being looked at as a joke during this process as well as be able to make a substantial claim that's gonna get him out of our hair.

All of this is just so confusing and we are trying to make sense of it without overthinking and stressing out.

We appreciate all of your help.

KJ

Sent from my iPhone

On Jun 23, 2023, at 10:06 AM, Krysta Johnson <k.johnson0721@yahoo.com> wrote:

I just thought also, Shemeka got an extension on discovery and I don't think they are due until July 11 or 12. We'd rather go ahead and file the contempts along with the 50B Petition/Complaint today and push the discovery to Monday/Tuesday if possible since we have a little bit of additional time for that.

Thank you,

KJ

Sent from my iPhone

On Jun 23, 2023, at 8:44 AM, Krysta Johnson <k.johnson0721@yahoo.com> wrote:

Good morning Tigress,

Quick question, with the motion to compel does the way you're planning to word it specifying for Child Support force him to complete all discovery that was submitted to him? Or only provide income documentation? I'm asking because we want him to be forced to complete all discovery that was requested from him over 7 months ago, just as Shemeka had to complete. As far as his admissions, David said they were automatically admitted bc Desmond failed to respond (which I'm sure looks bad to the court already), but he needs to be compelled to answer all of the other stuff. They are probably waiting to see responses from Shemeka so they can copy her answers lol

Also, how will we get him for falsifying military documents?

Thank you,

KJ

Sent from my iPhone

On Jun 22, 2023, at 11:24 PM, Shemeka Smith <shemekam.smith@gmail.com> wrote:

Hi Tigress,

Thanks for the information detailing our invoices and what we have paid thus far, as well as all the work we have already completed and work still in progress. In regards to #2, what do you mean invoice 3 was for another client? Also, the 10am-3pm time you proposed will work for tomorrow. See you then.

Kindest Regards,

Shemeka Smith

On Thu, Jun 22, 2023, 8:09 PM tigressmcdanieljd . < tigressmcdanieljd@theethicalgatekeeper.com > wrote:

Shemeka and KJ,

Find first a full accounting of that which you have paid for and that which has been completed to date; all that has been completed is emboldened in green:

1. Invoice 1 and 2 billing for 4 hours total, 2 hours for the Mediation Plan which of course far exceeded the 2 hour projected period and the 2 hours for preparing for discovery is deemed reconciled;

2. Invoice 3 was for a different client;

3. Invoice 4 billing for the conference rental at \$50 to accommodate your mediation is deemed reconciled;

4. Invoice 5 billing for 4 hours to compose the Motion for Contempt and Change

of Venue does not require us to meet; as previously advised, I'll compose those and send for your review and then make edits where necessary. If I foresee that it will take more than the projected hours, I will contact as I have and promptly send the invoice;

5. Invoice 6 billing for 1 hour to compose the Affidavit Regarding London Suffering Welts is deemed reconciled;

6.Invoice 7 billing was waived to replace the document, and thus is also deemed reconciled;

7. Invoice 8 billing for 3 hours to compose the TRO/DVO Affidavits and 1 hour to compose the Motion to Compel Discovery is only reconciled as to the affidavits; like with the Motion for Contempt and Change of Venue, we needn't meet and I'll compose those documents and send them for your review; 8. Invoice 9 billing for the additional hour for the First Set of Interrogatories (refer back to Invoice 1) is deemed reconciled totaling 3 hours for preparing your responses to First Set of Interrogatories;

9. Invoice 10 billing for the additional hour for the TRO/DVO Affidavits is deemed reconciled; altogether you were billed for 7 hours (10am to 6:30pm) for the Affidavits and 1 hour for the Legal Research regarding identifying all outstanding discovery and thus all is deemed reconciled (refer to invoices 8, 10, and 11);

To clarify, this is what will be done (or rather what is left to be done):

1. Motion to Compel Discovery regarding Desmond's Income for Child Support Case/Determination;

2. Motion for Contempt

3. Change of Venue

All of which I'll compose without a need to meet; I'll compose those on this upcoming Monday and Tuesday.

4. A meeting is required to compose and complete the Requests to Produce Documents and RFAs (refer to invoice 10 for a 3 hour period) It will take longer than projected; I'll bill you for 2 additional hours. I'm proposing that we meet from 10a - 3pm on tomorrow.

That said, regarding the submission of the 50B Petition for DVPO, you'll need to complete that paperwork I sent you beforehand in the interest of time. You can reference the affidavit I prepared for you in certain sections, but please complete all other sections before arriving.

What will you filing on tomorrow?

- 1. 50B Petition/Complaint for DVPO and affidavit regarding incidents of DV;
- 2. Affidavit Regarding Incidents of DV in your civil case;
- 3. Response to First Set of Interrogatories;

4. RFA's;

5. and Responses to Requests to Produce Documents.

This should clarify all thus far.

I'll look out for your response to finalize scheduling for tomorrow.

Kind Regards,

Tigress

STATE OF NORTH CAROLINA WAKE COUNTY

FILE NO. 23CV018328-910 In The General Court of Justice

District Court Division

Tigress Sydney Acute McDaniel, JD Plaintiff	}	
	}	
	}	
VERSUS	}	AFFIDAVIT IN SUPPORT
	}	OF AMENDED COMPLAINT
Shameka Smith, Krysta Johnson,)	
and Brittany Johnson and Does,	}	
Defendants	}	

NOW COMES Plaintiff affiant, Tigress Sydney Acute McDaniel, being first duly sworn and under oath, and states as follows in support of her Amended Complaint:

- I have only known of Shemeka Smith (hereinafter "Smith") and Krysta "KJ" Johnson (hereinafter "Johnson") since June 8, 2023, and otherwise only had a professional relationship with them as client members of my company, The Ethical Gatekeeper.
- I have not ever visited the residence of Smith and Johnson. I not ever invited myself, nor sought invite to their residence. Neither did Smith and Johnson ever visit my residence. Their visits to my residential building were limited to the co-work and rooftop amenities, and intentionally so at my direction. Smith attempted to invite herself to help me take my work materials back to my apartment and I declined.
- 3. I had only reasonable knowledge of their residential address. I have not ever even considered visiting their residence, and have absolutely no reason to do so.
- My professional relationship with Smith and Johnson started on June 8, 2023, and I terminated our professional relationship on June 29, 2023.
- 5. I do not know Brittany Johnson (hereinafter "Brittany") personally. Brittany was invited to my graduation celebration on June 8, 2023 by my event planner to perform her original

poetry. I met her in that capacity, and had significantly limited interaction with her at the event. When I received the Facebook notification for the libelous post at issue, Brittany hadn't restricted her post and displayed a photo of herself which aided in quickly recalling exactly who she was. I had captured video footage of the performers at my June 8, 2023 event, and I was able to quickly identify her for the purpose of naming the proper Defendants in my action.

- 6. I have no knowledge of where Brittany resides, but vaguely recall that quite a few of the non-performing guests and performers, who were invited by my event planner, were transplants from other cities, and either recently moved to or had been living in Charlotte, NC.
- 7. On one occasion for professional reasons, I agreed to meet Smith and Johnson at Optimist IIall in Charlotte, NC. I did, on this occasion, bring my minor son with me, because we were headed to the Taste of Charlotte event immediately thereafter. I did introduce my son to Smith and Johnson, but only out of professional cordiality. During this meeting, when warning Smith and Johnson about my time constraints that day and my plans to attend Taste of Charlotte, they informed me that they were also going to Taste of Charlotte where her daughter was performing. We did not travel to Taste of Charlotte together. I did, however, at Smith's and Johnson's request, and again out of cordiality, meet them at the stage to watch and support Smith's daughter's performance. We did not leave the event together.
- 8. Too often, I would have to remind Smith and Johnson that our relationship was that of a professional nature, because they would often misperceive my cordiality as developing a friendship or otherwise of a personal nature. I had to remind them and reset expectations

for my business hours because Smith would text and/or call outside of business hours, and at/on otherwise inappropriate times and days. This is another reason why I would not allow Smith to visit my apartment, nor did I ever disclose my apartment number to her. In fact, this is evident in her frivolous complaint for which she lists my address as the address of the leasing office as opposed to my address.

- 9. I intend this affidavit to ensure that it is well established that I did not know any of the Defendants prior to June 8, 2023, and do NOT have a personal relationship with any of them.
- 10. I would not and have not contacted any of the Defendants outside of professional reasons, and my contact with them was limited to my June 8, 2023 event in the case of Brittany, except where I had limited interaction with her on Facebook regarding the libelous posts, and limited to June 8, 2023 to June 29, 2023 in the case of Smith and Johnson.
- 11. I have no history of violence, albeit toward minors or adults.
- 12. I do not know where the Defendants work, and thus have not ever visited their respective places of work; and to the best of my knowledge from professional meetings and discussion with Smith, she is unemployed.
- 13. Because I do not know any of them personally, I have absolutely no knowledge regarding their families, hometown, or any other personally identifying information.
- 14. I not ever had possession nor disclosure of Smith's daughter's social security number or birth certificate. Those personally identifying documents were NOT in the two black binders that Smith provided to me. Moreover, even if I had possession or disclosure of Smith's daughter's social security number or birth certificate, I would NOT use it for fraudulently purposes as Smith frivolously alleged.

s,

15. At my June 8, 2023, during my toast and speech, I voluntarily disclosed that I had been the victim of identity theft in 2006, and wrongfully convicted of felony identity theft, having served nearly 2 years in prison pending appeal. I spoke about my legal name change as well. I shared personal information about myself, but such information I have regularly shared publicly as a public figure since 2006 in the capacity of a community and civil rights activist, and since 2013 when I first ran for public office in Greensboro, NC. I have publicly complied with the disclosure required by statute for candidates to disclose any prior criminal convictions. Smith, Johnson and Brittany were all present, watched and listened as I made my toast and speech. They are all reasonably, if not sufficiently aware of my felony conviction, albeit wrongful, and thus Smith's allegation that she "just learned of" my conviction is wholly falsified.

STATE OF NORTH CAROLINA

MECKLENBURG COUNTY

VERIFICATION

PERSONALLY APPEARED before me, <u>*Tigress McDanicl*</u>, who being duly sworn, deposes and says: That he/she has read the foregoing Affidavit and that all matters and things contained therein are true of his/her knowledge, saving and excepting those matters which are based upon information and belief, and as to those matters, he/she verily believes them to be true.

Affiant's Signature

SWORN TO AND SUBSCRIBED before me

day of July , 20 23 . This the

Notary Public

My Commission Expires: 5/31/27



CERTIFCATE OF SERVICE

I hereby certify that, on this 14th day of July, 2023, in full accordance with Rule 4 et sequel of the NC Rules of Civil procedure regarding service, a copy of the COMPLAINT and SUMMONS have been delivered upon the Defendants in this action by placing date stamped copies in the custody of the USPS for delivery upon Defendants by certified mail, and via electronic service through the NC eFile system at Defendants' email addresses, as follows:

- Shameka Smith and Krysta Johnson 4215 Sugarstone Lane, Apt 233 Charlotte, NC 28269 Shemekam.smith@gmail.com k.johnson0721@yahoo.com
- Brittany Johnson Due to no known address, Plaintiff may elect to serve via public notice if she cannot identify a deliverable address.

Tigress McDaniel, JD Plaintiff 1235 East Blvd Suite E 793 Charlotte, NC 28203 Date: July 14, 2023

STATE OF NORTH CAROLINA WAKE COUNTY

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FILE NO. 23CV018328-910 In The General Court of Justice

District Court Division

Tigress Sydney Acute McDaniel, JD	}
Plaintiff	}
	}
	}
VERSUS	} AFFIDAVIT IN FURTHER SUPPORT
	} OF AMENDED COMPLAINT
Shameka Smith, Krysta Johnson,	AND MOTION FOR GATEKEEPER ORDER
and Brittany Johnson and Does,	} AS TO DEFENDANT SMITH'S FALSIFIED
Defendants	} NC BAR COMPLAINT AGAINST PLAINTIFF

NOW COMES Plaintiff affiant, Tigress Sydney Acute McDaniel, being first duly sworn and under oath, and states as follows in support of her Amended Complaint and Motion for Gatekeeper Order against Defendant Shameka Smith, and if and where necessary, also against Krysta KJ Johnson:

 On October 16, 2023, I received an email from Lori Brooks of the North Carolina State Bar (hereinafter "NC Bar"), subject headed "Allegation of Unauthorized Practice of Law
23AP0034," and attached thereto was correspondence directed by B. Tessa Halle, Deputy Counsel for the NC Bar advising me that,

> The information received by the Committee may be summarized as follows: You are not an active member of the North Carolina State Bar. You maintain a website and Facebook page in which you operate under the name "The Ethical Gatekeeper" and advertise services to be provided by you, including legal document preparation and legal advice. You have provided legal advice to Shemeka Smith. You have also prepared legal documents for her. The North Carolina General Statutes prohibit persons who are not active members of the North Carolina State Bar from providing or offering to provide

legal services in North Carolina to other persons, firms, or corporations. Under the statutes, legal services include giving legal advice or counsel, preparing or assisting in the preparation of legal documents, and aiding or assisting in the legal representation of a party. The statutes also prohibit a nonlawyer from holding out to others as a lawyer or as able to provide legal services for others. The statutes also prohibit a business entity, other than a North Carolina law firm, from offering legal services or the services of a lawyer to its customers even if those services are provided by a licensed North Carolina attorney.

and further directing me to answer such complaint alleging the unauthorized practice of law within 15 days of the date of the correspondence (see attached).

- 2. I have not ever advertised that I offer legal representation to any member of my private association, The Ethical Gatekeeper.
- 3. I have not ever advertised public offering of any legal services, albeit legal document preparation and/or legal advice, nor any other legal service in the public sector that is governed by North Carolina General Statutes.
- I offer limited legal vocational education and advocacy services exclusively to members of my private association, The Ethical Gatekeeper, WHICH DO NOT INCLUDE LEGAL REPRESENTATION NOR LEGAL ADVICE.
- 5. I have not ever advised Shameka Smith ("Smith" in preceding pleadings), Krysta KJ Johnson ("Johnson" in preceding pleadings), Brittany Johnson ("Brittany" in preceding pleadings)nor any other member, prospective, active nor terminated, that my Juris Doctorate alone authorized me to provide legal representation for them nor anyone without having first obtained license to practice law in any respective state.

- 6. I have not ever advised Smith, Johnson, Brittany nor any other member, prospective, active nor terminated, that I was otherwise authorized to provide legal representation for them nor anyone without having first obtained license to practice law in any respective state.
- 7. I have not ever advised Smith, Johnson, Brittany nor any other member, prospective, active nor terminated, that I was willing to provide legal representation to them, despite not having yet obtained license to practice law in the state of North Carolina or any other state.
- 8. Since first meeting Smith and Johnson on June 8, 2023, I had to severally remind them that I could not provide legal representation to them, and otherwise was unwilling to provide legal advice to them.
- 9. Since first meeting Smith and Johnson on June 8, 2023, I had to severally reset expectations that membership in my private association, The Ethical Gatekeeper, contractually obligated them to high ethical rigor and prohibition of any conduct that could be perceived as unethical or unlawful.
- 10. Since first meeting Smith and Johnson on June 8, 2023, I had to severally reset expectations that membership in my private association, The Ethical Gatekeeper, contractually subjected them to suspension or permanent termination of membership if they failed to maintain high ethical rigor or refrain from any conduct that could be perceived as unethical or unlawful.
- 11. I reviewed the membership agreement and Oath of Ethics with both Smith and Johnson before they were permitted to become members of my private association, The Ethical Gatekeeper, and, markedly on several occasions, during their membership.

- 12. As detailed in my original and amended complaint and supplemental pleadings in this action, on or about June 30, 2023, after Smith and Johnson committed repeated violations of the membership agreement and Oath of Ethics to which they both agreed upon commencement of their membership with my private association, The Ethical Gatekeeper, I offered them both an opportunity to cure their default by completing an affidavit affirming that they (1) fully understood the contractual obligations of membership, (2) fully understood that I could not somehow wield the law in their favor nor could any licensed attorney, and (3) fully understood the high ethical rigor required to continue membership, that which neither Smith nor Johnson complied, resulting in immediate permanent termination of their membership.
- I have not ever been subject to an Authorized Practice complaint before that falsely purported by Smith.
- 14. I earned my Juris Doctorate on October 26, 2022.
- 15. I fully comprehend that my Juris Doctorate does not authorize me to practice law.
- 16. I fully apprehended the educational lessons and advisement during my Juris Doctorate program that set the following expectations,
 - a. Private contracts ARE NOT WITHIN THE PURVIEW of public statutory law;
 - b. Private contracts generally supersede public statutory law in the freedom to contract;
 - c. A Juris Doctorate qualifies a possessor to teach law in a public or private traditional institution of education and in a private or public vocational institution of education;

- Any citizen can establish and operate a public or private institution of education, including a "law school;"
- e. A private law school is NOT required to obtain approval from the American Bar Association to validate its program of study;
- 17. I do NOT secretly offer legal representation through my private membership association, The Ethical Gatekeeper, nor did I secretly offer legal representation to Smith nor Johnson.
- 18. Severally, I cautioned Smith and Johnson against any unlawful conduct and disclosing such unlawful conduct to me, having even set expectations that I would be legally obligated to report their fraud if I discovered any such conduct on their part.
- 19. Severally, I thoroughly explained the limitations of membership services to both Smith and Johnson, and when they demonstrated complete disregard for ethical and lawful rigor, I immediately terminated their membership AND reported their fraud to the proper authorities, and furthermore, I complied with a subpoena in Smith's child custody case and did, in fact, testify against her regarding her fraud.
- 20. I have NO history of taking the law into my own hands.

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21. I have NO history of abusive litigation. The gatekeeper order that Defendants have asserted was effectuated by fraud, and I have shown the court(s) clear evidence to prove the same. I am currently litigating a complaint for injunction against the state of North Carolina and its co-conspirators for fraud they/it conspired and acted upon to effectuate the wholly fraudulent gatekeeper order to ultimately subject me to specific harm in (1) denying me access to the courts in direct violation of prevailing constitutional law, (2) deny my natural justice in indefensibly prima facie actions, and (3) ultimately unjustly

dispose of my indefensibly prima facie actions to subserve a unmeritedly prevailing disposition against me to unjustly "win," and fabricate a legal record wantonly misrepresenting my litigative history as abusive and frivolous.

- 22. I have only ever initiated valid complaints, approximately 60 in number since 2002.
- 23. I have prevailed in, at least, 50 of those complaints. Any complaints for which I did not prevail are limited to those above referenced which were, either or both, unjustly disposed or corruptly adjudicated despite the indefensibly prima facie nature of my complaints, some of which remain pending appeal to date.

STATE OF NORTH CAROLINA

MECKLENBURG COUNTY

ERIFICATION ligress Sydr PERSONALLY APPEARED before me who being

duly sworn, deposes and says: That he/she has read the foregoing Affidavit and that all matters and things contained therein are true of his/her knowledge, saving and excepting those matters which are based upon information and belief, and as to those matters, he/she verily believes them to be true.

Affiant's Signature

SWORN TO AND SUBSCRIBED before me

This the 23 day of October , 2023 .

Notary Public My Commission Expires: 5/15 2027



CERTIFCATE OF SERVICE

I hereby certify that, on this 23rd day of October, 2023, a copy of the foregoing has been

delivered upon the Defendants in this action via electronic service through the NC eFile system

at Defendants' and Defendants' counsel's email addresses on record, as follows:

 Shameka Smith and Krysta Johnson 4215 Sugarstone Lane, Apt 233 Charlotte, NC 28269 Shemekam.smith@gmail.com k.johnson0721@yahoo.com

M. Anthony Burts II, Defendants' counsel anthony@burtslaw.com

2. Brittany Johnson Due to no known address, Plaintiff may elect to serve via public notice if she cannot identify a deliverable address.

and the second

Tigress McDaniel, JD Plaintiff 1235 East Blvd Suite E 793 Charlotte, NC 28203

Date: October 23, 2023



217 E. Edenton Street (27601) Post Office Box 25908 Raleigh, North Carolina 27611 Telephone (919) 828-4620 Web: www.ncbar.gov

October 16, 2023

Tigress Sydney Acute McDaniel 1235 East Blvd. Suite E 793 Charlotte, North Carolina 28203

LETTER OF NOTICE

Via email: theethicalgatekeeper@gmail.com

Re: Allegation of Unauthorized Practice of Law File number: 23AP0034

Dear Ms. McDaniel:

This is to advise you that the Authorized Practice Committee of the North Carolina State Bar has received information that you are engaged in activities that may constitute the unauthorized practice of law in North Carolina. The North Carolina State Bar, through its Authorized Practice Committee, is conducting an inquiry into your activities pursuant to the statutory authority granted by North Carolina General Statute Section 84-37 and Chapter One, Subchapter D, Section .0205 of the Rules and Regulations of the North Carolina State Bar. You are requested to respond to this Letter of Notice in writing within fifteen (15) days of its receipt. If you fail to respond within fifteen (15) days after receipt, the Chairman of the Committee may instruct the Counsel of the North Carolina State Bar to proceed with appropriate action in accordance with Section .0207 of the Rules, including seeking injunctive relief.

The information received by the Committee may be summarized as follows:

You are not an active member of the North Carolina State Bar. You maintain a website and Facebook page in which you operate under the name "The Ethical Gatekeeper" and advertise services to be provided by you, including legal document preparation and legal advice. You have provided legal advice to Shemeka Smith. You have also prepared legal documents for her.

The North Carolina General Statutes prohibit persons who are not active members of the North Carolina State Bar from providing or offering to provide legal services in North Carolina to other persons, firms, or corporations. Under the statutes, legal services include giving legal advice or counsel, preparing or assisting in the preparation of legal documents, and aiding or assisting in the legal representation of a party. The statutes also prohibit a nonlawyer from holding out to others as a lawyer or as able to provide legal services for others. The statutes October 16, 2023 Page 2

also prohibit a business entity, other than a North Carolina law firm, from offering legal services or the services of a lawyer to its customers even if those services are provided by a licensed North Carolina attorney.

The Committee asks that you respond in writing by describing your version of the events, the services you provided, and any other response to this Letter of Notice that you deem appropriate. Please be advised that Authorized Practice files are considered public and, upon request, individuals are allowed to review the files.

The Committee has not made any assumptions regarding the validity of the complaint against you. In those cases where a violation of the unauthorized practice statutes is found to be inadvertent or without knowledge of the statutes, the Committee generally concludes its investigation upon assurance that the prohibited act will not be repeated.

I am enclosing copies of pertinent statutes regarding the unauthorized practice of law. It may be advisable for you to consult an attorney before responding to this Letter of Notice because the unauthorized practice of law can be prosecuted as a misdemeanor criminal offense in North Carolina.

Please give this matter your immediate attention. You may contact me with any questions.

Sincerely,

unice THale

B. Tessa Hale Deputy Counsel

/bth

Enclosure

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

EXCERPTS FROM THE NORTH CAROLINA GENERAL STATUTES

Unauthorized Practice of Law

(2020)

§ 84-2.1. "Practice law" defined.

- (a) The phrase "practice law" as used in this Chapter is defined to be performing any legal service for any other person, firm or corporation, with or without compensation, specifically including the preparation or aiding in the preparation of deeds, mortgages, wills, trust instruments, inventories, accounts or reports of guardians, trustees, administrators or executors, or preparing or aiding in the preparation of any petitions or orders in any probate or court proceeding; abstracting or passing upon titles, the preparation and filing of petitions for use in any court, including administrative tribunals and other judicial or quasi-judicial bodies, or assisting by advice, counsel, or otherwise in any legal work; and to advise or give opinion upon the legal rights of any person, firm or corporation: Provided, that the above reference to particular acts which are specifically included within the definition of the phrase "practice law" shall not be construed to limit the foregoing general definition of the term, but shall be construed to include the foregoing particular acts, as well as all other acts within the general definition.
- (b) The phrase "practice law" does not encompass:

(1) The drafting or writing of memoranda of understanding or other mediation summaries by mediators at community mediation centers authorized by G.S. 7A-38.5 or by mediators of employment-related matters for The University of North Carolina or a constituent institution, or for an agency, commission, or board of the State of North Carolina.

(2) The selection or completion of a preprinted form by a real estate broker licensed under Chapter 93A of the General Statutes, when the broker is acting as an agent in a real estate transaction and in accordance with rules adopted by the North Carolina Real Estate Commission, or the selection or completion of a preprinted residential lease agreement by any person or Web site provider. Nothing in this subdivision or in G.S. 84-2.2 shall be construed to permit any person or Web site provider who is not licensed to practice law in accordance with this Chapter to prepare for any third person any contract or deed conveying any interest in real property, or to abstract or pass upon title to any real property, which is located in this State.

(3) The completion of or assisting a consumer in the completion of various agreements, contracts, forms, and other documents related to the sale or lease of a motor vehicle as defined in G.S. 20-286(10), or of products or services ancillary or related to the sale or lease of a motor vehicle, by a motor vehicle dealer licensed under Article 12 of Chapter 20 of the General Statutes. (C.C.P., s. 424; 1870-1, c. 90; 1871-2, c. 120; 1880, c. 43; 1883, c. 406; Code, ss. 27, 28, 110; Rev., ss. 210, 3641; 1919, c. 205; C.S., s. 198;

1933, c. 15; 1941, c. 177; 1943, c. 543; 1945, c. 468; 1995, c. 431, s. 3; 1999-354, s. 2; 2004-154, s. 2; 2013-410, s. 32; 2016-60, s. 1.)

§ 84-2.2. Exemption and additional requirements for Web site providers.

(a) The practice of law, including the giving of legal advice, as defined by G.S. 84-2.1 does not include the operation of a Web site by a provider that offers consumers access to interactive software that generates a legal document based on the consumer's answers to questions presented by the software, provided that all of the following are satisfied:

(1) The consumer is provided a means to see the blank template or the final, completed document before finalizing a purchase of that document.

(2) An attorney licensed to practice law in the State of North Carolina has reviewed each blank template offered to North Carolina consumers, including each and every potential part thereof that may appear in the completed document. The name and address of each reviewing attorney must be kept on file by the provider and provided to the consumer upon written request.

(3) The provider must communicate to the consumer that the forms or templates are not a substitute for the advice or services of an attorney.

(4) The provider discloses its legal name and physical location and address to the consumer.

(5) The provider does not disclaim any warranties or liability and does not limit the recovery of damages or other remedies by the consumer.

(6) The provider does not require the consumer to agree to jurisdiction or venue in any state other than North Carolina for the resolution of disputes between the provider and the consumer.

(7) The provider must have a consumer satisfaction process. All consumer concerns involving the unauthorized practice of law made to the provider shall be referred to the North Carolina State Bar. The consumer satisfaction process must be conspicuously displayed on the provider's Web site.

- (b) A Web site provider subject to this section shall register with the North Carolina State Bar prior to commencing operation in the State and shall renew its registration with the State Bar annually. The State Bar may not refuse registration.
- (c) Each Web site provider subject to this section shall pay an initial registration fee in an amount not to exceed one hundred dollars (\$100.00) and an annual renewal fee in an amount not to exceed fifty dollars (\$50.00). (2016-60, s. 2.)

§ 84-4. Persons other than members of State Bar prohibited from practicing law.

Except as otherwise permitted by law, it shall be unlawful for any person or association of persons, except active members of the Bar of the State of North Carolina admitted and licensed to practice as attorneys-at-law, to appear as attorney or counselor at law in any action or proceeding before any judicial body, including the North Carolina Industrial Commission, or the Utilities Commission; to maintain, conduct, or defend the same, except in his own behalf as a party thereto; or, by word, sign, letter, or advertisement, to hold out himself, or themselves, as competent or qualified to give legal advice or counsel, or to prepare legal documents, or as being engaged in advising or counseling in law or acting as attorney or counselor-at-law, or in furnishing the services of a lawyer or lawyers; and it shall be unlawful for any person or association of persons except active members of the Bar, for or without a fee or consideration, to give legal advice or counsel, perform for or furnish to another legal services, or to prepare directly or through another for another person, firm or corporation, any will or testamentary disposition, or instrument of trust, or to organize corporations or prepare for another person, firm or corporation, any other legal document. Provided, that nothing herein shall prohibit any person from drawing a will for another in an emergency wherein the imminence of death leaves insufficient time to have the same drawn and its execution supervised by a licensed attorney-atlaw. The provisions of this section shall be in addition to and not in lieu of any other provisions of this Chapter. Provided, however, this section shall not apply to corporations authorized to practice law under the provisions of Chapter 55B of the General Statutes of North Carolina. (1931, c. 157, s. 1; 1937, c. 155, s. 1; 1955, c. 526, s. 1; 1969, c. 718, s. 19; 1981, c. 762, s. 3; 1995, c. 431, s. 4.)

§ 84-5. Prohibition as to practice of law by corporation.

(a) It shall be unlawful for any corporation to practice law or appear as an attorney for any person in any court in this State, or before any judicial body or the North Carolina Industrial Commission, Utilities Commission, or the Department of Commerce, Division of Employment Security, or hold itself out to the public or advertise as being entitled to practice law; and no corporation shall organize corporations, or draw agreements, or other legal documents, or draw wills, or practice law, or give legal advice, or hold itself out in any manner as being entitled to do any of the foregoing acts, by or through any person orally or by advertisement, letter or circular. The provisions of this section shall be in addition to and not in lieu of any other provisions of Chapter 84. Provided, that nothing in this section shall be construed to prohibit a banking corporation authorized and licensed to act in a fiduciary capacity from performing any clerical, accounting, financial or business acts required of it in the performance of its duties as a fiduciary or from performing ministerial and clerical acts in the preparation and filing of such tax returns as are so required, or from discussing the business and financial aspects of fiduciary relationships. Provided, however, this section shall not apply to corporations authorized to practice law under the provisions of Chapter 55B of the General Statutes of North Carolina.

To further clarify the foregoing provisions of this section as they apply to corporations which are authorized and licensed to act in a fiduciary capacity:

(1) A corporation authorized and licensed to act in a fiduciary capacity shall not:

a. Draw wills or trust instruments; provided that this shall not be construed to prohibit an employee of such corporation from conferring and cooperating with an attorney who is not a salaried employee of the corporation, at the request of such attorney, in connection with the attorney's performance of services for a client who desires to appoint the corporation executor or trustee or otherwise to utilize the fiduciary services of the corporation.

b. Give legal advice or legal counsel, orally or written, to any customer or prospective customer or to any person who is considering renunciation of the right to qualify as executor or administrator or who proposes to resign as guardian or trustee, or to any other person, firm or corporation.

c. Advertise to perform any of the acts prohibited herein; solicit to perform any of the acts prohibited herein; or offer to perform any of the acts prohibited herein.

(2) Except as provided in subsection (b) of this section, when any of the following acts are to be performed in connection with the fiduciary activities of such a corporation, said acts shall be performed for the corporation by a duly licensed attorney, not a salaried employee of the corporation, retained to perform legal services required in connection with the particular estate, trust or other fiduciary matter:

- a. Offering wills for probate.
- b. Preparing and publishing notice of administration to creditors.
- c. Handling formal court proceedings.

d. Drafting legal papers or giving legal advice to spouses concerning rights to an elective share under Article 1A of Chapter 30 of the General Statutes.

e. Resolving questions of domicile and residence of a decedent.

f. Handling proceedings involving year's allowances of widows and children.

g. Drafting deeds, notes, deeds of trust, leases, options and other contracts.

- h. Drafting instruments releasing deeds of trust.
- i. Drafting assignments of rent.

j. Drafting any formal legal document to be used in the discharge of the corporate fiduciary's duty.

k. In matters involving estate and inheritance taxes, gift taxes, and federal and State income taxes:

1. Preparing and filing protests or claims for refund, except requests for a refund based on mathematical or clerical errors in tax returns filed by it as a fiduciary.

2. Conferring with tax authorities regarding protests or claims for refund, except those based on mathematical or clerical errors in tax returns filed by it as a fiduciary.

3. Handling petitions to the tax court.

1. Performing legal services in insolvency proceedings or before a referee in bankruptcy or in court.

m. In connection with the administration of an estate or trust:

1. Making application for letters testamentary or letters of administration.

2. Abstracting or passing upon title to property.

3. Handling litigation relating to claims by or against the estate or trust.

4. Handling foreclosure proceedings of deeds of trust or other security instruments which are in default.

(3) When any of the following acts are to be performed in connection with the fiduciary activities of such a corporation, the corporation shall comply with the following:

a. The initial opening and inventorying of safe deposit boxes in connection with the administration of an estate for which the corporation is executor or administrator shall be handled by, or with the advice of, an attorney, not a salaried employee of the corporation, retained by the corporation to perform legal services required in connection with that particular estate.

b. The furnishing of a beneficiary with applicable portions of a testator's will relating to such beneficiary shall, if accompanied by any legal advice or opinion, be handled by, or with the advice of, an attorney, not a salaried employee

of the corporation, retained by the corporation to perform legal services required in connection with that particular estate or matter.

c. In matters involving estate and inheritance taxes and federal and State income taxes, the corporation shall not execute waivers of statutes of limitations without the advice of an attorney, not a salaried employee of the corporation, retained by the corporation to perform legal services in connection with that particular estate or matter.

d. An attorney, not a salaried employee of the corporation, retained by the corporation to perform legal services required in connection with an estate or trust shall be furnished copies of inventories and accounts proposed for filing with any court and proposed federal estate and North Carolina inheritance tax returns and, on request, copies of proposed income and intangibles tax returns, and shall be afforded an opportunity to advise and counsel the corporate fiduciary concerning them prior to filing.

(b) Nothing in this section shall prohibit an attorney retained by a corporation, whether or not the attorney is also a salaried employee of the corporation, from representing the corporation or an affiliate, or from representing an officer, director, or employee of the corporation or an affiliate in any matter arising in connection with the course and scope of the employment of the officer, director, or employee. Notwithstanding the provisions of this subsection, the attorney providing such representation shall be governed by and subject to all of the Rules of Professional Conduct of the North Carolina State Bar to the same extent as all other attorneys licensed by this State. (1931, c. 157, s. 2; 1937, c. 155, s. 2; 1955, c. 526, s. 2; 1969, c. 718, s. 20; 1971, c. 747; 1997-203, s. 1; 2000-178, s. 8; 2011-401, s. 3.5.)

§ 84-5.1. Rendering of legal services by certain nonprofit corporations.

- (a) Subject to the rules and regulations of the North Carolina State Bar, as approved by the Supreme Court of North Carolina, a nonprofit corporation, tax exempt under 26 U.S.C. § 501(c)(3), organized or authorized under Chapter 55A of the General Statutes of North Carolina and operating as a public interest law firm as defined by the applicable Internal Revenue Service guidelines or for the primary purpose of rendering indigent legal services, may render such services provided by attorneys duly licensed to practice law in North Carolina, for the purposes for which the nonprofit corporation was organized. The nonprofit corporation must have a governing structure that does not permit an individual or group of individuals other than an attorney duly licensed to practice law in North Carolina to control the manner or course of the legal services rendered and must continually satisfy the criteria established by the Internal Revenue Service for 26 U.S.C. § 501(c)(3) status, whether or not any action has been taken to revoke that status.
- (b) In no instance may legal services rendered by a nonprofit corporation under subsection (a) of this section be conditioned upon the purchase or payment for any product, good, or service other than the legal service rendered. (1977, c. 841, s. 1; 2009-231, s. 1.)

§ 84-6. Exacting fee for conducting foreclosures prohibited to all except licensed attorneys.

It shall be unlawful to exact, charge, or receive any attorney's fee for the foreclosure of any mortgage under power of sale, unless the foreclosure is conducted by licensed attorney-at-law of North Carolina, and unless the full amount charged as attorney's fee is actually paid to and received and retained by such attorney, without being directly or indirectly shared with or rebated to anyone else, and it shall be unlawful for any such attorney to make any showing that he has received such a fee unless he has received the same, or to share with or rebate to any other person, firm, or corporation such fee or any part thereof received by him; but such attorney may divide such fee with another licensed attorney-at-law maintaining his own place of business and not an officer or employee of the foreclosing party, if such attorney has assisted in performing the services for which the fee is paid, or resides in a place other than that where the foreclosure proceedings are conducted, and has forwarded the case to the attorney conducting such foreclosure. (1931, c. 157, s. 3.)

§ 84-7. District attorneys, upon application, to bring injunction or criminal proceedings.

The district attorney of any of the superior courts shall, upon the application of any member of the Bar, or of any bar association, of the State of North Carolina, bring such action in the name of the State as may be proper to enjoin any such person, corporation, or association of persons who it is alleged are violating the provisions of G.S. 84-4 to 84-8, and it shall be the duty of the district attorneys of this State to indict any person, corporation, or association of persons upon the receipt of information of the violation of the provisions of G.S. 84-4 to 84-8. (1931, c. 157, s. 4; 1973, c. 47, s. 2.

§ 84-7.1. Legal clinics of law schools and certain law students and lawyers excepted.

The provisions of G.S. 84-4 through G.S. 84-6 shall not apply to any of the following:

(1) Any law school conducting a legal clinic and receiving as its clientage only those persons unable financially to compensate for legal advice or services rendered and any law student permitted by the North Carolina State Bar to act as a legal intern in such a legal clinic.

(2) Any law student permitted by the North Carolina State Bar to act as a legal intern for a federal, State, or local government agency.

(3) Any lawyer licensed by another state and permitted by the North Carolina State Bar to represent indigent clients on a pro bono basis under the supervision of active members employed by nonprofit corporations qualified to render legal services pursuant to G.S. 84-5.1. This provision does not apply to a lawyer whose license has been suspended or revoked in any state. (2011-336, s. 5.)

§ 84-8. Punishment for violations.

- (a) Any person, corporation, or association of persons violating any of the provisions of G.S. 84-4 through G.S. 84-6 or G.S. 84-9 shall be guilty of a Class 1 misdemeanor.
- (b) No person shall be entitled to collect any fee for services performed in violation of G.S. 84-4 through G.S. 84-6, G.S. 84-9, or G.S. 84-10.1. (1931, c. 157, s. 5; c. 347; 1993, c. 539, s. 597; 1994, Ex. Sess., c. 24, s. 14(c); 2007-200, s. 3; 2011-336, s. 4.)

§ 84-9. Unlawful for anyone except attorney to appear for creditor in insolvency and certain other proceedings.

It shall be unlawful for any corporation, or any firm or other association of persons other than a law firm, or for any individual other than an attorney duly licensed to practice law, to appear for another in any bankruptcy or insolvency proceeding, or in any action or proceeding for or growing out of the appointment of a receiver, or in any matter involving an assignment for the benefit of creditors, or to present or vote any claim of another, whether under an assignment or transfer of such claim or in any other manner, in any of the actions, proceedings or matters hereinabove set out. (1931, c. 208, s. 2.)

§ 84-10.1. Private cause of action for the unauthorized practice of law.

If any person knowingly violates any of the provisions of G.S. 84-4 through G.S. 84-6 or G.S. 84-9, fraudulently holds himself or herself out as a North Carolina certified paralegal by use of the designations set forth in G.S. 84-37(a), or knowingly aids and abets another person to commit the unauthorized practice of law, in addition to any other liability imposed pursuant to this Chapter or any other applicable law, any person who is damaged by the unlawful acts set out in this section shall be entitled to maintain a private cause of action to recover damages and reasonable attorneys' fees and other injunctive relief as ordered by court. No order or judgment under this section shall have any effect upon the ability of the North Carolina State Bar to take any action authorized by this Chapter. (2011-336, s. 7; 2016-60, s. 3.)

§ 84-16. Membership and privileges.

The membership of the North Carolina State Bar shall consist of two classes, active and inactive.

The active members shall be all persons who have obtained a license or certificate, entitling them to practice law in the State of North Carolina, who have paid the membership dues specified, and who have satisfied all other obligations of membership. No person other than a member of the North Carolina State Bar shall practice in any court of the State except foreign attorneys as provided by statute and natural persons representing themselves.

Inactive members shall be:

(1) All persons who have obtained a license to practice law in the State but who have been found by the Council to be not engaged in the practice of law and not holding

themselves out as practicing attorneys and not occupying any public or private positions in which they may be called upon to give legal advice or counsel or to examine the law or to pass upon, adjudicate, or offer an opinion concerning the legal effect of any act, document, or law.

(2) Persons allowed by the Council solely to represent indigent clients on a pro bono basis under the supervision of an active member employed by a nonprofit corporation qualified to render legal services pursuant to G.S. 84-5.1.

All active members shall be required to pay annual membership fees, and shall have the right to vote in elections held by the district bar in the judicial district in which the member resides. If a member desires to vote with the bar of some district in which the member practices, other than that in which the member resides, the member may do so by filing with the Secretary of the North Carolina State Bar a statement in writing that the member desires to vote in the other district; provided, however, that in no case shall the member be entitled to vote in more than one district. (1933, c. 210, s. 2; 1939, c. 21, s. 1; 1941, c. 344, ss. 1, 2, 3; 1969, c. 44, s. 60; c. 1190, s. 52; 1973, c. 1152, s. 1; 1981, c. 788, s. 2; 1983, c. 589, s. 1; 1985, c. 621; 1995, c. 431, s. 8; 2007-200, s. 1.)

§ 84-37. State Bar may investigate and enjoin unauthorized activities.

- (a) The Council or any committee appointed by it for that purpose may inquire into and investigate any charges or complaints of (i) unauthorized or unlawful practice of law or (ii) the use of the designations, "North Carolina Certified Paralegal," "North Carolina State Bar Certified Paralegal," or "Paralegal Certified by the North Carolina State Bar Board of Paralegal Certification," by individuals who have not been certified in accordance with the rules adopted by the North Carolina State Bar. The Council may bring or cause to be brought and maintained in the name of the North Carolina State Bar an action or actions, upon information or upon the complaint of any person or entity against any person or entity that engages in rendering any legal service, holds himself or herself out as a North Carolina certified paralegal by use of the designations set forth in this subsection, or makes it a practice or business to render legal services that are unauthorized or prohibited by law. No bond for cost shall be required in the proceeding.
- (b) In an action brought under this section, the final judgment if in favor of the plaintiff shall perpetually restrain the defendant or defendants from the commission or continuance of the unauthorized or unlawful act or acts. A temporary injunction to restrain the commission or continuance of the act or acts may be granted upon proof or by affidavit, that the defendant or defendants have violated any of the laws applicable to unauthorized or unlawful practice of law or the unauthorized use of the designations set forth in subsection (a) of this section or any other designation implying certification by the State Bar. The provisions of law relating generally to injunctions as provisional remedies in actions shall apply to a temporary injunction and the proceedings for temporary injunctions.
- (c) The venue for actions brought under this section shall be the superior court of any county in which the relevant acts are alleged to have been committed or in which there appear reasonable grounds that they will be committed in the county where the defendants in the action reside, or in Wake County.
- (d) The plaintiff in the action shall be entitled to examine the adverse party and witnesses before filing complaint and before trial in the same manner as provided by law for examining parties.
- (e) This section shall not repeal or limit any remedy now provided in cases of unauthorized or unlawful practice of law. Nothing contained in this section shall be construed as disabling or abridging the inherent powers of the court in these matters.
- (f) The Council or its duly appointed committee may issue advisory opinions in response to inquiries from members or the public regarding whether contemplated conduct would constitute the unauthorized practice of law. (1939, c. 281; 1979, c. 570, s. 9; 1995, c. 431, s. 26; 2004-174, s. 2.)

§ 84-38. Solicitation of retainer or contract for legal services prohibited; division of fees.

It shall be unlawful for any person, firm, corporation, or association or his or their agent, agents, or employees, acting on his or their behalf, to solicit or procure through solicitation either directly or indirectly, any legal business, whether to be performed in this State or elsewhere, or to solicit or procure through solicitation either directly or indirectly, a retainer or contract, written or oral, or any agreement authorizing an attorney or any other person, firm, corporation, or association to perform or render any legal services, whether to be performed in this State or elsewhere.

It shall be unlawful for any person, firm, corporation, or association to divide with or receive from any attorney-at-law, or group of attorneys-at-law, whether practicing in this State or elsewhere, either before or after action is brought, any portion of any fee or compensation charged or received by such attorney-at-law, or any valuable consideration or reward, as an inducement for placing or in consideration of being placed in the hands of such attorney or attorneys-at-law, or in the hands of another person, firm, corporation or association, a claim or demand of any kind, for the purpose of collecting such claim or instituting an action thereon or of representing claimant in the pursuit of any civil remedy for the recovery thereof, or for the settlement or compromise thereof, whether such compromise, settlement, recovery, suit, claim, collection or demand shall be in this State or elsewhere. This paragraph shall not apply to agreements between attorneys to divide compensation received in cases or matters legitimately, lawfully and properly received by them.

Any person, firm, corporation or association of persons violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

The council of the North Carolina State Bar is hereby authorized and empowered to investigate and bring action against persons charged with violations of this section and the provisions as set

forth in G.S. 84-37 shall apply. Nothing contained herein shall be construed to supersede the authority of district attorneys to seek injunctive relief or institute criminal proceedings in the same manner as provided for in G.S. 84-7. Nothing herein shall be construed as abridging the inherent powers of the courts to deal with such matters. (1947, c. 573; 1973, c. 47, s. 2; 1993, c. 539, s. 599; 1994, Ex. Sess., c. 24, s. 14(c).)

AMENDED MEMORANDUM OF LAW AND ADDITIONAL EVIDENTIARY SUPPORT

Having full apprehension that an amended pleading has the legal effect of replacing altogether the preceding pleading for which amendment is intended, I, Tigress Sydney Acute McDaniel, hereby AMEND my original Memorandum of Law and Additional Evidentiary Support as follows:

I hereby incorporate the following to further show my absolute defense to Shemeka Smith's knowingly falsified and notably retaliatory complaint alleging that I have engaged unauthorized practice of law.

I reassert that Probetur Association, LLC dba The Ethical Gatekeeper (hereinafter "TEG") was established as a private membership-based association, and maintains such status to date. As such, TEG's private activities regarding legal advocacy and vocational education are not within the purview of the NC Bar and thus the NC Bar lacks disciplinary jurisdiction over TEG and me, as owner and member.

Whereas federal law empowers states with purview for regulating the practice of law within its borders, I do not personally hold out nor promulgate, albeit publicly or privately, that TEG holds out "to the public an ability to provide legal services by someone other than a licensed attorney."

Furthermore, as a private membership-based association, TEG, which does maintain a truly selective private membership, is exempt from laws that govern public businesses:

Truly selective private organizations, in contrast, are exempt from [***18] scrutiny under the Unruh Civil Rights Act for discriminatory acts.

Warfield v. Peninsula Golf & Country Club, 32 Cal. App. 4th 1398, 1409

" Truly private" relationships not encompassed within the purview of the Unruh Act have been defined as those which are " 'continuous, personal, and social' " and which "take place more or less outside 'public view.' " (Isbister, supra, 40 Cal. 3d at p. 84, fn. 14; Rotary Club, supra, 178 Cal. App. 3d at p. 1058.) Upon review of the record, we conclude that the Club is such a truly private organization rather than a business establishment within the meaning of section 51 of the Unruh Civil Rights Act. We are convinced by the evidence that the Club offers "continuous, personal, and social" activities which are confined within a very private setting. Accordingly, the trial court did not err in dismissing appellant's claims of discriminatory practices. (Curran, supra, 147 Cal. App. 3d at p. 732.)

Warfield v. Peninsula Golf & Country Club, 32 Cal. App. 4th 1398, 1411

Regarding TEG's vocational legal education and advocacy, the law is well settled in that vocational legal education and legal advocacy do NOT fall within the purview of a state's disciplinary jurisdiction for the authorized practice of law. I reassert my academia in having had my Juris Doctorate conferred which, at the very least, lawfully qualifies and authorizes me to teach law, albeit in a private or public vocational setting or in publicly or privately, accredited, wholly or partially, or unaccredited, institution of advanced education. Having a respect for the letter of law and maintaining high ethical rigor, hence the doing business as entity name, "The

Ethical Gatekeeper," I have structured my private membership-based association to comply with state law in,

- 1. Not publicly holding out that I can nor any other legal instructor within the association can provide legal representation to any member;
- Having members assent to terms of membership in the membership agreement which detail the laws governing authorized practice of law and the limitations of legal advocacy and legal education available to members;
- Having members assent to terms regarding disciplinary action for violations of the membership agreement which markedly mirror North Carolina General Statutes against fraud upon the court, intimidating witness, abusive litigation and the like;

Therefore, incorporating my claims for defamation and malicious prosecution against Shemeka Smith, and evidence submitted therewith, Shemeka Smith's allegations are wholly frivolous and demonstrably retaliatory and even feloniously criminal as averred, in that her attempts to use the legal tool of a TRO to intimidate me as a witness under subpoena in her child custody case regarding her fraud upon the court and manipulate an authorized practice complaint to unmeritedly subject me to unwarranted scrutiny in this impending matter are motivated by malice against me to evade liability for her own civil wrongs, crimes, and litigative abuse.

Regarding legal advocacy distinctive of vocational legal education, prevailing law is well settled in that legal advocacy IS NOT legal representation NOR the practice of law. See attached applicable legal doctrine. I did not hold out to Shemeka Smith that I could provide legal advice, and instead that I could legally advocate for her in her allegations against the father of her/their child for domestic abuse, which I later discovered to be fraudulently falsified, and thus was willing and did comply with the subpoena to testify against Shemeka Smith. I take opportunity here to reiterate the terms of the membership agreement to which Shemeka Smith assented in expressly acknowledging punitive consequences for acts of fraud or even unethical conduct while an active member. I severally redirected Shemeka Smith to those terms, but she persisted upon her fraudulent conduct, which ultimately resulted in her permanent termination (refer to my Defamation Complaint, Affidavits, and previously submitted responsive documentation). I even specifically explained to Shemeka Smith that my "allegiance" was first to the letter of law and high ethical rigor, and that I could not be privy to evidence of fraud without acting upon such knowledge and reporting it to the proper authorities, so again Shemeka Smith was expressly aware that I was NOT providing her legal representation, nor could I because I was not yet licensed, and further that she did not enjoy some sort of "attorney-client" privilege of confidentiality as a member nor specifically regarding her interactions with me in legal advocating for her as she feigns in both of her failed TROs against me.

Also inherent to legal advocacy for private membership-based associations is organizational standing which is regulated by prevailing federal law, over which the state has absolutely no opposing nor superseding purview:

Article III, Section 2, Clause 1:

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction; to Controversies to which the United States shall be a Party;—to Controversies between two or more States; between a State and Citizens of another State, between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

Federal courts must sometimes decide whether a litigant who has not suffered an injuryin-fact may request judicial relief on behalf of an injured third party who has not appeared before the court. The presumption is that an uninjured litigant lacks standing to sue and cannot raise claims on behalf of a third party.¹ The Supreme Court, however, has at times permitted this form of representational standing, allowing certain relationships between an uninjured litigant and an injured third party to overcome that presumption.²Thus, for example, courts may permit representational standing when a formal association seeks to bring suit on behalf of its members;¹ a state sues on behalf of its citizens;⁴ a plaintiff asserts a claim assigned to it by another party (e.g., a claim assigned to it by the government under a qui tam⁵ provision);⁶ or an agent brings suit on behalf of its principal.² Such issues may also arise when a party brings a facial challenge to a law on First Amendment grounds, arguing that although the party itself is not subject to the law, it would be unconstitutional for the government to apply it to third parties with which the litigant has some form of close relationship (e.g., a business relationship).[§]

The only mention of representation made to Shemeka Smith was that which would arise from organizational standing, which again is clearly explained and assented to by members upon approval of membership, and which was, in fact, clearly explained to Shemeka Smith, who is now only feigning a lack of comprehension regarding the nature of our relationship to defraud the NC Bar in retaliation against me to inflict the specific harm of compromising my license

eligibility. However, where federal law would freely permit me, as an individual and member of TEG and TEG itself to bring suit on behalf of its members, no such scenario existed between us. Instead, this matter is considerably straightforward and Shemeka Smith's fraud and retaliation is facial in that,

- She evidently thought she could circumvent the three attorneys she had previously retained who advised her that she could not file the pleadings she wanted to file, and otherwise advised her that she did not have a valid cause of action against the father of her/their child for a TRO based upon domestic violence, nor a valid claim for relief in modifying the "Summer or Temporary TPA;"
- She evidently thought she could manipulate her membership and access to my vocational legal education and advocacy to her own wanton will to effectuate that which she could not with her previously retained attorneys;
- 3. Ultimately when I discovered her fraud and refused to have any further dealings with her and notified her that I would report her fraud to all relevant parties in full accordance with the membership agreement, she, then, retaliated against me by (1) falsely reporting a crime in having police visit my home under her allegations that I had possession of confidential personal identification for her minor daughter, which I not ever had, (2) falsely reporting a crime in two separate TRO complaints falsely alleging that I would not return such confidential personal identification for her minor daughter and further falsely alleging that she feared I would harm her, her child and her girlfriend, (3) defaming me online and even attempting to set me up to be physically assaulted by mutual attendees of my graduation party (see my complaint for 1 through 3), and (4) ultimately submitting a knowingly falsified complaint for unauthorized practice of law with your agency.

On January 15, 2024, I discovered that Shemeka Smith had sent a message to me via Instagram directed at my TEG account. Find record of that message attached. In this message, Shemeka Smith admits to apprehending that I was, at best, providing legal coach services to her, which is more consistent with the private membership agreement between us (attached). In this message, Shemeka Smith also attests to having secured a "new legal coach." This message prompted further inquiry. So, I revisited the Mecklenburg County courthouse on January 16, 2024 to review Shemeka Smith's family custody case, 22CVD000459-590, and confirmed my suspicions that Shemeka Smith has persisted in drafting new pleadings in this case on her own behalf. Of course, as a direct party to this action, she is inarguably entitled to litigate her claims in defense against the Plaintiff father of their child. However, more importantly, the reason for bringing this to the attention of the Authorized Practice Committee is to show that Shemeka Smith is capable of preparing and composing her own litigative pleadings and even analyzing the applicable legal doctrine and articulating her legal arguments, and indefensibly so based on her pro se pleadings before and after the period of membership with TEG. Shemeka Smith has only falsified this unauthorized practice complaint against me out of convenience in that she perceives this complaint as apt revenge against my testimony exposing the fraud upon the court she committed with forged documents to support her falsified TRO against the Plaintiff father of their child for domestic violence and her willfully contemptuous violations of the temporary custody agreement.

I have a great respect for the law, even where the state of North Carolina has NOT fully observed my rights inherent to the state constitution and general statutes nor prevailing federal statutes, and has more often subjected me to racial discrimination, political bullying, pattern and practice of judicial and attorney fraud and corruption, and even wrongful conviction. I have always decidedly defended and otherwise asserted my rights where necessary through the judicial process and markedly always with high ethical rigor and clean hands. This is why I've prevailed in many of the matters to which I allude, albeit more often on appeal than in initial tribunal proceedings, which is actually generally common for most actions.

Fact remains that I have not engaged the unauthorized practice of law, and wouldn't engage any such conduct that would compromise my license eligibility. I've worked too hard to obtain my Juris Doctorate. Even the notion that I would do anything to jeopardize my license eligibility is quite frankly absurd.

Submitted this 16th day of January, 2024,



STATE OF NORTH CAROLINA WAKE COUNTY

Tigress Sydney Acute McDaniel, JD	}
Plaintiff	}
	}
	} AMENDED
VERSUS	} MOTION FOR SANCTIONS
	} AGAINST BURTS, DEFENDANT KJ'S COUNSEL
Shameka Smith, Krysta Johnson,	FOR FRAUD UPON THE COURT
and Brittany Johnson and Does,	} AND CONTEMPTUOUS PLEADINGS
Defendants	}

NOW COMES Plaintiff, having received Defendant KJ's September 12, 2023 Motion to Dismiss, Answer Affirmative Defenses, and Motion for Gatekeeper Order, to hereby move this court for SANCTIONS AGAINST M. Anthony Burts II, counsel of record for Defendant KJ, for his malicious intent to subject Plaintiff to specific harm in carrying out steps in the furtherance of the criminal fraud, public corruption and conspiracy and defamation by the 26th Judicial District and co-conspirator attorneys and so says in support thereof:

Plaintiff hereby reincorporates, realleges, reasserts and re-affirms ALL set forth in her litigative pleadings in this action and other PENDING AND ACTIVE ACTIONS, AND NOTABLY MERITEDLY SO, actions in Wake County, including her preceding §1-83 and §1-84 Motion for Change of Venue and Fair Removal for Fair Trial and Motion for Gatekeeper Order Against Defendant Smith.

Sanctions against Burts are substantiated for the following reasons:

1. Burts corruptly asserts that "Plaintiff currently has prior convictions for Identity Theft and Obtaining Property by False Pretenses and thus Plaintiff's claims of defamation should be dismissed pursuant to Rule 12(b)" as a complete defense against Defendants' defamation and malicious prosecution of Plaintiff, the complaint for which alleges that "Plaintiff will hurt KJ, Smith and Smith's child" and "visit and harass them at their home," all most markedly in a contemptuous attempt to intimidate Plaintiff against complying with subpoena from the father of her child's counsel in a custody case, and Plaintiff's firsthand knowledge of Defendant Smith's fraud upon the court and willful non-compliance with the TPA at issue, which constitutes intimidating a witness, and Burts false misrepresentation of such factual history and presenting Plaintiff's wrongful conviction in 2006 as character evidence to "bar" Plaintiff's defamation and malicious prosecution complaint based upon indefensible prima facie evidence far exceeds the threshold for shocking the conscience of any court and thus constitutes sanctionable contempt;

- Burts, as a licensed attorney, is expressly aware that presenting Plaintiff's immaterial 2006 conviction violates the Rule 402 - 404 of the NC Rules of Evidence *et seq.*; and thus constitutes wanton violations of the NC Bar Rules of Professional Conduct and validly subjects him to sanctions;
- 3. Burts purports that he does not comprehend that a possessor of a Juris Doctorate qualifies as a "lawyer" by academic and legal standards, and thus can lawfully use such title;
- 4. Burts asserts Plaintiff's acknowledgement as a lawyer in a knowingly frivolous attack against Plaintiff for the sole corrupt purpose of maliciously fueling the disdain of the courts against her on baseless, and legally scandalous and politically inflammatory defamatory statements that she was practicing law without a license, and thus goes beyond "zealous litigation" and constitutes sanctionable contempt;

5. Burts purports that he does not comprehend that,

Contract law is classified as part of private law (as compared to public law), because it is about a private agreement between individuals. There is a public interest in regulation and enforcement of that agreement, and the rights and obligations which the agreement creates, but ultimately the agreement is between individuals and is not a public right or obligation.

Private membership organizations are not governed by statutory law. The private membership agreement between Plaintiff and Defendants KJ and Smith is not subject to the court's interpretation and enforcement. Furthermore, Defendants KJ and Smith fully assented to the private membership agreement, and are now only feigning dissent and illegalities out of a wanton convenience having discovered that there are attorneys and judges willing to corrupt their oath of license/office to subject Plaintiff to unlawful attacks on her character, which is indisputably stellar and unrivaledly ethical in comparison, and furthermore, which is notably the subject matter from which this actions stems, in that Defendant Smith and KJ defamed and sought to maliciously prosecute Plaintiff, which was denied twice, after she terminated their membership based upon their repeated violations of conduct expressly stipulated, and notably prohibited, in the membership agreement.

6. Burts attempt to seek disposal of Plaintiff's indefensibly merited complaint under a knowingly frivolous purporting that a gatekeeper order, for which Defendants KJ, Smith, and Brittany are NOT somehow protected parties, is inarguably contemptuous and thus merits sanctions;

- 7. Burts attempt to raise the gatekeeper, to which Plaintiff has been unlawfully subjected, as a viable defense somehow for Defendant KJ, because most markedly Burts has failed to appear on behalf of Smith and Brittany, and has exclusively appear on KJ's behalf in this action, to Defendants' defamation and malicious prosecution supported by prima facie evidence goes beyond "zealous litigation" and thus constitutes sanctionable contempt;
- 8. Burts fraudulently attempts to convince the court that Plaintiff was engaging the unauthorized practice of law concerning Defendants, and that such conduct is the sole reason for Defendants defamation and malicious prosecution, the complaints for which allege that Plaintiff is going to hurt Defendants KJ, Smith and Smith's minor child, and visit and harass them at their home, ABSOLUTELY NONE FOR WHICH the contemptuously and falsely alleged unauthorized practice of law is material as evidence against Plaintiff for complying with a subpoena directing her to appear and testify regarding Defendant Smith's fraud upon the court in her child custody case;
- 9. Burts regurgitation of the gatekeeper to which Plaintiff has been unlawfully subjected, and constitutionally so, and knowingly gross misrepresentation of the factual history of Plaintiff's litigative filings is indefensibly contemptuous and thus merits sanctions;
- 10. Burts, as a licensed attorney, cannot viably defend against NOT knowing how to access case activity and verify the factual disposition of Plaintiff's cases, yet contemptuously and falsely asserts in his pleading(s) that,
 - a. "Upon information and belief, the Plaintiff has already had numerous cases that she filed in Wake dismissed" when, in fact, all but one case, which was dismissed as to the State only and based upon Elizabeth O'Brien's fraud upon the court regarding service as opposed to a meritless complaint, and exclusively so, remains

active and pending in Wake County, which Burts can easily access through the eCourts Portal, and thus his knowing misrepresentation constitutes fraud upon the court and thus constitutes sanctionable contempt;

- b. "Furthermore, due to her repeated filings, which exhibit abuse of the legal system and a tendency of harassing behavior, Gatekeepers order have, upon information and belief, been entered against McDaniel in the following 26 counties: Ashe, Chatham, Cumberland, Davidson, Duplin, Edgecombe, Franklin, Gaston, Granville, Halifax, Hertford, Martin, Mecklenburg, McDowell, Mitchell, North Hampton, Perquimans, Randolph, Richmond, Rowan, Sampson. Stanly, Swain, Vance, Wilson, Union" when, in fact, a licensed attorney wouldn't need to merely assert "upon information and belief" in the presence of documentary evidence which Burts has NOT shown, and moreover, Plaintiff has NOT even visited nor initiated actions in any of the counties he lists except Mecklenburg and Rowan where most notably the gatekeeper order is under appellate review, and Plaintiff has already brought to this court's attention;
- c. Plaintiff has repeatedly and wholly shown the court that the gatekeeper order history is specifically limited to Guilford, Rowan and Mecklenburg counties, and all such gatekeepers orders were entered ex parte, based upon wholly falsified information initially certified by Richard Huffman, counsel for Michelle Feimster Bailey, falsely swearing to a completely fraudulent fabrication that "McDaniel has initiated 162 actions in 72 counties [of NC]," (attached herewith) and motivated by unlawful retaliation to evade liability for Plaintiff's merited complaints regarding (1) Michelle Feimster Bailey, against whom she had a 2006

money judgment for which she sought renewal in 2016 and had notably obtained Default Judgment, (2) racial discrimination at Ham's Restaurant in Greensboro, NC for whom Emily Meister appeared as counsel and attempted to intimidate both Plaintiff and her friend who accompanied her during the incident at Ham's Restaurant, and (3) the repeated violations of Plaintiff's minor child's 504 plan by Charlotte Mecklenburg Schools, markedly admitted by the teacher at issue, this violative incident which resulted in minor child allergic reaction, hospitalization and surgery. Plaintiff has demonstrated that there has not ever been a gatekeeper order entered against her for just cause, nor one entered with lawful regard to her hearing rights, nor one entered in any other counties than Guilford, Rowan, and Mecklenburg. Plaintiff has also shown that these gatekeeper orders have been justly subject to review and modified or vacated altogether in Plaintiff's favor; then, in the case of Mecklenburg county, just recently reinstated on May 21, 2021 sua sponte by Judge George Bell, without just cause, who had only one month prior vacated the gatekeeper order finding that the gatekeeper order violated Plaintiff's constitutional rights and further that 100% of Plaintiff's pleadings had been approved for filing under the gatekeeper order demonstrating that she was not an abusive filer as previously alleged (attached herewith). The despicably corrupt improper use of the gatekeeper order to "win" cases against Plaintiff that are substantiated by prima facie evidence, and thus indefensible, demonstrates the gross misconduct of the attorneys and judges who have played a role in effectuating the ill-gotten and fraudulent gatekeeper order. Burts, through his wholly improper pleading, attempts to undertake the same despicably corrupt

steps to effectuate another gatekeeper order against Plaintiff, wielding it in a manner completely prohibited by the NC Superior Court Judges' Bench Book regarding gatekeeper orders and pre-filing injunctions, and all other governing law. Based on Burts pleading and the factual history of the gatekeeper order shown by the Plaintiff, the gatekeeper order, if factually filed in the other counties that he lists, wholly violates NC Superior Court Judges' Bench Book in that the gatekeeper is NOT narrowly tailored (attached herewith), and furthermore, violates Judge Patricia Hinnant's (hereinafter "Hinnant") May 27, 2014 order (attached herewith), which is notably the beginning of the gatekeeper order to "penalize ... retaliate against [her] by Meister OR ANY PARTY IN ANY OTHER MATTER PENDING WHICH INVOLVES HER BY THE FILING OF THIS ORDER INCLUDING DELAY IN FILING RESPONSIVE PLEADINGS."

d. Moreover, Hinnants' May 27, 2014 also stipulated that "The Preliminary Gatekeeper Order shall be vacated as to all matters not related to Meister," so in effect there exists no gatekeeper order in Guilford County that somehow "bars" any of Plaintiff's intended actions, and where the gatekeeper is unlawfully in force in Mecklenburg and Rowan County, it is still NOT a complete bar to Plaintiff's actions, and Burts is indefensibly reasonably aware of this as a licensed attorney, having expected competency regarding the effect of a gatekeeper order or pre-filing injunction, in that no such implement can violate any person's constitutionally inviolate due process rights, including, of course, the Plaintiff.

- 11. Furthermore, regarding Burts wholly falsified and otherwise fraudulently misrepresented assertions "upon information and belief" and "in the opinion of the attorney" absent an affidavit is prima facie evidence that Burts is expressly aware of his indefensible misrepresentation of facts concerning this matter and Plaintiff's litigative and criminal history, which again constitutes fraud upon the court, and has NOT made any of these statements in the form of a sworn affidavit believing he will be able to defend against being held in contempt of court and sanctioned for his grossly improper, unlawful, unethical conduct on the corruptly convenient basis that he was not under oath, against which he cannot viably defend;
- 12. Burts has contemptuously certified repeatedly throughout his pleading *that to the best of the [or his] knowledge, information, and belief, formed [WITHOUT] an inquiry reasonable under the circumstances* to knowingly fraudulently misrepresented information about Plaintiff, all to corruptly attempt to effectuate the unlawful evasion of liability for his client's unlawful conduct in defaming and malicious prosecuting Plaintiff in retaliation for her complying with a subpoena in the child custody case at issue;
- 13. Burts addresses Plaintiff as "Tigress Sydney Acute McDaniel aka Tosha McDougal" for service purposes. In this regard, Burts' pleading is wholly improper because,
 - a. Under reasonable inquiry, Burts, as a licensed attorney, can verify that Plaintiff
 has legally changed her name, and has not used her birth name, "Tosha
 McDougal," since such change in 2004;
 - b. Defendant Smith, through her TRO complaints, which constitute prima facie
 malicious prosecution, has persisted in purporting that Plaintiff is somehow using
 her birth name, and unlawfully so, and that such unlawful use is somehow

sufficient grounds for the court to enter a TRO against Plaintiff, which of course, has been denied twice;

- c. It is, then, highly likely that Burts, although appearing only on behalf of Defendant KJ in this action, has been influenced by Defendant Smith to improperly and harassingly address Plaintiff in her legal name and birth name as to somehow evoke the disdain of the courts toward her in believing that she is somehow using her birth name unlawfully and/or otherwise intimidate Plaintiff into abandoning her complaint in fear under their belief that they are somehow exposing her unclean hands related to purported unlawful use of her birth name, which is wholly illogical, basesless, and most markedly, oppositely easily verifiable for Burts as a licensed attorney.
- *d.* Therefore, Burts' intent to harass and intimidate Plaintiff is demonstrably factual as alleged, in that there is absolutely no lawful purpose to address Plaintiff by her defunct birth name.
- 14. Burts' pleading violates Rule 11 of prevailing law, albeit federal or state, and knowingly and maliciously and thus shockingly so,

Rule 11 of the Federal Rules of Civil Procedure.

Signing Pleadings, Motions, and Other Papers; Representations to the Court; Sanctions

(a) Signature. Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name—or by a party personally if the party is unrepresented. The paper must state the signer's address, e-mail address, and telephone number. Unless a rule or statute specifically states otherwise, a pleading need not be verified or accompanied by an affidavit. The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention.
(b) Representations to the Court. By presenting to the court a pleading, written motion, or other paper—whether by signing, filing, submitting, or later

advocating it—an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

(c) Sanctions.

(1) In General. If, after notice and a reasonable opportunity to respond, the court determines that <u>Rule 11(b)</u> has been violated, the court may impose an appropriate sanction on any attorney, law firm, or party that violated the rule or is responsible

for the violation. Absent exceptional circumstances, a law firm must be held jointly responsible for a violation committed by its partner, associate, or employee.

(2) Motion for Sanctions. A motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates <u>Rule 11(b)</u>. The motion must be served under <u>Rule 5</u>, but it must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets. If warranted, the court may award to the prevailing party the reasonable expenses, including attorney's fees, incurred for the motion.

(3) On the Court's Initiative. On its own, the court may order an attorney, law firm, or party to show cause why conduct specifically described in the order has not violated <u>Rule 11(b)</u>.

(4) Nature of a Sanction. A sanction imposed under this rule must be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated. The sanction may include nonmonetary directives; an order to pay a penalty into court; or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of part or all of the reasonable attorney's fees and other expenses directly resulting from the violation.

(5) Limitations on Monetary Sanctions. *The court must not impose a monetary sanction:*

(A) against a represented party for violating <u>Rule 11(b)(2)</u>; or

(B) on its own, unless it issued the show-cause order under <u>Rule 11(c)(3)</u> before voluntary dismissal or settlement of the claims made by or against the party that is, or whose attorneys are, to be sanctioned.

(6) Requirements for an Order. An order imposing a sanction must describe the sanctioned conduct and explain the basis for the sanction.

(d) Inapplicability to Discovery. This rule does not apply to disclosures and discovery requests, responses, objections, and motions under Rules <u>26</u> through <u>37</u>.

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Rule 11 of the NC Rules of Civil Procedure.

Signing and verification of pleadings.

(a) Signing by Attorney. – Every pleading, motion, and other paper of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign his pleading, motion, or other paper and state his address. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion, or other paper; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

(b) Verification of pleadings by a party. – In any case in which verification of a pleading shall be required by these rules or by statute, it shall state in substance that the contents of the pleading verified are true to the knowledge of the person making the verification, except as to those matters stated on information and belief, and as to those matters he believes them to be true. Such verification shall be by affidavit of the party, or if there are several parties united in interest and pleading together, by at least one of such parties acquainted with the facts and capable of making the affidavit. Such affidavit may be made by the agent or attorney of a party in the cases and in the manner provided in section (c) of this rule.

(c) Verification of pleadings by an agent or attorney. – Such verification may be made by the agent or attorney of a party for whom the pleading is filed, if the action or defense is founded upon a written instrument for the payment of money only and the instrument or a true copy thereof is in the possession of the agent or attorney, or if all the material allegations of the pleadings are within the personal knowledge of the agent or attorney. When the pleading is verified by such agent or attorney, he shall set forth in the affidavit:

- 1. (1) That the action or defense is founded upon a written instrument for the payment of money only and the instrument or a true copy thereof is in his possession, or
- 2. (2) a. That all the material allegations of the pleadings are true to his personal knowledge and

b. The reasons why the affidavit is not made by the party.

(d) Verification by corporation or the State. – When a corporation is a party the verification may be made by any officer, or managing or local agent thereof upon whom summons might be served; and when the State or any officer thereof in its behalf is a party, the verification may be made by any person acquainted with the facts. (1967, c. 954, s. 1; 1985)

Burts Answer on behalf of Defendant KJ wholly violates Rule 11 for both federal and state law.

WHEREFORE, Plaintiff have proven prima facie violations of Rule 11 substantiating sanctions

against Burts, this court must GRANT Plaintiff's Motion for Sanctions Against Burts.

Plaintiff requests all forms of sanctions proper and also all forms of relief deemed proper

because justice so requires, including but not limited to striking Burts' pleading in part or in toto.

Tigress McDahiel.

Plaintiff 1235 East Blvd Suite E 793 Charlotte, NC 28203

Date: September 18, 2023

CERTIFCATE OF SERVICE

I hereby certify that, on this 18th day of September, 2023, a copy of the foregoing has been

delivered upon the Defendants via electronic service through the NC eFile system at Defendants'

email addresses, as follows:

 Shameka Smith and Krysta Johnson 4215 Sugarstone Lane, Apt 233 Charlotte, NC 28269 <u>Shemekam.smith@gmail.com</u>

Krysta Johnson, by and through counsel of record M. Anthony Burts II (NCSB: 49878) Burts Law, PLLC P.O. Box 102 Newton, NC 28658 T: (704) 751-0455 F: (704) 413-3882 anthony@pburtslaw.com k.johnson0721@yahoo.com

2. Brittany Johnson pressllc@gmail.com Tigress McDaniel, JD

Date: September 18, 2023

Plaintiff 1235 East Blvd Suite E 793 Charlotte, NC 28203

THIS MATTER coming on to be heard before the undersigned Superior Court Judge at the regularly scheduled March 3, 2014 session of Superior Court, Guilford County, North Carolina, on Plaintiff Emily Jeffords Meister (Meister)'s request for a permanent gatekeeper order, pursuant to Rule 11 of the North Carolina rules of Civil Procedure. Plaintiff was present and represented by Jennifer Reutter and T. Keith Black of the Law Firm of Rossabi Black Slaughter. Defendant, Tigress Sydney Acute McDaniel f/k/a Tosha Renae McDougal (Ms. McDaniel) appeared pro se.

The Court makes the following findings of fact:

IT APPEARING TO THE COURT that:

1. A preliminary gatekeeper order was sought and obtained by Meister and was filed on October 8, 2013 upon the signature of Superior Court Judge James Webb.

2. On March 3, 2014, Meister presented a request for a permanent gatekeeper order in line with Judge Webb's Order and the relief sought, inter alia a default judgment and damages.

3. The request by Meister for a permanent order was countered by a request from McDaniel to lift the order since the only involvement with Plaintiff was related to the underlying action.

4. The request for a gatekeeper order was filed simultaneously with the complaint on September 23, 2013.

5. The hearing date for the preliminary gatekeeper order was set for October 7, .2013.

6. McDaniel was served in person on September 25, 2013 by a deputy sheriff dropping the documents at her feet.

7. Defendant was not present at the hearing for the preliminary gatekeeper order on October 7, 2013.

8. The preliminary gatekeeper order was filed on October 8, 2013.

9. Since 2012, McDaniel has filed or caused numerous civil actions to be filed in Guilford County, North Carolina.

10. Since 2012, it is unknown what, if any, actions may have been filed by McDaniel in other jurisdictions within the State; Meister did not allege or make known to the Court such filings other than mention of <u>one</u> action in Cabarrus County.

11. Since 2012, McDaniel has two matters on record involving Meister which include a protective order action and a collateral matter pertaining thereto.

12. Since 2012, McDaniel has prevailed in at least three of the eleven actions, one of which is pending at the time of this hearing, for which this Court takes judicial notice.

13. Other claims filed or initiated by McDaniel have been dismissed at various stages due to the failure of McDaniel to appear in Court and to prosecute her claims although she is a college graduate with one year of law school and currently working on an advanced degree.

14. The evidence showed that McDaniel prevailed in one case while she was incarcerated.

15. More specifically, McDaniel avers that the various claims include personal injury, maltreatment, fraud and property damage.

16. The evidence showed that she prevailed against one party, Charles Miller, for fraud due to allegations that she had been served when in fact she had not.

17. The evidence showed that McDaniel, because of the gatekeeper order, had been unable to come to the courthouse to the Office of the Clerk of Court nor to the Judges' Offices which created extraordinary vexation for McDaniel.

18. The evidence showed that McDaniel received a letter of explanation of the limitation of access to the courts imposed upon McDaniel by the gatekeeper Order entered by Judge Webb.

19. The gatekeeper order limited McDaniel from initiating, filing or submitting in either the Small Claims, District <u>or</u> (emphasis added) Superior Court Divisions of any county located within the Fifth and Sixth Superior Court Judicial Divisions of <u>any</u> (emphasis added) further complaint, motion, pleading or other document, unless such filing or document(s) – (in combined language provide):

- (a) Contains a certification by an attorney licensed under the laws of the State of North Carolina to practice law in North Carolina that, in the opinion of the attorney, the document complies with Rule 11 of the rules of Civil Procedure; and
- (b) Is first allowed by the Chief Judge (of that division) within the Judicial District in which McDaniel seeks to file the document or initiate a proceeding.

20. The preliminary gatekeeper order also provided that McDaniel shall be limited from initiating or causing to be initiated any criminal charge(s) in any prosecutorial district located within the Fifth and Sixth Judicial Divisions unless such charge(s) is first reviewed and allowed by the District Attorney for such prosecutorial district.

21. The restrictions of the preliminary gatekeeper order, according to its provisions, were to be as to all filings in the Fifth and Sixth Superior Court Judicial Divisions, not just initial filings.

22. This Court, in looking at the terms of the Order and upon consideration of the requests of both parties as to the future applicability of a gatekeeper order against McDaniel, referred to the UNC-School of Government North Carolina Superior Court Judges' Benchbook on Gatekeeper Orders (pre-filing injunctions). Basics and caselaw examples are included in the Benchbook.

23. This Court read to the parties in open court what was written related to the Basics of Gatekeeper orders which reads:

- a. Courts have the inherent authority to enter pre-filing injunctions also referred to as gatekeeper orders restricting individuals from filing new lawsuits or other papers without court approval, when necessary to prevent abuse of the judicial process and protect other parties.
- b. The gatekeeper order should be a last resort after other attempts to control the litigant, such as Rule 11 sanctions, have failed.
- c. As with any disciplinary matter, the subject must be given notice of the proposed order and a chance to respond before it is entered.
- d. The order needs to be narrowly tailored to the circumstances showing abuse that is, if all the abusive litigation is directed at one particular party, the order should only limit filings related to that party, or if the frivolous filings all are in one county, the order should be limited to that county.
- e. The order needs to specify the history that has led to its entry, in sufficient detail that an appellate court can review for the trial court's abuse of discretion.

- f. The order must include a means for the person to file legitimate actions. One possibility is to require that the proposed filing be first submitted to a designated judge to be approved for filing. Another option is to allow a filing if it is accompanied by a certificate from a lawyer that the lawyer has read the document and has also read the gatekeeper order and concludes that the filing meets the standards of Rule 11. A lawyer's certification should not be the only alternative available, however, because that would have the effect of requiring the person to employ a lawyer.
- g. Either in the gatekeeper order or separately the court should instruct the clerk's office on how to handle improperly filed documents. The clerk might be instructed to not accept for filing any papers from the litigant without a signed approval from a judge, for example.
- h. Notice of the gatekeeper order also should be given to all parties who have been on the other side of cases from the abusive litigant, so they will know of relief available to them if frivolous documents get filed despite the order.
- i. The order should include an opportunity for modification. For example, the order might allow the affected party to seek a change after six months or one year. Or the order might provide for automatic review by the court after a set time.

24. Meister concludes in broad terms, without supporting evidence, that simply due to the filing of complaints, McDaniel's purpose was harassment irrespective of the specific nature of the causes of action filed by McDaniel against other parties.

25. The evidence showed that, as to Meister, McDaniel caused to be filed, through a criminal court magistrate, a warrant for assault which McDaniel purported to have not appeared in court to prosecute resulting in a dismissal and for which McDaniel claimed the allegations of communicating threats were not written as she described the incident to the magistrate.

26. The evidence showed that the parties encountered one another outside of the Small Claims courtroom in the Guilford County courthouse following a hearing where McDaniel lost a claim to Meister's client, Rocco Scarfone, owner of a restaurant incorrectly named by McDaniel in the Small Claims Action resulting in a dismissal. 27. The evidence showed that Meister finds McDaniel to be particularly bothersome and has taken action against McDaniel due to a civil restraining order and criminal action filed in Guilford Court Courts due to impugnment of Meister's integrity as an attorney.

28. The evidence showed that McDaniel finds Meister to be particularly burdensome, oppressive and unnecessarily aggressive, in response to her actions by the filing of the gatekeeper order due to the consequential lack of access to the courts.

29. McDaniel has been unable to meet the terms of a certification by an attorney as a prerequisite for all filings.

30. Ms. McDaniel contends, among other things, that the preliminary gatekeeper order violates her right to access to the courts and other fundamental rights that she asserts are infringed by it, particularly as to unrelated cases without said certification.

31. The Court *sub judice* had the opportunity to observe the conduct and tone of counsel and the parties with all austerity, diatribe, aggressions, assertiveness and obstinateness of courtroom antagonism--such a surprise to the Court that words of caution to both sides and restraint were compelled by the circumstances from the court.

32. The gatekeeper order suggests that McDaniel has filed numerous actions, including actions against Meister, which were frivolous, harassing, vexatious or duplicative lawsuits; that McDaniel lacked good faith or simply intended to harass; that McDaniel was burdensome on the courts and other parties resulting from her filings; and the Court lacked adequate alternative sanctions.

33. The evidence showed that as to Meister, McDaniel's claims were dismissed although the criminal action filed by McDaniel was passed through a criminal magistrate.

34. One of the cases handed up to the Court was <u>Stanford v. Grocery Co.</u>, (1906), 143 NC 419; 55 SE 815, which held in an action for malicious prosecution, where a committing

magistrate has bound over a party, or a grand jury has returned a true bill against him, such action *prima facie* makes out a case of probable cause, and the jury should be directed to consider the evidence as directed by this principle.

35. Gatekeeper orders are to be used as a last resort after taking into consideration the totality of the circumstances.

36. The establishment of justice is expressly a reason why the United States Constitution exists. *See* Preamble, US Constitution ("We the people of the United States, in order to form a more perfect union, establish justice . . ."). The courts of our land exist to achieve that goal; one need look no further than the words inscribed over the doors to the United States Supreme Court, "Equal Justice under Law" on the front and "Justice, Guardian of Liberty" on the back.

37. Our State's Constitution expressly declares that "[a]ll courts shall be open; every person for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial or delay." N.C. Constitution, Article I, Section 18.

38. Justice is hardly attainable unless one has access to the courts.

CONCLUSIONS OF LAW

- It is reasonable and proper to restrict McDaniel's ability to file pleadings, motions and other applications for relief in the Eighteenth Judicial District by requiring pre-approval of the Senior Resident Superior Court Judge.
- 2. The process shall be defined for the case and understanding of the parties.
- 3. Like other rights, the right of access to the courts is not absolute such that the restriction should be "narrowly tailored to fit the specific circumstances at issue."

See <u>Cromer v. Kraft Foods North American, Incorporated</u>, 390 F.3d 812, at 818. North Carolina follows this rubric.

- 4. Orders such as gatekeeper orders may be extended, modified or vacated by another judge when such order is interlocutory, discretionary and circumstances have substantially changed.
- 5. Gatekeeper orders are to be used sparingly and not to deny access to the courts nor as retaliation against a party who might otherwise be unassailable, unattractive or unpopular; it is to be used only when exigent circumstances justify it, and against a *pro se* litigant with particular caution.
- 6. The gatekeeper order shall not be used to abridge, circumvent or avoid the pursuit of truth and justice.
- 7. The circumstances meet the standard set forth above in that McDaniel has been unable to find an attorney willing to provide the pre-filing certification required by the Order, effectively blocking McDaniel's access, an indisputably substantial condition.
- Meister's opposition to modification of the Order upon making it permanent has been considered but found lacking.

Based upon the foregoing FINDINGS OF FACT AND CONCLUSIONS OF LAW, IT IS HEREBY ORDERED that:

1. McDaniel shall be limited from initiating, filing or submitting in the Small Claims Division of the District Court of Guilford County unless such claim is first allowed by the Chief Magistrate Judge of Guilford County.

2. McDaniel shall be limited from initiating, filing or submitting in the District Court Division of Guilford County unless such claim is first allowed by the Chief District Court Judge of Guilford County, Eighteenth Judicial District.

3. McDaniel shall be limited from initiating, filing or submitting in the Superior Court Division of Guilford County unless such filing is first allowed by the Senior Resident Superior Court Judge of Guilford County, Eighteenth Judicial District and shall be allowed within five (5) days of such submission.

4. McDaniel shall be limited from initiating or causing to be initiated any criminal charges in Guilford County unless such charge(s) is first reviewed and allowed by the District Attorney for the Eighteenth Judicial District.

5. The restrictions contained herein shall apply to Meister and any member of her law firm, Rossabi Black Slaughter for all filings in the Guilford County, Eighteenth Judicial District.

6. McDaniel shall not be penalized nor retaliated against, by Meister or any party in any other matter pending which involves her, by the filing of this Order including delay in filing responsive pleadings.

7. Violation of this Order by McDaniel, or anyone on her behalf, shall be punishable by criminal and/or civil contempt.

8. This modified Gatekeeper Order becomes permanent upon filing and shall remain in effect until such time as modification is requested by either party <u>after</u> six (6) months from the date of this Order, if this matter is still pending.

9. Neither party shall engage in public release of information pertinent to this case, including posting updates or comments regarding the other party or the proceedings on social media such as Facebook and Twitter.

10. Neither party shall have any contact with the other party except for dispute settlement.

11. The Preliminary Gatekeeper Order shall be vacated as to all matters not related to Ms. Meister.

12. Upon approval of any documents sought to be filed by McDaniel, the Office of the Clerk of Court shall cause to be filed any documents pertinent to this matter.

13. Upon approval by the Senior Resident Superior Court Judge, any further hearings will be set by the Trial Court Coordinator, Ms. Sharon Allgood, with appropriate notice to each side or opposing party.

This the 23rd day of May, 2014.

ALCO

The Honorable Patrice A. Hinnant Superior Court Judge Presiding

GATEKEEPER ORDERS (PRE-FILING INJUNCTIONS)

Michael Crowell, UNC School of Government (Jan. 2015)

Contents

I.	Basics of Gatekeeper Orders	1
	North Carolina Case Law.	
III.	Federal Law	3

I. Basics of Gatekeeper Orders.

- A. **Court's Authority.** Courts have the inherent authority to enter pre-filing injunctions also referred to as gatekeeper orders restricting individuals from filing new lawsuits or other papers without court approval, when necessary to prevent abuse of the judicial process and protect other parties.
- **B.** Last Resort. The gatekeeper order should be a last resort after other attempts to control the litigant, such as Rule 11 sanctions, have failed.
- C. Notice to Subject of Order. As with any disciplinary matter, the subject must be given notice of the proposed order and a chance to respond before it is entered.
- **D. Narrowly Tailored.** The order needs to be narrowly tailored to the circumstances showing abuse that is, if all the abusive litigation is directed at one particular party, the order should only limit filings related to that party, or if the frivolous filings all are in one county, the order should be limited to that county.
- E. Specify History. The order needs to specify the history that has led to its entry, in sufficient detail that an appellate court can review for the trial court's abuse of discretion.
- F. Include Means for Filing Legitimate Actions. The order must include a means for the person to file legitimate actions. One possibility is to require that the proposed filing be first submitted to a designated judge to be approved for filing. Another option is to allow a filing if it is accompanied by a certificate from a lawyer that the lawyer has read the document and has also read the gatekeeper order and concludes that the filing meets the standards of Rule 11. A lawyer's certification should not be the only alternative available, however, because that would have the effect of requiring the person to employ a lawyer.
- **G. Instructions for Clerk's Office.** Either in the gatekeeper order or separately the court should instruct the clerk's office on how to handle improperly filed documents. The clerk might be instructed to not accept for filing any papers from the litigant without a signed approval from a judge, for example.
- **H. Notice to Other Parties.** Notice of the gatekeeper order also should be given to all parties who have been on the other side of cases from the abusive litigant, so

they will know of relief available to them if frivolous documents get filed despite the order.

- I. **Opportunity for Modification.** The order should include an opportunity for modification. For example, the order might allow the affected party to seek a change after six months or one year. Or the order might provide for automatic review by the court after a set time.
- II. North Carolina Case Law. Although there are few North Carolina appellate decisions on gatekeeper orders, and most of them are unpublished, the appellate courts clearly condone such orders and indeed have entered their own gatekeeper orders. There are few appellate cases because the litigants usually are *pro se* and typically fail to properly preserve issues for appeal, leading to dismissal on procedural grounds.

Some appellate cases dealing with gatekeeper orders are:

Estate of Dalenko v. Monroe, 197 N.C. App. 231 (May 19, 2009) (unpublished) —

Although the opinion does not discuss the standard for issuance of a pre-filing injunction, it implicitly accepts the validity of the gatekeeper order entered in the case and quotes it extensively, making the order a useful example of the kind of findings that should be made by the trial judge.

The gatekeeper order included findings that Ms. Dalenko had been sanctioned by five other judges and had exhibited a pattern of disregard for the rules that would have required reporting her to the State Bar if she were a lawyer; and that she had filed frivolous claims for the purpose of harassment and had placed an undue burden on the judicial system. The order prohibited her from filing any document with the clerk's office without a certificate by a lawyer that the lawyer had read the document, that the document complied with Rule 11, and that the lawyer had read the gatekeeper order.

Dalenko v. Wake Cty Dep't of Human Servs., 157 N.C. App. 49, disc. rev. denied, 357 N.C. 458 (2003), cert. denied, 540 U.S. 1178 (2004) —

The gatekeeper order itself is not discussed, but the court approved the use of G.S. 1-109 to require Dalenko to post a prosecution bond of \$20,000 to proceed in a new lawsuit against the same agency she had previously sued. The previous lawsuit had resulted in sanctions against Dalenko, and the new lawsuit was based on the same allegations. The \$20,000 prosecution bond was calculated to cover anticipated costs for the defendants, based on the experience in the previous litigation. The trial court had discretion to go beyond the \$200 specified in G.S. 1-109 for prosecution bonds.

Lee v. O'Brien, 151 N.C. App. 748 (Aug. 6, 2002) (unpublished) —

Lee was permanently enjoined from calling police with unwarranted complaints against her neighbor O'Brien, and from filing any civil action or criminal complaint in the county without approval of a district judge, based on findings that Lee had

filed multiple unsupported civil actions and criminal complaints; that the filings were motivated by harassment and annoyance; that she would continue to do so unless enjoined; and that she had failed to respect the authority of the courts. The Court of Appeals held that the gatekeeper order did not deny Lee access to law enforcement and the courts because it prohibited only "unfounded or harassing complaints" to the police; the order was limited to complaints against the named defendants; the order was limited to the one county; and court filings were allowed with approval of a judge.

Wendt v. Tolson, 172 N.C. App. 594 (Aug. 16, 2005) (unpublished) ---

Wendt had filed and lost three lawsuits after losing an administrative appeal concerning tax liability. As a Rule 11 sanction the trial judge ordered Wendt not to file any other lawsuit without the approval of the senior resident superior court judge of the county. The Court of Appeals accepted without discussion that a gatekeeper order was an available sanction, but held that the imposition of sanctions required findings of fact which were missing in this case.

III. Federal Law. The All Writs Act, 28 U.S.C. § 1651(a), authorizes federal judges to restrict access to the courts by parties who repeatedly file frivolous litigation, giving the judges statutory authority in addition to the inherent authority they share with state judges to prevent abusive litigation and the Rule 11 authority to impose sanctions for frivolous lawsuits.

Useful federal cases include:

Safir v. United States Lines Inc., 792 F.2d 19 (2d Cir. 1986) —

A frequently cited case that lists the factors to be considered by the judge in deciding whether to restrict a litigant's future access to the courts:

- The litigant's history of litigation and whether it has included harassing or duplicative lawsuits.
- The litigant's motive in pursuing the litigation, e.g., whether the litigant has an objective good faith expectation of prevailing.
- Whether the litigant is represented by counsel.
- Whether the litigant has caused needless expense to other parties or has imposed an unnecessary burden on the court and its personnel.
- Whether other sanctions would be adequate to protect the court and other parties.

"Ultimately, the question the court must answer is whether a litigant who has a history of vexatious litigation is likely to continue to abuse the judicial process and harass other parties." 792 F.2d at 24.

Cromer v. Kraft Foods North American, Incorporated, 390 F.3d 812 (4th Cir. 2004) -

The leading Fourth Circuit case on the standards for issuance of a gatekeeper order. In addition to adopting the *Safir* list of factors the court offered this guidance:

• A pre-filing injunction is a drastic remedy to be used sparingly and only when
exigent circumstances justify it.

- Use of such measures against a *pro se* litigant should be approached with particular caution.
- The pre-filing injunction must be narrowly tailored to fit the circumstances. (In *Cromer* the injunction was not narrowly tailored because it restricted the defendant from filing <u>any</u> lawsuit without court approval although his history showed only vexatious litigation related to his employment discrimination lawsuit.)
- The litigant must be given notice and an opportunity to be heard before a gatekeeper order is entered.

Procup v. Strickland, 793 F.2d 1069 (11th Cir. 1986) —

A useful reference because it includes a long list of citations for different kinds of measures courts have taken to stop abusive filings by federal prisoners, including orders that the prisoner obtain court approval for any new filing; that the prisoner provide an affidavit that claims are novel, subject to contempt for false swearing; that the prisoner may file only a specified number of complaints; that the prisoner include a list of all previous filings with each new filing; that the prisoner not serve as a writ writer for any other prisoner; limiting the number of pages allowed in each new filing; and requiring an affidavit as to the attempts made by the prisoner to obtain a lawyer.

Armstrong v. Koury Corporation, 16 F.Supp.2d 616 (M.D.N.C. 1998) —

A good example of a gatekeeper order entered by a federal district court in North Carolina.

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TO: The Grievance Committee The North Carolina State Bar PO Box 25908 Raleigh, NC 27611 Telephone: (919) 828-4620



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		nst (name of lawyer) Kichard " Dick" HVHMan
I, the unders	gned, nereby complain again	Strept Stp 301 (city) Salisbury_NC (zip)_28144
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Counting Stat	· Racall pertinent informatio	on and records in my possession concerning the alleged misconduct of said lawyer. I
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further agree that if a hearing or inquiry is ordered concerning the alleged misconduct of said lawyer, I will furnish evidence about the facts by providing testimony. I hereby indicate that this information is provided and transmitted by me to the North Carolina State Bar for the purpose of reporting alleged misconduct of the above-named lawyer. I further understand that the immunity granted by North Carolina General Statute 84-28.2 applies only to those statements made without malice to the North Carolina State Bar.

- I understand that the North Carolina State Bar may reveal this information to the accused lawyer for his/her response and to
 others pursuant to the Rules and Regulations of the North Carolina State Bar.
- I understand that the State Bar cannot give me legal advice, cannot represent me or intervene on my behalf in a court
 proceeding, cannot remove a lawyer from a case, cannot determine whether a lawyer committed malpractice or is
 indebted to me and cannot change court orders. I understand that if I believe I have suffered damages because of an act or
 omission of a lawyer, I should not wait for the State Bar's disposition of a grievance before pursuing any legal claim or seeking
 legal advice.

PLEASE TYPE OR PRINT LEGIBLY

Name of complainant	I time ist to the
Mr., Mrs., or Ms.) Tigress McDaniel	un again and the
Address: 20T North McDowell St # 30181	Signature of complainant
city: Charlotte state: NC zip: 28230	THIS AFFIDAVIT SHOULD BE NOTARIZED
	Sworn and subscribed before me this the day
Home telephone: ()	or April 20 17
Cell number: (704_605 9205	Charles -
Work number: ()	(Notary Public)
Email: <u>Queengeterdone Cogmail.com</u>	0 01 5 0.19
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DESCRIPTION OF THE GRIEVANCE

In the space below, tell us what the grievance is about. Be sure to include all the facts that you want the State Bar to consider, including names, dates and places. Use additional sheets if necessary. Attach copies (not originals) of any papers that support the grievance.

See attached.

Re: NC Bar Grievance Against Richard "Dick" Huffman Submitted April 27, 2017

AFFIDAVIT IN DESCRIPTION OF GRIEVANCE

Huffman egregiously padded his Motion for Gatekeeper Order against me, Plaintiff/Pro Se in case 16CVS2559 (related also to 16CVD500) for my Renewal of Money Judgment action against his client, Michelle Feimster Bailey and Infinity Bail Bonds, LLC, (hereinafter "Defendants") with falsified and otherwise wantonly misrepresented information in the form of an Affidavit and Verification by his client, Bailey et alii, about my case filings history, both knowingly and maliciously so to subserve his clients attempt to evade liability of the valid money judgment awarded in my favor in 2006. Having also padded his pleading with his attorney rating (said "AV") and years of experience, and expressly considering he nature of a Gatekeeper Order generally, deductive validity and legal reasoning further corroborate his knowing malicious intent juxtapose any feigned defense of mere negligence or mistake. Specifically, Huffman depose and says under oath that I have initiated "162 cases in 74 different counties of North Carolina." Prima facie, his purporting is false, and grossly so. When reviewing his self-asserted research, demonstrated by a "printout" which with he pads his Affidavit, even his printout fails to cite 162 cases that I have initiated in 74 different counties. He knowingly misrepresents and otherwise confuses the record of Notices by court officials to other counties as verification of actual cases initiated by me. Considering also that I'm 40 and there is no express

numerical limit of cases one can initiate, the assertion together with the obviousness of the padding is considerably immaterial. My Affidavit in Opposition elaborates upon the specific issue and how his purporting cannot possibly be true. He also knowingly and maliciously committed sewer service fraud to perfect his fraud upon the court to secure the Gatekeeper Order. He also failed altogether to give required Notice of Hearing to me for hearing on his Motion for Gatekeeper Order.

Upon information and belief, considering:

- Defendants have committed innumerable torts and illegal acts to evade the standing money judgment order, including but not limited to fraudulent conveyance having conspired with Wells Fargo (then "Wachovia") to evade a levy placed on their account discovered by the Rowan County Sheriff's Department as having "sufficient funds to satisfy the money judgment of \$5,000.00" and conspiring with court officials including judges to deny me natural justice in my relief measures against the abovementioned;
- 2. He and his client have attempted to also defraud NC Department of Insurance (hereinafter "NC DOI") regarding my pending/active complaint against Defendants, the limited liability corporation for which she was sole member and register agent for its life, to evade penalty and reprimand up to revocation of licensure and Underwriting eligibility as a bail bondsman;
- 3. Erwin Spainhour presided in the criminal case against me from which this matter arose, in 2006, Bailey served as my bail bondsman, and after being wrongfully convicted of only 3 of the 20 plus charges for identity theft and obtaining property by false pretense

despite the express fact that the evidence argued by me as Defendant, Pro Se, even then, was sufficient to dismiss all other like charges, and that the District Attorney for the State moved to dismiss the remaining 3 charges for lack of evidence, Defendants now (Bailey and Infinity Bail Bonds, LLC) destroyed my vehicle which I used as security for the bond;

4. Erwin Spainhour (hereinafter "Spainhour") was appointed mediator by Anna Mills Wagoner (hereinafter "Wagoner"), the judge presiding in the current civil action against Defendants to renew my money judgment and ultimately seek relief from their tortuous and criminally illegal acts such as the fraudulent conveyance abovementioned;

deductive validity further corroborates that Spainhour, Wagoner, Bailey/Infinity Bail Bonds LLC AND Huffman are jointfeasors in a conspired effort to deny natural justice to me in execution of my money judgment and ultimately carry out acts to defame me and unlawfully, without merit, bar my access to courts.

Know that I have ascertained the following from the case jacket by visiting the Rowan County Clerk on or about March 31, 2017 after receiving a mailing of what can be deduced to be Huffman's Proposed Gatekeeper Order:

1. The Gatekeeper Order was entered on March 27, 2017 by Wagoner, again effectually ex parte. The order bars me from filing any new or responsive pleadings in the active case or any new action, enjoins me to hire an attorney to certify my pleadings before then having to seek the approval of the Senior Resident Superior Court Judge (in this case ironically enough it's Wagoner) and is exclusive to Rowan County. Huffman also seeks monetary gain (unjust enrichment) from his tortuous and criminally fraudulent acts. Further, Wagoner awards Huffman \$4,400.00 in that same order.

- 2. Immediately after becoming aware of these events:
 - Reviewed the case jacket and found no Notice of Hearing for Huffman's Motion for Gatekeeper Order. The Assistant Clerk of Court, Sonia Posyck, certified that "no such document captioned Notice of Hearing" appeared in the file.
 - b. Having been permitted to proceed indigent in this matter, and markedly the other related matters including but not limited 16CVD500, the court and Huffman are fully aware that I cannot afford to hire an attorney, which is markedly a Federal violation of my rights of access to courts. However, in an act of due diligence and attempt to bring the errors to the attention of the court for correction and revocation, I submitted via fax and email to the court for review and approval for filing, making sure to express the inability to comply with the requirement to hire an attorney:
 - i. Motion to Vacate Gatekeeper Order on April 3, 2017, and
 - Affidavit in Opposition on April 13, 2017, having still yet to receive any response at all from the court and to exercise due diligence in preserving my rights against Huffman's conveniently filed Motion for Judgment on the Pleadings.

I also forwarded these submissions to Huffman, the new mediator appointed by Wagoner, Sharon Tracey Barrett, and Joe Wall, NC DOI lead investigator for the active complaint aforementioned, via fax and/or email.

 Wagoner voluntarily recused herself in a hearing on Huffman's Motion for Judgment on the Pleadings on March 24, 2017. This also further evidences the uncontrite disposition of both Huffman, Wagoner and expectedly the other co-conspirators hereinreferenced,

and moreover their willful intent. UNIA CUI IAA. Signature of Complainant Sworp and subscribed before me this 27^{h} day of April. 20 17 . Notary Public Sept. 15, 2018 My commission expires:

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RESULT	OK	

fax

то:	Rowan County - Superior Court Senior Resident Judge	FROM:	Tigress McDaniel
FAX:	704-797-3154	PAGES:	4
PHONE		DATE:	April 4, 2016
RE:	Motion To Vacate Gatekeeper Order	cC:	Becky Williams, Superior Court TCC
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Comments: I hereby submit this pleading for review, approval and filing.

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fax

TOi	Rowan County - Superior Court Senior Resident Judge	FROM:	Tigress McDanlei
FAX:	704-797-3154	PAGES:	4
PHONE:		DATE:	April 4, 2015
RE:	Motion To Vacate Gatekeeper Order	CC:	Becky Williams, Superior Court TCC
X UI	rgent X For Review Please Co	omment	Please Reply Please Recycle

Comments: I hereby submit this pleading for review, approval and filing.

"Memo to File" attached hereto.



TO:	Rowan County – Superior Court Senior Resident Judge	FROM:	Tigress McDaniel
FAX:	704-797-3154	PAGES:	4
PHONE:		DATE:	April 4, 2016
RE:	Motion To Vacate Gatekeeper Order	CC:	Becky Williams, Superior Court TCC
X Ur	gent X For Review Please Co	omment	Please Reply Please Recycle

Comments: I hereby submit this pleading for review, approval and filing.

"Memo to File" attached hereto.

STATE OF NORTH CAROLINA

FILE NO. 16CVS2559

ROWAN COUNTY

In The General Court of Justice

Superior Court Division

Tigress McDaniel Plaintiff

VERSUS

Infinity Bail Bonds, LLC Defendant(s)

PLAINTIFF'S MOTION TO VACATE GATEKEEPER ORDER ENTERED ON MARCH 27, 2017

NOW COMES, Tigress McDaniel, Plaintiff, Pro Se, to move the court to vacate the Gatekeeper Order entered on March 27, 2017 for the following reasons:

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- Dick Huffman (hereinafter "Huffman"), counsel for Defendant(s), did not comply with North Carolina Rules of Civil Procedure, Local Rules and all other applicable North Carolina law and failed to effect proper service of "Motion for Gatekeeper Order." Instead, Huffman served two identical copies of a document entitled, "Gatekeeper Order." Upon review of the case jacket and upon information and belief, Plaintiff asserts that Huffman intended to engage sewer service fraud to obtain a Gatekeeper Order by illgotten means.
- On or about March 31, 2017, Plaintiff visited the Rowan County Clerk of Court's Office to review the case jacket, and obtain a copy of Huffman's Motion for Gatekeeper Order, which would be procedurally necessary to pursue a gatekeeper order.
- Upon review of the case jacket, Plaintiff found Huffman's "Request To Calendar Case For Motion" date stamped March 9, 2017. Markedly, Plaintiff had not received and still has yet to receive any notice regarding Huffman's intent to calendar his Motion.
 - 4. Moreover, and contrarily so, Plaintiff found that Huffman had also failed to file a "Notice of Hearing" which is basally required, in full accordance with North Carolina Rules of Civil Procedure, Local Rules, and all other applicable North Carolina law.
 - Plaintiff, then, asked said Sonia Pozyck to review the case jacket, and certify and affirm that "there is no document captioned 'Notice of Hearing' for the March 20, 2017 court date."
 - It appears by record that Huffman, in his own capacity and on behalf of Defendant(s), has failed to effect proper service upon Plaintiff for the March 20, 2017 hearing, albeit knowingly, maliciously or alternatively negligently so.
 - Moreover, the court erred in hearing Huffman's Motion for Gatekeeper Order in Plaintiff's absence. The court must verify due diligence to properly serve any party that

would be affected to avoid undue discipline and harm, because such is inherent to a Gatekeeper Order. The court failed to give Plaintiff opportunity to review, respond, appear and answer the allegations presented in Huffman's Motion for Gatekeeper Order.

- Furthermore, the Gatekeeper Order is NOT narrowly tailored to Michelle Feimster Bailey and Infinity Bail Bonds, LLC, as Huffman appears to argue in his Motion, which does NOT comply with legal standards for setting entailments of a Gatekeeper Order.
- 9. Even more so, the court failed to include a means for legitimate filings by Plaintiff. The stipulation that Plaintiff must obtain certification by "any attorney licensed under the laws of the State of North Carolina to practice law in North Carolina," has the effect of requiring Plaintiff, who is widely known as indigent and lawfully so, to employ a lawyer. Such requirement fails to meet the state and federal standard and Plaintiff's basally protected right of access to courts.
- 10. Most markedly, Huffman attempts to substantiate his Motion offering knowingly falsified specific history of what he purports as Plaintiff's filings and otherwise negligently misrepresents as verified court records of Plaintiff's filings to subserve the disposition of himself and that of his client, and unjustly so. Because Huffman supports his Motion with a verification from his client, Michelle Feimster Bailey, notably on behalf of Infinity Bail Bonds, LLC, and an Affidavit affirming and otherwise touting his rating as a legal professional and years of experience, it is likely that he knowingly intended to defraud the court to unjustly obtain this Gatekeeper Order.

11. It appears by record that Huffman also knowingly sought to defraud the court and profit monetarily for the same, effectually seeking to be unjustly enriched under an ill-gotten Gatekeeper Order. Such tort against Plaintiff was carried out, in that Huffman's efforts resulted in a rendered money award in the amount of \$4,400.00 USD, for what he purports as expenses incurred in preparation of the Motion for Gatekeeper Order.

12. The express fact that the court, in its own discretion, having failed to verify proper service and heard Huffman's Motion in Plaintiff's absence, granted the Gatekeeper Order and moreover, awarded money damages as a form of sanction against Plaintiff is evidence of the conspiracy and unclean hands of court and clerk officials, and Defendants' counsel that Plaintiff has alleged in previous pleadings.

The Gatekeeper Order is erroneous on its face, and must be vacated immediately in the interest of justice and as a matter of law.

WHEREBY, the Plaintiff moves the court for the following forms of relief:

- 1. Immediately vacate the Gatekeeper Order in toto;
- 2. Sanctions against Huffman and Defendant(s);
- And all other forms of relief necessary to remedy the wanton error and cruelty, and alternatively gross negligence to which Plaintiff has been recklessly subjected.

Submitted this 4th day of April 2017,

Tigress McDaniel

Plaintiff, Pro Se 201 North McDowell Street #30181 Charlotte, NC 28230

Attachment(s) "Memo To File" affirmed and signed by said Sonia W. Pozyck, Assistant Clerk of Court, Rowan County, date stamped March 31, 2017

CERTIFICATE OF SERVICE

A copy of the foregoing has been deposited in the custody of the United States Postal Service to effect service upon Dick Huffman, counsel for both Defendants, at Huffman Law Firm, 100 West Inner Street, Suite 301, Salisbury, NC, 28144 on this 30th day of December 2016.

This 4th day of April 2017, **Figress** McDaniel

Date: April 4, 2017

Plaintiff, Pro Se 201 North McDowell Street #30181 Charlotte, NC 28230

Clerk of Superior Court Rowan County



I have this date reviewed the contents of the above file jacket for the above-referenced case and affirm that there is no document captioned "Notice of Hearing" for the March 20, 2017 court date contained therein.

Sonia W. Pozyck

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Assistant Clerk of Court, Rowan County

fax

TO:	Rowan County – Superior Court Senior Resident Judge	FROM:	Tigress McDaniel
FAX:	704-797-3154	PAGES:	8
PHONE:		DATE:	April 13, 2016
RE:	Plaintiff's Affidavit In Reply To Defendants' Counsel's Affidavit Dated and Filed on March 21, 2017	CC:	Becky Williams, Superior Court TCC
X Urg		omment	Please Reply Please Recycl

Comments: I hereby submit this pleading for review, approval and filing. Refer back to submission of Motion for Gatekeeper Order faxed and emailed successfully on April 4, 2017. I have been verified as indigent on court record. I cannot afford an attorney nor identify an attorney willing to certify and sign off on my pleading(s). The Gatekeeper Order is erroneous on its face, and must be vacated immediately. I filed the Motion to Vacate the Gatekeeper Order as assertedly prerequisite to filing supplementary pleadings necessary to defend against Huffman's efforts. Out of abundance of caution and to exercise due diligence, I hereby submit my Affidavit In Reply to effectually defend against Defendants' Motion for Judgment on the Pleadings.

Courtesy Copy to Dick Huffman at Huffman Law Firm at F 704. 216. 0282

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	owan County - Superior Court Senior Resident Judge	FROM:	Tigress McDanlel
FAX: 70	04-797-3154	PAGES:	8
PHONE:		DATE:	April 13, 2016
	laintiff's Affidavit in Reply To Defendants' Counsel's ffidavit Dated and Filed on March 21, 2017	CC:	Becky Williams, Superior Court TCC

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TO:	Rowan County - Superior Court Senior Resident Judge	FROM:	Tigress McDaniel
FAX:	704-797-3154	PAGES:	8
PHONE:		DATE:	April 13, 2016
RE:	Plaintiff's Affidavit in Reply To Defendants' Counsel's Affidavit Dated and Filed on March 21, 2017	CC:	Becky Williams, Superior Court TCC
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STATE OF NORTH CAROLINA

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ROWAN COUNTY

FILE NO. 16CVS2559

In The General Court of Justice

Superior Court Division

Plaintiff	
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VERSUS	

Infinity Bail Bonds, LLC Defendant(s)

PLAINTIFF'S AFFIDAVIT IN REPLY TO REBUT DEFENDANTS' COUNSEL'S PURPORTED AFFIDAVIT EVIDENCE DATED AND FILED MARCH 21, 2017

Tigress Sydney Acute McDaniel, having been the victim of identity theft aforetime and under federal protections having been assigned a new social security number in December 2004 as a form of relief, and having also been legally permitted to proceed with name change in December 2004 as well, having specific federal protections from unlawful use of her birth and current name, being first duly sworn, under oath, deposes and says:

- Richard "Dick" L. Huffman purports himself to be an "esquire," "attorney licensed to
 practice law in the State of North Carolina since 1981," but such affirmation fails to
 verify that "all matters set forth" in his affidavit intended as introducing and establishing
 evidence upon the court "are based on [his] personal knowledge." In fact, his affirmation
 and attempt to defraud the court about the truth of the information that he sets forth in his
 affidavit under the guise and self-serving usurpation that his "license to practice law since
 1981" somehow necessarily makes "all matters set forth" in his affidavit true and
 indisputable is, instead, evidentiary sufficient grounds for severe penalty and disbarment,
 and markedly so.
- I reiterate, reassert and otherwise reallege that whether Huffman has "practiced law in Rowan County since 1994" has absolutely no binding verification upon his pleading, especially considering the express fact that the "matters set forth" in his affidavit are grossly false, and assertedly knowingly and maliciously so.
- 3. Mediation has been ordered by the court in this case. As of March 22, 2017, Sharon Tracey Barrett advised me and the Defendants and Huffman that she would "ask the court about the availability of conference rooms on July 7, 2017 and be back in touch with you [plural]." Huffman, Defendants' counsel, agreed to a mediation date of July 7, 2017. Accordingly, I was preparing for mediation. However, on or about March 28, 2017, I

received a mailed envelope from Huffman, which included two identical copies of a document entitled "Gatekeeper Order." Because it was unsigned, and to the best of my knowledge, not yet heard by the court because such would necessitate a prerequisite "Motion for Gatekeeper Order," I deduced that Huffman had mistakenly mailed two copies of his proposed Gatekeeper Order which should have instead included one copy of his Motion for Gatekeeper Order and one copy of his proposed Gatekeeper Order. On March 31, 2017, I visited the Rowan County Clerk of Court to review the case jacket and expectedly obtain a copy of the date-stamped and filed "Motion for Gatekeeper Order."

- a. Huffman had filed a Motion for Gatekeeper Order date-stamped March 9, 2017, that again I had not received;
- Huffman had filed a Request to Calendar Case for March 20, 2017 on such Motion for Gatekeeper Order date-stamped March 9, 2017, which I had not received;
- c. And most notably that Huffman and the court proceeded upon the hearing of his Motion for Gatekeeper Order without giving Notice of Hearing to me, the Plaintiff, and the party to be affected by the sought-after Gatekeeper Order.

Most notably, Assistant Clerk of Court, Sonia W. Pozyck, affirmed that there is "no document captioned "Notice of Hearing" for the March 20, 2017 court date requested by Huffman. Due to the nature of a Gatekeeper Order, the court erred in hearing Huffman's Motion without verifying proper notice. And according to the Clerk, notice was NOT properly given to me; in fact, "Notice" does NOT even appear in the case jacket.

Michelle Feimster Bailey is the sole member and registered agent of Infinity Bail Bonds, LLC. In full accordance with NC GS § 57D in toto, Michelle Feimster Bailey qualifies to be added as a Defendant in this case under the legal premise of necessary joinder of parties. I was simply awaiting the mediation outcome before proceeding with other litigation tasks and means to execute my original money judgment against Defendants. Because I just recently discovered Huffman's posthaste and assertedly ex parte pleadings, Huffman's claim is considerably premature and unfounded considering that such opportunity to add Bailey as a party to this case has not yet expired.

- 4. I assert that Huffman has indeed been involved with Defendants since well before I "filed a motion in the District Court case 16-CVD-500." I assert that, upon information and belief, as an expert in deduction and have been subjected to the pattern and practice of fraud, corruption, and conspiracy at the hand of lawyers like Huffman in both disposition and conduct and court officials, it is more likely that Huffman has indeed been involved with Defendants since well before the timeframe he purports.
- 5. After a standard litigation process for renewal of the money judgment entered in my favor against Defendants in 2006 in the District Court case 16CVD500, and after I notably obtained Default Judgment by Clerk for such renewed money judgment, Defendants having had no appearance in the case, neither individually nor through and by counsel, Huffman made an appearance impromptu at the hearing on my Motion for

Default Judgment by Judge, on November 23, 2016, and suddenly with asserted unclean hands, the court first informed me that the Clerk of Court has "set aside" my Default Judgment by Clerk under a claim of "invalidity of service of the original complaint and summons." The case was dismissed, prematurely, but the presiding judge did not order dismissal with prejudice. I assert that James Randolph is not honorable, and further that the dismissal was conspired under unclean hands, ill-gotten and legally improper. Furthermore, I assert that Anna Mills Wagoner is not honorable, and has conspired under unclean hands in cahoots with Defendants and Huffman to perfect the ill-gotten Gatekeeper Order and subserve Defendants' efforts to evade liability for the standing money judgment still owed in full to date. Accordingly, I have given Notice of Appeal in case 16CVD500, and intend to move the court for Relief from Judgment Order under Rule 60 of the North Carolina Rules of Civil Procedure, for which opportunity to make has NOT expired. I have NOT failed to perfect my appeal in that case.

- 6. I did, in fact, file my most recent complaint against Defendants, 16CVS2559, on November 23, 2016, immediately after confirming in open court before James Randolph whether the case had been dismissed with or without prejudice, and having the latter confirmed, proceeded with my current complaint in full accordance with North Carolina General Statutes.
- 7. Not all complaints that I have filed have directly arisen out of the same transaction. My original complaint was for money damages. Bailey and her staff of Infinity Bail Bonds, LLC destroyed my vehicle while in their possession that I used as collateral security for the bail bond written by her/her company. There is also the matter, notably unresolved to date, of fraudulent conveyance and conspiracy with Wachovia, now Wells Fargo Bank, to evade the levy placed by the Rowan County Sheriff's Department, upon an account found to have funds sufficient to satisfy the money judgment of \$5,000.00 USD at its inception, and later "returned insufficient funds" two weeks later. I have also filed a complaint with the Department of Insurance against Michelle Feimster Bailey, who notably practices under the same bail bondsman license number as she did when the money judgment in my favor was entered against Defendants. Markedly, the investigation for the complaint with the Department of Insurance against Bailey is still in process.
- 8. Huffman's claim that he "learned that Plaintiff had filed approximately 162 cases in 74 different counties in North Carolina" is grossly false, and knowingly and maliciously so, to perfect an intendedly ill-gotten Gatekeeper Order, and ultimately unjustly subserve his clients' disposition to evade liability for torts committed against me and my property. I have never physically visited nor otherwise engaged 74 counties in North Carolina. I cannot even name nor identify 74 counties in North Carolina. I have NOT filed 162 cases in 74 different counties in North Carolina. Huffman conveniently fails to cite the source for his "investigation," and the case jacket records reflect only what appears to be a print out of cases involving me as a party. Huffman knowingly fails to differentiate cases related to the Gatekeeper Order matters in Guilford County from "Notice" by Guilford

County to other counties regarding the same. Huffman also fails to show proof of verification of actual cases initiated by me. Reason being is straightly that he cannot. because they do NOT exist. I assert that Huffman has committed these torts under knowingly fraudulent and malicious intent because he, by his own reasserted admission in his affidavit, repeatedly touts his years of experience and AV rating as an attorney licensed to practice in the State of North Carolina. It is unlikely that a legal professional with his asserted experience and implied expertise would negligently make such gross infractions of Rules of Professional Conduct, North Carolina and even Federal law. It is, therefore, sufficient to deduce that Huffman's intent was knowing and wantonly malicious, and such conclusion meets the legal criteria for deductive validity.

- 9. I have no direct knowledge regarding Huffman's claim that Gatekeeper Orders against me "had been filed in 24 different counties in North Carolina." Because Huffman has attempted to defraud the court with egregiously substantially, knowingly falsified information, it is more likely that this information purported by Huffman is equally altogether untrue, misrepresented or considerably exaggerated.
- 10. I assert that Huffman did NOT file a Motion for a Gatekeeper Order for Rowan County, North Carolina, "in order to protect [his] client and the integrity of the Rowan County judicial system." Instead, based upon the egregiously substantially, knowingly falsified information, posthaste and even assertedly ex parte pleadings that Huffman has so uncontritely, **markedly including his most recent pleading to move the court for Judgment On The Pleadings**, his affidavit evidence by deduction of course, it is more likely than not that he, instead, has undertaken such efforts, assertedly in conspired cahoots with the Court and Clerk to deny me natural justice in this case for procedural renewal of the original money judgment awarded in my favor against Defendants, and altogether bar my rightful opportunity to execute such money judgment and be fully restored for my injuries and losses in full accordance with that original money judgment.
- 11. Based again upon Huffman's uncontrite disposition, it is HIGHLY unlikely that he expended the purported times set forth in his affidavit in "preparing for [his] Gatekeeper Motion." Furthermore, it must be noted that it appears that Huffman spent considerably more time drafting the written document of the Gatekeepers' Motion than he did researching statewide court filings purportedly by me. Deductive reasoning suggest that time expenditures would be more aptly served oppositely, to confirm "preliminary findings" as verified rather than just merely purported in the court case printouts submitted by Huffman, padded by his touting of legal experience and rating. Federal and North Carolina law and judicial opinion concurs that a Gatekeeper Order should be enforced as a last resort, and need be substantiated by verified frivolity. <u>Gatekeeper Orders are NOT granted merely on the basis of number of cases filed by any party. even if we assume that Huffman's falsified affidavit is true. Furthermore, Gatekeeper Orders are NOT granted merely on the suspicion of frivolity. Huffman indeed purports a "number" of cases that I supposedly filed, but fails miserably to meet</u>

the criterion required to substantiate a Gatekeeper Order against me, <u>because he fails to</u> <u>discuss and cite the nature of any of the purported 162 cases in 74 counties. Again, I</u> <u>have assuredly NOT filed 162 cases in 74 counties, but had I, Huffman would surely</u> <u>need establish that the majority of those cases were proven frivolous to substantiate</u> <u>the entry of a Gatekeeper Order against me.</u>

This is why it is further demonstrated and evidentiary that Huffman intended his touted experience and AV rating, together with a completely falsified "roster" of cases purportedly filed by me, as padding for justification and further substantiation to effect his ill-gotten Gatekeeper Order.

Moreover, now that Huffman has filed a Motion for Judgment on the Pleadings, asking to be heard on April 24, 2017, with full knowledge that I have presented a Motion to Vacate Gatekeeper Order to the court on April 3, 2017, it is deductively valid that Huffman remains uncontrite and fully intends to proceed upon escalated measures to unjustly subserve himself and his client, and ultimately conspire to bar my right to natural justice in renewing the original money judgment out of which this matter arises and execute full payment, with interest accrued on court record to date, for the same.

12. Huffman's self-asserted rating and years of experience shows further evidence of the extent to which he is willing to effect this fraud. Unequivocally, it is clear that Huffman's calculation for the "reasonable value" of his services is unreasonable on its face, because he has sought to gain monetarily from ill-gotten means. Ill-gotten gains sorely meet the threshold for "reasonable."

The Gatekeeper Order is erroneous on its face, and must be vacated immediately in the interest of justice and as a matter of law.

Huffman's affidavit intended to introduce evidence as verified, and then consequently have the same adjudicated upon to subserve his/his client's Motion for Judgment on the Pleadings is unequivocally egregious and sufficient grounds for severe penalty up to disbarment.

I submit this affidavit upon the court in reply to Huffman's affidavit as counsel for Defendants in this case.

I am fully aware that an affidavit unchallenged can result in a summary judgment order in favor of the Defendants, even under unclean hands. It is clear that Huffman is intent upon doing everything in his capability and conspired resources to achieve the same.

It is the court's responsibility to prevent injustice, and report, investigate and sanction attorney misconduct and fraud.

Because the Gatekeeper Order has been entered, albeit ill-gotten, heard, ruled upon and entered in my absence without proper notice, effectually ex parte, I am bringing it to the court's attention for review and approval of filing my Affidavit In Reply.

I am indigent. The court is fully aware of such status. I cannot hire an attorney to certify my pleadings.

Moreover, even if I could afford an attorney, it is unlikely that I can identify one willing to appear in this case or any other case for that matter on my behalf, because consistent with my repeated and renewed assertions that Rowan County has engaged a pattern and practice of unclean hands against me, I have been effectually blacklisted and otherwise ostracized amongst attorneys.

I have presented a Motion to Vacate Gatekeeper Order for that and other reasons set forth herein to afford opportunity to properly litigate my case and defend against Huffman's illgotten orders and conspired efforts against natural justice.

Submitted this 13th day of April 2017,

Tigress McDaniel

Plaintiff, Pro Se 201 North McDowell Street #30181 Charlotte, NC 28230

The within named person (Affiant/Plaintiff), Tigress Sydney Acute McDaniel, who is a resident of Mecklenburg County, State of North Carolina, personally came and appeared before me, the undersigned Notary Public. and makes this his/her statement, testimony and General Affidavit under oath or affirmation, in good faith, and under penalty of perjury, of sincere belief and personal knowledge that the following matters, facts, and things set forth are true and correct, to

the best of his/her knowledge:

Dated this 13th day of April , 2017,	
State of North Cusdine County of Mecklenburg	Subscribed and sworn to, 20 17 by
or affirmed, before me on this 14th day of 4pr	, 20 <u></u> 0j
Affiant Tyress Sydney acute Medaniel	BURGE
Signature of Notary Public	N.H. OS
My Commission Expires: 01/06/2021	E NOTARL O
CERTIFICATE OF SERVICE	PUBLIC SON COUNTIN
C. 1. 1.	te 1 States Postal Service to

A copy of the foregoing has been deposited in the custody of the United States Postal Service to effect service upon Dick Huffman, counsel for both Defendants, at Huffman Law Firm, 100 West Inner Street, Suite 301, Salisbury, NC, 28144 on this 13th day of December 2016.

This 13th day of April 2017, Tigress McDaniel

Plaintiff, Pro Se 201 North McDowell Street #30181 Charlotte, NC 28230 Date: April 13, 2017



STATE OF NORTH CAROLIN COUNTY OF ROWAN	LED	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 16-CVS-2559
2017: MAR	21 P 3 38	
Tigress Sydney Acute McDanie f/k/a Tosha Renae McDougal, Plaintiff,	HCD. C.S.C.	
v.)	AFFIDAVIT
)	AT IDAVIT
Infinity Bail Bonds, LLC.,	Ĵ	
Defendant.)	
)	

Richard L. Huffman, being first duly sworn, deposes and says:

1. I am an attorney licensed to practice law in the State of North Carolina and have been since 1981. All matters set forth herein are based on my personal knowledge.

2. I have practiced law in Rowan County since 1994.

3. I represent the Defendant in this matter, as well as Michelle Bailey, former owner of the defunct Infinity Bail Bonds, LLC. Michelle Bailey, in her individual capacity, has also been named in numerous complaints filed by the Plaintiff but is not a Defendant listed on the Complaint in the case at hand.

4. I first became involved with the Plaintiff when she filed a motion in the District Court case 16-CVD-500.

5. I attended her motion hearing on November 23, 2016 and moved that the case 16-CVD-500 be dismissed. The Honorable James Randolph granted the dismissal.

6. Later in the day after Judge Randolph dismissed the case, Plaintiff filed the current complaint.

7. As a result of my involvement in this matter, I learned that Plaintiff had filed a total of eight (8) lawsuits against this Defendant and/or Michelle Bailey, all of which arose out of the same transaction.

- AL

8. Upon further investigation, I learned that Plaintiff had filed approximately 162 cases in 74 different counties in North Carolina.

9. Further investigation also revealed that Gatekeeper Orders against this Plaintiff had been filed in 24 different counties in North Carolina.

10. In order to protect my client and the integrity of the Rowan County judicial system, I filed a Motion for a Gatekeeper Order for Rowan County, North Carolina.

11. In preparing for this Gatekeeper Motion, I expended the following time:

Date	Matter	Time
D 1 2016	Research statewide court filings by Plaintiff	00.75
Dec. 1, 2016	Review Rowan County court filings	01.25
Dec. 5, 2016	Obtain and review copies of Gatekeepers' Orders	00.75
Jan. 19, 2017	and Motions from Gilford and Wake counties.	
Jan. 25, 2017	Obtain and review North Carolina Superior Judges	02.25
Jun 20, 2017	Benchbook on Gatekeepers' Orders and review cas	es
	therein.	
Feb. 10, 2017	Legal research.	03.00
Feb. 13, 2017	Analysis of statewide court filings by Plaintiff.	00.50
Feb. 24, 2017	Initial draft of Gatekeepers' Motion.	03.50
Mar. 01, 2017	Revise Motion.	01.00
Mar. 02, 2017	Revise Motion.	00.50
Mar. 06, 2017	Initial draft of Gatekeepers' Order	01.75
Mar. 07, 2017	Revise proposed Gatekeepers' Order	00.75
Mar. 09, 2017	Prepare Motion for filing and draft Request that	01.00
11111.07,2017	Case be Set Hearing. File Motion and Request for Hearing.	
Mar 17 2017	Prepare for hearing on Motion.	01.00
Mar. 17, 2017	Prepare for hearing, attend court, argue Motion,	03.25
Mar. 20, 2017	Revise order, prepare order for filing.	
Mar. 21, 2017	File proposed Order and Attorney fee affidavit.	00.75
	Total time	22.00 h

Total time

22.00 hrs.

12. I am an AV rated attorney with 36 years of legal experience. My normal rate of billing is \$200.00 per hour. The reasonable value of my services in this matter is \$4,400.00.

This the 21st day of March, 2017.

Richard L. Huffman, Esq. NC Bar No. 9874 Huffman Law Firm, PA Attorney for Defendant 100 West Innes St., Suite 301 Salisbury, NC 28144

Subscribed and sworn to before me this 21st day of 2017.

Notary Public, State of North Carolina

My Commission expires: 10,2021



CERTIFICATE OF SERVICE

I, Richard L. Huffman, do hereby certify that I have this day served a copy of the foregoing document upon the Plaintiff herein by placing a copy of same, addressed to such Plaintiff as listed below, in the U. S. mail, postage prepaid. I further certify that I have also served a copy of the proposed Order by placing a copy of same, addressed to such Plaintiff as listed below, in the U. S. mail, postage prepaid

Tigress McDaniel 201 North McDowell Street #3018 Charlotte, NC 28230

This the 21st day of March, 2017.

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Richard L. Huffman, Esquire NCSB No.: 9874 Huffman Law Firm, PA 100 West Innes Street, Suite 301 Salisbury, North Carolina 28144 (704) 216-0280

STATE OF NORTH CAROLINA COUNTY OF ROWAN	IN THE GENERAL COURT OF JUSTICE FILE SUPERIOR COURT DIVISION 16-CVS-2559
Tigress Sydney Acute McDaniel f/k/a Tosha Renae McDougal, Plaintiff,	7017 1112 -9 P 4: 52 ROWAN DO., C.S.C.
v.) MOTION FOR GATEKEEPER) ORDER
Infinity Bail Bonds, LLC., Defendant.)) _)

NOW COMES the Defendant and hereby moves for sanctions against the Plaintiff pursuant to Rule 11 of the North Carolina Rules of Civil Procedure. The Complaint, filed pro se, is not well grounded in fact, is not warranted under existing law or good faith argument for the extension modification or reversal of existing law.

- The Plaintiff's Complaint contains claims that are completely meritless. The Plaintiff
 has already had seven cases filed in Rowan County against Infinity Bail Bonds, LLC
 and/or Michelle Bailey all involving the same matter of a bail provided to the Plaintiff
 by the Defendant in 2006.
- 2. Attached hereto as Exhibit A is a printout from the Clerk of Courts office listing all cases involving Tigress McDaniel in North Carolina. According to my count, the printout shows 162 different listings in 72 different counties. Guilford County has suffered from the most filings of the Plaintiff with 58 matters listed in the printout. Rowan County has the second largest number of cases listed with a total of 10, 8 of which are filed against Infinity Bail Bonds, LLC and/or Michelle Bailey. The 8 Rowan cases all involve the same bond the Defendant provided to the Plaintiff when she was incarcerated for identity theft and fraud.
- 3. In the most current filings, Plaintiff filed a case against this Defendant captioned as 13-CVD-2744. That Complaint contained substantially the same allegations as set forth in the current complaint. The Plaintiff subsequently filed another case against the Defendant captioned as 16-CVD-500. It also contained substantially the same allegations as set forth in the current complaint. 16-CVD-500 was dismissed by the Honorable James Randolph on November 30, 2016. The Plaintiff thereafter filed a Notice of Appeal of that order but has failed to perfect that appeal. The current case

also contains substantially the same allegations as set forth in the prior two complaints.

- 4. Plaintiff's repeated filings has placed an undue burden on the judicial system causing the expense time by Judges, employees of the Clerk of Superior Court, the Trial Court Administrator, Judicial Assistance and Court Reporters. The repeated abuse by the Plaintiff of the legal process requires special limitation be placed upon the Plaintiff 's access to the courts of Rowan County.
- 5. Many of the civil matter initiated by McDaniel involved claims against the same parties, or some of them, which claims arose from the same or almost the same underlying events. Additionally, several of the actions were re-filed despite previous dismissals with prejudice and/or while other actions filed by McDaniel against the same defendant(s) were still ongoing.
- 6. Many of the claims filed or initiated by McDaniel have been dismissed at various stages due to the failure of McDaniel to appear and prosecute her claims or for failure to present a valid claim.
- 7. The actions of McDaniel as described above have shown that she has filed baseless claims and motions for the improper purpose of harassing adverse parties, costing them unnecessary time and expense in responding to her filings.
- 8. The history of McDaniel, who has acted *in forma pauperis* and *pro se* in the matters involving Bailey and the cases judicially noticed by this Court, demonstrates that she is either unable or unwilling to follow the requirements of North Carolina law, including the North Carolina Rules of Civil Procedure.
- 9. The repeated abuse of legal process by McDaniel requires that special limitations be placed upon her access to the courts. This Court has the inherent power to impose such special limitations as are reasonably necessary for the proper administration of justice and to provide solutions which enable the process of litigation to proceed smoothly. Aspects of that power included the authority to regulate and discipline those persons who appear before the Court to prevent impropriety and to fashion a remedy to meet the circumstances of each case.
- 10. The nature of McDaniel's conduct and the extraordinary circumstances of this matter, and other cases litigated by McDaniel *pro se*, require that the Court enter a Gatekeeping Order placing special limitations on McDaniel's access to the courts.
- 11. Gatekeeper Orders have been entered against McDaniel in the following 24 counties: Ashe, Chatham, Cumberland, Davidson, Duplin, Edgecombe, Franklin, Gaston, Granville, Halifax, Hertford, Martin, McDowell, Mitchell, North Hampton, Perquimans, Randolph, Richmond, Sampson, Stanly, Swain, Vance, Wilson, Union.

The Defendant moves the court for a Gatekeeping Order regarding the Plaintiff requiring that any further complaint, motion, pleading or other documents may be filed only with a certification by an attorney licensed under the law of the State of North Carolina to practice in North Carolina. That, in the opinion of the attorney, the document complies with Rule 11 of the Rules of Civil Procedure and that the filing is first allowed by the Chief District Court Judge or Superior Court Judge as the case may be.

This the $\underline{9}$ day of March, 2017.

HUFFMAN LAW FIRM, P.A. Attorney for Defendant

By:

Richard L. Huffman 100 West Innes Street, Suite 301 Salisbury, North Carolina 28144 (704) 216-0280 NCSB No.: 9874

VERIFICATION

STATE OF NORTH CAROLINA

COUNTY OF ROWAN

RE: Tigress McDaniel v. Infinity Bail Bonds, LLC

16-CVS-2559

The Defendant, Infinity Bail Bonds, LLC by and through its member, Michelle Bailey, having been duly sworn, deposes and says it is the Defendant in the above action, and that the facts set forth in the attached Motion are true and correct.

This the 9^{+1} day of March 2017.

Infinity Bail Bonds, LLC

By: Muchell

Michelle Bailey, Member

Sworn to and subscribed before me this $\frac{2}{2}$ day of March, 2017.

Notary Public

My commission expires:



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MCDANIEL, TIGRESS, SYDNEY, ACUT MCDANIEL, TIGRESS, SYDNEY, ACUT	+ + + + + + + + + + + + + + + + + + +	MEISTER, EMILY, JEFFORDS MEISTER, EMILY, JEFFORDS GATEKEEPER ORDER 13CVS8 MEISTER, EMILY, JEFFORDS FOX, CARL, R SUPERIOR COU MEISTER, EMILY, JEFFORDS MEISTER, EMILY, JEFFORDS	CABAR CALDW CHATH CHERO CHOWA CLAY CLEVE COLUM	13R 14R 14R 14R 14R 14R 14R 14R 14R 14R	897 1681 207 248 132 106 532	

F1=HELP 3=EXIT 7=BKWD 8=FWD 12=CNCL

MORE: BF

CXP MCDANIEL, TIGRESS					VCXP	
NC AOC CIS		CASE PROCESSING SYSTEM	12/0	01/16	08:32:3	27
ALL		PARTIES INDEX				
712 TO CHANGE INDEX O	R SCOPE					
START NAME: MCDANIEL,	TIGRESS					
ENTERED IN SYSTEM SIN	CE:	GO TO JUDGMENTS INDEX: N	(Y,N)			
THE PARTY THROPMAN	TON HOTNO		DUTOD D	DECDO	NOT	
SELECT PARTY INFORMAT	ION USING:	/=SELECT, P=PARTY, S=SEI I=ISSUE/ORDER DETAILS, M			JNSE,	
PARTY		IN REGARDS TO	CNTY		NUM	S
MCDANIEL, TIGRESS, SY	DNEY, ACUT +	MEISTER, EMILY, JEFFORDS	CURRI	14R	253	
MCDANIEL, TIGRESS, SY			DARE	14R	158	
			the second second		201	
	DNEY, ACUT +	GATEKEEPER ORDER	DAVID	LJR	301	
MCDANIEL, TIGRESS, SY			DAVID		194	
MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY	DNEY, ACUT +			13R		
MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY	DNEY, ACUT + DNEY, ACUT +	· WEBB, JAMES, M - MEISTER, EMILY, JEFFORDS	DAVIE DAVIE	13R 14R	194	
MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY	DNEY, ACUT + DNEY, ACUT + DNEY, ACUT +	- WEBB, JAMES, M - MEISTER, EMILY, JEFFORDS - GATEKEEPER ORDER FROM G	DAVIE DAVIE	13R 14R 15R	194 318	
MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY	DNEY,ACUT + DNEY,ACUT + DNEY,ACUT + DNEY,ACUT +	- WEBB, JAMES, M - MEISTER, EMILY, JEFFORDS - GATEKEEPER ORDER FROM G - GATEKEEPER ORDER	DAVIE DAVIE DUPLI	13R 14R 15R 14R	194 318 17	
MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY	DNEY, ACUT + DNEY, ACUT + DNEY, ACUT + DNEY, ACUT + DNEY, ACUT + DNEY, ACUT +	- WEBB, JAMES, M - MEISTER, EMILY, JEFFORDS - GATEKEEPER ORDER FROM G - GATEKEEPER ORDER - NC STATE OF	DAVIE DAVIE DUPLI EDGEC	13R 14R 15R 14R 13R	194 318 17 357	
MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY	DNEY, ACUT DNEY, ACUT DNEY, ACUT DNEY, ACUT DNEY, ACUT DNEY, ACUT DNEY, ACUT	- WEBB, JAMES, M - MEISTER, EMILY, JEFFORDS - GATEKEEPER ORDER FROM G - GATEKEEPER ORDER - NC STATE OF	DAVIE DAVIE DUPLI EDGEC FORSY	13R 14R 15R 14R 13R 14R	194 318 17 357 521	
MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY MCDANIEL, TIGRESS, SY	DNEY, ACUT + DNEY, ACUT +	- WEBB, JAMES, M - MEISTER, EMILY, JEFFORDS - GATEKEEPER ORDER FROM G - GATEKEEPER ORDER - NC STATE OF - GATEKEEPER ORDER	DAVIE DAVIE DUPLI EDGEC FORSY FRANK	13R 14R 15R 14R 13R 14R 14R	194 318 17 357 521 316	

F1=HELP 3=EXIT 7=BKWD 8=FWD 12=CNCL

VCXP MCDANIEL, TIGRESS		VCXP	
NC AOC CIS CIVIL CASE PROCESSING SYSTEM	12/	01/16 08:32	2:34
ALL PARTIES INDEX			
F12 TO CHANGE INDEX OR SCOPE			
START NAME: MCDANIEL, TIGRESS			
ENTERED IN SYSTEM SINCE: GO TO JUDGMENTS INDEX: N	(Y,N)		
SELECT PARTY INFORMATION USING: /=SELECT, P=PARTY, S=SE	RVICE, R	=RESPONSE,	
I=ISSUE/ORDER DETAILS,	M=MICROF	ILM	
PARTY IN REGARDS TO	CNTY	FILE NUM	S
MCDANIEL, TIGRESS, SYDNEY, ACUT + GATEKEEPER ORDER	GRANV	14R 124	
MCDANIEL, TIGRESS, SYDNEY, ACUT + MEISTER, EMILY, JEFFORDS	GREEN	14R 140	
MCDANIEL, TIGRESS, SYDNEY, ACUT MEISTER, EMILY	GUILF	13CVD8328	
MCDANIEL, TIGRESS, SYDNEY, ACUT + MEISTER, EMILY, JEFFORDS	GUILF	13CVS8774	
MCDANIEL, TIGRESS, SYDNEY, ACUT + GATEKEEPER ORDER FROM G		14R 259	
MCDANIEL, TIGRESS, SYDNEY, ACUT + MEISTER, EMILY, JEFFORDS	+ HARNE	14R 471	
MCDANIEL, TIGRESS, SYDNEY, ACUT + MEISTER, EMILY, JEFFORDS	HAYWO	14R 324	
MCDANIEL, TIGRESS, SYDNEY, ACUT + MEISTER, EMILY, JEFFORDS	HENDE	14R 500	
MCDANIEL, TIGRESS, SYDNEY, ACUT + GATEKEEPER ORDER BY HON		14R 119	
MCDANIEL, TIGRESS, SYDNEY, ACUT + GUILFORD CO SUPERIOR CO		14R 338	
MCDANIEL, TIGRESS, SYDNEY, ACUT + NC STATE OF	LINCO	20.000 C C C C	
- HODALIBL, ITORIDO, DIDIDIT, ROOT + NO DIALE OF			E: BF

F1=HELP 3=EXIT 7=BKWD 8=FWD 12=CNCL
VCXP MCDANIEL, TIGRESS					VCXP	
NC AOC CIS	CIVIL	CASE PROCESSING SYSTEM	12/0	1/16	08:32:4	41
ALL		PARTIES INDEX		and and	1.2.1.2.2.1.1	125
F12 TO CHANGE INDEX OR S	COPE					
START NAME: MCDANIEL, TIG	RESS					
ENTERED IN SYSTEM SINCE:		GO TO JUDGMENTS INDEX: N	(Y,N)			
SELECT PARTY INFORMATION	USTNG:	/=SELECT, P=PARTY, S=SER	VICE. R	RESP	NSE.	
		I=ISSUE/ORDER DETAILS, M	and the second			
PARTY		IN REGARDS TO	CNTY	FILE	NUM	S
MCDANIEL, TIGRESS, SYDNE	Y, ACUT +	NC STATE OF	LINCO	14R	155	
MCDANIEL, TIGRESS, SYDNE		MEISTER, EMILY, JEFFORDS	MACON	14R	310	
MCDANIEL, TIGRESS, SYDNE		GATEKEEPER ORDER	MARTI	14R	168	
MCDANIEL, TIGRESS, SYDNE		GATEKEEPER ORDER	MCDOW	14R	282	
MCDANIEL, TIGRESS, SYDNE		PERRY, RENEE	MECKL	15CVI	127638	
MCDANIEL, TIGRESS, SYDNE		GATEKEEPER ORDER FROM G	MITCH	15R	15	
MCDANIEL, TIGRESS, SYDNE		MEISTER, EMILY, JEFFORDS	MONTG	13R	96	
MCDANIEL, TIGRESS, SYDNE		MEISTER, EMILY, JEFFORDS	MONTG	14R	161	
		JUDGE ADMINISTRATIVE OR	MOORE	14R	664	
MCDANIEL, TIGRESS, SYDNE						
MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE		GATEKEEPER ORDER	NORTH	14R	94	

VCXP MCDANIEL, TIGRESS					VCXP	
NC AOC CIS		CASE PROCESSING SYSTEM	12/	01/16	08:32:4	18
ALL		PARTIES INDEX				
F12 TO CHANGE INDEX OR SO	COPE					
START NAME: MCDANIEL, TIG	RESS					
ENTERED IN SYSTEM SINCE:	1	GO TO JUDGMENTS INDEX: N	(Y,N)			
SELECT PARTY INFORMATION	HOTNO.	/=SELECT, P=PARTY, S=SEN		DEGDO	Man	
SELECT PARTY INFORMATION	USING:	I=ISSUE/ORDER DETAILS, N			NSE,	
PARTY		IN REGARDS TO	CNTY	FILE	NUM	2
	Y, ACUT +	MEISTER, EMILY, JEFFORDS		and the second s	316	1
				14R	297	
	Y, ACUT +	MEISTER, EMILY, JEFFORDS	ORANG	14R 14R		
MCDANIEL, TIGRESS, SYDNEY	Y,ACUT + Y,ACUT +	MEISTER, EMILY, JEFFORDS GATEKEEPER ORDER	ORANG	14R		
MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE	Y,ACUT + Y,ACUT + Y,ACUT +	MEISTER, EMILY, JEFFORDS GATEKEEPER ORDER NC STATE OF	ORANG PASQU	14R 14R	160	
MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE	Y,ACUT + Y,ACUT + Y,ACUT + Y,ACUT +	MEISTER, EMILY, JEFFORDS GATEKEEPER ORDER NC STATE OF	ORANG PASQU PENDE	14R 14R 14R	160 89	
MCDANIEL, TIGRESS, SYDNEY MCDANIEL, TIGRESS, SYDNEY MCDANIEL, TIGRESS, SYDNEY MCDANIEL, TIGRESS, SYDNEY	Y,ACUT + Y,ACUT + Y,ACUT + Y,ACUT + Y,ACUT +	MEISTER, EMILY, JEFFORDS GATEKEEPER ORDER NC STATE OF GATEKEEPER ORDER MEISTER, EMILY, JEFFORDS	ORANG PASQU PENDE PERQU	14R 14R 14R 14R	160 89 138	
MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE	Y, ACUT + Y, ACUT + Y, ACUT + Y, ACUT + Y, ACUT + Y, ACUT + Y, ACUT +	MEISTER, EMILY, JEFFORDS GATEKEEPER ORDER NC STATE OF GATEKEEPER ORDER MEISTER, EMILY, JEFFORDS	ORANG PASQU PENDE PERQU POLK RANDO	14R 14R 14R 14R 13R	160 89 138 117	
MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE	Y, ACUT + Y, ACUT +	MEISTER, EMILY, JEFFORDS GATEKEEPER ORDER NC STATE OF GATEKEEPER ORDER MEISTER, EMILY, JEFFORDS GATEKEEPER ORDER	ORANG PASQU PENDE PERQU POLK RANDO ROCKI	14R 14R 14R 14R 13R 13R	160 89 138 117 206	
MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE	Y, ACUT + Y, ACUT	MEISTER, EMILY, JEFFORDS GATEKEEPER ORDER NC STATE OF GATEKEEPER ORDER MEISTER, EMILY, JEFFORDS GATEKEEPER ORDER JUDGE ADMINISTRATIVE OR MEISTER, EMILY, JEFFORDS	ORANG PASQU PENDE PERQU POLK RANDO ROCKI	14R 14R 14R 14R 13R 13R 14R	160 89 138 117 206 315	
MCDANIEL, TIGRESS, SYDNE MCDANIEL, TIGRESS, SYDNE	Y, ACUT + Y, ACUT +	MEISTER, EMILY, JEFFORDS GATEKEEPER ORDER NC STATE OF GATEKEEPER ORDER MEISTER, EMILY, JEFFORDS GATEKEEPER ORDER JUDGE ADMINISTRATIVE OR MEISTER, EMILY, JEFFORDS	ORANG PASQU PENDE PERQU POLK RANDO ROCKI + ROCKI	14R 14R 14R 14R 13R 13R 14R 13R	160 89 138 117 206 315 405	

VCXP MCDANIEL, TIGRESS	5	VCXP	
NC AOC CIS	CIVIL	CASE PROCESSING SYSTEM 12/01/16 08:32:5	7
ALL		PARTIES INDEX	
F12 TO CHANGE INDEX (DR SCOPE		
START NAME: MCDANIEL,	TIGRESS		
ENTERED IN SYSTEM SIN	JCE:	GO TO JUDGMENTS INDEX: N (Y,N)	
SELECT PARTY INFORMAT	TION USING:	/=SELECT, P=PARTY, S=SERVICE, R=RESPONSE,	
		I=ISSUE/ORDER DETAILS, M=MICROFILM	
PARTY		IN REGARDS TO CNTY FILE NUM	S
MCDANIEL, TIGRESS, SY	DNEY, ACUT +	+ MEISTER, EMILY, JEFFORDS + RUTHE 14R 407	
MCDANIEL, TIGRESS, SY	DNEY, ACUT +	+ GATEKEEPER ORDER SAMPS 14R 228	
		+ GATEKEEPER ORDER STANL 14R 241	
MCDANIEL, TIGRESS, SY	DNEY, ACUT +	+ MEISTER, EMILY, JEFFORDS STOKE 13R 103	
		+ MEISTER, EMILY, JEFFORDS STOKE 14R 105	
		+ MEISTER, EMILY, JEFFORDS SURRY 13R 167	
		+ MEISTER, EMILY, JEFFORDS SURRY 14R 246	
		+ GATEKEEPER ORDER FROM G SWAIN 14R 153	
		+ MEISTER, EMILY, JEFFORDS + TYRRE 14R 49	
- MCDANIEL, IIGRESS, SY	DNEY, ACOT 4	+ GATEKEEPER ORDER FROM G VANCE 14R 264	
		MORE: I	BF

VCXP MCDANIEL, TIGRESS		VCX	P
NC AOC CIS CIVI	L CASE PROCESSING SYSTEM	12/01/16 08:	33:04
ALL	PARTIES INDEX		
F12 TO CHANGE INDEX OR SCOPE			
START NAME: MCDANIEL, TIGRESS			
ENTERED IN SYSTEM SINCE:	_ GO TO JUDGMENTS INDEX: N (Y,N)	
SELECT PARTY INFORMATION USING	: /=SELECT, P=PARTY, S=SERV I=ISSUE/ORDER DETAILS, M=		1,
PARTY	IN REGARDS TO	CNTY FILE NUM	1 S
MCDANIEL, TIGRESS, SYDNEY, ACUT	+ GATEKEEPER ORDER FROM G	VANCE 14R 264	
MCDANIEL, TIGRESS, SYDNEY, ACUT	+ MEISTER, EMILY, JEFFORDS	WARRE 14R 89	
MCDANIEL, TIGRESS, SYDNEY, ACUT	+ FOX, CARL, R	WASHI 14R 96	
MCDANIEL, TIGRESS, SYDNEY, ACUT	+ MEISTER, EMILY, JEFFORDS	WATAU 14R 223	8
MCDANIEL, TIGRESS, SYDNEY, ACUT	+ MEISTER, EMILY, JEFFORDS	WILKE 13R 274	
MCDANIEL, TIGRESS, SYDNEY, ACUT	+ MEISTER, EMILY, JEFFORDS	WILKE 14R 401	
MCDANIEL, TIGRESS, SYDNEY, ACUT		WILSO 14R 220	
MCDANIEL, TIGRESS, SYDNEY, ACUT		YADKI 14R 200	
MCDANIEL, TIGRESS, SYDNEY, ACUT		YANCE 14R 90	
- MCDANIEL, TIGRESS, SYDNEY, ACUT		HYDE 14R 98	
- MCDANIEL, TIGRESS, SIDNEI, ACUT MCDANIEL, TIGRESS, SYDNEY, ACUT		UNION 13R 367	
- MCDANIEL, IIGKESS, SIDNEI, ACOI	GATERBEER ORDER	A CONTRACT CONTRACT OF A CONTR	RE: BF
		MC	RE: BF

VCXP MCDANIEL, TIGRESS NC AOC CIS CIVII ALL F12 TO CHANGE INDEX OR SCOPE	CASE PROCESSING SYSTEM PARTIES INDEX	VCXP 12/01/16 08:33:12
START NAME: MCDANIEL, TIGRESS ENTERED IN SYSTEM SINCE:	GO TO JUDGMENTS INDEX: N (Y,	N)
SELECT PARTY INFORMATION USING:	/=SELECT, P=PARTY, S=SERVIC I=ISSUE/ORDER DETAILS, M=MI	
PARTY MCDANIEL, TIGRESS, SYDNEY, ACUT		NTY FILE NUM S
MCDANIEL, TIGRESS, SIDNEL, ACUT		NION 13R 367
_ MCDANIEL, TIGRESS, SIDNEI, ACUI _ MCDANIEL, TIGRESS, SYDNEY, ACUT		IEW H 14R 1178
		UILF 14SP 2481
_ MCDANIEL, TIGRESS, SYNDEY, ACUT	가 ^~ <u>나라 데그 데그리</u> 안 가슴다. 이것같이 그렇게? 이것 같아. 이것 가락하는 것이 하는 것?	IOKE 14R 333
_ MCDANIEL, TIGRESS, TYDNEY, ACUT	+ JUDGE ADMINISTRATIVE OR C	AMDE 14R 145

GENR0017I-END OF LIST F1=HELP 3=EXIT 7=BKWD 8=FWD 12=CNCL

MORE: B

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VCXP MCDANIEL, TIGRESS NC AOC CIS CI ALL F12 TO CHANGE INDEX OR SCOPE	VIL CASE PROCESSING SYSTEM PARTIES INDEX	VCXP 12/01/16 08:27
START NAME: MCDANIEL, TIGRESS ENTERED IN SYSTEM SINCE:		(Y,N)
SELECT PARTY INFORMATION USI	NG: /=SELECT, P=PARTY, S=SER I=ISSUE/ORDER DETAILS, M	VICE, R=RESPONSE, =MICROFILM
PARTY	IN REGARDS TO	CNTY FILE NUM
MCDANIEL, TIGRESS	LLOYD-HARRIS, BOBBIE, V	FORSY 06CVM11501
- MCDANIEL, TIGRESS	MCMILLER, EDMOND	FORSY 11CVD2173
- MCDANIEL, TIGRESS		FORSY 11CVM2322
MCDANIEL, TIGRESS	SRI SHOE #4	GUILF 05CVM12775
MCDANIEL, TIGRESS	RICHARDSON, LARRY	+ GUILF 06CVM14366
- MCDANIEL, TIGRESS	FLEMING'S RESTAURANTS I	+ GUILF 06CVM16982
MCDANIEL, TIGRESS	HAIRSTON, ANTWAN	GUILF 06CVM16983
MCDANIEL, TIGRESS	TK AUTOMOTIVE	GUILF 09CVD4612
MCDANIEL, TIGRESS	BELL, BERNARD	GUILF 09CVD14786
MCDANIEL, TIGRESS	TK AUTOMOTIVE	GUILF 09CVM6909
MCDANIEL, TIGRESS	REALTY MGT CONCEPT LLC	+ GUILF 09CVM13978
CIVL0144I-BEGINNING OF LIST,	F7 NOT ALLOWED	MORE
F1=HELP 3=EXIT 7=BKWD 8=FWD	12=CNCL	

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VCXP CIVIL CASE PROCESSING SYSTEM 12/01/16 08:27:23 VCXP MCDANIEL, TIGRESS NC AOC CIS PARTIES INDEX ALL F12 TO CHANGE INDEX OR SCOPE START NAME: MCDANIEL, TIGRESS ENTERED IN SYSTEM SINCE: _____ GO TO JUDGMENTS INDEX: N (Y,N) SELECT PARTY INFORMATION USING: /=SELECT, P=PARTY, S=SERVICE, R=RESPONSE, I=ISSUE/ORDER DETAILS, M=MICROFILM S CNTY FILE NUM IN REGARDS TO REALTY MGT CONCEPT LLC + GUILF 09CVM13978 PARTY _ MCDANIEL, TIGRESS BELL, BERNARD GUILF 09CVM19215 A ACTIVE SOUNDS LLC GUILF 11CVM7857 MCDANIEL, TIGRESS MCDANIEL, TIGRESS + GUILF 12CVD7186 PAUL, VINCENT, E MD т MCDANIEL, TIGRESS BECTON, AJAMI+ GUILF12CVD7726BECTON, AJAMI+ GUILF12CVM10549BECTON, AJAMI+ GUILF12CVM11674 MCDANIEL, TIGRESS MCDANIEL, TIGRESS MCDANIEL, TIGRESS FOUR CORNERS REALTY LLC + GUILF 12CVM14963 MCDANIEL, TIGRESS MILLER, CHARLES, QUINN + GUILF 12CVM18249 PAUL, VINCENT, E MD + GUILF 12CVS7186 MCDANIEL, TIGRESS PAUL, VINCENT, E MD MCDANIEL, TIGRESS GUILF 13CVD4898 MANN, MARVIN _ MCDANIEL, TIGRESS MORE: BF

VCXP MCDANIEL, TIGRESS		VCXP
	CASE PROCESSING SYSTEM PARTIES INDEX	12/01/16 08:27:30
F12 TO CHANGE INDEX OR SCOPE	and and a second	
START NAME: MCDANIEL, TIGRESS	Sector Card Land	
ENTERED IN SYSTEM SINCE:	GO TO JUDGMENTS INDEX: 1	N (Y,N)
SELECT PARTY INFORMATION USING:	/=SELECT, P=PARTY, S=S I=ISSUE/ORDER DETAILS,	
PARTY	IN REGARDS TO	CNTY FILE NUM S
MCDANIEL, TIGRESS	MANN, MARVIN	GUILF 13CVD4898
MCDANIEL, TIGRESS	MANN, SHANTAE	GUILF 13CVD4899
MCDANIEL, TIGRESS	DICKERSON, TILACIA	GUILF 13CVD4934
MCDANIEL, TIGRESS	MANN, SHANTAE'	+ GUILF 13CVD6076
MCDANIEL, TIGRESS	MILLER, CHARLES, QUINN	+ GUILF 13CVD8203
MCDANIEL, TIGRESS	MILLER, CHARLES, QUINN	GUILF 13CVM7103
MCDANIEL, TIGRESS	DICKERSON, TILACIA	GUILF 13CVM7802 A
MCDANIEL, TIGRESS	MILLER, CHARLES, QUINN	+ GUILF 13CVM8714
MCDANIEL, TIGRESS	MANN, CHANTE '	+ GUILF 13CVM8795
MCDANIEL, TIGRESS	SASLOW, EVERETT, JR	+ GUILF 13CVM9159
MCDANIEL, TIGRESS	MANN, SHANTAE '	+ GUILF 13CVM10115 A
- "		MORE: BF

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VCXP MCDANIEL, TIGRESS		VCXP
NC AOC CIS	IVIL CASE PROCESSING SYSTEM	12/01/16 08:27:36
ALL	PARTIES INDEX	
F12 TO CHANGE INDEX OR SCO	2.	
START NAME: MCDANIEL, TIGRE	5	
ENTERED IN SYSTEM SINCE:	GO TO JUDGMENTS INDEX: N	(Y,N)
SELECT PARTY INFORMATION U		
	I=ISSUE/ORDER DETAILS,	
PARTY	IN REGARDS TO	CNTY FILE NUM S
MCDANIEL, TIGRESS	MANN, SHANTAE'	+ GUILF 13CVM10115 A
MCDANIEL, TIGRESS	ALL STAR PLUMBING OF TH	GUILF 13CVM10191
MCDANIEL, TIGRESS	ALL STAR PLUMBING OF TH	GUILF 13CVM12608
MCDANIEL, TIGRESS	MILLER, CHARLES, QUINN	+ GUILF 13CVM12842 A
MCDANIEL, TIGRESS	HAM'S RESTAURANT	GUILF 13CVM15395
MCDANIEL, TIGRESS	RCR MARKETING LLC	+ GUILF 13CVM16464
MCDANIEL, TIGRESS	MILLER, CHARLES, QUINN	GUILF 13CVS3894
MCDANIEL, TIGRESS	PAUL, VINCENT, E MD	+ GUILF 13CVS4032
MCDANIEL, TIGRESS	MILLER, CHARLES, QUINN	+ GUILF 13CVS5628
MCDANIEL, TIGRESS	JOHNSON, SAMAD, THEOPHILU	+ GUILF 13CVS6836
MCDANIEL, TIGRESS	DELACRUZ, JOSE	GUILF 13M 1039
		MORE: BF
and the second of the second of the second of the	1.0 CH101	

VCXP MCDANIEL, TIGRESS				VCXP	
NC AOC CIS	CIVIL	CASE PROCESSING SYSTEM	12/01	/16 08:27:	41
ALL		PARTIES INDEX		eres a source of	
F12 TO CHANGE INDEX OR SO	COPE				
START NAME: MCDANIEL, TIG	RESS				
ENTERED IN SYSTEM SINCE:		GO TO JUDGMENTS INDEX:	N (Y,N)		
SELECT PARTY INFORMATION	USING:	/=SELECT, P=PARTY, S=S	SERVICE, R=R	ESPONSE,	
		I=ISSUE/ORDER DETAILS,	M=MICROFIL	M	
PARTY		IN REGARDS TO	CNTY F	ILE NUM	S
MCDANIEL, TIGRESS		DELACRUZ, JOSE	GUILF 1	3M 1039	
MCDANIEL, TIGRESS		MILLER, CHARLES	GUILF 1	3M 1216	
MCDANIEL, TIGRESS		MILLER, CHARLES	+ GUILF 1	3M 1916	
MCDANIEL, TIGRESS	+	MILLER, CHARLES, QUINN	+ GUILF 1	3M 1987	
MCDANIEL, TIGRESS		SAMS, DANIEL		3R 336	
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Tigress McDaniel 201 North McDowell Street #30181 Charlotte, NC 28230

fax

TO:	NC Bar - Grievance	FROM:	Tigress McDaniel
FAX:	919-546-9294	PAGES:	1 of 2 Fax Submissions Due To Size
PHONE:		DATE:	April 27, 2016
RE:	Grievance Against Huffman	CC:	
X Ui	rgent X For Review	Please Comment	Please Reply Please Recycl

I hereby submit this grievance against Huffman with all attached herewith.

Tigress McDaniel 201 North McDowell Street #30181 Charlotte, NC 28230

fax

TO:	NC Bar - Grievance	FROM:	Tigress McDaniel	
FAX:	919-546-9294	PAGES:	2 of 2 Fax Submissions Due To Size	
PHONE:		DATE:	April 27, 2016	_
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X UI	rgent X For Review	Please Comment	Please Reply Please Recy	cle

I hereby submit this grievance against Huffman with all attached herewith.

STATE OF NORTH	CAROLINA	File N	16 CvS 2559
Rowan	County		In The General Court Of Justice Superior Court Division
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01 N. McDowell Street #30181		SUPERIO	R COURT CIVIL ACTION
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00 West Innes Street, Suite 301			Rule 2 of Mediated Settlement Conference
alisbury, NC 28144		Trial Date	Date Of Order Referring Matter To Mediatio 01/31/2017
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ORDER OF AF	POINTMENT	
e parties having reported their failure to agree upon the seld stion lection or nomination of a mediator within twenty-one (21) days after the mediated settlement configure	of a mediator or ter this case wa	r the parties having failed to notify the Court of their is ordered to mediation, the Court appoints the
lection or nomination of a mediator within twenty one temperature conference of the mediator to conduct the mediated settlement conference of the	erence.	
And Address Of Certified Mediator	relephone No.	
Erwin Spainhour		699- 8855
n Bax 303	FAX No. (if applicab	ble)
concord, NC 28026		
ator's Email Address	1. com	
erwin. Spainhour & grai		to the conference and giving timely
OTICE TO MEDIATOR: The mediator shall be responsible for reservin btice to all attorneys and unrepresented parties of the time and location of e completion deadline set forth above, and the mediator shall report the re completed.	ng a place and ma the conference. T esults of the confe	rence to the Court within ten (10) days after the conference
Name Of Senior Resident Superior Court Judge	(Type Or Print)	Signature of Senior Resident Superior Court Judge
2 20 2017 Anno millel hanner		
he undersigned hereby certifies that on this date a copy of the form	E OF SERVICE	E Court Civil Action was
he undersigned hereby certifies that on this date a copy of the fore erved on the above-selected mediator and the parties at the addre ostage prepaid. (Please provide names and addresses for the mediator and Address Of Mediator	and parties serve	placing a copy of the same in the officer officer officer ad in the spaces below. Attach additional sheets if nocessary.
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Dick Huffman for Defendants		
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te Name Of Party (Type Or Print)	\$igitat	ure Of Party or Party's Attorney
102/15/17 1 gress McDaniel	(4	Junas Ma ame

© 2013 Administrative Office of the Courts

See Cromer v. Kraft Foods North American, Incorporated, 390 F.3d 812, at 818. North Carolina follows this rubric.

- 4. Orders such as gatekeeper orders may be extended, modified or vacated by another judge when such order is interlocutory, discretionary and circumstances have substantially changed.
- 5. Gatekeeper orders are to be used sparingly and not to deny access to the courts nor as retaliation against a party who might otherwise be unassailable, unattractive or unpopular; it is to be used only when exigent circumstances justify it, and against a *pro se* litigant with particular caution.
- The gatekeeper order shall not be used to abridge, circumvent or avoid the pursuit of truth and justice.
- 7. The circumstances meet the standard set forth above in that McDaniel has been unable to find an attorney willing to provide the pre-filing certification required by the Order, effectively blocking McDaniel's access, an indisputably substantial condition.
- Meister's opposition to modification of the Order upon making it permanent has been considered but found lacking.

Based upon the foregoing FINDINGS OF FACT AND CONCLUSIONS OF LAW, IT IS HEREBY ORDERED that:

 McDaniel shall be limited from initiating, filing or submitting in the Small Claims Division of the District Court of Guilford County unless such claim is first allowed by the Chief Magistrate Judge of Guilford County.

McDaniel shall be limited from initiating, filing or submitting in the District Court Division of Guilford County unless such claim is first allowed by the Chief District Court Judge of Guilford County, Eighteenth Judicial District.

McDaniel shall be limited from initiating, filing or submitting in the Superior Court Division of Guilford County unless such filing is first allowed by the Senior Resident Superior Court Judge of Guilford County, Eighteenth Judicial District and shall be allowed

within five (5) days of such submission. McDaniel shall be limited from initiating or causing to be initiated any criminal charges in Guilford County unless such charge(s) is first reviewed and allowed by the District

Attorney for the Eighteenth Judicial District. The restrictions contained herein shall apply to Meister and any member of her law firm, Rossabi Black Slaughter for all filings in the Guilford County, Eighteenth Judicial

McDaniel shall not be penalized nor retaliated against, by Meister or any party in District. any other matter pending which involves her, by the filing of this Order including delay in filing

responsive pleadings. Violation of this Order by McDaniel, or anyone on her behalf, shall be punishable 7.

by criminal and/or civil contempt. This modified Gatekeeper Order becomes permanent upon filing and shall remain

in effect until such time as modification is requested by either party after six (6) months from the date of this Order, if this matter is still pending.

Neither party shall engage in public release of information pertinent to this case, including posting updates or comments regarding the other party or the proceedings on social Molia such as Facebook and Twitter.

9

Tigress McDaniel 201 North McDowell Street #30181 Charlotte, NC 28230

fax

TO:	NC Bar - Grievance	FROM:	Tigress McDaniel	
FAX:	919-546-9294	PAGES:	Add'l Evidence - 2	of 2
PHONE:		DATE:	April 27, 2016	
RE:	Grievance Against Huffman	CC:		
X UI	rgent X For Review	Please Comment	Please Reply	Please Recycle

I hereby submit this grievance against Huffman with all attached herewith.

6 4/27/2017

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10. Neither party shall have any contact with the other party except for dispute settlement.

11. The Preliminary Gatekeeper Order shall be vacated as to all matters not related to Ms. Meister.

12. Upon approval of any documents sought to be filed by McDaniel, the Office of the Clerk of Court shall cause to be filed any documents pertinent to this matter.

13. Upon approval by the Senior Resident Superior Court Judge, any further hearings will be set by the Trial Court Coordinator, Ms. Sharon Allgood, with appropriate notice to each side or opposing party.

This the 23rd day of May, 2014.

The Honorable Patrice A. Hinnant Superior Court Judge Presiding

This order stems from my Motion to Vacate Batekeeper order filed by Emily Meister. This is where the start of the harassment by licensed attorneys in NC. Before this time, I have initiated cases when necessary and won most without such impediment <u>know that I'm also seeking relief from the such</u> the final Gatekeeper order entered by Carl Fox in case 13CVS 8774 That case arose out of a TRO in effect that I sought against Meister and her clients in a discrimination case, which clients are widely known to case, which clients are widely known to partice of criminal enterprise in Greensbore



Tigress McDaniel 201 North McDowell Street #30181 Charlotte, NC 28230

fax

TO:	NC Bar - Grievance	FROM:	Tigress McDaniel	
FAX:	919-546-9294	PAGES:	Add'l Evidence - C	2 0/2
PHONE:		DATE:	April 27, 2016	-
RE:	Grievance Against Huffman	cc:		
X UI	rgent X For Review	Please Comment	Please Reply	Płease Recycle

I hereby submit this grievance against Huffman with all attached herewith.

4/27/2017

STATE OF NOF	TH CAROLINA	File No.	
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	DESTINATION ID ST. TIME COMMUNICATION TIME PAGES SENT RESULT OK	

Tigress McDaniel 201 North McDowell Street #30181 Charlotte, NC 28230

## fax

TO:	NC Bar - Grievance	FROM:	Tigress McDaniel	
FAX:	919-546-9294	PAGES:	Add'l Evidence -	
PHONE:		DATE:	April 27, 2016	
RE:	Grievance Against Huffman	CC:		
XUr	gent X For Review	Please Comment	Please Reply	Please Recycle

I hereby submit this grievance against Huffman with all attached herewith.

4/27/2017



Sue Happy <hiimsueandyou@gmail.com>

Fri, Feb 5, 2016 at 7:03 PM

### New Claim Submission ::: Surety Bail Bondsman - Michelle Feistier Bailey (License # 0007979776)

12 messages

Sue Happy <hiimsueandyou@gmail.com> To: pquint@americanreliable.com Cc: "Rosas, M. Joseph" <jrosas@hccsurety.com>, vwright@hccsurety.com

I needn't reiterate my position, mainly because this matter is entirely procedural.

Stewart Johnson, General Counsel and Process Agent for the North Carolina Department of Insurance has received service of the following legal documents:

1. Discovery Order - Full Disclosure of Insurance Information per Michelle Feistier Bailer (above referenced)

Take notice that service of the following additional documents has been effected as of today:

- 1. Money Judgment Record 06CVM2345
- 2. Clerk Record of Balance Owed As Of February 3, 2016
- 3. Copy of Bond Record (National American Insurance Co.)
- 4. Copy of Bond Record (American Reliable Insurance Co.)

The money judgment directly arises from issuance of a bail bond, for which my property was used as security. Property damages were significant, at the hand of Bailey et la, Defendants, and the money judgment was awarded in my favor. Bailey et alii has failed to pay voluntarily, wind up or otherwise satisfy this money judgment, in whole or part. In full accordance with NCGS 57D-6-12, a claim against any insurance coverage for the interest owner(s) and/or companies can be enforced. In full accordance with North Carolina General Statutes, all other applicable law, and the entailments and provisions of the insurance coverage and policy, I submit my new claim to satisfy Bailey's et alii obligations per this money judgment, totaling \$8,809.52 as of February 3, 2016. Interest accrual is common knowledge amongst insurance providers and legal professionals alike; and accordingly, the prompt processing of my claim and full payment to satisfy the money owed for the property damages, shall prove beneficial to all.

The plain language of the statute is the primary basis for including all insurance companies that have provided coverage to Bailey et alii:

§ 57D-6-12. Enforcement of claims.

(a) A claim against a dissolved LLC under G.S. 57D-6-10 or G.S. 57D-6-11 may be enforced against either of the following:

> Against the dissolved LLC to the extent of its undistributed assets, including coverage under any insurance policy.

> (2) Except as provided in G.S. 57D-0-13(d), against the interest owners of the dissolved LLC in proportion to but not in excess of the distributions, if any, made to each interest owner following the LLC's dissolution.

Find images of the actual documents attached hereto. Again, the physical copies have been served upon Stewart Johnson for legal civility and against undue delay per feigning lack of liability and/or applicability.

I shall serve these documents upon your respective registered agents in the states of your incorporation, which assuredly should be unnecessary. This matter is not up for litigation or discretionary privy. It is simply straightforward, and I anticipate that you shall handle it as such. After all, this is the primary thrust of insurance coverage, to remedy/restore/relieve the injured party in the event of an injury.

Directly,

**Tigress McDaniel** 

4/27/2017

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IMG_5583.JPG 1897K

IMG_5584.JPG 1919K

1485K

IMG_5586.JPG 1193K

4/27/2017



Rosas, M. Joseph <jrosas@hccsurety.com> To: Sue Happy <hiimsueandyou@gmail.com>, "pquint@americanreliable.com" <pquint@americanreliable.com> Cc: "Wright, Vanessa" <VWright@hccsurety.com>

Ms. McDaniel:

We did not issue either bond referenced. I appreciate the thoroughness of your email, but in all its directness, I still fail to see under what coverage you are asserting a claim.

At the risk of sounding redundant, might I suggest contacting either of the actual companies that issued those bonds.

Rest assured, if we are served with a lawsuit naming another unrelated surety as defendant, we are not obligated to file an answer on its behalf.

From: Sue Happy [mailto:hiimsueandyou@gmail.com]
Sent: Friday, February 05, 2016 4:03 PM
To: pquint@americanreliable.com
Cc: Rosas, M. Joseph; Wright, Vanessa
Subject: New Claim Submission ::: Surety Bail Bondsman - Michelle Feistier Bailey (License # 0007979776)

[Quoted text hidden]

M. Joseph Rosas, Esq. Bail & Bond Claims Attorney HCC Surety Group A subsidiary of HCC Insurance Holdings, Inc. <u>mailto:jrosas@hccsurety.com</u> Tel: (310) 957-3048

hcc.com

This e-mail contains confidential information, and may contain privileged information, which is the property of the sender, and is intended solely for the attention and use of the addressee. If you are not the named addressee, you must not disclose, copy or retransmit this transmission or take any other action in reliance upon this transmission, and you should notify us as soon as possible.

Gmail - New Claim Submission ::: Surety Bail Bondsman - Michelle Feistier Bailey (License # 0007979776)

 Quint, Patricia <PQuint@americanreliable.com>
 Mon, Feb 8,

 To: Sue Happy <hiimsueandyou@gmail.com>
 Cc: "Rosas, M. Joseph" <jrosas@hccsurety.com>, "vwright@hccsurety.com" <vwright@hccsurety.com>

Mon, Feb 8, 2016 at 11:30 AM

Ms. Happy,

The attached information is related to a Bail Bond Issue handled by Assurant. As of 1-1-15 American Reliable Insurance Company was sold to another Entity. The Bail Bond Business was retained by Assurant and is overseen by John Nett. The information provided was forwarded to his attention and he acknowledged receipt. The matter will be addressed by Assurant accordingly.

Thank you,

Patricia Quint

Vice President P & C Claims

American Reliable Insurance Company

Phone: 800-245-1505 Ext. 2607

Fax: 800-224-4170

Email: pquint@americanreliable.com

From: Sue Happy [mailto:hiimsueandyou@gmail.com]
Sent: Friday, February 05, 2016 5:03 PM
To: Quint, Patricia
Cc: Rosas, M. Joseph; vwright@hccsurety.com
Subject: New Claim Submission ::: Surety Bail Bondsman - Michelle Feistier Bailey (License # 0007979776)

I needn't reiterate my position, mainly because this matter is entirely procedural.

[Quoted text hidden]

This message is intended only for the addressee and may contain information that is confidential or privileged. Any use, dissemination, distribution or copying of this email by other than the intended recipient is strictly prohibited. If you received this message in error, please send a reply email to the sender and permanently delete the email.

Sue Happy <hiimsueandyou@gmail.com>

Mon, Feb 8, 2016 at 12:06 PM

To: "Quint, Patricia" <PQuint@americanreliable.com>

Cc: "Rosas, M. Joseph" <jrosas@hccsurety.com>, "vwright@hccsurety.com" <vwright@hccsurety.com>

My name, clearly, is not Sue Happy; and the innuendo implied is not what you or one would unfoundedly speculate. I am Tigress McDaniel, judgment creditor, which is conspicuously reflected in the documentation and signature.

I imagine the same scrutiny is exercised when your Underwriters wrote a policy for a bondsman that has willfully failed to disclose such indebtedness and for reasons that "should" result in denial of insurance coverage for a bondsman.

**Tigress McDaniel** [Quoted text hidden]

### Sue Happy <hiimsueandyou@gmail.com>

Mon, Feb 8, 2016 at 12:10 PM

To: john.nett@assurant.com Cc: chauntell.sanchez@aiasurety.com, krista.gordon@aiasurety.com, kristina.cegbe@fairmontspecialty.com, "Quint, Patricia" <pquint@americanreliable.com>, "Rosas, M. Joseph" <jrosas@hccsurety.com>, vwright@hccsurety.com

This record, in toto, together with documents for supplemental legal record, have also been forwarded to your respective Underwriting Departments.

Directly,

**Tigress McDaniel** ----- Forwarded message ---------From: Sue Happy <hiimsueandyou@gmail.com> Date: Fri, Feb 5, 2016 at 7:03 PM Subject: New Claim Submission ::: Surety Bail Bondsman - Michelle Feistier Bailey (License # 0007979776) [Quoted text hidden]

### 6 attachments

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IMG_5582.JPG 1874K

IMG 5584.JPG 1919K

4/27/2017



IMG 5585.JPG 1485K



**IMG 5586.JPG** 1193K

Wright, Vanessa </Wright@hccsurety.com> To: Sue Happy <hiimsueandyou@gmail.com>

Mon, Feb 8, 2016 at 12:16 PM

Mr. McDaniel,

Please remove me from this chain.

Thank you,

From: Sue Happy [mailto:hiimsueandyou@gmail.com] Sent: Monday, February 08, 2016 9:06 AM To: Quint, Patricia Cc: Rosas, M. Joseph; Wright, Vanessa Subject: Re: New Claim Submission ::: Surety Bail Bondsman - Michelle Feistier Bailey (License # 0007979776)

[Quoted text hidden]

### Vanessa Wright

**Bail Assistant III HCC Surety Group** A division of HCC Insurance Holdings, Inc. mailto://Wright@hccsurety.com Tel: 310 6492663 Ext 1130

hcc.com

Gmail - New Claim Submission ::: Surety Bail Bondsman - Michelle Feistier Bailey (License # 0007979776)

This e-mail contains confidential information, and may contain privileged information, which is the property of the sender, and is intended solely for the attention and use of the addressee. If you are not the named addressee, you must not disclose, copy or retransmit this transmission or take any other action in reliance upon this transmission, and you should notify us as soon as possible.

John Nett <John.Nett@assurant.com> To: Sue Happy <hiimsueandyou@gmail.com> Mon, Feb 8, 2016 at 1:00 PM

Tigress McDaniel,

My name is John Nett and I'm the Bail Bond Product Manager for American Reliable Insurance Company (aka "ARIC").

With assistance today from internal counsel, we've reviewed your claim and determined ARIC has no policy that would afford coverage, ARIC owes no funds related to this judgment associated with you and Michelle Bailey.

ASSUBANT.

John M. Nett, CPCU

Bail Bond Product Manager

Assurant Specialty Property - Scottsdale, AZ

Ph: 1-800-423-4403 ext.5165736

Fx: 714-712-3842

Email: john.nett@assurant.com

From: Sue Happy [mailto:hiimsueandyou@gmail.com] Sent: Monday, February 08, 2016 10:11 AM To: John Nett Cc: chauntell.sanchez@aiasurety.com; krista.gordon@aiasurety.com; kristina.cegbe@ fairmontspecialty.com; Quint, Patricia; Rosas, M. Joseph; vwright@hccsurety.com Subject: Fwd: New Claim Submission ::: Surety Bail Bondsman - Michelle Feistier Bailey (License # 0007979776)

[Quoted text hidden]

This e-mail message and all attachments transmitted with it may contain legally privileged and/or confidential information intended solely for the use of the addressee(s). If the reader of this message is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying, forwarding or other use of this message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately and delete this message and all copies and backups thereof. Thank you.

 Sue Happy <hiimsueandyou@gmail.com>
 Tue, Feb 9, 2016 at 1:31 PM

 To: "john.nett@assurant.com" <john.nett@assurant.com>
 Tue, Feb 9, 2016 at 1:31 PM

 Cc: "chauntell.sanchez@aiasurety.com" <chauntell.sanchez@aiasurety.com>, "krista.gordon@aiasurety.com"

### 4/27/2017

Gmail - New Claim Submission ::: Surety Bail Bondsman - Michelle Feistier Bailey (License # 0007979776)

Patricia" <pquint@americanreliable.com>, "Rosas, M. Joseph" <jrosas@hccsurety.com>, "vwright@hccsurety.com" <vwright@hccsurety.com>

Duly noted. You can expect a legal action against all parties that deny applicable coverage or liability.

Directly,

Tigress McDaniel, Judgment Creditor [Quoted text hidden]

Wright, Vanessa </Wright@hccsurety.com> To: Sue Happy <hiimsueandyou@gmail.com> Tue, Feb 9, 2016 at 1:38 PM

Please call me at 310.649.0990 ext 1130 ASAP. Thank you,

From: Sue Happy [mailto:hiimsueandyou@gmail.com] Sent: Tuesday, February 09, 2016 10:31 AM To: john.nett@assurant.com Cc: chauntell.sanchez@aiasurety.com; krista.gordon@aiasurety.com; kristina.cegbe@fairmontspecialty.com; Quint, Patricia; Rosas, M. Joseph; Wright, Vanessa Subject: Re: New Claim Submission ::: Surety Bail Bondsman - Michelle Feistier Bailey (License # 0007979776)

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Directly,

Tigress McDaniel, Judgment Creditor

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This record, in toto, together with documents for supplemental legal record, have also been forwarded to your respective Underwriting Departments.

Directly,

**Tigress McDaniel** 

Vanessa Wright Bail Assistant III HCC Surety Group A division of HCC Insurance Holdings, Inc. <u>mailto:/Wright@hccsurety.com</u> Tel: 310 6492663 Ext 1130

------Forwarded message -----From: Sue Happy <hiimsueandyou@gmail.com>
Date: Fri, Feb 5, 2016 at 7:03 PM
Subject: New Claim Submission ::: Surety Bail Bondsman - Michelle Feistier Bailey (License # 0007979776)
To: pquint@americanreliable.com
Cc: "Rosas. M. Joseph" <irosas@hccsuretv.com>. vwright@hccsuretv.com

Gmail - New Claim Submission ::: Surety Bail Bondsman - Michelle Feistier Bailey (License # 0007979776)

I needn't reiterate my position, mainly because this matter is entirely procedural.

Stewart Johnson, General Counsel and Process Agent for the North Carolina Department of Insurance has received service of the following legal documents:

1. Discovery Order - Full Disclosure of Insurance Information per Michelle Feistier Bailer (above referenced)

Take notice that service of the following additional documents has been effected as of today:

- 1. Money Judgment Record 06CVM2345
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- 3. Copy of Bond Record (National American Insurance Co.)
- 4. Copy of Bond Record (American Reliable Insurance Co.)

The money judgment directly arises from issuance of a bail bond, for which my property was used as security. Property damages were significant, at the hand of Bailey et la, Defendants, and the money judgment was awarded in my favor. Bailey et alii has failed to pay voluntarily, wind up or otherwise satisfy this money judgment, in whole or part. In full accordance with NCGS 57D-6-12, a claim against any insurance coverage for the interest owner(s) and/or companies can be enforced. In full accordance with North Carolina General Statutes, all other applicable law, and the entailments and provisions of the insurance coverage and policy, I submit my new claim to satisfy Bailey's et alii obligations per this money judgment, totaling \$8,809.52 as of February 3, 2016. Interest accrual is common knowledge amongst insurance providers and legal professionals alike; and accordingly, the prompt processing of my claim and full payment to satisfy the money owed for the property damages, shall prove beneficial to all.

The plain language of the statute is the primary basis for including all insurance companies that have provided coverage to Bailey et alii:

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(a) A claim against a dissolved LLC under G.S. 57D-6-10 or G.S. 57D-6-11 may be enforced against either of the following:

(1) Against the dissolved LLC to the extent of its undistributed assets, including coverage under any insurance policy.

(2) Except as provided in G.S. 57D-6-13(d), against the interest owners of the dissolved LLC in proportion to but not in excess of the distributions, if any, made to each interest owner following the LLC's dissolution.

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I shall serve these documents upon your respective registered agents in the states of your incorporation, which assuredly should be unnecessary. This matter is not up for litigation or discretionary privy. It is simply straightforward, and I anticipate that you shall handle it as such. After all, this is the primary thrust of insurance coverage, to remedy/restore/relieve the injured party in the event of an injury.

**Tigress McDaniel** 

This e-mail contains confidential information, and may contain privileged information, which is the property of the sender, and is intended solely for the attention and use of the addressee. If you are not the named addressee, you must not disclose, copy or retransmit this transmission or take any other action in reliance upon this transmission, and you should notify us as soon as possible.

Wright, Vanessa </Wright@hccsurety.com> To: Sue Happy <hiimsueandyou@gmail.com> Tue, Feb 16, 2016 at 1:25 PM

Ms. McDaniel,

I did <u>not</u> get an email response to my request below. I do not have anything to do with this and thus remove me as soon as possible. If not, please explain why and the laws in which rights you to keep sending.

Thank you,

Vanessa Wright Bail Assistant III HCC Surety Group A division of HCC Insurance Holdings, Inc. <u>mailto:VWright@hccsurety.com</u> Tel: 310 6492663 Ext 1130

### hcc.com

From: Wright, Vanessa Sent: Monday, February 08, 2016 9:17 AM To: 'Sue Happy' Subject: RE: New Claim Submission ::: Surety Bail Bondsman - Michelle Feistier Bailey (License # 0007979776)

### Mr. McDaniel,

Please remove me from this chain.

Thank you,

From: Sue Happy [mailto:hilmsueandyou@gmail.com] Sent: Monday, February 08, 2016 9:06 AM To: Quint, Patricia Cc: Rosas, M. Joseph; Wright, Vanessa [Quoted text hidden]

This e-mail contains confidential information, and may contain privileged information, which is the property of the sender, and is intended solely for the attention and use of the addressee. If you are not the named addressee, you must not disclose, copy or retransmit this transmission or take any other action in reliance upon this transmission, and you should notify us as soon as possible.

Sue Happy <hiimsueandyou@gmail.com> To: "Wright, Vanessa" <VWright@hccsurety.com>

My lawyer will be your next contact. [Quoted text hidden]

Sue Happy <hiimsueandyou@gmail.com> To: john.nett@assurant.com Cc: joe.wall@ncdoi.gov, dagenoweda@gmail.com, renaemcdaniel@icloud.com Fri, Feb 19, 2016 at 4:44 PM

Wed, Nov 2, 2016 at 10:30 AM

Re: ASD File 47546 - Your Complaint Against Michelle Bailey, Surety Bail Bondsman and Demand For John Nett and American Reliable Insurance Company (aka "ARIC") To Set Up and Pay Claim

### John Nett,

Take notice that the original money judgment awarded in my favor on November 29, 2006 (o6CVM002345) against Infinity Bail Bonds, LLC c/o Michelle Feimster Bailey (under the same bail bondsman license #0007979776) as she operates individually at present was legally renewed pursuant to NC GS § 1-47(1) and all other applicable North Carolina as of November 1, 2016 (16CVD500). You can confirm with your purported "internal counsel" that such judgment has the effect of continuing the lien for such judgment for another 10 year period. Any "hopes" that this matter would simply "go away" after November 29 this year are considerably pointless.

This is your final notice to set up the claim for my money judgment, totaling \$9,106.51 as of October 31, 2016, accruing interest at \$1.01 daily as set forth by North Carolina law. This demand for proper set up of the claim and issuance of full payment for the same is lawful...The expectation is that you shall fully comply and issue full payment before or on Friday, November 4, 2016.

I can, of course, send you copies of the legal documents from the case file (16CVS500)...but I'm certain your "internal counsel" can obtain verification directly from the Rowan County Clerk of Court. They'll notice my affidavit on record verifying my former name as well.

Take notice that this record has also been forwarded to the Secretary of State, and the NC Department of Insurance, cc'd herein, through which a pending complaint against Bailey exists.

Refrain from sending any non-productive email correspondence. Govern yourself accordingly.

211 221

CASE NO. 13CVS648

Tigress McDaniel, Plaintiff

VS.

Infinity Bail Bonds LLC, et al

7001 1001 -1 11 10 56

(≥) { ..., (>)

Rowan County

North Carolina

Superior Court



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### PLAINTIFF'S EXHIBIT TO COMPLAINT

Plaintiff submits the following EXHIBIT(S) to further substantiate her complaint: EXHIBIT A: Modified Gatekeeper Order Entered On May 27, 2014 By Judge Hinnant in State of North Carolina Civil Case 13CVS8774, Meister vs. McDaniel

Ihis, 9th day of June 2014, LANDA

Tigress McDaniel 2618 Battleground Avenue #193 Greensboro, NC 27408 336.949.7433

### CERTIFICATE OF SERVICE

In accordance with NC Rules of Civil Procedure, §57D-2-40 et al, a copy of the foregoing has been deposited in the custody of the United States Postal Service and forwarded to the North Carolina Secretary of State for service upon Infinity Bail Bonds LLC, Defendant, on this 9th day of June 2014.

Manas anie

Tigress McDaniel, Plaintiff 2618 Battleground Avenue #193 Greensboro, NC 27408 336.949.7433
STATE OF NORTH CAROLINA )	IN THE GENERAL COURT OF JUSTICE
COUNTY OF GUILFORD	SUPERIOR COURT DIVISION 13-CVS-8774
EMILY JEFFORDS MEISTER,	
Plaintiff, RY)	
v.	
TIGRESS SYDNEY ACUTE MCDANIEL,       )         f/k/a TOSHA RENAE MCDOUGAL       )	GATEKEEPER ORDER
) Defendant. ) )	

THIS MATTER coming on to be heard before the undersigned Superior Court Judge at the regularly scheduled March 3, 2014 session of Superior Court, Guilford County, North Carolina, on Plaintiff Emily Jeffords Meister (Meister)'s request for a permanent gatekeeper order, pursuant to Rule 11 of the North Carolina rules of Civil Procedure. Plaintiff was present and represented by Jennifer Reutter and T. Keith Black of the Law Firm of Rossabi Black Slaughter. Defendant, Tigress Sydney Acute McDaniel f/k/a Tosha Renae McDougal (Ms. McDaniel) appeared pro se.

The Court makes the following findings of fact:

IT APPEARING TO THE COURT that:

1. A preliminary gatekeeper order was sought and obtained by Meister and was filed on October 8, 2013 upon the signature of Superior Court Judge James Webb.

2. On March 3, 2014, Meister presented a request for a permanent gatekeeper order in line with Judge Webb's Order and the relief sought, inter alia a default judgment and damages.

3. The request by Meister for a permanent order was countered by a request from McDaniel to lift the order since the only involvement with Plaintiff was related to the underlying action.

4. The request for a gatekeeper order was filed simultaneously with the complaint on September 23, 2013.

5. The hearing date for the preliminary gatekeeper order was set for October 7, .2013.

 McDaniel was served in person on September 25, 2013 by a deputy sheriff dropping the documents at her feet.

 Defendant was not present at the hearing for the preliminary gatekeeper order on October 7, 2013.

The preliminary gatekeeper order was filed on October 8, 2013.

 Since 2012, McDaniel has filed or caused numerous civil actions to be filed in Guilford County, North Carolina.

10. Since 2012, it is unknown what, if any, actions may have been filed by McDaniel in other jurisdictions within the State; Meister did not allege or make known to the Court such filings other than mention of <u>one</u> action in Cabarrus County.

11. Since 2012, McDaniel has two matters on record involving Meister which include a protective order action and a collateral matter pertaining thereto.

12. Since 2012, McDaniel has prevailed in at least three of the eleven actions, one of which is pending at the time of this hearing, for which this Court takes judicial notice.

13. Other claims filed or initiated by McDaniel have been dismissed at various stages due to the failure of McDaniel to appear in Court and to prosecute her claims although she is a college graduate with one year of law school and currently working on an advanced degree.

sewer

) service Fraud

HO

14. The evidence showed that McDaniel prevailed in one case while she was incarcerated. (related to Barley DbCVM 2345)

15. More specifically, McDaniel avers that the various claims include personal injury, maltreatment, fraud and property damage.

16. The evidence showed that she prevailed against one party, Charles Miller, for fraud due to allegations that she had been served when in fact she had not. US Pendens and Lien Now On Record

17. The evidence showed that McDaniel, because of the gatekeeper order, had been unable to come to the courthouse to the Office of the Clerk of Court nor to the Judges' Offices  $\leq$  which created extraordinary vexation for McDaniel.

18. The evidence showed that McDaniel received a letter of explanation of the limitation of access to the courts imposed upon McDaniel by the gatekeeper Order entered by Judge Webb.

19. The gatekeeper order limited McDaniel from initiating, filing or submitting in either the Small Claims, District <u>or</u> (emphasis added) Superior Court Divisions of any county located within the Fifth and Sixth Superior Court Judicial Divisions of <u>any</u> (emphasis added) further complaint, motion, pleading or other document, unless such filing or document(s) – (in combined language provide):

- (a) Contains a certification by an attorney licensed under the laws of the State of North Carolina to practice law in North Carolina that, in the opinion of the attorney, the document complies with Rule 11 of the rules of Civil Procedure; and
- (b) Is first allowed by the Chief Judge (of that division) within the Judicial District in which McDaniel seeks to file the document or initiate a proceeding.

20. The preliminary gatekeeper order also provided that McDaniel shall be limited from initiating or causing to be initiated any criminal charge(s) in any prosecutorial district < located within the Fifth and Sixth Judicial Divisions unless such charge(s) is first reviewed and allowed by the District Attorney for such prosecutorial district.

21. The restrictions of the preliminary gatekeeper order, according to its provisions, were to be as to all filings in the Fifth and Sixth Superior Court Judicial Divisions, not just initial filings.

22. This Court, in looking at the terms of the Order and upon consideration of the requests of both parties as to the future applicability of a gatekeeper order against McDaniel, referred to the UNC-School of Government North Carolina Superior Court Judges' Benchbook on Gatekeeper Orders (pre-filing injunctions). Basics and caselaw examples are included in the Benchbook.

23. This Court read to the parties in open court what was written related to the Basics of Gatekeeper orders which reads:

- a. Courts have the inherent authority to enter pre-filing injunctions also referred to as gatekeeper orders — restricting individuals from filing new lawsuits or other papers without court approval, when necessary to prevent abuse of the judicial process and protect other parties.
- b. The gatekeeper order should be a last resort after other attempts to control the litigant, such as Rule 11 sanctions, have failed.
- c. As with any disciplinary matter, the subject must be given notice of the proposed order and a chance to respond before it is entered.
- d. The order needs to be narrowly tailored to the circumstances showing abuse — that is, if all the abusive litigation is directed at one particular party, the order should only limit filings related to that party, or if the frivolous filings all are in one county, the order should be limited to that county.
- e. The order needs to specify the history that has led to its entry, in sufficient detail that an appellate court can review for the trial court's abuse of discretion.

- f. The order must include a means for the person to file legitimate actions. One possibility is to require that the proposed filing be first submitted to a designated judge to be approved for filing. Another option is to allow a filing if it is accompanied by a certificate from a lawyer that the lawyer has read the document and has also read the gatekeeper order and concludes that the filing meets the standards of Rule 11. A lawyer's certification should not be the only alternative available, however, because that would have the effect of requiring the person to employ a lawyer.
- g. Either in the gatekeeper order or separately the court should instruct the clerk's office on how to handle improperly filed documents. The clerk might be instructed to not accept for filing any papers from the litigant without a signed approval from a judge, for example.
- h. Notice of the gatekeeper order also should be given to all parties who have been on the other side of cases from the abusive litigant, so they will know of relief available to them if frivolous documents get filed despite the order.
- i. The order should include an opportunity for modification. For example, the order might allow the affected party to seek a change after six months or one year. Or the order might provide for automatic review by the court after a set time.

24. Meister concludes in broad terms, without supporting evidence, that simply due to the filing of complaints, McDaniel's purpose was harassment irrespective of the specific nature of the causes of action filed by McDaniel against other parties.

25. The evidence showed that, as to Meister, McDaniel caused to be filed, through a criminal court magistrate, a warrant for assault which McDaniel purported to have not appeared *A* in court to prosecute resulting in a dismissal and for which McDaniel claimed the allegations of communicating threats were not written as she described the incident to the magistrate.

26. The evidence showed that the parties encountered one another outside of the Small Claims courtroom in the Guilford County courthouse following a hearing where McDaniel lost a claim to Meister's client, Rocco Scarfone, owner of a restaurant incorrectly named by McDaniel in the Small Claims Action resulting in a dismissal.

27. The evidence showed that Meister finds McDaniel to be particularly bothersome and has taken action against McDaniel due to a civil restraining order and criminal action filed in Guilford Court Courts due to impugnment of Meister's integrity as an attorney.

28. The evidence showed that McDaniel finds Meister to be particularly burdensome, oppressive and unnecessarily aggressive, in response to her actions by the filing of the gatekeeper order due to the consequential lack of access to the courts.

29. McDaniel has been unable to meet the terms of a certification by an attorney as a prerequisite for all filings.

30. Ms. McDaniel contends, among other things, that the preliminary gatekeeper order violates her right to access to the courts and other fundamental rights that she asserts are infringed by it, particularly as to unrelated cases without said certification.

31. The Court *sub judice* had the opportunity to observe the conduct and tone of counsel and the parties with all austerity, diatribe, aggressions, assertiveness and obstinateness of courtroom antagonism--such a surprise to the Court that words of caution to both sides and restraint were compelled by the circumstances from the court.

32. The gatekeeper order suggests that McDaniel has filed numerous actions, including actions against Meister, which were frivolous, harassing, vexatious or duplicative lawsuits; that McDaniel lacked good faith or simply intended to harass; that McDaniel was burdensome on the courts and other parties resulting from her filings; and the Court lacked adequate alternative sanctions.

33. The evidence showed that as to Meister, McDaniel's claims were dismissed although the criminal action filed by McDaniel was passed through a criminal magistrate.

34. One of the cases handed up to the Court was <u>Stanford v. Grocery Co.</u>, (1906), 143 NC 419; 55 SE 815, which held in an action for malicious prosecution, where a committing

magistrate has bound over a party, or a grand jury has returned a true bill against him, such action *prima facie* makes out a case of probable cause, and the jury should be directed to consider the evidence as directed by this principle.

35. Gatekeeper orders are to be used as a last resort after taking into consideration the totality of the circumstances.

36. The establishment of justice is expressly a reason why the United States Constitution exists. *See* Preamble, US Constitution ("We the people of the United States, in order to form a more perfect union, establish justice . . ."). The courts of our land exist to achieve that goal; one need look no further than the words inscribed over the doors to the United States Supreme Court, "Equal Justice under Law" on the front and "Justice, Guardian of Liberty" on the back.

37. Our State's Constitution expressly declares that "[a]ll courts shall be open; every person for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial or delay." N.C. Constitution, Article I, Section 18.

Justice is hardly attainable unless one has access to the courts.

### CONCLUSIONS OF LAW

- It is reasonable and proper to restrict McDaniel's ability to file pleadings, motions and other applications for relief in the Eighteenth Judicial District by requiring pre-approval of the Senior Resident Superior Court Judge.
- 2. The process shall be defined for the case and understanding of the parties.
- 3. Like other rights, the right of access to the courts is not absolute such that the restriction should be "narrowly tailored to fit the specific circumstances at issue."

See <u>Cromer v. Kraft Foods North American, Incorporated</u>, 390 F.3d 812, at 818. North Carolina follows this rubric.

 Orders such as gatekeeper orders may be extended, modified or vacated by another judge when such order is interlocutory, discretionary and circumstances have substantially changed.

- 5. Gatekeeper orders are to be used sparingly and not to deny access to the courts nor as retaliation against a party who might otherwise be unassailable, unattractive or unpopular; it is to be used only when exigent circumstances justify it, and against a *pro se* litigant with particular caution.
- The gatekeeper order shall not be used to abridge, circumvent or avoid the pursuit of truth and justice.
- 7. The circumstances meet the standard set forth above in that McDaniel has been unable to find an attorney willing to provide the pre-filing certification required by the Order, effectively blocking McDaniel's access, an indisputably substantial condition.
- Meister's opposition to modification of the Order upon making it permanent has been considered but found lacking.

Based upon the foregoing FINDINGS OF FACT AND CONCLUSIONS OF LAW, IT IS HEREBY ORDERED that:

 McDaniel shall be limited from initiating, filing or submitting in the Small Claims Division of the District Court of Guilford County unless such claim is first allowed by the Chief Magistrate Judge of Guilford County.

2. McDaniel shall be limited from initiating, filing or submitting in the District Court Division of Guilford County unless such claim is first allowed by the Chief District Court Judge of Guilford County, Eighteenth Judicial District.

3. McDaniel shall be limited from initiating, filing or submitting in the Superior Court Division of Guilford County unless such filing is first allowed by the Senior Resident Superior Court Judge of Guilford County, Eighteenth Judicial District and shall be allowed within five (5) days of such submission.

4. McDaniel shall be limited from initiating or causing to be initiated any criminal charges in Guilford County unless such charge(s) is first reviewed and allowed by the District Attorney for the Eighteenth Judicial District.

5. The restrictions contained herein shall apply to Meister and any member of her law firm, Rossabi Black Slaughter for all filings in the Guilford County, Eighteenth Judicial District.

6. McDaniel shall not be penalized nor retaliated against, by Meister or any party in any other matter pending which involves her, by the filing of this Order including delay in filing responsive pleadings.

7. Violation of this Order by McDaniel, or anyone on her behalf, shall be punishable by criminal and/or civil contempt.

8. This modified Gatekeeper Order becomes permanent upon filing and shall remain in effect until such time as modification is requested by either party <u>after</u> six (6) months from the date of this Order, if this matter is still pending.

9. Neither party shall engage in public release of information pertinent to this case, including posting updates or comments regarding the other party or the proceedings on social media such as Facebook and Twitter.

10. Neither party shall have any contact with the other party except for dispute settlement.

 The Preliminary Gatekeeper Order shall be vacated as to all matters not related to Ms. Meister.

12. Upon approval of any documents sought to be filed by McDaniel, the Office of the Clerk of Court shall cause to be filed any documents pertinent to this matter.

13. Upon approval by the Senior Resident Superior Court Judge, any further hearings will be set by the Trial Court Coordinator, Ms. Sharon Allgood, with appropriate notice to each side or opposing party.

This the 23rd day of May, 2014.

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The Honorable Patrice A. Hinnant Superior Court Judge Presiding

# NOTICE OF LEVY UNDER AN EXECUTION ON BANK ACCOUNT

NORTH CAROLINA

FILE#06cvm2345 ROWAN COUNTY

<u>Tigress McDaniel/ Renae McDaniel</u> Plaintiff(s)

Vs.

Infinity Bonds Inc. Defendant(s)

> Execution received on the 9th day of March 2007 Execution served on the Bank of the 15th day of <u>March</u> 2007, at <u>1623</u> a.m./p.m.

Take notice that by virtue of an Execution issued in the above entitled action, and pursuant thereto, I have this date levied upon, and do hereby levy upon the following described property of the defendant:

## BANK ACCOUNT

Wachovia

**Any and all accounts on Infinity Bonds Inc.

Levy is hereby made on the above account(s) sufficient to satisfy the amount due on this Execution, which is <u>\$5,347.21</u> as of March 9, 2007.

This levy is made on the property of the defendant pursuant to the authority of **N.C.G.S.1-359**. Delivery of an amount sufficient to satisfy said Execution is hereby demanded under authority of this Court Order to satisfy the judgment.

Sheriff George A. Wilhelm By **Deputy** Sheriff

Date

Rowan County Sheriff's Department Attention: Deputy CJ Cauble or DA Whitley 232 North Main Street Salisbury, NC 28144

24 216 5700

Change	Date Reported 3/12/07 Reported by 000000677 PATE, P. Y. Entered by 000000677 PATE, P. Y.
13 14	Narrative Data Entry 03/14/07 1613hrs. Plaintiff called wanting to know if we had heard any thing form def. Stated to her I will call her when we make contact. DA
15 16 17 18 19	03/15/07 1510hrs MADE CONTACT with def. Michelle Bailey said that she cannot pay this and the business doesnt own anything. She said the business bank account is with Wachovia and is overdrawn. The defs phon e number is (704)239-1208. CJC
20 21 22 23 24	03/15/07 1615hrs called Wachovia to verify amount in account. Was told that def did have an account with funds enough to levy upon. I then produced the bank levy paperwork and served in on the Bank at 1623hrs. CJC
25 26	03/22/07 1200hrs received bank levy papers back from bank stating the



District of Deliver

Supplement . . . 0001 / Original Report 1-07-008191 : Change Date Reported . . . 3/12/07 Reported by . . . 000000677 PATE, P. Y. Entered by . . . 000000677 PATE, P. Y. Line# Narrative Data Entry : 25 03/22/07 1200hrs received bank levy papers back from bank stating the defs account has insufficient funds. Try to levy again later near the : 26 : 27 end of the life of the writ. CJC : 28 : 29 04/04/07 1525hrs returned execution by the order of Sgt Hovis. no othe : 30 r assets located upon which to levy and satisfy judgment. CJC • 31 ź. 32 040407/1525: demand made.payment refused.no assets located upon which : ż : 33 to levy and satisfy judgment.attempted levy of bank account but was se : : 34 rt back due to insufficient funds. 35 : : 36 : 37 : 38 : F4=Search F6=Add F12=Cancel F13=Delete F21=Print F23=Word Processor 2 3 

20/2

In reference to criminal case no. 03CRS15443

State of North Carolina

Cabarrus County -7 P 2: 37 Superior Court RUS COUNTY. C.S.C. BY

Tosha McDougal

Vs.

MOTION FOR RECUSAL OF JUDGE SPAINHOUR

NOW COMES, Defendant, said Tosha McDougal actually Tigress McDaniel, pro se, moves the honorable court to consider recusal of Judge Spainhour from presiding in this matter. Defendant urges that Judge Spainhour shall be disqualified for the following reasons:

- (a) Judge Spainhour set excessive bail for Defendant, which is prohibited by the VIII Amendment and the Uniform Schedule of Bail, and then at the first appearance in a jovial manner reduced Defendant's bond from 50,000 US Dollars secured bond to 40,000 US Dollars secured bond under knowledge of Defendant's wrongful recent incarceration period of approximately 6 months and indigency, and lacking sufficient evidence to identify her as alleged offender.
- (b) Judge Spainhour accused Defendant of having forged her own birth certificate and denied her the opportunity to prove otherwise even under his demand for an explanation, specifically and repeatedly stating "So you're suggesting that the Register of Deeds actually prepared this document," and subsequently refusing her the opportunity to present further documentation for verification purposes. Defendant had ample documentation to verify her identity and identity fraud. Spainhour disallowed her basal right to "defend" herself by refusing to accept such documentation, and even in a demeaning and antagonistic manner stated to Defendant in open court that he "would allow [Defendant] the opportunity to revisit the question [regarding the authenticity of the birth certificate] again to give [Defendant] another chance to tell the truth." Defendant's right to presumption of innocence has been grossly disregarded. Spainhour has an apparent and blatant bias against Defendant. Attached hereto is documentation directly obtained from the North Carolina Guilford County Register of Deeds to verify that the legal birth certificate submitted by Defendant is, in fact, a true document.
- (c) Judge Spainhour has an apparent bias against Defendant for exercising right to pro se litigation having repeatedly challenging

her decision to do so, often time during two different court sessions refusing to allow her to respond to presumptious and accusatory questions after having asked her to respond and threatening to hold her in criminal contempt when attempting to respond having been accused of interrupting him. Defendant asserts that Spainhour's behavior is evidence of judicial misconduct. Defendant asserts that she must be allowed to be heard, defend, scrutinize, respond etcetera, albeit in order and respect for court, as provided by her constitutional rights to represent herself, pro se (also provided by the constituition for all defendants – shall have the right to counsel and to be heard himself).

(d) Judge Spainhour's behavior leads Defendant to reasonably suspect a maliciously conspired effort toward a judgment of guilty against her. Defendant bases this claim primarily on the reasons abovementioned and improper one-sided communication between Judge Spainhour and Krystal Nethken during every court session prior to date. Ultimately, Judge Spainhour's conduct suggests that Defendant will be deprived of a fair, unbiased trial.

WHEREBY, Defendant requests that another judge is given the responsibility to hear this criminal case to ensure her rights to presumption of innocence and a fair and impartial trial.

Date: August 3, 2006

Tigress McDaniel, Pro Se Defendant 931 B South Main Street #123 Kernersville, NC 27284 Cellular: (336)624-4335

## CERTIFICATION OF SERVICE

A copy of the foregoing has been forwarded by regular on July 25, 2006 to Krystal Nethken, District Attorney, counsel on record for the State, Clerk of Superior Court. and Judge Spainhour at PO Box 70, Concord, NC 28026.

Man

Tigress McDaniel Pro Se Defendant 931 B South Main Street #123 Kernersville, NC 27284 Main: (336) 624-4335

## NORTH CAROLINA CABARRUS COUNTY

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION FILE NO. 03 CRS 15543-15555

## STATE OF NORTH CAROLINA

٧.

### TOSHA McDOUGAL, a/k/a TIGRESS McDANIEL, Defendant.

A COURTROCINA ORDER S'L/DEPUNY CIR

IT APPEARING TO THE COURT that the defendant was indicted under the name of Tosha McDougal; that her name legally has been changed to Tigress McDaniel; that she is charged with thirteen (13) counts of obtaining property by false pretenses; and that she appears pro se in these criminal cases;

AND IT FURTHER APPEARING TO THE COURT that these cases appear on the trial calendar for the week of 11 September 2006; that the defendant appeared in this court on 11 September 2006 and requested that the undersigned recuse himself from the trial of these cases; that the court denied the motion and set these cases on the administrative calendar for the 2 October 2006 session of this court;

AND IT FURTHER APPEARING TO THE COURT that the undersigned will not be presiding in this court during the 2 October 2006 session so that the defendant can be tried before another judge at that session of court.

#### IT IS THEREFORE ORDERED:

1. The Order entered on the record in open court on 11 September 2006 denying defendant's motion to recuse the undersigned is hereby rescinded. The court does not rule upon this motion, and it shall remain pending.1

¹ The undersigned judge will rotate out of the 19-A Judicial District at the end of December, 2006, and other judges will be available to hear these matters.

- These cases are hereby restored to the trial calendar for the 2 October 2006 session of this court. The defendant should be prepared for trial at that time, subject to the orders of the judge presiding at that session.
- 3. A copy of this Order shall be sent to the defendant at the address she has given to the Clerk.

This Order was entered in open court and was prepared by the undersigned on this the 121 day of September, 2006.

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W. Erwin Spainhour Judge Presiding

## NORTH CAROLINA CABARRUS COUNTY

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION FILE NOS. 03 CRS 15545, 15553-55

T

### STATE OF NORTH CAROLINA

v.

#### ORDER

TOSHA RENAE McDOUGAL a/k/a TIGRESS SYDNEY ACUTE McDANIEL, Defendant.

IT APPEARING TO THE COURT that the defendant has filed with the Clerk of Superior Court a paper-writing entitled "Omnibus Motion for Relief from the Judgment and Post Judgment Discovery";

AND IT FURTHER APPEARING TO THE COURT, after reviewing the files in the above-captioned cases finds that the defendant was tried before The Honorable Thomas D. Haigwood and a jury and on 6 October 2006 was convicted of felonious identity theft in file no. 03 CRS 15555 and three counts of obtaining property by false pretenses in file nos. 03 CRS 1553-55 and was sentenced to an active term of imprisonment, and that no notice of appeal appears in the files;

AND IT FURTHER APPEARING TO THE COURT that the defendant seeks to obtain post-judgment discovery that is not authorized by law; that the motion fails to state a claim upon which relief can be granted; and that the motion is not a proper motion for appropriate relief and cannot be considered as such by the court.

IT IS, THEREFORE, ORDERED that the defendant's "Omnibus Motion for Relief from the Judgment and Post Judgment Discovery" shall be, and the same is hereby, DENIED.

IT IS FURTHER ORDERED that a copy of this Order shall be sent by the Clerk to the defendant, Tosha Renae McDougal, a/k/a Tigress Sydney Acute McDaniel, #0979220, 4287 Mail Service Center, Raleigh, N.C. 27699-4287; to the to the North Carolina Secretary of Correction, 4201 Mail Service Center, Raleigh, N.C. 27699-4201; and to The Honorable Roxann Vaneekhoven, District Attorney, Concord, N.C.

This the 27th day of October, 2006.

W. Erwin Spainhour

Senior Resident Superior Court Judge Judicial District 19-a

(TYPE OR PRINT IN BLACK INK)	File No.	N. Street	Abstract No.	
STATE OF NORTH CAROLINA	Judgment Docket Book And Page No.			
ROWAN County	Date Judgment F	iled		
	11/29/2006			
		The General Cour strict		
Name Of Judgment Creditor (Plaintiff)			COULT DIVISI	
TigRis Me Daniel 2		TION TO CLAI		
VERSUS , VER		TORY EXEMP		
INFINITU		dgment filed afte		
NOTE TO JUDGMENT DEBTOR: The Clerk of Superior Court cannot fil altorney. THERE ARE CERTAIN EXEMPTIONS UNDER STATE AND FEDE THE EXEMPTIONS LISTED BELOW. These exemptions may include social for your personal services rendered within the last 60 days. There is available property.	RAL LAW THAT YOU AF security, unemployment, a to you a prompt procedure	E ENTITLED TO CLA	IM IN ADDITIC	
I, the undersigned, move to set aside the property claimed below as 1. I am a citizen and resident of <u>NCK+L</u> <u>CARDIN</u>				
2. Da. Iam married to Stanley W. BAILE	4			
b. I am not married.	5		April 1997	
3. My current address is 850 BEAGLE CLUB	2d Salisbi	INY NC.	28146	
4. The following persons are dependent on me for support:		1		
Name(s) Of Person(s) Dependent On me	Age			
Stanley WAde BAiley	6			
STANTON WAYLAN BAILEY	5		_	
<ol> <li>I wish to claim as exempt (keep from being taken) my interest in the property, that I use as a residence. I also wish to claim my intered</li> </ol>	ist in the following buria urial plots may not exce	plots for myself or n ad \$18,500.00 except e residence and buri	ny dependents of that if I am al plots not to	
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from me). These items of I understand that I am e \$1,000.00 for each pers am entitled to this amou	or musical instrum f personal proper entitled to person son dependent up int after deductin	ty are held primarily for al property worth the s oon me for support, bu g from the value of the	usehold furnishings, ho the claims of my credito or my personal, family o sum of \$5.000.00. I und it not to exceed \$4,000. e property the amount o be exempt. (Some exam	ors (in other words, or household use, lerstand I am also 00 for dependent of any valid lien or	entitled s I furthe security	to an additional ar understand the interest. Propert
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2003 10/10	szare	\$ 2000	Sovereign	JBANK	- \$	1000
1999 VUKEN	\$9000	\$ 9000	SHARONIEL		\$	0
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Dicition	\$2000	5.0			\$	
Serve Wil	\$3000	\$500	Dell		\$	3000
Lornputeils		wish to claim more than	one parcel, I must attach a	dditional pages set	ting forth t	he following
int	understand that if I	parcel claimed as exempl	1	Estimated Value Of Pr	operty (Wh	
Real Property Claimed (/	understand that if I formation for each p	earcel claimed as exempl vnship		\$ No. By Which Tax Ass		al You Could Sell II Fo

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VERSUS		File No. 06CVM	002345	Abstract No. J001
Name Of Judgment Creditor (Plaintiff)		Judgment Docket Book And Page No.		Date Judgment Filed 11/29/2006
Name And Address Of Lienholder				
			S	urrent Amount Owed
Name And Address Of Lienholder		Current Amount Owed		
(Attach additional sheets for mor	in Kantaldara k		\$	
9. I wish to claim the following it	terns of health care aid (wheelch		ary for m	yself 🗌 my dependents
	_	Purpose		
10. I wish to claim the following in	mplements, professional books	, or tools (not to exceed \$2,00	00.00), of my tr	ade or the trade of my
dependent. I understand suc	h property purchased within nit	nety (90) days of this proceed	ing may not be	exempl.
ltem	Estimated (What You Could		What Business	Or Trade Used In
	\$		1.0.0	
	\$			
	\$			
11. I wish to claim the following life	e insurance policies whose sol	e beneficiaries are my spouse	and/or my chi	ldren as exempt.
Name Of Insurer	Policy Nu	mber	Benefic	iary(ies)
- LESW				
LSW				
compensation that I received compensation is not exempt fi or injury that resulted in the pa mount of Compensation	endent for support, including or for the death of a person upon rom claims for funeral, legal, m ayment of the compensation to	ompensation from a private di whom I was dependent for su edical, dental, hospital or hea	sability policy o opport. I unders of the care charge ore than one amo	or an annuity, or stand that this as related to the accident ount of compensation.)
person upon whom I was dep compensation that I received compensation is not exempt fi or injury that resulted in the pa imount Of Compensation	endent for support, including or for the death of a person upon rom claims for funeral, legal, m ayment of the compensation to	ompensation from a private di whom I was dependent for su edical, dental, hospital or hea me. (Add additional sheets if mo	sability policy o opport. I unders of the care charge ore than one amo	or an annuity, or stand that this as related to the accident ount of compensation.)
person upon whom I was dep compensation that I received compensation is not exempt fi or injury that resulted in the pa mount Of Compensation ocation/Source Of Compensation 13. I wish to claim my individual re- below.	endent for support, including of for the death of a person upon rom claims for funeral, legal, m ayment of the compensation to Method Of Payment Lump Sum C	ompensation from a private di whom I was dependent for su edical, dental, hospital or hea me. (Add additional sheets if mc or Installments (If Installments, State A oth accounts, and individual r	sability policy of opport. I unders lith care charge ore than one amo mount, Frequency etirement annu	or an annuity, or stand that this as related to the accident ount of compensation.) And Duration Of Payments)
person upon whom I was dep compensation that I received compensation is not exempt fi or injury that resulted in the pa mount Of Compensation ocation/Source Of Compensation 13. I wish to claim my individual re- below.	endent for support, including or for the death of a person upon rom claims for funeral, legal, m ayment of the compensation to Method Of Payment Lump Sum C	ompensation from a private di whom I was dependent for su edical, dental, hospital or hea me. (Add additional sheets if mc or Installments (If Installments, State A oth accounts, and individual r	sability policy ( apport. I unders lth care charge ore than one amo amount, Frequency	or an annuity, or stand that this as related to the accident ount of compensation.) And Duration Of Payments)
person upon whom I was dep compensation that I received compensation is not exempt fi or injury that resulted in the pa Amount Of Compensation socation/Source Of Compensation 13. I wish to claim my individual re	endent for support, including of for the death of a person upon rom claims for funeral, legal, m ayment of the compensation to Method Of Payment Lump Sum C	ompensation from a private di whom I was dependent for su edical, dental, hospital or hea me. (Add additional sheets if mc or Installments (If Installments, State A oth accounts, and individual r scount A	sability policy of opport. I unders lith care charge ore than one amo mount, Frequency etirement annu	or an annuity, or stand that this as related to the accident ount of compensation.) And Duration Of Payments)
person upon whom I was dep compensation that I received compensation is not exempt fi or injury that resulted in the per mount of Compensation ocation/Source Of Compensation 13. I wish to claim my individual re below, ame Of Custodian Of IRA Account	endent for support, including or for the death of a person upon rom claims for funeral, legal, m ayment of the compensation to Method OF Payment Lump Sum C etirement accounts, including R Type Of Ac Type Of Ac derstand that the plan must be may not exempt any funds Lola	ompensation from a private di whom I was dependent for su edical, dental, hospital or hea me. (Add additional sheets if mo or installments (If installments, State A oth accounts, and individual r scount A count A for my child and must actual for my child and must actual ced in this account within the	sability policy of apport. I unders of than one amo the care charge ore than one amo the than one amo than one a	er an annuity, or stand that this as related to the accident ount of compensation.) And Duration Of Payments) dities (IRA's) that are listed a Internal Revenue Code, he child's college ponths, except to the
person upon whom I was dep compensation that I received compensation is not exempt fi or injury that resulted in the pa mount Of Compensation ocation/Source Of Compensation 13. I wish to claim my individual re- below, ame Of Custodian Of IRA Account ame Of Custodian Of IRA Account 14. I wish to claim the following fur- not to exceed \$25,000.00. I un expenses. I understand that I n extent that any contributions we	endent for support, including or for the death of a person upon rom claims for funeral, legal, m ayment of the compensation to Method OF Payment Lump Sum C etirement accounts, including R Type Of Ac Type Of Ac derstand that the plan must be may not exempt any funds Lola	ompensation from a private di whom I was dependent for su edical, dental, hospital or hea me. (Add additional sheats if mo or installments (if installments, State A oth accounts, and individual r count A blan that is qualified under set for my child and must actuall ced in this account within the e of my financial affairs and w	sability policy of apport. I unders lth care charge ore than one amo amount, Frequency estirement annu- ccount Number ccount Number ccount Number ction 529 of the y be used for the preceding 12 r vere consistent	or an annuity, or stand that this as related to the accident built of compensation.) And Duration Of Payments) Diffees (IRA's) that are listed a Internal Revenue Code, he child's college months, except to the with my past pattern of
<ul> <li>person upon whom I was dep compensation that I received compensation is not exempt fi or injury that resulted in the person injury that resulted in the person ocation/Source Of Compensation</li> <li>10 Using the claim my individual respenses.</li> <li>11 I wish to claim my individual respenses.</li> <li>12 I wish to claim the following fur not to exceed \$25,000.00, 1 un expenses. I understand that I n extent that any contributions we contributions.</li> </ul>	endent for support, including or for the death of a person upon rom claims for funeral, legal, m ayment of the compensation to Method Of Payment Lump Sum C etirement accounts, including R Type Of Acc Type Of Acc nds I hold in a college savings p derstand that the plan must be nay not exempt any funds I pla ere made in the ordinary cours	ompensation from a private di whom I was dependent for su edical, dental, hospital or hea me. (Add additional sheats if mo or installments (if installments, State A oth accounts, and individual r count A blan that is qualified under set for my child and must actuall ced in this account within the e of my financial affairs and w	sability policy of apport. I unders lth care charge ore than one amo amount, Frequency estirement annu- ccount Number ccount Number ccount Number ction 529 of the y be used for the preceding 12 r vere consistent	er an annuity, or stand that this as related to the accident ount of compensation.) And Duration Of Payments) dities (IRA's) that are listed a Internal Revenue Code, he child's college ponths, except to the

AOC-CV-415, Page 3 of 4, New 2/06 © 2006 Administrative Office of the Courts

	State/Governmental Uni	it	Name of Retirement Plan	Identifying Number
_				
16.	I wish to claim as exempt ar that I am entitled to receive. for my support or for the sup	I understand that these pa	yments are exempt only to the ex	payments or funds that I have received on ktent that they are reasonably necessary
	Type Of Support	Person Paying Suppor	t Amount Of Support	Location Of Funds
17	The following is a complete	listing of my property which	1 do NOT claim as exempt.	
	Item		Location	Estimated Value
	i i i i i i i i i i i i i i i i i i i			\$
-		. 1	· · ·	\$
-				\$
8.	I certify that the above state	ments are true.		
			Signature Of Judgment Deblori	Allomey For Deblor (Delendani)
te	iloning		NI. A NOVO I	
9.	attorney. depositing a	copy to copy of this Motion in a pos at the address shown on th	t-paid properly addressed envelo e notice of rights served on me. ce, addressed to the judgment cre	a copy to the judgment creditor (plaintiff) , the judgment creditor (plaintiff) ope in a post office, addressed to the depositing a copy of this motion in editor's (plaintiff's) attorney at the followir
9. te	A copy of this Motion was supersonally delivering a attorney. depositing a judgment creditor (plaintiff) a post-paid properly address address:	copy to copy of this Motion in a pos at the address shown on th sed envelope in a post offic	t-paid properly addressed envelo e notice of rights served on me. ce, addressed to the judgment cre	a copy to the judgment creditor (plaintiff) , the judgment creditor ope in a post office, addressed to the depositing a copy of this motion in editor's (plaintiffs) attorney at the following
9. te	A copy of this Motion was supersonally delivering a attorney. depositing a judgment creditor (plaintiff) a post-paid properly address	copy to copy of this Motion in a pos at the address shown on th sed envelope in a post offic	t-paid properly addressed envelo e notice of rights served on me. ce, addressed to the judgment cre	a copy to the judgment creditor (plaintiff) , the judgment creditor ope in a post office, addressed to the depositing a copy of this motion in editor's (plaintiffs) attorney at the following
9. te	A copy of this Motion was supersonally delivering a attorney. depositing a judgment creditor (plaintiff) a post-paid properly address address:	copy to copy of this Motion in a pos at the address shown on th sed envelope in a post offic	t-paid properly addressed envelo e notice of rights served on me. ce, addressed to the judgment cre	a copy to the judgment creditor (plaintiff) , the judgment creditor ope in a post office, addressed to the depositing a copy of this motion in editor's (plaintiffs) attorney at the following
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9. te	A copy of this Motion was supersonally delivering a attorney. depositing a judgment creditor (plaintiff) a post-paid properly address address:	copy to copy of this Motion in a pos at the address shown on th sed envelope in a post offic	t-paid properly addressed envelo e notice of rights served on me. ce, addressed to the judgment cre	a copy to the judgment creditor (plaintiff) , the judgment creditor ope in a post office, addressed to the depositing a copy of this motion in editor's (plaintiffs) attorney at the following
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9. Ie	A copy of this Motion was supersonally delivering a attorney. depositing a judgment creditor (plaintiff) a post-paid properly address address:	copy to copy of this Motion in a pos at the address shown on th sed envelope in a post offic	t-paid properly addressed envelo e notice of rights served on me. ce, addressed to the judgment cre	a copy to the judgment creditor (plaintiff) , the judgment creditor ope in a post office, addressed to the depositing a copy of this motion in editor's (plaintiffs) attorney at the following
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ate	A copy of this Motion was supersonally delivering a attorney. depositing a judgment creditor (plaintiff) a post-paid properly address address:	copy to copy of this Motion in a pos at the address shown on th sed envelope in a post offic	t-paid properly addressed envelo e notice of rights served on me. ce, addressed to the judgment cre	a copy to the judgment creditor (plaintiff) , the judgment creditor ope in a post office, addressed to the depositing a copy of this motion in editor's (plaintiffs) attorney at the following
19. Ite	A copy of this Motion was supersonally delivering a attorney. depositing a judgment creditor (plaintiff) a post-paid properly address address:	copy to copy of this Motion in a pos at the address shown on th sed envelope in a post offic	t-paid properly addressed envelo e notice of rights served on me. ce, addressed to the judgment cre	a copy to the judgment creditor (plaintiff) , the judgment creditor ope in a post office, addressed to the depositing a copy of this motion in editor's (plaintiffs) attorney at the following
9. Ie	A copy of this Motion was supersonally delivering a attorney. depositing a judgment creditor (plaintiff) a post-paid properly address address:	copy to copy of this Motion in a pos at the address shown on th sed envelope in a post offic	t-paid properly addressed envelo e notice of rights served on me. ce, addressed to the judgment cre	a copy to the judgment creditor (plaintiff) , the judgment creditor ope in a post office, addressed to the depositing a copy of this motion in editor's (plaintiffs) attorney at the following

VJJS 06CVM002345;J001 NC AOC CIS ROWAN	CIVIL CASE PF ABSTRAC	COCESSING SYSTEM	VJJS 02/03/16 10:47:12
06 CVM 2345 ACTION CODE: I (U,I) CLOCKED: 112906 09	55 AM INDEXED:	4 002345 ABS NUM: V	J001 ACATED:
CANCELLED: RE DEBTOR: CREDITOR:	.A5UN;	STATUS : STATUS :	INDIGENT COSTS:
'F6' TO DISPLAY: DETAIL LIST _ PAYMEN	T LIST _ VIEW ABS	TRACT VIEW HISTOR	¥ _
PAYOFF DATE: 020316		8,809.52 DAILY IN	IT: 1.10
		INTEREST:	3,674.52
MONEY AWARD: MONEY PAID:	5,000.00 0.00 5,000.00	INTEREST PAID: INT BALANCE:	3,674.52
MNY BALANCE:		TOTAL:	8,809.52
COSTS & FEES: COSTS PAID: COST BALANCE: GENR00081-RECORD REA	135.00 0.00 135.00 D SUCCESSFULLY	PAID: BALANCE:	0.00 8,809.52

GENROOOSI-RECORD READ S F1=HELP 3=EXIT 6=LIST

#### 4/27/2017

IMG_5585.JPG

the man the

FILE NO. 06 CVM 2349	PEG: 605					
FILM NO.	again of Infinity Bonds The.					
	I IT IS ORDERED THAT:					
DUDGMENT DR DISMISSAL	I PLAINTIFF BE PUT IN POSSESSION OF I THE PREMISES DESCRIBED IN THE COMPLAINT.					
MCDANIEL, TIGRESS MCDANIEL, RENAE	( ) THE PLAINTIFF RECOVER RENT OF THE DEFENDANT(S) AT THE RATE LISTED BELOW, PLUE DAMAGES IN THE AMOUNT INDICATED. PLAINTIFF IS ALLOWED INTEREST ON THE TOTAL PRINCIPAL FROM THIS DATE UNTIL PAID.					
TSATRM CORP	I ( ) THE PLAINTIFF RECOVER POSSESSION OF THE I PERSONAL PROPERTY DESCRIBED BELOW I OR IN THE COMPLAINT,					
SSO3 WEST FRIENDLY AVE BIE 223B GREENSBORD, NC 27410 VS	( FOR BREACH OF CONTRACT CASES) THE PLAINTIFF RECOVER OF THE DEFENDANT(S) THE FOLLOWING PRINCIFAL AND INTEREST ACCRUED TO THE DATE OF THE JUDGMENT, PLUG INTEREST AT THE LEGAL RATE ON THE PRINCIPAL FROM THIS DATE UNTIL PAID.					
BAILEY, MICHELLE	( ) (FOR TORT CASES) THE PLAINING RECOVER OF THE DEFENDANT(S) THE FOLLOWING PRINCIPAL, PLUS INTEREDT AT THE LEGAL RATE FROM THE DATE THE ACTION WAS INSTITUTED UNTIL PAID. ( THE PLAINTIFF RECOVER NOTHING OF DEFENDANT(S) AND THIS ACTION IS DISMISSED WITH PREJUDICE.					
E F	AND THIS ACTION IS DISNESSED WITH PREJUDICE.					
121 WEST COUNCIL STREET	PRE-JUDGMENT INTEREST \$					
BUITE 305" SALISBURY, NC 20144	PRINCIPAL SUM OF JUDGMENT \$ 5000.00					
	DAMAGES/ATTORNEY FEES &					
RATE OF RENT &	() WK () MO RENT OWED TO DATE *					
	TOTAL AMOUNT >> \$ 5000.00					
PERSONAL PROPERTY						
	$\sim$					
DATE 11-29-06 SIGNATU	DATE 11-29-06 BIGNATURE 2 Tab Upic					
APPEALED IN OPEN COURT BY						
APPEALED IN OPEN COURT BY ************************************						
DATE SIGNATU	75					

	SHORESHING STREET			
The conditions of this P		CONDITIONS		
The conditions of this Bond are that the times remain amenable to the orders a defendant and each surety throughout judgment in the district court from while ordered and otherwise performs the to conditions, the Court will forfeit the bo	nd processes of the Cou all stages of the procee ich no appeal is taken or regging conditions of th	urt. It is agreed and ur adings in the trial divisi r until the entry of judg bond, then the bond	derstood that this Bond ons of the General Cour ment in the superior co is to be void, but if the	d is effective and binding upon the rt of Justice until the entry of burt. If the defendant appears as detendant fails to obey any of these
Each accommodation bondsman, by si resident of North Carolina. Aside from as surety. I own sufficient property ov Bond should it be ordered forfeited. I a	love and affection and ver and above all liabilitie	release of the above r	amed defendant, I have	me by law to enable me to pay this
NOTE: "Licensed professional bondsme		erk of court having juri	diction over the princip	pal, an affidavit on a form furnished by
the Administrative Office of the 1. I have not, nor has anyone fo				or premium for executing this Bond
2. I have been promised a premi				
3. I have received a premium in			a due on the date an	In the second
4. I have been given collateral s			he nature and in the	amount shown below.
nount Of Premium Promised	Date Due		Amou	nt Of Premium Received
HE FACE OF THIS DOCUMI	ENT HAS A COLO	ORED SECURIT	Y BACKGROUND	D AND MICROPRINTING
11	POW	ER OF ATTORNEY	XXXXXXXXX	145105
S25.000.00	National Americ	can Insurance 8932, Indianapolis, IN 462		NA25 145125
OW ALL MEN BY THESE PRESENTS: th				authorized and existing under the laws
he State of Oklahoma, does constitute an	d appoint the below nan	ned agent its true and	awful Attorney-in-Fact fo	r it and in its name, place and stead,
hority of such Attorney-in-Fact is limited to app its, fines, wage law claims or other payments of its of this power of attorney. The agent is not at power is void if attered or erased or used in a led below or to satisfy any bond requirement in head the sum of	of any kind on behalf of below uthorized to act as agent for	receipt of service of proce	ss in any criminal or civil ac company or any other comp	ction. pany to obtain the release of the defendant
provided this Power-Of-Attorney is filed at in this Power-Of-Attorney the name of t WITNESS WHEREOF, NATIONAL AMER the purpose and its corporate seal to be h	with the bond and retain the person on whose bet ICAN INSURANCE COM	half this hond was nive	ourt records. The said A	
Amounts 25.00 Appear	ance Date 09 - 7-	43		
endant Josha MS ) appear	1	INICAN IA	NATIONAL	AMERICAN INSURANCE COMPANY
	ase #	(* * * *	* ***	of IH.
unty CABARROS City Carga	al SINCZIP 28	SEA	L III /A	wat taken
(a) - il to a refer 1		Cacher **		President, Chief Executive Officer NA1-9E
112	age free free free	an Otjah	//	
ecuting Agent		MP		
NOTES ON CASH BONDS:				
(1) If the cash is deposited by the defendant's obligations upon dis sign. Enter defendant's name and so	position of the charges	, complete Side One	as follows: Check "Ca	ash Appearance Bond." Have detende
If the cash is deposited by a person disposition of the charges, complete Appearance Bond, " Have defendant	other than the defenda	int and the cash is A	OT to be available to	satisfy the defendant's obligations u
receipt in name of that person.	sign bond Enter name	and address of name	a denositing cash un	der "Accommodation Bondsman." He nder "Complete If Cash Deposited."

G.S. 15A-531(4) provides that an appearance bond executed by a bail agent acting on behalf of an insurance company is the same as a cash
(2) bond, except in child support contempt proceedings where only cash may satisfy a cash bond requirement.

AOC-CR-201. Side Two. Rev. 3/02 2002 Administrative Office of the Courts

STATE OF NORTH	H CAROLINA	File Nº 03CRS15543	
Cabarrus		In The General Court Of	
ma And Mailing Address Of Defen	dead County	District Duperior Cou	rt Division
nata Melling Adverses Of Deren Jaha Mc Doug	Lington &		
Juenoloro NI	· ·	APPEARAI	NCE BOND
val Security No.	Telephone No. Of Defendent	FOR PRETRI	AL RELEASE
al Bond Required 10000 egises And Additional File Number	Amount Of This Bond \$ 40000		3.S. 15A-531, 15A-534, 15A-54
Unsecured Appearance E pay the State of North C Cash Appearance Bond / of North Carolina the sur the deposit will be return conditions of this Bond s Surety Appearance Bond bound to pay the State of side. (Professional bondsmitute Cash Deposited By St obligations as suretier	and the undersigned defended arolina the sum shown above, su See note on reverse side.) - 1, the un- m shown above; and hereby depo- ned upon the Court's determinati- tated on the reverse side, and the - We, the undersigned, jointly au- of North Carolina the sum shown an, Surety bondsman and Runnee urety (See note on reverse side.) s on this bond with the understa e conditions of pretrial release has	when the conditions of this Bond so not, acknowledge that my personal dep ubject to the conditions of this Bond so indersigned defendant, acknowledge th osit the cash identified below as secur ton that the conditions of release have that it will be available to satisfy my ob a severally acknowledge that we and a above, subject to the conditions of the ers) - The "Affidavit" on the reverse side - We have deposited the cash identified anding that the deposit will be returned ave been performed, and that it will N	tated on the reverse side. at I am bound to pay the Sta- ity with the understanding th- been performed, subject to the ligations. our personal representatives his Bond stated on the reverse de of this Bond is complete and ed below to secure our d to us upon the Court's
See Page Two for additional Address Of Accommodation	l accommodation bondsman executi	DATION BONDSMAN ing this bon Name And Address Of Accommodation	Bondsman
7-22-06 See Page Two for additional	l accommodation bondsman executi	DATION BONDSMAN	Bondsman Telephone No.
7-22-06 See Page Two for additiona are And Address Of Accommodation	l accommodation bondsman executi on Bondsman Telephone No.	DATION BONDSMAN	
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Z=22-06 See Page Two for additiona ne And Address Of Accommodati	l accommodation bondsman executi on Bondsman Telephone No.	DATION BONDSMAN ing this bon Name And Address Of Accommodation Social Security No. SIONAL BONDSMAN Name Of Runner, If Applicable	
2-22-06 See Page Two for additiona ne And Address Of Accommodati	l accommodation bondsman executi on Bondsman Telephone No.	DATION BONDSMAN	
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THIS MATTER came before this Honorable Court on the 20th day of January 2021. Plaintiff was represented *pro* se on her "Motion to Vacate and for Relief from Ill-Gotten, Improper Gatekeeper Order" pursuant to Rule 60 of the North Carolina Rules of Civil Procedure; Defendant(s) were not present and were duly noticed by mail.

IT APPEARS TO THE COURT that current "Order for Prefiling Injunction (Gatekeeper Order)," (hereinafter the "Gatekeeper Order"), was entered by the Honorable Lisa Bell on June 14, 2018 and also as follows:

- The Gatekeeper Order applies to the Plaintiff and the Plaintiff was enjoined from filing in any North Carolina State Court located in Mecklenburg County, which would include Small Claims Court, District Court, Superior Court, and North Carolina Business Court.
- 2. The Gatekeeper Order required that before the Plaintiff was allowed to file any filing with the Mecklenburg County Clerk of Court, that said Plaintiff must have

had to first (a) have the filing certified by an attorney duly licensed in North Carolina and in good standing with the North Carolina State Bar subject to Rule 11 sanctions or (b) have a judicial official authorize the filing.

- 3. Since 2018, Plaintiff has filed a matter before Mecklenburg County District Court, specifically before the Mecklenburg County Family Court, in 18 CVD 1033 seeking the Court to grant her sole custody of her minor child.
- That this Court takes judicial notice that family court proceedings, especially custody cases, can require multiple filings with the Clerk.
- Since the entry of the previous Gatekeeper Order, Plaintiff has filed several filings with the Mecklenburg County Clerk of Court in various actions, mainly in District Court.
- That the Plaintiff has filed her most recent filings pro se without the assistance of a license North Carolina attorney.
- 7. That a judicial official has authorized 100% of Plaintiff's filings, denying none.
- 8. That Plaintiff has shown that she has not been a burden to Mecklenburg County and has an excellent track record of having her documents and/or filings approved by an authorized Mecklenburg County judicial official per the previous Gatekeeper Order.
- That District Court was created by our legislature to deal with common issues such as family matters, child custody, and civil disputes below \$25,000.
- 10. That Small Claims Court was also created by our legislature to deal with common issues such as landlord tenant actions and civil disputes less than \$10,000.

- That individuals that do not abuse the court system or create an undue burden on the courts and staff should be given access to justice without any restrictions.
- 12. That Superior Court and Business Court were created by our legislature to deal with more complicated civil actions and complex litigation with an amount of controversy in excess of \$25,000 and various equitable remedies that require more specialized attention and complexity.
- 13. That this Court take judicial notice that at least two other gatekeeper orders entered against Plaintiff exist, which include an Order entered by Superior Court Judge Anna Mills Wagoner on March 27, 2017 in Rowan County Superior Court and an Order entered on October 15, 2013 by Superior Court Judge James M. Webb in Guilford County Superior Court.
- 14. That lifting some of the restrictions, especially to Small Claims Court and District Court, is required and justice demands that Plaintiff, who currently has her own family court case pending, has easier, less restricted access to these lower level Courts, which are designed for more volume and greater access to the general public.
- 15. That filings to Superior Court and Business Court are deemed more serious in nature and that our legislature has limited access to these Courts with certain jurisdictional limitations to certain types of cases and to various specialized cases, and our legislature has directed that said Courts require much more oversight.

ORDERED that pursuant to Rule 60 of the North Carolina Rules of Civil Procedure, that the "Order for Prefiling Injunction (Gatekeeper Order)," signed on June 14, 2018 be VACATED in part, lifting filing restrictions as to Small Claims Court and District Court in Mecklenburg County, but keeping the same restrictions in place for Superior Court and the North Carolina Business Court in Mecklenburg County.

This the 2nd day of March, 2021.

George C. Bell Superior Court Judge



THIS MATTER came before the review of this Honorable Court in chambers, *sua sponte* and on the Court's own motion, on the 10th day of May 2021 in reference to the Court's previous Order Vacating Gatekeeper Order In Part, entered in March 2021.

IT APPEARS TO THE COURT that current "Order Vacating Gatekeeper Order in Part (Gatekeeper Order Vacate)," (hereinafter the "Gatekeeper Order Vacate"), was entered by the Honorable George Bell on March 2, 2021, allowing Plaintiff some discretion and leeway to file matters in Small Claims Court and General District Court without having the Chief District Court Judge review her filings first.

Since March 2, 2021, Plaintiff has filed five actions in Small Claims Court, 21CVM3114, 21CVM3806, 21CVM4192, 21CVM4707, 21CVM4708, against the following defendants: NC Agriculture and Technology, Chex Systems, Batteries Plus, Charlotte Mecklenburg County Schools, and Smart Pawn NC LLC respectively.

Plaintiff has filed five (5) actions in less than 60 days and is clearly abusing the North Carolina Judicial System. Plaintiff needs her filings reviewed to avoid duplicative lawsuits and assistance in avoiding litigating the same issues again.

The Court has reconsidered its previous Gatekeeper Order Vacate and rules as follows:

- The Gatekeeper Order that was entered on June 14, 2018 by the Honorable Lisa Bell is hereby reinstated.
- 2. The Gatekeeper Order Vacate is hereby dissolved by Order of this Court.

This the 10th day of May, 2021.

George C. Bell Superior Court Judge

#### STATE OF NORTH CAROLINA

## IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION FILE NO.: 24 CV016269-910

#### WAKE COUNTY

The North Carolina State Bar	}	COUNTERCLAIMANT DEFENDANT
Plaintiff	}	ANSWER, DEFENSES AND COUNTERCLAIMS
	}	OF RES JUDICATA & COLLATERAL ESTOPPEL
VERSUS	}	TO NC BAR'S COMPLAINT
	}	AND MEMORANDUM OF LAW IN SUPPORT
Tigress Sydney Acute McDaniel, JD	}	OF TIMELY FILED MOTION TO DISMISS
Defendant	}	

NOW COMES Tigress Sydney Acute McDaniel, Juris Doctor, Counterclaim Defendant

(hereinafter "Lawyer"),

having received service of Summons and Complaint initiated by the North Carolina State Bar (hereinafter "NC Bar" as opposed to its self-asserted abbreviation "State Bar" to distinguish from other State Bar in the United States of America [hereinafter "USA"] which Lawyer asserts was done in bad faith to fabricate additionally defamatory case records regarding Lawyer's litigative history), and having removed the action to the federal jurisdiction on or about June 3, 2024, filing this very pleading in that federal case (first date-stamped page attached and incorporated as evidence), and having the federal tribunal enter an order on or about August 29, 2024 finding that Lawyer's federal rights can be asserted in the state tribunal AND remanding the case to the state tribunal, and Lawyer having timely appealed such erroneous order and in that her appeal and other relief remains pending before the federal tribunal pursuant to 28 U.S.C. § 1443 which procedurally prohibits any proceedings in this state court despite its violative proceedings since October 2024 without regard to binding prevailing federal legal authority thereto,

to hereby re-assert this pleading in the state case to ANSWER the complaint of the NC Bar, originally frivolously and maliciously filed in the state tribunal, in Wake County, on May 22,

2024, and hereby asserts AFFIRMATIVE AND ABSOLUTE DEFENSES and COUNTERCLAIMS and MEMORANDUM OF LAW INCLUDING BINDING LEGAL AUTHORITIES as follows:

#### ANSWER AND DEFENSES TO NC BAR'S COMPLAINT

#### **GENERAL DENIAL**

Unless expressly admitted below, LAWYER denies each and every allegation NC Bar has set forth in its complaint. The entirety of the NC Bar's complaint is unlawfully retaliatory, motivated by political bullying, unsubstantiated in law, padded with knowing lies, and thus maliciously and frivolously motivated.

#### **RESPONSE TO NC BAR'S SPECIFIC ALLEGATIONS**

Answering the specific allegations of NC Bar's complaint, LAWYER responds with the following paragraphs, which correspond sequentially to the paragraphs in NC Bar's complaint:

 LAWYER neither admits nor denies that the NC Bar is a "body duly organized under the laws of the state of North Carolina" having lack of present express knowledge or information sufficient to form a belief as to the NC Bar's self-asserted status regarding legal formalities for entities, especially without having shown proof thereof.

Regarding NC Bar's purporting that it is "a proper body to bring this proceeding under the authority granted to it in Chapter 84 of the General Statutes of North Carolina and the Rules and Regulations of the State Bar promulgated pursuant thereto," LAWYER denies and otherwise objects in that no state statute grants the NC Bar with such jurisdictional authority regarding private membership-based organizations. In fact, LAWYER's denial is straightly unnecessary in that the law is well settled in that the NC Bar lacks jurisdictional purview over private membership-based organizations. LAWYER has already attached and incorporated the legal authority for associational standing in this action, and reasserts and reincorporates such herewith.

- 2. LAWYER neither admits nor denies the NC Bar's allegation herein.
- 3. LAWYER admits that she is a resident of North Carolina.
- 4. LAWYER admits that she is not *now* and has not ever *YET* been an attorney at licensed in North Carolina or an active member of the NC Bar.

LAWYER addresses Tammy Jackson's (hereinafter "Jackson") affidavit in her declaration rebuttal affidavit attached, incorporated and filed herewith.

5. NC Bar's purporting that LAWYER "alleges" that she holds a Juris Doctorate degree from William Howard Taft Law School (hereinafter "Taft Law") is delusional, and knowingly insolent and thus contemptuous, in that the NC Bar can generally and markedly easily verify the conferral of her Juris Doctorate with the California State Bar Association, and even directly with Taft Law through discovery. LAWYER's Juris Doctorate is <u>very real</u>, and thus constitutes an express inarguable <u>FACT</u> as opposed to a mere allegation. LAWYER takes opportunity to bring the court's attention, however, to the intentional insolent and scandalous overtone of the NC Bar's knowingly frivolous allegation to demonstrate its men rea and actus reus of malice as opposed to simple negligence to substantiate future award of punitive and other damages for civil and/or
criminal conspiracy, public corruption, deprivation of equal protections under the laws under the color of law, and any and all others counterclaims set forth by LAWYER herein and any future supplemental pleadings.

6. LAWYER admits that Taft Law is based in California and does, in fact, lawfully offer an accredited distance learning enrollment option for its Juris Doctor program, and its program graduates are eligible for admission to the California State Bar (hereinafter "CA Bar") upon satisfying its additional requirements, which is not uncommon for all State Bars in the USA, of course including the NC Bar.

Regarding NC Bar's allegation that Taft Law "is not of approved law schools from which graduates are eligible for admission to the NC Bar," NC Bar knowingly, frivolously and maliciously obfuscates the facts thereto in that Taft Law graduates are, in fact, eligible for admission to the NC Bar through several codified methods (attached and incorporated herewith as legal authority):

- general, comity or transfer applications after, of course, being licensed in the original state where applicant obtained license to practice law and, moreover, any other state where applicant has obtained license to practice law;
- 2. and/or more directly via pro hac vice;

In fact, the NC Bar knowing lies regarding Taft Law somehow "not [being] on the list of approved law schools from which graduates are eligible for admission to the North Carolina State Bar" in that the North Carolina Administrative Code plainly states (attached and incorporated herewith as legal authority),

#### 27 NCAC 01C.0105 APPROVAL OF LAW SCHOOLS

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Every applicant for admission to the North Carolina State Bar must meet the requirements set out in <u>at least one</u> of the numbered paragraphs below:

- (1) The applicant holds an LL.B or J.D. degree from a law school that was approved by the American Bar Association at the time the degree was conferred;
- (2) Or Prior to August 1995, the applicant received an LL.B., J.D., LL.M., or S.J.D. degree from a law school that was approved by the council of the N.C. State Bar at the time the degree was conferred;
- (3) Prior to August 2005, the applicant received an LL.M or S.J.D. degree from a law school that was approved by the American Bar Association at the time the degree was conferred.
- (4) <u>The applicant holds an LL.B. or J.D. degree from a law school that was</u> <u>approved for licensure purposes in another state of the United States or the</u> <u>District of Columbia and was licensed in such state or district.</u>

Taft Law is a **PRIVATE LAW SCHOOL** accredited by Distance Education

Accrediting Commission and registered unaccredited correspondence law school. As such, its graduates must pass the First-Year Law Students' Examination (Baby Bar or hereinafter "FYLSX") in order to be eligible to take the California General Bar Examination (hereinafter "CBX"), but graduates are not somehow wholly ineligible, as NC Bar knowingly falsely alleges or otherwise uncouthly implies, to take the CBX and obtain full unmitigated license to practice law, and even practice in other states including the state of North Carolina.

The language in the NCAC is ambiguous as to "<u>a law school that was approved for</u> <u>licensure purposes in another state of the United State"</u> because licensure purposes is not limited to ABA or NC Bar accredited law schools. Even where the language is obfuscated in favor of NC Bar's arguments, such no less nullifies the express fact that LAWYER is eligible to sit for CBX upon satisfying CA Bar requirements. LAWYER paid attention in law school, and has observed that too often licensed attorneys in the state of North Carolina, where she resides and litigated her own cases since 2002, fail to read the entirety of statutes and codes, and rest lazily and sloppily upon their laurels drawing from elitism, nepotism and complacency, demonstrating gross ineptitude in litigation, disrespect and disregard for the integrity of the judiciary, and thus are too often an embarrassment to the judiciary as opposed to a show of ethical, academic and legal rigor; and in fact, the rampant corruption in the judiciary in the state of North Carolina is wholly demonstrated, effectually "explained" and proven through these attorneys' abandon of academic, ethical and legal rigor.

Furthermore, for full context, LAWYER did apply and was accepted to several law schools, all of which were accredited by its respective State Bar: North Carolina Central University School of Law, University of La Verne College of Law, Concord Law School, which is also markedly an online law school: *in fact, the first in this nation* (now Purdue Global Law School), so LAWYER is not somehow unqualified for admission in law schools that the NC Bar prejudicially recognizes. In fact, many licensed attorneys practicing in Charlotte and neighboring regions obtained their Juris Doctorate from law schools like Charlotte School of Law which lost its accreditation due to corruption, again which is NOT uncommon for NC attorneys. Accordingly, desiring to detach herself from the growing norm of corruption in NC, LAWYER made an elective decision to attend law school in California, and ultimately at Taft Law, and is exceedingly pleased with her education, overall experience, and qualifications appertaining thereto as an elite graduate of its Juris Doctor program, not in the disdainful regard of nepotism and corruption that

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has become common at Ivy League and otherwise more commonly recognized law schools, and rather in the regard of its exceptionally selective, rigorous, strict and admittedly filtering out and survival of the fittest dynamic inherent to its curriculum. LAWYER is one of few, and a proud graduate of Taft Law, which promulgates and embodies its ethical rigor higher than the vast majority of institutions of higher education. LAWYER is qualified to make such declaration in that she has applied, been accepted, and attended several more commonly recognized schools including UNC Chapel Hill, NC A&T State University, University of Georgia at Athens, University of Louisville, and North Carolina Central University and possesses a B.S. in Agricultural Education and Environmental Science, M.S. in Agricultural Economics and Rural Development, PhD ABD in Energy and Environmental Systems and Economics and of course a Juris Doctorate in Jurisprudence/Law. In colloquial terms, LAWYER has "been there and done that," and her education and aptitude are inarguably unrivaled. LAWYER is one of less than 15 persons, <u>spanning ALL ETHNIC GROUPS AND DEMOGRAPHICS</u>, in the USA that possesses a Juris Doctorate, PhD ABD, and MFA study.

An "online law school" is no less rigorous and widely respected than traditional law schools that antiquatedly only provide in-person enrollment. In fact, online or distance education is not a new concept for accredited undergraduate and graduate degree programs.

LAWYER is indeed in good standing with the CA Bar, and currently pursuing license to practice law, just as she has repeatedly averred, albeit voluntarily or responsively. At no time has LAWYER held herself out to be anything more or other than a Juris Doctorate in pursuit of license to practice law.

7. LAWYER admits that she is the founder and managing and sole member and incorporator for Probetur Association LLC, lawfully incorporated in the State of North Carolina and in good standing with the North Carolina Secretary of State and North Carolina Department of Revenue. LAWYER has also properly registered the assumed name, The Ethical Gatekeeper, as a doing business as name for Probetur Association, LLC, (hereinafter "TEG") and does currently operate such markedly PRIVATE MEMBERSHIP BASED ORGANIZATION under both names.

LAWYER takes opportunity to bring to this court's attention that "probetur" is Latin for TRUTH. LAWYER originally derived such term from the legal saying,

omnia praesumuntur legitime facta donec probetur in contrarium which means, "All things are presumed to be lawfully done, until it is shown [to be] in the reverse."

NC Bar's complaint is a great example of this saying in that it only appears true in the absence of fact.

- 8. LAWYER reasserts and reincorporates that discussed supra in her paragraph 7.
- 9. LAWYER reasserts and reincorporates that discussed supra in her paragraph 7. Additionally, LAWYER denies that she "advertises her services" as NC Bar implies, which is demonstrated in the body of its complaint. "Advertise" connotes business activity in the public sector.

TEG extends benefits and services exclusively to its private members, and LAWYER nor TEG has ever held out that its benefits and services are publicly available. LAWYER nor TEG operate in the public sector.

10. LAWYER admits that she is listed and self-identifies as both "Chief Lawyer and Instructor" of TEG. It is well settled in law and academia that a Juris Doctorate is a Lawyer. Whereas the term Lawyer can also be used to identify an attorney, such which is limited to licensed Lawyers, and thus it is also widely common that attorneys discriminately reject the title of "Lawyer" and do not self-identify as Lawyers in that it connotes that one does not possess a license to practice law. LAWYER has directly observed attorneys vehemently and arrogantly rejecting the title of "Lawyer" in open court, affirming instead that they are not "merely Lawyers and instead attorneys [at law]."

Accordingly, LAWYER's self-identification as "Chief Lawyer" is proper and lawful. Furthermore, because LAWYER factually possesses a Juris Doctorate and such degree qualifies the possessor to teach her/his respective academia at the collegiate level, LAWYER's self-identification as "Instructor" is equally proper and lawful.

11. LAWYER denies that "through her businesses, [she] advertises and provides legal services." Foremost, Probetur Association, LLC and The Ethical Gatekeeper are one entity, and thus constitutes one business. TEG does not operate in the public sector, nor advertises, nor provides legal services in the public sector as NC Bar alleges and implies. LAWYER reasserts and reincorporates all set forth in her paragraph 9 discussed supra.

- 12. LAWYER wholly denies that she provides legal services, including but not limited to "preparing legal documents and issuing legal advice."
- 13. LAWYER denies that Shameka Smith (hereinafter "Smith") engaged her to provide her with legal services regarding a domestic violence and custody matter. LAWYER admits that Smith joined TEG (attached hereto as Exhibit A and incorporated) and disclosed her impending case regarding a custody and domestic violence matter, which LAWYER later discovered was falsified. LAWYER admits that Smith joined TEG to (1) learn more about the law concerning her case through the vocational legal education that TEG provides, (2) exercise her member benefits thereunder for such purpose, and (3) apprehended that LAWYER was NOT a licensed attorney and could NOT provide her with legal services as NC Bar falsely alleges. LAWYER also affirms that Smith is NOT a layperson as NC Bar implies and Smith has misrepresented; Smith had the benefit of counsel when LAWYER met her and Smith disclosed that her cousin is a licensed attorney from whom she often seeks legal advice. Smith was familiar and capable of analyzing law, deciding upon legal arguments and strategies, and composing legal documents **BEFORE** joining TEG. In fact, as was KJ, her romantic partner discussed later herein.
- 14. LAWYER admits that there is a monthly membership fee required to join TEG, and Smith and TEG executed a private membership agreement and Smith paid her monthly fee for the month of June in 2023. Due to discovery of Smith's fraud, TEG terminated Smith's membership within that same month, and no other monthly membership fees were due nor paid by nor accepted from Smith.

- 15. LAWYER denies that she charged Smith \$25.00 per hour to "prepare legal documents" and instead lawfully charged Smith for typing services. Smith's presence and full involvement for dictation, legal analysis, and diction et cetera were required by LAWYER and TEG for all typing services rendered, at times exceeding 6 continuous hours, for which LAWYER has evidentiary proof.
- 16. LAWYER denies that Smith was facing financial challenges, and for that reason, a friend of hers made payments to LAWYER on Smith's behalf. Smith has proven to be a seductive con artist, which LAWYER also discovered during Smith's considerably short-lived membership with TEG. During the course of Smith's membership with TEG, LAWYER learned that Smith and Krysta "KJ" Johnson (hereinafter "KJ") were same sex lovers, self-assertedly engaged to be married. LAWYER regularly observed romantic interaction between Smith and KJ, and Smith conspicuously wore an engagement ring given to her by KJ that oddly enough Smith purchased after proposing to KJ. LAWYER directly observed Smith and KJ regularly interact as a couple, as opposed to mere friends. Ultimately, at the climax of discovery regarding Smith's fraud and falsified domestic violence complaint, LAWYER learned from Desmond Sabb (hereinafter "Sabb"), Smith's ex fiancé, a male, and father of their minor daughter, that he had sufficient reason to suspect that Smith was pretending to be homosexual to scam money, gifts and other benefits from KJ, in that for as long as he'd known her Smith was not homosexual and even rejected the lifestyle. That said, LAWYER severally observed that Smith was considerably manipulative toward KJ regarding asking for money and KJ was often visibly uncomfortable giving money to Smith, but at the direction of Smith would speak with LAWYER to confirm "where the money was going" and then render

payment directly to LAWYER for Smith's exercise of membership benefits and services. After this occurred initially, LAWYER required that KJ join as a member as well for legal reasons predicated upon contract law, and provide attestation that she was voluntarily paying the invoices owed by Smith, to which KJ agreed and also joined as a TEG member (attached hereto as Exhibit B and incorporated). KJ's membership was simultaneously terminated when Smith's membership was terminated, based upon the same reasons of unethical and fraudulent conduct.

- 17. LAWYER denies that she provided Smith with legal advice and legal document preparation. LAWYER admits that Smith and KJ paid at least \$725.00 to exercise their membership benefits and services discussed supra (attached hereto as Exhibit C and incorporated).
- 18. LAWYER denies that Smith is a credible witness, and LAWYER reasserts that she did not refer to herself as a Lawyer in the manner that NC Bar implies. LAWYER has already admitted and shall continue to profess that she is a Lawyer, because she is, in fact, a Lawyer. However, LAWYER has not ever held out through TEG or otherwise that she is a licensed Lawyer or attorney.
- 19. LAWYER denies that Smith is a credible witness, and LAWYER reasserts that she did not refer to herself as a Lawyer in the manner that NC Bar implies. LAWYER has not ever referred to herself as an attorney in Smith's or KJ's presence nor absence. LAWYER has already admitted and shall continue to profess that she is a Lawyer, because she is, in fact, a Lawyer. However, LAWYER has not ever held out through TEG or otherwise that she is a licensed Lawyer or attorney.

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20. LAWYER denies that she has posted on the internet and thereby routinely held herself out as being competent and qualified to give legal advice and prepare legal documents. Although LAWYER is inarguably literally competent to give legal advice and prepare legal documents in that she has completed academia that affords such proficiency, similar to all other law school graduates, in that the notion that passing a State Bar exam alone is somehow the basis for determining a graduate's competency in law is wholly absurd and delusional, LAWYER has, instead, regularly held out that she does possess a Juris Doctorate, is not yet licensed and currently pursuing licensure. LAWYER has not ever held out that she is competent to give legal advice and prepare legal documents predicated upon being currently licensed to practice law nor eligible to sit for the CBX.

Regarding State Bar Investigator, Martin F. Coolidge, Jr.'s witness affidavit, LAWYER addresses his perjurious statements directly in her declaration rebuttal affidavit thereto.

- 21. LAWYER denies that she has furnished the services of a Lawyer as NC Bar implies and connotes. LAWYER reasserts and reincorporates all discussed supra.
- 22. Discussed supra, LAWYER admits that she is a Lawyer. However, LAWYER denies that she has referred to herself as a "Lawyer" as NC Bar implies and connotes. LAWYER reasserts and reincorporates all discussed supra.
- 23. LAWYER brings to the court's attention the bad faith and sneakily crafty language of NC Bar's paragraph 23 in that,

"Defendant's acts ... was brought to the attention of NC Bar" is a clear omission of material facts that provide clarity as to NC Bar's knowingly frivolous and malicious complaint. When LAWYER discovered Smith's and KJ's fraud

and unethical conduct, LAWYER permanently terminated their membership with TEG. Sabb's attorney subpoenaed LAWYER to testify in the custody and domestic violence matter at issue. Smith was also subject to a show cause order for contempt in that she had already severally violated the Temporary Custody Agreement (attached hereto as Exhibit D and incorporated). During the hearing for contempt, LAWYER was called to testify regarding Smith's and KJ's fraud, which LAWYER did attend, appear and testify (LAWYER has requested the audio recording for the hearing). Smith, then, initiated a retaliatory and falsified TRO complaint against LAWYER, which was denied (attached hereto as Exhibit E). Smith, then, initiated another separate retaliatory and falsified TRO complaint against LAWYER, which was also denied (attached hereto as Exhibit F and incorporated). LAWYER, then, in full accordance with governing law, initiated a complaint for malicious prosecution and defamation against Smith, KJ, and their acquaintance Brittany Johnson (hereinafter "Johnson") who defamed LAWYER through internet posts. Despite knowing exactly how to and having full capability to prepare on her own accord an Answer to LAWYER's complaint or enlist her self-asserted cousin who is a licensed attorney to do it for her, Smith failed to answer LAWYER's complaint. LAWYER moved for default judgment, and the court granted default judgment in LAWYER's favor (attached hereto as Exhibit G and incorporated). Unhappy with the denials of her frivolous and malicious TRO complaints, and the unfavorable outcome in her custody case, and DVPO which was also denied, and monomaniacally set upon retaliation against LAWYER, Smith then submitted a knowingly and retaliatorily falsified complaint against LAWYER alleging unauthorized practice of law, from which NC Bar's wholly absurd and unsubstantiated complaint arises (attached hereto as Exhibit H and incorporated). In fact, NC Bar knows that its complaint is unsubstantiated, yet fueled by disdain for and politically bullying against LAWYER as a widely known anticorruption politician locally, NC Bar has desperately unscrupulously obfuscated knowingly implausible and illogical allegations desperately scraping up any "ammunition" against LAWYER to subject her to its conspired pattern and practice of discreditation, victimization and most notably for the most egregious purpose of padding the fraudulent gatekeeper order at issue discussed later herein and supplemental pleadings.

- 24. LAWYER admits that she responded to the Letter of Notice as stated.
- 25. LAWYER admits that she responded to the Letter of Notice as stated, except that two additional attachments exceeded the size limitations for the one combined email, and thus such was the reason for the second email.
- 26. NC Bar's allegation is unarticulated and its implied allegation is delusional in that it is factual that Smith and KJ executed a private contract with TEG, and that such contract formed on the basis of a private membership agreement is factually NOT within the jurisdictional purview of the NC Bar.
- 27. LAWYER admits that she responded to supplement her response on a later date, and markedly gave earlier notice of intent to do so.
- 28. NC Bar has not made any allegation herein and thus no answer is necessary. Where an allegation is implied, LAWYER denies that she has engaged in acts constituting the practice of law in North Carolina for any other person, firm or corporation.

- 29. NC Bar has not made any allegation herein and thus no answer is necessary. Where an allegation is implied, LAWYER denies that she has engaged in furnishing the services of a Lawyer or Lawyers.
- 30. NC Bar has not made any allegation herein and thus no answer is necessary. Where an allegation is implied, LAWYER denies that she has held herself out to the public as an attorney or as able to provide legal services or the services of an attorney.
- 31. NC Bar has not made any allegation herein and thus no answer is necessary. Where an allegation is implied, LAWYER denies TEG is practicing or has practiced law.
- 32. NC Bar has not made any allegation herein and thus no answer is necessary. Where an allegation is implied, LAWYER denies that she has engaged any acts that constitute the practice of law in North Carolina.
- 33. NC Bar has not made any allegation herein and thus no answer is necessary. Where an allegation is implied, LAWYER denies that she has engaged the unauthorized practice of law.
- 34. NC Bar has not made any allegation herein and thus no answer is necessary. Where an allegation is implied, LAWYER denies that she has engaged the unauthorized practice of law.

#### **PRAYER FOR RELIEF**

- 35. Permanent injunction is not a claim upon which relief can be granted as to a cause of action for unauthorized practice of law in that,
  - a. The law is well settled in that permanent injunctions are generally prohibited;

- A permanent injunction is wholly absurd regarding LAWYER's private membership based organization in that,
  - it is not nor has ever held out to be a law firm nor in the regular course of practicing law as its business activity;
  - 2. LAWYER is eligible and pursuing license to practice law, at which point she can electively operate a law firm and practice law, and permanent injunction, even whereas such order can be vacated in the future, has the unlawfully presumptive legal effect of baselessly deciding that she will not ever have a license to practice law and thus denies her inviolate right and opportunity for the rights appertaining to her Juris Doctorate and any and all undertakings she completes to satisfy requirements for admission to any State Bar, including NC Bar;
- 36. Preliminary injunction is equally absurd in that LAWYER has NOT EVER,
  - a. prepared or assisted in the preparation of any court pleading or other document for filing with a tribunal in a manner outside of associational standing and applicable laws for non-lawyer representation and ombudsmanship;
  - b. filed any court pleading or other document with a tribunal on behalf of or for any other person, firm or corporation;
  - c. appeared or attempted to appear on behalf of any other person, firm or corporation before any tribunal;
  - d. held out as being competent or qualified to give legal advice or counsel;
  - e. held out as being competent or qualified to prepare legal documents;

- f. held out as a LICENSED Lawyer;
- g. held out as an attorney;
- h. held out as a member of NC Bar;
- i. held out as eligible to become a member of NC Bar without additional requirements;
- j. furnished the services of licensed Lawyer;
- k. provided any legal service or legal advice or counsel to or for any other person, firm or corporation;
- 37. This tribunal must wholly deny NC Bar's frivolous and malicious complaint for preliminary injunction and be disallowed to proceed thereupon;
- 38. That a bond be required for costs of the proceeding at NC Bar's costs for having initiated a knowingly frivolous and malicious complaint;
- 39. That the costs of the action be taxed against NC Bar;
- 40. And such other and further remedy and relief set forth in LAWYER's Counterclaims, including legal and equitable remedies, as the court may deem fair and proper;

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#### **COUNTERCLAIM DEFENDANT'S ABSOLUTE AND AFFIRMATIVE DEFENSES**

# FIRST ABSOLUTE AND AFFIRMATIVE DEFENSE (Res Judicata)

- **41.** It is well settled in law that res judicata prohibits a second action on previously litigated matters as a whole and generally for cause of actions arising from even similar subject matter.
- 42. On July 14, 2023, Lawyer initiated a complaint (23CV018328-910) against Smith, Johnson and their co-conspirator Brittany Johnson for malicious prosecution and defamation (attached and incorporated as evidence);
- **43.** On July 14, 2023, summons for all Defendants were issued and served (attached and incorporated as evidence);
- **44.** On July 19, 2023, return of service for Defendants Smith and Johnson was filed (attached and incorporated as evidence);
- **45.** On August 21, 2023, in that this complaint constitutes prima facie actionability and Defendants failed to answer, Lawyer moved the court for default judgment as to Defendant Smith only, which was granted on August 30, 2023;
- **46.** At no time thereafter did Defendant Smith file Notice of Appeal nor any other pleading that would constitute valid prosecution of relief;
- **47.** Res judicata applies to cases where there has been a final judgment that is no longer subject to appeal, and therefore, res judicata applies to this action in that,
  - a. NC State Bar's May 29, 2024 complaint a full year later, notably also after the expiration of statute of limitations for filing a Rule 60 motion, which is solely based upon Smith's retaliatorily frivolous complaint against Lawyer to the NC State Bar maliciously falsely alleging unauthorized practice of law, is singularly predicated upon identical subject matter in Lawyer's complaint against Smith and other Defendants discussed supra;

**b.** Therefore, NC State Bar's complaint is barred by res judicata;

## FIRST ABSOLUTE AND AFFIRMATIVE DEFENSE (Collateral Estoppel)

- 48. Alternatively, it is well settled in law that collateral estoppel prevents litigation of particular issues within previously resolved in prior cases;
- 49. Actionable collateral estoppel requires a showing that,
  - a. a final judgment on the merits;
  - b. identical issues in the current case and the prior one;
  - c. actual litigation of those issues in the prior case;
  - d. and a party against whom the doctrine is asserted was a party or in privity with a party to the prior proceeding;
- 50. Returning to the facts discussed supra,
  - a. there is a final judgment in Lawyer's complaint against Smith finding that she is liable to Lawyer for defamation and malicious prosecution as to the same subject matter OR "identical issues" in NC State Bar's complaint against Lawyer;
  - b. the default judgment and Smith's failure to appeal or prosecute any valid relief measures in Lawyer's complaint her constitutes "actual litigation of those issues in the prior case, albeit lack thereof;
  - c. and Smith is the same party and in privity with NC State Bar for Lawyer's complaint against Smith AND NC State Bar's complaint against Lawyer;
- 51. Therefore, collateral estoppel also applies to this case barring NC State Bar's complaint;

LAWYER asserts the following affirmative and other defenses set forth below, and in making such defenses does not concede that she bears the burden of proof as to any of them. Discovery has not yet begun in this matter, and therefore LAWYER has not fully collected and reviewed all of the information and materials that may be relevant to the matters and issues raised herein. Accordingly, LAWYER reserves the right to amend, modify, or expand these defenses and to take further positions as discovery proceeds in this matter.

## THIRD ABSOLUTE AND AFFIRMATIVE DEFENSE

(Juris Doctorate and All Rights, Privileges and Honors Appertaining Thereto) According to Classification of Instructional Programs (CIP), regarding a Juris Doctorate, a Juris Doctor or J.D.(or LAWYER) program is defined as,

A program that prepares individuals for the independent professional practice of law, for taking state and national bar examinations, and for advanced research in jurisprudence. Includes instruction in the theory and practice of the legal system, including the statutory, administrative, and judicial components of civil and criminal law.

A Juris Doctor (J.D. or LAWYER) is a three to four-year professional graduate degree generally required to become a licensed Lawyer. It is well settled in the USA that a Juris Doctor signifies an advanced level of expertise and specialization as the highest degree that can be achieved in the legal field.

A Juris Doctorate is fully qualified to represent her/hisself in legal matters, but cannot represent another person until licensed. In fact, a Juris Doctorate is NOT required for pro se representation. The Juris Doctor academia and training in and of itself equips Lawyers with the necessary skills and knowledge to navigate the legal system, advocate on one's behalf, and handle a wide range of legal issues. A Juris Doctor program does NOT teach an enrollee any one specific specialization in law. Instead, a licensed Lawyer enjoys the privy to practice one or more fields of law at their discretion. A Lawyer's effectiveness in practice is determined more by their experience, expertise in a specific area of law, and professional track record than by holding additional degrees like a PhD. Generally, dissimilar to PhD programs which commonly entail tiered post doctorate certification and licensure programs that constitute advanced expertise and qualifications in respective fields, there exists no advance certification for licensed Lawyers, or more namely attorneys. The Juris Doctorate and license to practice law and approval to practice law in the United States Supreme Court constitute the maximal qualifications that a possessor can attain academically and professionally. In fact, the qualifications to be a judge require only a license to practice law, which can be obtained without a Juris Doctorate in some states.

It is well settled in academia and law that a Juris Doctor qualifies the possessor as the following, and not limited to:

- a. Legal Consultant
- b. Law Professor
- c. Mediator/Arbitrator
- d. Corporate Counsel (In House General Counsel or Chief Legal Officer)
- e. Intellectual Property Manager
- f. Compliance Auditor
- g. Hearing Officer
- h. Law Librarian

Additionally, LAWYER possesses a B.S. in Agricultural Education and Environmental Science, which entailed undertaking student teaching to qualify as a teacher in K-12 schools generally. Discussed supra, LAWYER also possesses a PhD ABD and has already taught as a Teacher's Assistant for advanced Science and Math courses and labs. Accordingly, LAWYER is actually overqualified for most positions above listed. Regarding TEG, a private membership-based organization that provides vocational legal education and advocacy exclusively to its members, LAWYER is overqualified to teach law in a vocational setting and thus her work through TEG not even minimally constitutes unauthorized practice of law.

#### FOURTH ABSOLUET AND AFFIRMATIVE DEFENSE

(Organizational, or Associational Standing)

#### **Regarding organizational standing:**

Organizations can have standing to challenge actions that cause them a direct injury. In *Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982), the Supreme Court found that organizational injury is typically recognized in two ways. First, that there has been a diversion of organizational resources to identify or counteract the allegedly unlawful action, and/or secondly, that the action frustrates the organization's mission. While most jurisdictions require organizations to show only one of these forms of injury to establish standing, some jurisdictions, like the Ninth Circuit, require organizations to show both, which LAWYER on TEG's behalf shows below.

#### A. Regarding diversion of resources:

An organization can establish standing by showing that it diverted its resources to identify or respond to a defendant's allegedly unlawful actions. To satisfy the standing requirement, organizations must show that resources that could have otherwise been

spent on the organization's goals were diverted to address the challenged policy or practice. As to TEG, LAWYER is presently the sole Chief Lawyer and Instructor and has had to divert her attention and resources, including her legal knowledge and time, which would have otherwise been allocated toward vocational legal courses, to instead identify and answer frivolous and malicious allegations of unauthorized practice of law namely predicated upon bald statements by a wholly uncredible witness. NC Bar has presented no other proof of its bald and conclusory allegations except that "Smith said so" and LAWYER "says she's a Lawyer." Of course, "Smith said so" because she's mad that she got caught falsifying a DVPO and forging documents to fabricate evidence in support of her defense against contempt in the custody case at issue. And of course, LAWYER selfidentifies as a Lawyer because she earned a Juris Doctor. Furthermore, the fact that the NC Bar, supposedly an integrous arm of law, has even initiated its complaint solely predicated upon Smith's uncredible and unproven statements alone is very telling of the gross ineptitude and psychological incompetence of its agents. After all, why would LAWYER, who has worked so diligently against all odds to obtain her Juris Doctorate risk it for someone she's knew for less than a month. Conversely, why wouldn't Smith file a complaint against LAWYER with NC Bar if (1) she had been banned from LAWYER's residence for stalking and harassment, (2) ousted by LAWYER for fraud in her custody case and contempt hearing and (3) her two TRO complaints miserably failed against LAWYER. Smith, similar to Tessa Hale (hereinafter "Hale") and Patrick Murphy (hereinafter "Murphy"), NC Bar agents and counsel of record, demonstrate psychological incompetence and unhinged anger for her own indiscretions and being held liable for the same. Having express knowledge of Smith's fraud and other indiscretions, and

indefensibly so, NC Bar's reliance upon Smith's falsified allegations, that are even facially illogical and implausible, is embarrassingly delusional and scornful and brings immense disrepute upon the judiciary countrywide. TEG is a respectable vocational legal education and advocacy organization that aids in raising awareness of the laws on the books for laypersons, which in turn, reduces crime, the caseload of our courts which are downtrodden with petty lawsuits, and significantly increases betterment of social interaction and society as a whole in general in that the very fabric of American civilization is law.

#### **B.** Regarding frustration of mission:

An organization can also establish standing by showing a direct injury from conduct or policies that frustrate its mission. For example, in *Farm Sanctuary v. USDA*, No. 19-CV-06910, 2021 WL 2644068 (W.D.N.Y June 28, 2021), the court held that the Plaintiffs plausibly alleged that the slaughter rule at issue impaired and frustrated their ability to engage in mission-related activities and interfered with their limited resources because it drastically increased the number of pigs raised for slaughter. Because the Plaintiff organizations were able to show that the Defendant's conduct frustrated their organizational missions, the court found that they had the necessary standing to bring their case. Discussed supra, TEG's core mission is to impart vocational legal education and advocacy that aids in raising awareness of the laws on the books for laypersons, which in turn, reduces crime, the caseload of our courts which are downtrodden with petty lawsuits, and significantly increases betterment of social interaction and society as a whole in general. NC Bar's frivolous and malicious complaint seeking to subject TEG to injunction, and permanently so, constitutes frustration of its mission, and unlawfully so,

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in that TEG nor LAWYER has engaged unauthorized practice of law and its lawful activity in imparting vocational legal education is not within the jurisdictional purview of NC Bar and furthermore does not violate any statute.

The elements have been met for valid organizational standing in TEG's favor.

## **Regarding associational standing:**

In the absence of direct organizational standing, the Supreme Court allows organizations to establish standing based on injuries to its members known as "associational standing." Having a membership is essential to establishing associational standing, and it is therefore particularly useful for organizations such as animal advocacy groups, which frequently have an interest in seeking redress on behalf of their members.

#### An organization can establish associational standing by

- (1) showing that at least one of its members has standing,
- (2) that the interests at stake are connected to the organization's purpose, and

(3) that neither the claim nor the relief requested requires participation of the organization's individual members.

*R-CALF v. USDA*, No. CV 20-2552 (RDM), 2021 WL 4462723 (D.D.C. Sept. 29, 2021) is a recent example of associational standing. Looking to the facts and findings in that case, the court found that the general allegations that at least one of plaintiff R-CALF's members had suffered

an injury from the defendant's conduct was enough to satisfy the first element of associational standing at that point in the litigation. R-CALF also successfully alleged that its members suffered a financial injury because of the defendant's action, meeting the second element of associational standing. R-CALF met the third element of associational standing by successfully alleging that had the defendant followed proper procedures, there was a potential that the injury may not have occurred.

Returning to TEG and the facts of this impending action,

- (1) At least one of TEG's members, LAWYER, has suffered an injury, including but not limited to defamation, malicious prosecution, discreditation, and member disillusionment, from NC Bar's conduct and that of its supposed witnesses Smith and Coolidge, Jr., Smith having provided no material evidence and being wholly uncredible and Coolidge, Jr. having no direct knowledge of any conduct by TEG or LAWYER that even minimally constitutes the unauthorized practice of law;
- (2) Because TEG private membership is at costs, NC Bar's conduct that of its supposed witnesses Smith has directly resulted in decrease in membership and thus a financial injury;
- (3) Had NC Bar followed proper procedures and justly rejected Smith's bald allegations in her complaint, LAWYER and TEG would not have suffered injuries;
- (4) In fact, NC Bar's seeking to permanently enjoin TEG and LAWYER to cease unauthorized practice of law is futile in that LAWYER nor TEG has ever engaged the

practice of law, and so NC Bar's complaint seeking to permanently enjoin TEG and LAWYER to refrain from the privy it enjoys under constitutional law has the legal effect of putting TEG out of operation altogether in gross violation of its inviolate constitutional rights and exercise thereof, markedly without there being a provision in law for the same; and therefore, NC Bar's conduct is indefensibly injurious to TEG and LAWYER;

The elements have been met for valid associational standing in TEG's favor.

#### **DEFENDANT'S COUNTERCLAIM**

52. Counterclaim Defendant LAWYER avers as follows:

#### **PARTIES**

- 53. LAWYER is a resident of North Carolina, possesses a Juris Doctor from Taft Law which makes her eligible to sit for the CBX contingent upon satisfying other requirements set by the CA Bar;
- 54. Probetur Association, LLC is a private membership-based organization incorporated as an LLC in the State of North Carolina. It operates under the assumed name of The Ethical Gatekeeper which is properly registered with the Mecklenburg County Register of Deeds. TEG provides vocational legal education and advocacy exclusively to its private members. TEG does NOT operate in the public sector and does NOT hold out that it is authorized to engage the practice of law nor engages the practice of law.

55. NC Bar and its committee, The Authorized Practice Committee, is the government agency responsible for the regulation of the legal profession in North Carolina.

#### JURISDICTION AND VENUE

- 56. These are counterclaims for Declaratory Relief for which this court has jurisdiction under 14th Amendment regarding equal protection of/under the laws, Article III.S2.C1.2.5.3.2.2 regarding Representational Standing, Article III.S2.C1.6.6.2 regarding Associational Standing, and all other applicable law.
- 57. Subject matter and personal jurisdiction is met in that,
  - a. The subject matter of this case is within the jurisdictional purview of this federal tribunal in that there is the presence of a federal question;
  - b. The parties are domiciled in the state of North Carolina;

#### **INJUNCTION**

- LAWYER incorporates preceding averments discussed supra and in her Answer and Absolute and Affirmative Defenses;
- 59. LAWYER denies engaging the unauthorized practice of law, albeit with volition or through TEG;
- 60. There is no credible evidence that LAWYER or TEG have engaged the unauthorized practice of law;

- 61. Smith's bald allegations and NC Bar's contemptuously petty, misguided complaint predicated upon Smith's bald allegations is just straightly embarrassing to the entire judiciary. NC Bar agents hate LAWYER so much because they've learned that she factually possesses a Juris Doctorate and obtained it "right under their noses" and they hypocritically fear the positive impact that she will have on society and the reform of the judicial system as a whole that they have desperately jumped on the delusional and psychological incompetent bandwagon of Smith to retaliatorily subject her to malicious prosecution with the specific intent to inflict harm in discrediting her degree, qualifications, and mission for her respectable and commendable private membershipbased organization;
- 62. Despite the state courts finding that Smith's complaints against LAWYER are wholly without merit, and falsified even, Smith has still yet persisted in defaming LAWYER and has now conspiredly enlisted the support of NC Bar, implied by conduct, to terrorize LAWYER and "shut down" TEG because Smith's and KJ's membership was permanently terminated and Smith ousted for fraud in her custody and DVPO cases;
- 63. Smith has demonstrated abandon of self-regulation and will not cease unlawfulness against LAWYER and TEG, and therefore is validly subject to injunction by this court;
- 64. NC Bar has also demonstrated abandon of rationale and legal acumen in its capacity as a agent of the state of North Carolina, and therefore is also validly subject to injunction by this court;

- 65. There is a balancing test that courts typically employ in determining whether to issue an injunction. To seek a permanent injunction, the plaintiff must pass the four-step test: (1) that the plaintiff has suffered an irreparable injury; (2) that remedies available at law, such as monetary damages, are inadequate to compensate for the injury; (3) that the remedy in equity is warranted upon consideration of the balance of hardships between the plaintiff and defendant; and (4) that the permanent injunction being sought would not hurt public interest.
- 66. Discussed supra in LAWYER's Answer, Affirmative Defenses, and Counterclaims, she has suffered an irreparable injury;
- 67. The remedies available at law such as monetary damages are inadequate to compensate for the injury;
- 68. The remedy in equity in the form of injunction is warranted upon consideration of the balance of hardships between the parties;
- 69. The remedy in equity in the form of injunction being sought actually serves the public interest in restricting the NC Bar jurisdictional authority to (1) the public sector, (2) entities and persons who have engaged the unauthorized practice of law which does NOT include LAWYER and TEG, and (3) cases for which allegations are well supported with clear evidence as opposed to bald conclusory and unintelligibly legally analyzed allegations;

# DECLARATORY JUDGMENT OF ASSOCIATIONAL, ORGANIZATIONAL AND/OR REPRESENTATIONAL STANDING

- 70. LAWYER incorporates preceding averments set forth in her paragraphs 1 through 18 and in her Answer and Affirmative Defenses;
- 71. By filing of its complaint, NC Bar has purported to assert claims against LAWYER for unauthorized practice of law;
- 72. LAWYER denies all of NC Bar's bald conclusory allegations;
- There is no evidence that LAWYER nor TEG has engaged the unauthorized practice of law;
- 74. Whereas neither has LAWYER nor TEG yet represented itself in any tribunal prior to this action, its rights to do so are constitutionally inviolate and through NC Bar's complaint it effectually seeks to strip LAWYER and TEG of those inviolate rights in direct violation of the constitutional provisions discussed supra;
- 75. Under Article III of the US Constitution, Rule 57 of the Federal Rules of Civil Procedure and where applicable, the Federal Declaratory Judgment Act,

"In a case of actual controversy within its jurisdiction, . . . any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such" and incorporating all set forth herein and LAWYER's supplemental pleadings and exhibits, LAWYER is inarguably entitled to declaratory judgments as to LAWYER's and TEG's rights to associational, organizational and/or representational standing, and its exercise of such constitutionally inviolate rights do not rise to the level of unauthorized practice of law;

#### **REQUEST FOR RELIEF**

## 76. WHEREFORE, LAWYER requests the following forms of relief:

- a. Declaratory Judgement that TEG's and LAWYER's exercise of organizational, representational, and associational standing does not constitute unauthorized practice of law and therefore are protected under constitutional law;
- b. That NC Bar's complaint be dismissed with prejudice;
- c. That injunction is granted against NC Bar restricting it from further harassing and attempts to maliciously prosecute LAWYER and TEG and denying LAWYER's and TEG's equal protection under the laws;
- d. That punitive damages be awarded to LAWYER and TEG for NC Bar's malicious intent;
- e. That the costs of this action be taxed to NC Bar;
- f. LAWYER be awarded such other relief and remedy as the court deems just, equitable and proper to preserve the integrity of the judiciary and vindicate the rights bestowed by the US Constitution including but not limited to

# equal protection under the laws and organizational, representational and/or

# associational standing;

Submitted this 16th day of April 2024, Ngress Sydney Acute McDaniel, LAWYER, PhD ABD, MS Econ Plaintiff, pro se

1235 East Blvd Ste E 793 Charlotte NC 28203

# CERTIFICATE OF SERVICE

Counterclaimant Defendant hereby certifies that sufficient copies of the foregoing has been

electronically served upon Plaintiff through Odyssey at its email address required on case record

as follows:

1. The North Carolina State Bar

B. Tessa Hale 217 East Edenton Street Raleigh, NC 27601 Email: <u>thale@ncbar.gov</u>

Tig<del>ress S</del>ydney Acute McDaniel, LAWYER, PhD ABD, MS Econ Plaintiff, pro se 1235 East Blvd Ste E 793 Charlotte NC 28203

# STATE OF NORTH CAROLINA WAKE COUNTY

The North Carolina State Bar Plaintiff

VERSUS

Tigress Sydney Acute McDaniel, JD Defendant(s)

## COUNTERCLAIM DEFENDANT'S MOTION TO DISMISS

NOW COMES, Counterclaim Defendant Tigress Sydney Acute McDaniel, JD (hereinafter

"JD"), having received purportedly proper notice of hearing for Plaintiff's Motion for Preliminary Injunction purporting to unilaterally calendar such motion, notably without regard to JD's availability in direct violation of statutory and case law and local rules, and notably wantonly so, and more markedly whilst JD's appeal from the initial order on her Notice of Removal of this state action to the federal tribunal is pending appeal, for which her informal brief has not yet even expired, October 30, 2024, and having then submitted, in accordance with the purportedly merited review under Sasser's facially fraudulent gatekeeper order, to this state tribunal records proving the active appeal in the federal tribunal for statutory reasons that permit such appeal by right, constitutionally inviolate, from Dever's wholly erroneous and prejudicially adjudicated order purporting to meritedly remand this action back to the state tribunal (attached and incorporated herewith), and having received an email from Kellie Myers, trial court coordinator and point of contact stipulated Sasser's fraudulent gatekeeper order, that the court denied the filing of such federal appellate record in this state action, and further that there was an order impending, and having searched Odyssey on October 24, 2024 for regular litigation purposes and discovered such order (attached and incorporated herewith), and having also received Plaintiff's communication purporting to comply with Caseflow Management in

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scheduling trial in the state tribunal unlawfully ahead of a final decision from the federal jurisdictions on JD's active appeal, to exercise due diligence and show any reviewing court evidence of the same as to NC GS § 1A-1, Rule 12(a)(2) which allows the removing party to answer a Plaintiff's complaint after a final decision in the federal jurisdiction on their Notice of Removal,

Rule 12. Defenses and objections; when and how presented; by pleading or motion; motion for judgment on pleading.

(a) (1) When Presented. – A defendant shall serve his answer within 30 days after service of the summons and complaint upon him. A party served with a pleading stating a crossclaim against him shall serve an answer thereto within 30 days after service upon him. The plaintiff shall serve his reply to a counterclaim in the answer within 30 days after service of the answer or, if a reply is ordered by the court, within 30 days after service of the order, unless the order otherwise directs. Service of a motion permitted under this rule alters these periods of time as follows, unless a different time is fixed by order of the court: a. The responsive pleading shall be served within 20 days after notice of the court's action in ruling on the motion or postponing its disposition until the trial on the merits; b. If the court grants a motion for a more definite statement, the responsive pleading shall be served within 20 days after service of the more definite statement.

(2) Cases Removed to United States District Court. – Upon the filing in a district court of the United States of a petition for the removal of a civil action or proceeding from a court in this State and the filing of a copy of the petition in the State court, the State court shall proceed no further therein unless and until the case is remanded. If it shall be finally determined in the United States courts that the action or proceeding was not removable or was improperly removed, or for other reason should be remanded, and a final order is entered remanding the action or proceeding to the State court, the defendant or defendants, or any other party who would have been permitted or required to file a pleading had the proceedings to remove not been instituted, shall have 30 days after the filing in such State court of a certified copy of the order of remand to file motions and to answer or otherwise plead.

although no such final decision has been rendered, and instead in response to Plaintiff's and this court's wantonly unlawful steps in the furtherance of its pattern fraud and corruption against JD to attempt to schedule pre-trial motions and trial itself in the state court, and most notably unilaterally so,

TO HEREBY MOVE TO DISMISS IN TOTO Plaintiff's knowingly frivolous, prejudicially retaliatory and fraudulently padded, constitutionally violative complaint pursuant to Rule 12(a)(2), 12(b)(1), (2), (6) and (7) of the Rules of Civil Procedure for lack of subject matter and personal jurisdiction, for failure to state a claim upon which relief can be granted, for failure to join a necessary party, and for res judicata.

For these and other reasons to be detailed in a forthcoming Memorandum of Law in support of this motion and proposed order in compliance with local rules, JD requests that Plaintiff's Complaint be dismissed with prejudice in toto.

WHEREBY, JD has substantiated her Motion to Dismiss with her impending Memorandum of Law in Support, this court must GRANT her Motion to Dismiss Plaintiff's complaint with prejudice.

Submitted this 25th day of October 2024,

Tigress Sydney Acute McDaniel, JD, PhD ABD, MS Econ Plaintiff, pro se 1235 East Blvd Ste E 793 Charlotte NC 28203

# CERTIFICATE OF SERVICE

Counterclaim Defendant hereby certifies that sufficient copies of the foregoing have electronically delivered upon the Plaintiff through Odyssey at the email addresses on record as follows AND served upon Plaintiff by way of regular US mail at its address on record as follows:

1. The North Carolina State Bar

B. Tessa Hale 217 East Edenton Street Raleigh, NC 27601 Email: thale@ncbar.gov

Tigress Sydney Acute McDaniel, JD, PhD ABD, MS Econ Plaintiff, pro se 1235 East Blvd Ste E 793 Charlotte NC 28203
#### STATE OF NORTH CAROLINA

# IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION FILE NO.: 24 CV016269-910

# WAKE COUNTY

The North Carolina State Bar	}	COUNTERCLAIMANT DEFENDANT
Plaintiff	Ĵ	ANSWER, DEFENSES AND COUNTERCLAIMS
	}	OF RES JUDICATA & COLLATERAL ESTOPPEL
VERSUS	}	TO NC BAR'S COMPLAINT
	}	AND MEMORANDUM OF LAW IN SUPPORT
Tigress Sydney Acute McDaniel, JD	}	OF TIMELY FILED MOTION TO DISMISS
Defendant	}	

NOW COMES Tigress Sydney Acute McDaniel, Juris Doctor, Counterclaim Defendant

(hereinafter "Lawyer"),

having received service of Summons and Complaint initiated by the North Carolina State Bar (hereinafter "NC Bar" as opposed to its self-asserted abbreviation "State Bar" to distinguish from other State Bar in the United States of America [hereinafter "USA"] which Lawyer asserts was done in bad faith to fabricate additionally defamatory case records regarding Lawyer's litigative history), and having removed the action to the federal jurisdiction on or about June 3, 2024, filing this very pleading in that federal case (first date-stamped page attached and incorporated as evidence), and having the federal tribunal enter an order on or about August 29, 2024 finding that Lawyer's federal rights can be asserted in the state tribunal AND remanding the case to the state tribunal, and Lawyer having timely appealed such erroneous order and in that her appeal and other relief remains pending before the federal tribunal pursuant to 28 U.S.C. § 1443 which procedurally prohibits any proceedings in this state court despite its violative proceedings since October 2024 without regard to binding prevailing federal legal authority thereto,

to hereby re-assert this pleading in the state case to ANSWER the complaint of the NC Bar, originally frivolously and maliciously filed in the state tribunal, in Wake County, on May 22,

2024, and hereby asserts AFFIRMATIVE AND ABSOLUTE DEFENSES and COUNTERCLAIMS and MEMORANDUM OF LAW INCLUDING BINDING LEGAL AUTHORITIES as follows:

### **ANSWER AND DEFENSES TO NC BAR'S COMPLAINT**

#### **GENERAL DENIAL**

Unless expressly admitted below, LAWYER denies each and every allegation NC Bar has set forth in its complaint. The entirety of the NC Bar's complaint is unlawfully retaliatory, motivated by political bullying, unsubstantiated in law, padded with knowing lies, and thus maliciously and frivolously motivated.

## **RESPONSE TO NC BAR'S SPECIFIC ALLEGATIONS**

Answering the specific allegations of NC Bar's complaint, LAWYER responds with the following paragraphs, which correspond sequentially to the paragraphs in NC Bar's complaint:

 LAWYER neither admits nor denies that the NC Bar is a "body duly organized under the laws of the state of North Carolina" having lack of present express knowledge or information sufficient to form a belief as to the NC Bar's self-asserted status regarding legal formalities for entities, especially without having shown proof thereof.

Regarding NC Bar's purporting that it is "a proper body to bring this proceeding under the authority granted to it in Chapter 84 of the General Statutes of North Carolina and the Rules and Regulations of the State Bar promulgated pursuant thereto," LAWYER denies and otherwise objects in that no state statute grants the NC Bar with such jurisdictional authority regarding private membership-based organizations. In fact, LAWYER's denial is straightly unnecessary in that the law is well settled in that the NC Bar lacks jurisdictional purview over private membership-based organizations. LAWYER has already attached and incorporated the legal authority for associational standing in this action, and reasserts and reincorporates such herewith.

- 2. LAWYER neither admits nor denies the NC Bar's allegation herein.
- 3. LAWYER admits that she is a resident of North Carolina.
- 4. LAWYER admits that she is not *now* and has not ever *YET* been an attorney at licensed in North Carolina or an active member of the NC Bar.

LAWYER addresses Tammy Jackson's (hereinafter "Jackson") affidavit in her declaration rebuttal affidavit attached, incorporated and filed herewith.

5. NC Bar's purporting that LAWYER "alleges" that she holds a Juris Doctorate degree from William Howard Taft Law School (hereinafter "Taft Law") is delusional, and knowingly insolent and thus contemptuous, in that the NC Bar can generally and markedly easily verify the conferral of her Juris Doctorate with the California State Bar Association, and even directly with Taft Law through discovery. LAWYER's Juris Doctorate is <u>very real</u>, and thus constitutes an express inarguable <u>FACT</u> as opposed to a mere allegation. LAWYER takes opportunity to bring the court's attention, however, to the intentional insolent and scandalous overtone of the NC Bar's knowingly frivolous allegation to demonstrate its men rea and actus reus of malice as opposed to simple negligence to substantiate future award of punitive and other damages for civil and/or

criminal conspiracy, public corruption, deprivation of equal protections under the laws under the color of law, and any and all others counterclaims set forth by LAWYER herein and any future supplemental pleadings.

6. LAWYER admits that Taft Law is based in California and does, in fact, lawfully offer an accredited distance learning enrollment option for its Juris Doctor program, and its program graduates are eligible for admission to the California State Bar (hereinafter "CA Bar") upon satisfying its additional requirements, which is not uncommon for all State Bars in the USA, of course including the NC Bar.

Regarding NC Bar's allegation that Taft Law "is not of approved law schools from which graduates are eligible for admission to the NC Bar," NC Bar knowingly, frivolously and maliciously obfuscates the facts thereto in that Taft Law graduates are, in fact, eligible for admission to the NC Bar through several codified methods (attached and incorporated herewith as legal authority):

- general, comity or transfer applications after, of course, being licensed in the original state where applicant obtained license to practice law and, moreover, any other state where applicant has obtained license to practice law;
- 2. and/or more directly via pro hac vice;

In fact, the NC Bar knowing lies regarding Taft Law somehow "not [being] on the list of approved law schools from which graduates are eligible for admission to the North Carolina State Bar" in that the North Carolina Administrative Code plainly states (attached and incorporated herewith as legal authority),

# 27 NCAC 01C .0105 APPROVAL OF LAW SCHOOLS

Every applicant for admission to the North Carolina State Bar must meet the requirements set out in <u>at least one</u> of the numbered paragraphs below:

- (1) The applicant holds an LL.B or J.D. degree from a law school that was approved by the American Bar Association at the time the degree was conferred;
- (2) Or Prior to August 1995, the applicant received an LL.B., J.D., LL.M., or S.J.D. degree from a law school that was approved by the council of the N.C. State Bar at the time the degree was conferred;
- (3) Prior to August 2005, the applicant received an LL.M or S.J.D. degree from a law school that was approved by the American Bar Association at the time the degree was conferred.
- (4) <u>The applicant holds an LL.B. or J.D. degree from a law school that was</u> <u>approved for licensure purposes in another state of the United States or the</u> <u>District of Columbia and was licensed in such state or district.</u>

Taft Law is a **PRIVATE LAW SCHOOL** accredited by Distance Education

Accrediting Commission and registered unaccredited correspondence law school. As such, its graduates must pass the First-Year Law Students' Examination (Baby Bar or hereinafter "FYLSX") in order to be eligible to take the California General Bar Examination (hereinafter "CBX"), but graduates are not somehow wholly ineligible, as NC Bar knowingly falsely alleges or otherwise uncouthly implies, to take the CBX and obtain full unmitigated license to practice law, and even practice in other states including the state of North Carolina.

The language in the NCAC is ambiguous as to "<u>a law school that was approved for</u> <u>licensure purposes in another state of the United State"</u> because licensure purposes is not limited to ABA or NC Bar accredited law schools. Even where the language is obfuscated in favor of NC Bar's arguments, such no less nullifies the express fact that LAWYER is eligible to sit for CBX upon satisfying CA Bar requirements. LAWYER paid attention in law school, and has observed that too often licensed attorneys in the state of North Carolina, where she resides and litigated her own cases since 2002, fail to read the entirety of statutes and codes, and rest lazily and sloppily upon their laurels drawing from elitism, nepotism and complacency, demonstrating gross ineptitude in litigation, disrespect and disregard for the integrity of the judiciary, and thus are too often an embarrassment to the judiciary as opposed to a show of ethical, academic and legal rigor; and in fact, the rampant corruption in the judiciary in the state of North Carolina is wholly demonstrated, effectually "explained" and proven through these attorneys' abandon of academic, ethical and legal rigor.

Furthermore, for full context, LAWYER did apply and was accepted to several law schools, all of which were accredited by its respective State Bar: North Carolina Central University School of Law, University of La Verne College of Law, Concord Law School, which is also markedly an online law school: *in fact, the first in this nation* (now Purdue Global Law School), so LAWYER is not somehow unqualified for admission in law schools that the NC Bar prejudicially recognizes. In fact, many licensed attorneys practicing in Charlotte and neighboring regions obtained their Juris Doctorate from law schools like Charlotte School of Law which lost its accreditation due to corruption, again which is NOT uncommon for NC attorneys. Accordingly, desiring to detach herself from the growing norm of corruption in NC, LAWYER made an elective decision to attend law school in California, and ultimately at Taft Law, and is exceedingly pleased with her education, overall experience, and qualifications appertaining thereto as an elite graduate of its Juris Doctor program, not in the disdainful regard of nepotism and corruption that

has become common at Ivy League and otherwise more commonly recognized law schools, and rather in the regard of its exceptionally selective, rigorous, strict and admittedly filtering out and survival of the fittest dynamic inherent to its curriculum. LAWYER is one of few, and a proud graduate of Taft Law, which promulgates and embodies its ethical rigor higher than the vast majority of institutions of higher education. LAWYER is qualified to make such declaration in that she has applied, been accepted, and attended several more commonly recognized schools including UNC Chapel Hill, NC A&T State University, University of Georgia at Athens, University of Louisville, and North Carolina Central University and possesses a B.S. in Agricultural Education and Environmental Science, M.S. in Agricultural Economics and Rural Development, PhD ABD in Energy and Environmental Systems and Economics and of course a Juris Doctorate in Jurisprudence/Law. In colloquial terms, LAWYER has "been there and done that," and her education and aptitude are inarguably unrivaled. LAWYER is one of less than 15 persons, spanning ALL ETHNIC GROUPS AND DEMOGRAPHICS, in the USA that possesses a Juris Doctorate, PhD ABD, and MFA study.

An "online law school" is no less rigorous and widely respected than traditional law schools that antiquatedly only provide in-person enrollment. In fact, online or distance education is not a new concept for accredited undergraduate and graduate degree programs.

LAWYER is indeed in good standing with the CA Bar, and currently pursuing license to practice law, just as she has repeatedly averred, albeit voluntarily or responsively. At no

time has LAWYER held herself out to be anything more or other than a Juris Doctorate in pursuit of license to practice law.

7. LAWYER admits that she is the founder and managing and sole member and incorporator for Probetur Association LLC, lawfully incorporated in the State of North Carolina and in good standing with the North Carolina Secretary of State and North Carolina Department of Revenue. LAWYER has also properly registered the assumed name, The Ethical Gatekeeper, as a doing business as name for Probetur Association, LLC, (hereinafter "TEG") and does currently operate such markedly PRIVATE MEMBERSHIP BASED ORGANIZATION under both names.

LAWYER takes opportunity to bring to this court's attention that "probetur" is Latin for TRUTH. LAWYER originally derived such term from the legal saying,

omnia praesumuntur legitime facta donec probetur in contrarium which means, "All things are presumed to be lawfully done, until it is shown [to be] in the reverse."

NC Bar's complaint is a great example of this saying in that it only appears true in the absence of fact.

- 8. LAWYER reasserts and reincorporates that discussed supra in her paragraph 7.
- 9. LAWYER reasserts and reincorporates that discussed supra in her paragraph 7. Additionally, LAWYER denies that she "advertises her services" as NC Bar implies, which is demonstrated in the body of its complaint. "Advertise" connotes business activity in the public sector.

TEG extends benefits and services exclusively to its private members, and LAWYER nor TEG has ever held out that its benefits and services are publicly available. LAWYER nor TEG operate in the public sector.

10. LAWYER admits that she is listed and self-identifies as both "Chief Lawyer and Instructor" of TEG. It is well settled in law and academia that a Juris Doctorate is a Lawyer. Whereas the term Lawyer can also be used to identify an attorney, such which is limited to licensed Lawyers, and thus it is also widely common that attorneys discriminately reject the title of "Lawyer" and do not self-identify as Lawyers in that it connotes that one does not possess a license to practice law. LAWYER has directly observed attorneys vehemently and arrogantly rejecting the title of "Lawyer" in open court, affirming instead that they are not "merely Lawyers and instead attorneys [at law]."

Accordingly, LAWYER's self-identification as "Chief Lawyer" is proper and lawful. Furthermore, because LAWYER factually possesses a Juris Doctorate and such degree qualifies the possessor to teach her/his respective academia at the collegiate level, LAWYER's self-identification as "Instructor" is equally proper and lawful.

11. LAWYER denies that "through her businesses, [she] advertises and provides legal services." Foremost, Probetur Association, LLC and The Ethical Gatekeeper are one entity, and thus constitutes one business. TEG does not operate in the public sector, nor advertises, nor provides legal services in the public sector as NC Bar alleges and implies. LAWYER reasserts and reincorporates all set forth in her paragraph 9 discussed supra.

- 12. LAWYER wholly denies that she provides legal services, including but not limited to "preparing legal documents and issuing legal advice."
- 13. LAWYER denies that Shameka Smith (hereinafter "Smith") engaged her to provide her with legal services regarding a domestic violence and custody matter. LAWYER admits that Smith joined TEG (attached hereto as Exhibit A and incorporated) and disclosed her impending case regarding a custody and domestic violence matter, which LAWYER later discovered was falsified. LAWYER admits that Smith joined TEG to (1) learn more about the law concerning her case through the vocational legal education that TEG provides, (2) exercise her member benefits thereunder for such purpose, and (3) apprehended that LAWYER was NOT a licensed attorney and could NOT provide her with legal services as NC Bar falsely alleges. LAWYER also affirms that Smith is NOT a layperson as NC Bar implies and Smith has misrepresented; Smith had the benefit of counsel when LAWYER met her and Smith disclosed that her cousin is a licensed attorney from whom she often seeks legal advice. Smith was familiar and capable of analyzing law, deciding upon legal arguments and strategies, and composing legal documents **BEFORE** joining TEG. In fact, as was KJ, her romantic partner discussed later herein.
- 14. LAWYER admits that there is a monthly membership fee required to join TEG, and Smith and TEG executed a private membership agreement and Smith paid her monthly fee for the month of June in 2023. Due to discovery of Smith's fraud, TEG terminated Smith's membership within that same month, and no other monthly membership fees were due nor paid by nor accepted from Smith.

- 15. LAWYER denies that she charged Smith \$25.00 per hour to "prepare legal documents" and instead lawfully charged Smith for typing services. Smith's presence and full involvement for dictation, legal analysis, and diction et cetera were required by LAWYER and TEG for all typing services rendered, at times exceeding 6 continuous hours, for which LAWYER has evidentiary proof.
- 16. LAWYER denies that Smith was facing financial challenges, and for that reason, a friend of hers made payments to LAWYER on Smith's behalf. Smith has proven to be a seductive con artist, which LAWYER also discovered during Smith's considerably short-lived membership with TEG. During the course of Smith's membership with TEG, LAWYER learned that Smith and Krysta "KJ" Johnson (hereinafter "KJ") were same sex lovers, self-assertedly engaged to be married. LAWYER regularly observed romantic interaction between Smith and KJ, and Smith conspicuously wore an engagement ring given to her by KJ that oddly enough Smith purchased after proposing to KJ. LAWYER directly observed Smith and KJ regularly interact as a couple, as opposed to mere friends. Ultimately, at the climax of discovery regarding Smith's fraud and falsified domestic violence complaint, LAWYER learned from Desmond Sabb (hereinafter "Sabb"), Smith's ex fiancé, a male, and father of their minor daughter, that he had sufficient reason to suspect that Smith was pretending to be homosexual to scam money, gifts and other benefits from KJ, in that for as long as he'd known her Smith was not homosexual and even rejected the lifestyle. That said, LAWYER severally observed that Smith was considerably manipulative toward KJ regarding asking for money and KJ was often visibly uncomfortable giving money to Smith, but at the direction of Smith would speak with LAWYER to confirm "where the money was going" and then render

payment directly to LAWYER for Smith's exercise of membership benefits and services. After this occurred initially, LAWYER required that KJ join as a member as well for legal reasons predicated upon contract law, and provide attestation that she was voluntarily paying the invoices owed by Smith, to which KJ agreed and also joined as a TEG member (attached hereto as Exhibit B and incorporated). KJ's membership was simultaneously terminated when Smith's membership was terminated, based upon the same reasons of unethical and fraudulent conduct.

- 17. LAWYER denies that she provided Smith with legal advice and legal document preparation. LAWYER admits that Smith and KJ paid at least \$725.00 to exercise their membership benefits and services discussed supra (attached hereto as Exhibit C and incorporated).
- 18. LAWYER denies that Smith is a credible witness, and LAWYER reasserts that she did not refer to herself as a Lawyer in the manner that NC Bar implies. LAWYER has already admitted and shall continue to profess that she is a Lawyer, because she is, in fact, a Lawyer. However, LAWYER has not ever held out through TEG or otherwise that she is a licensed Lawyer or attorney.
- 19. LAWYER denies that Smith is a credible witness, and LAWYER reasserts that she did not refer to herself as a Lawyer in the manner that NC Bar implies. LAWYER has not ever referred to herself as an attorney in Smith's or KJ's presence nor absence. LAWYER has already admitted and shall continue to profess that she is a Lawyer, because she is, in fact, a Lawyer. However, LAWYER has not ever held out through TEG or otherwise that she is a licensed Lawyer or attorney.

20. LAWYER denies that she has posted on the internet and thereby routinely held herself out as being competent and qualified to give legal advice and prepare legal documents. Although LAWYER is inarguably literally competent to give legal advice and prepare legal documents in that she has completed academia that affords such proficiency, similar to all other law school graduates, in that the notion that passing a State Bar exam alone is somehow the basis for determining a graduate's competency in law is wholly absurd and delusional, LAWYER has, instead, regularly held out that she does possess a Juris Doctorate, is not yet licensed and currently pursuing licensure. LAWYER has not ever held out that she is competent to give legal advice and prepare legal documents predicated upon being currently licensed to practice law nor eligible to sit for the CBX.

Regarding State Bar Investigator, Martin F. Coolidge, Jr.'s witness affidavit, LAWYER addresses his perjurious statements directly in her declaration rebuttal affidavit thereto.

- 21. LAWYER denies that she has furnished the services of a Lawyer as NC Bar implies and connotes. LAWYER reasserts and reincorporates all discussed supra.
- 22. Discussed supra, LAWYER admits that she is a Lawyer. However, LAWYER denies that she has referred to herself as a "Lawyer" as NC Bar implies and connotes. LAWYER reasserts and reincorporates all discussed supra.
- 23. LAWYER brings to the court's attention the bad faith and sneakily crafty language of NC Bar's paragraph 23 in that,

"Defendant's acts ... was brought to the attention of NC Bar" is a clear omission of material facts that provide clarity as to NC Bar's knowingly frivolous and malicious complaint. When LAWYER discovered Smith's and KJ's fraud

and unethical conduct, LAWYER permanently terminated their membership with TEG. Sabb's attorney subpoenaed LAWYER to testify in the custody and domestic violence matter at issue. Smith was also subject to a show cause order for contempt in that she had already severally violated the Temporary Custody Agreement (attached hereto as Exhibit D and incorporated). During the hearing for contempt, LAWYER was called to testify regarding Smith's and KJ's fraud, which LAWYER did attend, appear and testify (LAWYER has requested the audio recording for the hearing). Smith, then, initiated a retaliatory and falsified TRO complaint against LAWYER, which was denied (attached hereto as Exhibit E). Smith, then, initiated another separate retaliatory and falsified TRO complaint against LAWYER, which was also denied (attached hereto as Exhibit F and incorporated). LAWYER, then, in full accordance with governing law, initiated a complaint for malicious prosecution and defamation against Smith, KJ, and their acquaintance Brittany Johnson (hereinafter "Johnson") who defamed LAWYER through internet posts. Despite knowing exactly how to and having full capability to prepare on her own accord an Answer to LAWYER's complaint or enlist her self-asserted cousin who is a licensed attorney to do it for her, Smith failed to answer LAWYER's complaint. LAWYER moved for default judgment, and the court granted default judgment in LAWYER's favor (attached hereto as Exhibit G and incorporated). Unhappy with the denials of her frivolous and malicious TRO complaints, and the unfavorable outcome in her custody case, and DVPO which was also denied, and monomaniacally set upon retaliation against LAWYER, Smith then submitted a knowingly and retaliatorily falsified complaint against LAWYER alleging unauthorized practice of law, from which NC Bar's wholly absurd and unsubstantiated complaint arises (attached hereto as Exhibit

H and incorporated). In fact, NC Bar knows that its complaint is unsubstantiated, yet fueled by disdain for and politically bullying against LAWYER as a widely known anticorruption politician locally, NC Bar has desperately unscrupulously obfuscated knowingly implausible and illogical allegations desperately scraping up any "ammunition" against LAWYER to subject her to its conspired pattern and practice of discreditation, victimization and most notably for the most egregious purpose of padding the fraudulent gatekeeper order at issue discussed later herein and supplemental pleadings.

- 24. LAWYER admits that she responded to the Letter of Notice as stated.
- 25. LAWYER admits that she responded to the Letter of Notice as stated, except that two additional attachments exceeded the size limitations for the one combined email, and thus such was the reason for the second email.
- 26. NC Bar's allegation is unarticulated and its implied allegation is delusional in that it is factual that Smith and KJ executed a private contract with TEG, and that such contract formed on the basis of a private membership agreement is factually NOT within the jurisdictional purview of the NC Bar.
- 27. LAWYER admits that she responded to supplement her response on a later date, and markedly gave earlier notice of intent to do so.
- 28. NC Bar has not made any allegation herein and thus no answer is necessary. Where an allegation is implied, LAWYER denies that she has engaged in acts constituting the practice of law in North Carolina for any other person, firm or corporation.

- 29. NC Bar has not made any allegation herein and thus no answer is necessary. Where an allegation is implied, LAWYER denies that she has engaged in furnishing the services of a Lawyer or Lawyers.
- 30. NC Bar has not made any allegation herein and thus no answer is necessary. Where an allegation is implied, LAWYER denies that she has held herself out to the public as an attorney or as able to provide legal services or the services of an attorney.
- 31. NC Bar has not made any allegation herein and thus no answer is necessary. Where an allegation is implied, LAWYER denies TEG is practicing or has practiced law.
- 32. NC Bar has not made any allegation herein and thus no answer is necessary. Where an allegation is implied, LAWYER denies that she has engaged any acts that constitute the practice of law in North Carolina.
- 33. NC Bar has not made any allegation herein and thus no answer is necessary. Where an allegation is implied, LAWYER denies that she has engaged the unauthorized practice of law.
- 34. NC Bar has not made any allegation herein and thus no answer is necessary. Where an allegation is implied, LAWYER denies that she has engaged the unauthorized practice of law.

#### PRAYER FOR RELIEF

- 35. Permanent injunction is not a claim upon which relief can be granted as to a cause of action for unauthorized practice of law in that,
  - a. The law is well settled in that permanent injunctions are generally prohibited;

- b. A permanent injunction is wholly absurd regarding LAWYER's private membership based organization in that,
  - it is not nor has ever held out to be a law firm nor in the regular course of practicing law as its business activity;
  - 2. LAWYER is eligible and pursuing license to practice law, at which point she can electively operate a law firm and practice law, and permanent injunction, even whereas such order can be vacated in the future, has the unlawfully presumptive legal effect of baselessly deciding that she will not ever have a license to practice law and thus denies her inviolate right and opportunity for the rights appertaining to her Juris Doctorate and any and all undertakings she completes to satisfy requirements for admission to any State Bar, including NC Bar;
- 36. Preliminary injunction is equally absurd in that LAWYER has NOT EVER,
  - a. prepared or assisted in the preparation of any court pleading or other document for filing with a tribunal in a manner outside of associational standing and applicable laws for non-lawyer representation and ombudsmanship;
  - b. filed any court pleading or other document with a tribunal on behalf of or for any other person, firm or corporation;
  - c. appeared or attempted to appear on behalf of any other person, firm or corporation before any tribunal;
  - d. held out as being competent or qualified to give legal advice or counsel;
  - e. held out as being competent or qualified to prepare legal documents;

- f. held out as a LICENSED Lawyer;
- g. held out as an attorney;
- h. held out as a member of NC Bar;
- i. held out as eligible to become a member of NC Bar without additional requirements;
- j. furnished the services of licensed Lawyer;
- k. provided any legal service or legal advice or counsel to or for any other person, firm or corporation;
- 37. This tribunal must wholly deny NC Bar's frivolous and malicious complaint for preliminary injunction and be disallowed to proceed thereupon;
- 38. That a bond be required for costs of the proceeding at NC Bar's costs for having initiated a knowingly frivolous and malicious complaint;
- 39. That the costs of the action be taxed against NC Bar;
- 40. And such other and further remedy and relief set forth in LAWYER's Counterclaims, including legal and equitable remedies, as the court may deem fair and proper;

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# **COUNTERCLAIM DEFENDANT'S ABSOLUTE AND AFFIRMATIVE DEFENSES**

# FIRST ABSOLUTE AND AFFIRMATIVE DEFENSE (Res Judicata)

- **41.** It is well settled in law that res judicata prohibits a second action on previously litigated matters as a whole and generally for cause of actions arising from even similar subject matter.
- **42.** On July 14, 2023, Lawyer initiated a complaint (23CV018328-910) against Smith, Johnson and their co-conspirator Brittany Johnson for malicious prosecution and defamation (attached and incorporated as evidence);
- **43.** On July 14, 2023, summons for all Defendants were issued and served (attached and incorporated as evidence);
- **44.** On July 19, 2023, return of service for Defendants Smith and Johnson was filed (attached and incorporated as evidence);
- **45.** On August 21, 2023, in that this complaint constitutes prima facie actionability and Defendants failed to answer, Lawyer moved the court for default judgment as to Defendant Smith only, which was granted on August 30, 2023;
- **46.** At no time thereafter did Defendant Smith file Notice of Appeal nor any other pleading that would constitute valid prosecution of relief;
- **47.** Res judicata applies to cases where there has been a final judgment that is no longer subject to appeal, and therefore, res judicata applies to this action in that,
  - a. NC State Bar's May 29, 2024 complaint a full year later, notably also after the expiration of statute of limitations for filing a Rule 60 motion, which is solely based upon Smith's retaliatorily frivolous complaint against Lawyer to the NC State Bar maliciously falsely alleging unauthorized practice of law, is singularly predicated upon identical subject matter in Lawyer's complaint against Smith and other Defendants discussed supra;

b. Therefore, NC State Bar's complaint is barred by res judicata;

# FIRST ABSOLUTE AND AFFIRMATIVE DEFENSE (Collateral Estoppel)

- 48. Alternatively, it is well settled in law that collateral estoppel prevents litigation of particular issues within previously resolved in prior cases;
- 49. Actionable collateral estoppel requires a showing that,
  - a. a final judgment on the merits;
  - b. identical issues in the current case and the prior one;
  - c. actual litigation of those issues in the prior case;
  - d. and a party against whom the doctrine is asserted was a party or in privity with a party to the prior proceeding;
- 50. Returning to the facts discussed supra,
  - a. there is a final judgment in Lawyer's complaint against Smith finding that she is liable to Lawyer for defamation and malicious prosecution as to the same subject matter OR "identical issues" in NC State Bar's complaint against Lawyer;
  - b. the default judgment and Smith's failure to appeal or prosecute any valid relief measures in Lawyer's complaint her constitutes "actual litigation of those issues in the prior case, albeit lack thereof;
  - c. and Smith is the same party and in privity with NC State Bar for Lawyer's complaint against Smith AND NC State Bar's complaint against Lawyer;
- 51. Therefore, collateral estoppel also applies to this case barring NC State Bar's complaint;

LAWYER asserts the following affirmative and other defenses set forth below, and in making such defenses does not concede that she bears the burden of proof as to any of them. Discovery has not yet begun in this matter, and therefore LAWYER has not fully collected and reviewed all of the information and materials that may be relevant to the matters and issues raised herein. Accordingly, LAWYER reserves the right to amend, modify, or expand these defenses and to take further positions as discovery proceeds in this matter.

# THIRD ABSOLUTE AND AFFIRMATIVE DEFENSE

(Juris Doctorate and All Rights, Privileges and Honors Appertaining Thereto) According to Classification of Instructional Programs (CIP), regarding a Juris Doctorate, a Juris Doctor or J.D.(or LAWYER) program is defined as,

A program that prepares individuals for the independent professional practice of law, for taking state and national bar examinations, and for advanced research in jurisprudence. Includes instruction in the theory and practice of the legal system, including the statutory, administrative, and judicial components of civil and criminal law.

A Juris Doctor (J.D. or LAWYER) is a three to four-year professional graduate degree generally required to become a licensed Lawyer. It is well settled in the USA that a Juris Doctor signifies an advanced level of expertise and specialization as the highest degree that can be achieved in the legal field.

A Juris Doctorate is fully qualified to represent her/hisself in legal matters, but cannot represent another person until licensed. In fact, a Juris Doctorate is NOT required for pro se representation. The Juris Doctor academia and training in and of itself equips Lawyers with the necessary skills and knowledge to navigate the legal system, advocate on one's behalf, and handle a wide range of legal issues. A Juris Doctor program does NOT teach an enrollee any one specific specialization in law. Instead, a licensed Lawyer enjoys the privy to practice one or more fields of law at their discretion. A Lawyer's effectiveness in practice is determined more by their experience, expertise in a specific area of law, and professional track record than by holding additional degrees like a PhD. Generally, dissimilar to PhD programs which commonly entail tiered post doctorate certification and licensure programs that constitute advanced expertise and qualifications in respective fields, there exists no advance certification for licensed Lawyers, or more namely attorneys. The Juris Doctorate and license to practice law and approval to practice law in the United States Supreme Court constitute the maximal qualifications that a possessor can attain academically and professionally. In fact, the qualifications to be a judge require only a license to practice law, which can be obtained without a Juris Doctorate in some states.

It is well settled in academia and law that a Juris Doctor qualifies the possessor as the following, and not limited to:

- a. Legal Consultant
- b. Law Professor
- c. Mediator/Arbitrator
- d. Corporate Counsel (In House General Counsel or Chief Legal Officer)
- e. Intellectual Property Manager
- f. Compliance Auditor
- g. Hearing Officer
- h. Law Librarian

Additionally, LAWYER possesses a B.S. in Agricultural Education and Environmental Science, which entailed undertaking student teaching to qualify as a teacher in K-12 schools generally. Discussed supra, LAWYER also possesses a PhD ABD and has already taught as a Teacher's Assistant for advanced Science and Math courses and labs. Accordingly, LAWYER is actually overqualified for most positions above listed. Regarding TEG, a private membership-based organization that provides vocational legal education and advocacy exclusively to its members, LAWYER is overqualified to teach law in a vocational setting and thus her work through TEG not even minimally constitutes unauthorized practice of law.

## FOURTH ABSOLUET AND AFFIRMATIVE DEFENSE

(Organizational, or Associational Standing)

#### **Regarding organizational standing:**

Organizations can have standing to challenge actions that cause them a direct injury. In *Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982), the Supreme Court found that organizational injury is typically recognized in two ways. First, that there has been a diversion of organizational resources to identify or counteract the allegedly unlawful action, and/or secondly, that the action frustrates the organization's mission. While most jurisdictions require organizations to show only one of these forms of injury to establish standing, some jurisdictions, like the Ninth Circuit, require organizations to show both, which LAWYER on TEG's behalf shows below.

#### A. Regarding diversion of resources:

An organization can establish standing by showing that it diverted its resources to identify or respond to a defendant's allegedly unlawful actions. To satisfy the standing requirement, organizations must show that resources that could have otherwise been spent on the organization's goals were diverted to address the challenged policy or practice. As to TEG, LAWYER is presently the sole Chief Lawyer and Instructor and has had to divert her attention and resources, including her legal knowledge and time, which would have otherwise been allocated toward vocational legal courses, to instead identify and answer frivolous and malicious allegations of unauthorized practice of law namely predicated upon bald statements by a wholly uncredible witness. NC Bar has presented no other proof of its bald and conclusory allegations except that "Smith said so" and LAWYER "says she's a Lawyer." Of course, "Smith said so" because she's mad that she got caught falsifying a DVPO and forging documents to fabricate evidence in support of her defense against contempt in the custody case at issue. And of course, LAWYER selfidentifies as a Lawyer because she earned a Juris Doctor. Furthermore, the fact that the NC Bar, supposedly an integrous arm of law, has even initiated its complaint solely predicated upon Smith's uncredible and unproven statements alone is very telling of the gross ineptitude and psychological incompetence of its agents. After all, why would LAWYER, who has worked so diligently against all odds to obtain her Juris Doctorate risk it for someone she's knew for less than a month. Conversely, why wouldn't Smith file a complaint against LAWYER with NC Bar if (1) she had been banned from LAWYER's residence for stalking and harassment, (2) ousted by LAWYER for fraud in her custody case and contempt hearing and (3) her two TRO complaints miserably failed against LAWYER. Smith, similar to Tessa Hale (hereinafter "Hale") and Patrick Murphy (hereinafter "Murphy"), NC Bar agents and counsel of record, demonstrate psychological incompetence and unhinged anger for her own indiscretions and being held liable for the same. Having express knowledge of Smith's fraud and other indiscretions, and

indefensibly so, NC Bar's reliance upon Smith's falsified allegations, that are even facially illogical and implausible, is embarrassingly delusional and scornful and brings immense disrepute upon the judiciary countrywide. TEG is a respectable vocational legal education and advocacy organization that aids in raising awareness of the laws on the books for laypersons, which in turn, reduces crime, the caseload of our courts which are downtrodden with petty lawsuits, and significantly increases betterment of social interaction and society as a whole in general in that the very fabric of American civilization is law.

#### B. Regarding frustration of mission:

An organization can also establish standing by showing a direct injury from conduct or policies that frustrate its mission. For example, in *Farm Sanctuary v. USDA*, No. 19-CV-06910, 2021 WL 2644068 (W.D.N.Y June 28, 2021), the court held that the Plaintiffs plausibly alleged that the slaughter rule at issue impaired and frustrated their ability to engage in mission-related activities and interfered with their limited resources because it drastically increased the number of pigs raised for slaughter. Because the Plaintiff organizations were able to show that the Defendant's conduct frustrated their organizational missions, the court found that they had the necessary standing to bring their case. Discussed supra, TEG's core mission is to impart vocational legal education and advocacy that aids in raising awareness of the laws on the books for laypersons, which in turn, reduces crime, the caseload of our courts which are downtrodden with petty lawsuits, and significantly increases betterment of social interaction and society as a whole in general. NC Bar's frivolous and malicious complaint seeking to subject TEG to injunction, and permanently so, constitutes frustration of its mission, and unlawfully so,

in that TEG nor LAWYER has engaged unauthorized practice of law and its lawful activity in imparting vocational legal education is not within the jurisdictional purview of NC Bar and furthermore does not violate any statute.

The elements have been met for valid organizational standing in TEG's favor.

# **Regarding associational standing:**

In the absence of direct organizational standing, the Supreme Court allows organizations to establish standing based on injuries to its members known as "associational standing." Having a membership is essential to establishing associational standing, and it is therefore particularly useful for organizations such as animal advocacy groups, which frequently have an interest in seeking redress on behalf of their members.

### An organization can establish associational standing by

- (1) showing that at least one of its members has standing,
- (2) that the interests at stake are connected to the organization's purpose, and

(3) that neither the claim nor the relief requested requires participation of the organization's individual members.

*R-CALF v. USDA*, No. CV 20-2552 (RDM), 2021 WL 4462723 (D.D.C. Sept. 29, 2021) is a recent example of associational standing. Looking to the facts and findings in that case, the court found that the general allegations that at least one of plaintiff R-CALF's members had suffered

an injury from the defendant's conduct was enough to satisfy the first element of associational standing at that point in the litigation. R-CALF also successfully alleged that its members suffered a financial injury because of the defendant's action, meeting the second element of associational standing. R-CALF met the third element of associational standing by successfully alleging that had the defendant followed proper procedures, there was a potential that the injury may not have occurred.

Returning to TEG and the facts of this impending action,

- (1) At least one of TEG's members, LAWYER, has suffered an injury, including but not limited to defamation, malicious prosecution, discreditation, and member disillusionment, from NC Bar's conduct and that of its supposed witnesses Smith and Coolidge, Jr., Smith having provided no material evidence and being wholly uncredible and Coolidge, Jr. having no direct knowledge of any conduct by TEG or LAWYER that even minimally constitutes the unauthorized practice of law;
- (2) Because TEG private membership is at costs, NC Bar's conduct that of its supposed witnesses Smith has directly resulted in decrease in membership and thus a financial injury;
- (3) Had NC Bar followed proper procedures and justly rejected Smith's bald allegations in her complaint, LAWYER and TEG would not have suffered injuries;
- (4) In fact, NC Bar's seeking to permanently enjoin TEG and LAWYER to cease unauthorized practice of law is futile in that LAWYER nor TEG has ever engaged the

practice of law, and so NC Bar's complaint seeking to permanently enjoin TEG and LAWYER to refrain from the privy it enjoys under constitutional law has the legal effect of putting TEG out of operation altogether in gross violation of its inviolate constitutional rights and exercise thereof, markedly without there being a provision in law for the same; and therefore, NC Bar's conduct is indefensibly injurious to TEG and LAWYER;

The elements have been met for valid associational standing in TEG's favor.

#### **DEFENDANT'S COUNTERCLAIM**

52. Counterclaim Defendant LAWYER avers as follows:

#### PARTIES

- 53. LAWYER is a resident of North Carolina, possesses a Juris Doctor from Taft Law which makes her eligible to sit for the CBX contingent upon satisfying other requirements set by the CA Bar;
- 54. Probetur Association, LLC is a private membership-based organization incorporated as an LLC in the State of North Carolina. It operates under the assumed name of The Ethical Gatekeeper which is properly registered with the Mecklenburg County Register of Deeds. TEG provides vocational legal education and advocacy exclusively to its private members. TEG does NOT operate in the public sector and does NOT hold out that it is authorized to engage the practice of law nor engages the practice of law.

55. NC Bar and its committee, The Authorized Practice Committee, is the government agency responsible for the regulation of the legal profession in North Carolina.

## JURISDICTION AND VENUE

- 56. These are counterclaims for Declaratory Relief for which this court has jurisdiction under 14th Amendment regarding equal protection of/under the laws, Article III.S2.C1.2.5.3.2.2 regarding Representational Standing, Article III.S2.C1.6.6.2 regarding Associational Standing, and all other applicable law.
- 57. Subject matter and personal jurisdiction is met in that,
  - a. The subject matter of this case is within the jurisdictional purview of this federal tribunal in that there is the presence of a federal question;
  - b. The parties are domiciled in the state of North Carolina;

### **INJUNCTION**

- 58. LAWYER incorporates preceding averments discussed supra and in her Answer and Absolute and Affirmative Defenses;
- 59. LAWYER denies engaging the unauthorized practice of law, albeit with volition or through TEG;
- 60. There is no credible evidence that LAWYER or TEG have engaged the unauthorized practice of law;

- 61. Smith's bald allegations and NC Bar's contemptuously petty, misguided complaint predicated upon Smith's bald allegations is just straightly embarrassing to the entire judiciary. NC Bar agents hate LAWYER so much because they've learned that she factually possesses a Juris Doctorate and obtained it "right under their noses" and they hypocritically fear the positive impact that she will have on society and the reform of the judicial system as a whole that they have desperately jumped on the delusional and psychological incompetent bandwagon of Smith to retaliatorily subject her to malicious prosecution with the specific intent to inflict harm in discrediting her degree, qualifications, and mission for her respectable and commendable private membershipbased organization;
- 62. Despite the state courts finding that Smith's complaints against LAWYER are wholly without merit, and falsified even, Smith has still yet persisted in defaming LAWYER and has now conspiredly enlisted the support of NC Bar, implied by conduct, to terrorize LAWYER and "shut down" TEG because Smith's and KJ's membership was permanently terminated and Smith ousted for fraud in her custody and DVPO cases;
- 63. Smith has demonstrated abandon of self-regulation and will not cease unlawfulness against LAWYER and TEG, and therefore is validly subject to injunction by this court;
- 64. NC Bar has also demonstrated abandon of rationale and legal acumen in its capacity as a agent of the state of North Carolina, and therefore is also validly subject to injunction by this court;

- 65. There is a balancing test that courts typically employ in determining whether to issue an injunction. To seek a permanent injunction, the plaintiff must pass the four-step test: (1) that the plaintiff has suffered an irreparable injury; (2) that remedies available at law, such as monetary damages, are inadequate to compensate for the injury; (3) that the remedy in equity is warranted upon consideration of the balance of hardships between the plaintiff and defendant; and (4) that the permanent injunction being sought would not hurt public interest.
- 66. Discussed supra in LAWYER's Answer, Affirmative Defenses, and Counterclaims, she has suffered an irreparable injury;
- 67. The remedies available at law such as monetary damages are inadequate to compensate for the injury;
- **68**. The remedy in equity in the form of injunction is warranted upon consideration of the balance of hardships between the parties;
- 69. The remedy in equity in the form of injunction being sought actually serves the public interest in restricting the NC Bar jurisdictional authority to (1) the public sector, (2) entities and persons who have engaged the unauthorized practice of law which does NOT include LAWYER and TEG, and (3) cases for which allegations are well supported with clear evidence as opposed to bald conclusory and unintelligibly legally analyzed allegations;

# DECLARATORY JUDGMENT OF ASSOCIATIONAL, ORGANIZATIONAL AND/OR REPRESENTATIONAL STANDING

- 70. LAWYER incorporates preceding averments set forth in her paragraphs 1 through 18 and in her Answer and Affirmative Defenses;
- By filing of its complaint, NC Bar has purported to assert claims against LAWYER for unauthorized practice of law;
- 72. LAWYER denies all of NC Bar's bald conclusory allegations;
- 73. There is no evidence that LAWYER nor TEG has engaged the unauthorized practice of law;
- 74. Whereas neither has LAWYER nor TEG yet represented itself in any tribunal prior to this action, its rights to do so are constitutionally inviolate and through NC Bar's complaint it effectually seeks to strip LAWYER and TEG of those inviolate rights in direct violation of the constitutional provisions discussed supra;
- 75. Under Article III of the US Constitution, Rule 57 of the Federal Rules of Civil Procedure and where applicable, the Federal Declaratory Judgment Act,

"In a case of actual controversy within its jurisdiction, . . . any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such" and incorporating all set forth herein and LAWYER's supplemental pleadings and exhibits, LAWYER is inarguably entitled to declaratory judgments as to LAWYER's and TEG's rights to associational, organizational and/or representational standing, and its exercise of such constitutionally inviolate rights do not rise to the level of unauthorized practice of law;

#### **REQUEST FOR RELIEF**

#### 76. WHEREFORE, LAWYER requests the following forms of relief:

- a. Declaratory Judgement that TEG's and LAWYER's exercise of organizational, representational, and associational standing does not constitute unauthorized practice of law and therefore are protected under constitutional law;
- b. That NC Bar's complaint be dismissed with prejudice;
- c. That injunction is granted against NC Bar restricting it from further harassing and attempts to maliciously prosecute LAWYER and TEG and denying LAWYER's and TEG's equal protection under the laws;
- d. That punitive damages be awarded to LAWYER and TEG for NC Bar's malicious intent;
- e. That the costs of this action be taxed to NC Bar;
- f. LAWYER be awarded such other relief and remedy as the court deems just, equitable and proper to preserve the integrity of the judiciary and vindicate the rights bestowed by the US Constitution including but not limited to

# equal protection under the laws and organizational, representational and/or

### associational standing;

Submitted this 16th day of April 2024, Tigress Sydney Acure McDaniel, LAWYER, PhD ABD, MS Econ

Plaintiff, pro se 1235 East Blvd Ste E 793 Charlotte NC 28203

# CERTIFICATE OF SERVICE

Counterclaimant Defendant hereby certifies that sufficient copies of the foregoing has been

electronically served upon Plaintiff through Odyssey at its email address required on case record

as follows:

1. The North Carolina State Bar

B. Tessa Hale 217 East Edenton Street Raleigh, NC 27601 Email: <u>thale@ncbar.gov</u>

Tigress Sydney Acute McDaniel, LAWYER, PhD ABD, MS Econ Plaintiff, pro se 1235 East Blvd Ste E 793 Charlotte NC 28203

STATE OF NORTH CAROLINA	23CV018328-910
Wake County	In The General Court Of Justice
	District Superior Court Division
Name Of Plaintiff Tigress Sydney Acute McDaniel, JD	
Address	CIVIL SUMMONS
1235 East Blvd Ste E 793	
City, State, Zip Charlette, NC 28202	
Charlotte NC 28203	-
VERSUS Name Of Defendent(s)	G.S. 1A-1, Rules 3 and 4 Date Original Summons Issued
Shameka Smith, Krysta Johnson, Brittany Johnson and Does et alii	Dete Orginal Sunnivers Issued
	Dete(s) Subsequent Summons(es) Issued
To Each Of The Defendential Manual Data	
To Each Of The Defendant(s) Named Below:	Allow And Address Of Defendent D
Shameka Smith	Name And Address Of Defendent 2 Krysta Johnson
4215 Sugarstone Lane, Apt 233	4215 Sugarstone Lane, Apt 233
Charlotte, NC 28269	Charlotte, NC 28269
acerca de su caso y, de ser necesario, hablar documentos! A Civil Action Has Been Commenced Against You! You are notified to appear and answer the complaint of the plaintiff a 1. Serve a copy of your written answer to the complaint upon the p served. You may serve your answer by delivering a copy to the 2. File the original of the written answer with the Clerk of Superior 4	laintiff or plaintiff's attorney within thirty (30) days after you have been plaintiff or by mailing it to the plaintiff's last known address, and Court of the county named above.
If you fail to answer the complaint, the plaintiff will apply to the Cour	t for the relief demanded in the complaint.
Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)	Date Issued
Tigress Sydney Acute McDaniel, JD 1235 East Blvd Ste E 793	7/14/2023 8;53:48 am AM PM
Charlotte NC 28203	/s/ Christy Dean
	X Deputy CSC Assistant CSC Clerk Of Superior Court
ENDORSEMENT (ASSESS FEE)	Date Of Endorsement Time
This Summons was originally issued on the date indicated	Signature
above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is	
extended sixty (60) days.	Deputy CSC Assistant CSC Clerk Of Superior Court
NOTE TO PARTIES: Many counties have MANDATORY ARBITRATION less are heard by an arbitrator before a trial. The pa so, what procedure is to be followed.	programs in which most cases where the amount in controversy is \$25,000 or rties will be notified if this case is assigned for mandatory arbitration, and, if
10	Dver)
AOC-CV-100, Rev. 4/18 @ 2018 Administrative Office of the Courts	·····

RETURN OF SERVICE
I certify that this Summons and a copy of the complaint were received and served as follows:
DEFENDANT 1
Dete Served Time Served AM DPM Neme Of Defendent Shameka Smith & Krysta Johnson
By delivering to the defendant named above a copy of the summons and complaint.
By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.
Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)
Other manner of service (specify)
USPS Certified Mail; green card receipt attached
Defendant WAS NOT served for the following reason:
DEFENDANT 2
Date Served Time Served AM PM
By delivering to the defendant named above a copy of the summons and complaint.
By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.
Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)
Other manner of service (specify)
Defendant WAS NOT served for the following reason:
Service Fee Paid Signature Of Deputy Sheriff Making Return
Date Received Name Of Sheriff (type or print)
Date Of Return County Of Sheriff
AOC-CV-100, Side Two, Rev. 4/18

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Domestic Return Receipt

#### STATE OF NORTH CAROLINA

# WAKE COUNTY

# FILE NO. 23CV018328-910

In The General Court of Justice District Court Division

Tigress Sydney Acute McDaniel, JD Plaintiff	}	
VERSUS	}	AMENDED COMPLAINT
Champles Smith Kanata Islands	}	FOR DEFAMATION AND
Shameka Smith, Krysta Johnson,	}	MALICIOUS PROSECUTION
and Brittany Johnson and Does,	}	
Defendants	}	

NOW COMES Plaintiff to amend her original complaint to include attachments cited in her original complaint that were not uploaded with initial filing. Plaintiff also hereby amends paragraph 1 in her original complaint to denote the correct cause of action, and adds an additional statement to paragraph 37 to aid in the clarity of Plaintiff's claims. Plaintiff, otherwise, reincorporates, realleges and reasserts the entirety of her original complaint with such attachments included herewith to form the Amended Complaint.

# A. JURISDICTION

Jurisdiction, regarding subject matter, is proper in this court according to:

- 1. This action is a complaint for defamation and malicious prosecution, and thus constitutes a civil action pursuant to NCGS § 1-6 et sequel;
- 2. This action is within the statute of limitations and this court can validly exercise personal jurisdiction over the parties pursuant to § 1-75.4 et sequel;
- 3. This action involves an amount in controversy under \$25,000.00 USD and thus the district court division is proper to hear this case pursuant to § 7A-243.

#### **B. PARTIES**

- The Plaintiff, Tigress Sydney Acute McDaniel born December 5, 1976, is a resident of Mecklenburg County, Charlotte, North Carolina.
- 2. The Defendant, Shameka Smith (hereinafter "Smith"), is an adult of legal age and under no legal disability, and a resident of Mecklenburg County, Charlotte, North Carolina.
- **3.** The Defendant, Krysta Johnson (hereinafter "Johnson"), is an adult of legal age and under no legal disability, and a resident of Mecklenburg County, Charlotte, North Carolina.
- 4. The Defendant, Brittany Johnson (hereinafter "Brittany"), is an adult of legal age and under no legal disability, and a resident of Mecklenburg County, Charlotte, North Carolina.

# C. NATURE OF CASE AND FACTUAL ALLEGATIONS

NOW COMES Plaintiff, complaining of the Defendants, alleges and says:

- 5. Plaintiff is a resident of Mecklenburg County, North Carolina, and is of legal age and under no legal disability, and further qualifies as reasonable prudent person.
- 6. All civil claims, torts and relevant acts asserted in this complaint occurred in Mecklenburg County, North Carolina, where both parties have been domiciled for all times material hereto, and otherwise the subject matter of this complaint entails libelous statements published by Defendants on social media, which has no regional bounds,

being publicly published without any viewing restrictions, to produce specific injury to Plaintiff.

### **D. CAUSE OF ACTION**

Plaintiff alleges and so says that the following facts form the basis for her allegations:

- 7. On June 8, 2023, Plaintiff hosted an event to celebrate conferral of her Juris Doctorate;
- Smith attended this event with her self-asserted girlfriend, Krysta Johnson, but was not directly invited by Plaintiff;
- 9. Plaintiff, Smith, Johnson and Brittany met at this event, and before such time, had no relationship, albeit professional or personal.
- 10. During the event, Smith and Johnson solicited Plaintiff's services as a legal coach and document preparer to assist with an active child custody and visitation case.
- 11. Plaintiff explained the terms of service and disclosed the membership agreement, which is publicly promulgated at <u>www.TheEthicalGatekeeper.com</u>.
- 12. On that evening, both Smith and Johnson did, in fact, sign up for membership with Plaintiff's membership based vocational legal education and advocacy platform.
- During the course of Smith's and Johnson's active membership, from June 9, 2023 until June 29, 2023, Plaintiff provided both legal coaching and document preparation services at costs.
- 14. Over the course of the professional relationship, Smith and Johnson communicated on several occasions that they wanted,
  - a. "[the father of Smith's child] to relinquish his parental rights;"
  - b. "[the father of Smith's child] to be denied visitation with child;"
  - c. "to put an end to the custody battle;"

d. "to have the Temporary Custody Agreement terminated;"

at which time at each utterance, Plaintiff explained that a father's constitutional parental rights are inviolate unless there were exigent circumstances that satisfy a court that his rights should be questioned. Plaintiff provided such explanation in both academic and colloquial terms to ensure that both Smith and Johnson understood, to which both consistently responded that they understood the vocational legal education Plaintiff imparted. Plaintiff also explained the legal meaning for exigent circumstances and provided examples to clarify that based on the information Smith and Johnson provided, there was a significant unlikelihood that a court would find sufficient evidence to question the father's rights and enter an order (1) terminating visitation, (2) restricting visitation, (3) terminating the Temporary Parenting Agreement altogether, or (4) disposing of the custody case in Smith's favor without regard for the father's claims.

15. During the course of the professional relationship, because Smith and Johnson made commentary implying that they would willfully violate the Temporary Parenting Agreement, Plaintiff also had to remind Smith and Johnson that, although she was not yet a licensed attorney, her career in law, law enforcement or general capacity as fiduciary, having been a Federal Ranger with the National Park Service at border parks, having duties of both law enforcement and Applied Science based resource education and research, her commitment to high ethical and legal rigor was unwavering and that their commentary demonstrated their wanton disregard for the law which would result in termination of membership and services. This occurred, at least, 4 times, at which time Smith and Johnson affirmed that they did not intend to engage bad faith conduct. Plaintiff even iterated that their unchecked commentary negated any defense of plausible

deniability that Plaintiff could assert, if and when necessary, on the primary basis of her fiduciary capacity, and further, that her allegiance was to the furtherance of justice and upholding the law, at which time Smith and Johnson affirmed that they would not continue to make inappropriate or questionable commentary regarding the case.

- 16. The Temporary Parenting Agreement stipulated that, on June 17, 2023, Smith shall present child to the airport for a flight, notably chaperoned, for child to visit her father in Connecticut for Father's Day weekend until July 29, 2023.
- 17. During the week ending June 17, 2023, Smith and Johnson communicated escalatedly disturbing incidents claiming that the father had been both emotionally and physically abusive to child and Smith, and solicited document preparation services from Plaintiff to file a Domestic Violence Protective Order (hereinafter "DVPO"). Plaintiff was not initially convinced that Smith's and Johnson's claims were made in good faith, especially considering their previous commentary, and further, because Smith and Johnson expressed that they wanted the June 17, 2023 visitation to be canceled on this basis. When Plaintiff further inquired, Smith provided photographic evidence and observation notes from a psychologist who had evidently treated the child in 2022. Plaintiff, then, agreed to provide the document preparation service for the DVPO, but explained to Smith and Johnson that the DVPO, even if the *ex parte* temporary order was entered, would not have any legal effect on the TPA until the Defendant father was given opportunity to be heard in opposition. Smith and Johnson responded that they understood.
- 18. On June 18, 2023, notably on a Sunday, outside of Plaintiff's business hours, about which Plaintiff had previously reset professional expectations with Smith on, at least, two occasions prior to this occurrence, texted Plaintiff, "I was trying to call and ask you

something." The text was received by Plaintiff's cellular phone device, notably an iPhone 14 Pro Max, at 2am. When Plaintiff questioned Smith about the inappropriate hour of her text, she contended that she sent the text at a decent hour, notably from a Samsung cellular phone device at her assertion, but couldn't explain why she didn't observe the business hours regarding having texted Plaintiff on a Sunday.

19. Plaintiff intentionally did not respond until Monday, June 19, 2023, during business hours, having to explain again that,

"Good morning. Hours are there from Google Business and otherwise listed on all of TEG social media accounts. 2am is not ever an appropriate time and I'm certain you're fully aware of that. Juneteenth is a federal holiday now which my company has always recognized and thus TEG is not open today. Feel free to send your questions by email if you want on today and I'll answer them on tomorrow. Regarding meeting for tomorrow to complete your discovery answers, which again is scheduled for 2 hours, feel free to propose a timeframe. I propose 2-4p. Also, as I previously mentioned, it is important that you stick to the hours projected so that you do not incur additional charges. If the discovery goes beyond 2 hours you are billed immediately for each projected additional hour in advance before services can be rendered. Again, this is to stick closely to time projections, the scope of our business relationship Happy Juneteenth"

20. During the week ending June 25, 2023, Plaintiff and Smith, and Johnson often joining by way of phone call, met to complete document preparation for several documents,

including response to discovery requests and DVPO, the latter of which was filed on June 23, 2023.

- 21. On June 23, 2023 during the 1:30pm court session, Plaintiff accompanied Smith at her request to be heard on her complaint and request for DVPO, which was granted, albeit in the form of an *ex parte* temporary order and the hearing on the permanent order was set for July 7, 2023.
- 22. When exiting the courthouse, Smith seemed visibly discontented, which prompted Plaintiff to further inquire. Smith responded that she was unhappy because she would be out of town with child at dance competition on the date scheduled for hearing on the permanent order. Plaintiff explained that she could request a continuance. Smith, then, stated that "she wanted this to be over" and again repeated commentary that Plaintiff had warned her against, exclaiming that she "wanted him [the father] to just give up his parental rights." It was at this moment that Plaintiff first contemplated that Smith nor Johnson were not a good fit for membership.
- 23. On June 26, 2023, after and during a chain of emails between Plaintiff and Smith and Johnson (see attached), Plaintiff responded (appearing in green) to Smith's and Johnson's inquiries and statements (appearing in red),

I understand the need to try to save time but we want to make sure we aren't being looked at as a joke during this process as well as be able to make a substantial claim that's gonna get him out of our hair.

This is an unrealistic goal. If this is your goal, no one can assist nor represent nor coach you, because Desmond will be allowed to have visitation with his child, even if it is supervised if the court order a permanent restraining order just as your previous attorneys have iterated and reiterated.

Thank you for clarifying your intent and goal. I do want to continue to offer membership and services to you, but if your goal is opposite to what the law allows and, furthermore, unrealistic, then I cannot assist you. To continue your membership and services, a letter of affirmation is now required from both you and Shemeka, notarized, that states in your own words that you fully understand that there is no law that:

1. will altogether strip Desmond Sabb of his parental rights without proper court procedures;

 will not likely ever strip Desmond Sabb's parental rights if he demonstrates that he is complying with the DVPO and has undergone some form of class that shows the court that he is willing and has changed to be a better parent;
 will stop any and all co-parenting (even if minimal communication is ordered) unless Desmond acts upon his threats or escalates his threats and the court is satisfied that he continues to pose an imminent and repeated threat to Shemeka and London.

Also, as policy states, there are no refunds for services underway or completed.

When you have prepared that letter of affirmation and had it notarized, please send me a copy and then we can continue with your membership and services. I will, of course, require the original notarized copy when we meet again should you wish to continue with your membership and services.

I'll await your next email.

Tigress McDaniel, JD, PhD ABD, MS Chief Lawyer and Instructor for TEG

24. From June 26, 2023 to June 29, 2023, Smith and Johnson engaged increasingly evasive, passive aggressive and even combative conduct attempting to invalidate Plaintiff's request for the affirmation letter, and ultimately on June 29, 2023, after repeated disrespectful comments made by Smith attempting to insult Plaintiff and question her motivation, which was exceedingly straightforward and legally and ethically proper, Plaintiff informed Smith and Johnson that their membership was permanently terminated due to repeated violations of the membership, including but not limited bad faith conduct, lying to legal instructor/coach, and disrespectful and abusive language toward another member or instructor/coach.

- 25. Plaintiff had in possession 3 binders related to Smith's case, one of which was a white three-ringed binder she created for the client/member relationship, marked as "87." Smith had given two binders, black and three-ringed, to Plaintiff that she had, by her own purporting, repossessed from her previous attorney, that included evidence for the case. The black binders did not include the child's birth certificate nor social security card displaying the child's social security number.
- 26. On June 29, 2023, by phone verbally and email in writing, Plaintiff advised Smith and Johnson that they were no longer welcome at Plaintiff's residential property building, where she had regularly met with Smith and Johnson in the spaces designated by the property for co-work purposes, and that she would meet them at the Mecklenburg County courthouse to return the black binders only. Plaintiff had explained to Smith and Johnson on several occasions that the white binder constituted a lawyer's work product, and thus would remain in Plaintiff's possession. Plaintiff asked Smith and Johnson to confirm a meeting time, but Smith became belligerent, and refused to confirm a date and time to meet. Plaintiff explained that she had time sensitive pleadings to prepare on that day, and would await Smith's and Johnson's response to her email, attempting once again to schedule a meeting to deliver the black binders only.
- 27. On June 29, 2023, at approximately 6pm, as Plaintiff was returning from walking to a local convenience store with her minor child, Smith sprang up from behind one of the large planters in front of Plaintiff's residential property building, exclaiming "Tigress," then aggressively walking toward Plaintiff and her son making unintelligible comments, and disturbingly staring angrily at Plaintiff's son, at which time Plaintiff directed son to

retreat inside to their home and Plaintiff warned Smith that she was calling the police, which she did do, and the police did respond approximately 30 minutes later.

- 28. At Plaintiff's petition, the property manager for her residence, while in the presence of the police officers, gave Smith notice that she was banned from the property.
- 29. Police, beyond their scope of authority, attempted to mediate a meeting date to return the black binders, at which time Plaintiff reset expectations that the binders would be returned at the Mecklenburg County courthouse due to documents discovered that evidenced Smith's bad faith conduct and malicious prosecution of the father of her child for purported domestic violence and other behavior that she contended rose to the level of actionable stripping of the father's parental rights. Plaintiff again reiterated that she could and would meet Smith on Friday, June 30, 2023 at the courthouse at 10am after the family case clerk was notified, and Smith reluctantly agreed. The police ultimately left the scene, after providing Plaintiff with a report number at her request.
- 30. On June 30, 2023, Plaintiff, as committed, did, in fact, deliver the two black binders to Smith at the Mecklenburg County courthouse in the family case clerk's office, and Smith did, in fact, receive the two black binders, immediately after which time, Plaintiff did exit the courthouse and did not have any further contact with Smith nor Johnson.
- 31. On June 30, 2023, at approximately 4pm, Plaintiff received a notification on Facebook, notably from her political public figure page, <u>www.facebook.com/seetigressrun</u>. When she opened the notification, she discovered that she had been tagged in a defamatory post publicly published by Brittany, which also tagged Smith and Johnson, having the effect of being reposted on both Smith's and Johnson's respective Facebook pages, and again publicly so (see attached). Through the post, Brittany, Smith and Johnson accused

Plaintiff of (1) stealing property from Smith, (2) being a fake lawyer, (3) citing a notably wrongful felony conviction that Plaintiff suffered resulting from identity theft she experienced in 2006 from which she received a new social security number and federal protections, and which notably is under the process of being overturned through Plaintiff's relief measures, as substantiation for her false accusations, and (4) knowingly misrepresenting the nature of Plaintiff's lawful name change, about which Brittany, Johnson and Smith are all sufficiently aware having witnessed Plaintiff's speech at her June 8, 2023 event concerning her path from purported felon to Juris Doctorate, as further substantiation for their false accusations.

- 32. Plaintiff was, at first, completely unclear about Brittany Johnson's identity, having no knowledge of her legal name prior to this post and later association with her June 8, 2023 event, and deducing that she may be a relative of Johnson. After a quick search on Brittany's Facebook account, she discovered that Brittany was, in fact, a poet that had attended and even performed at her June 8, 2023 event as well, at the direction of the event planner that Plaintiff solicited for that event. Plaintiff had no prior knowledge of Brittany.
- 33. Brittany, Smith and Johnson elicited the public at large to "cancel" Plaintiff on the basis of the false allegations they posted.
- 34. Brittany, Smith and Johnson sought to subject Plaintiff to public disdain, discreditation, victimization with reckless disregard for the accuracy of the information they published, and fully intended to produce specific injury to Plaintiff.
- 35. Plaintiff immediately sent a Cease and Desist Notice to Brittany, Smith and Johnson demanding that they delete the posts and cease and desist any additional defamatory

conduct. In response, Brittany and Smith directly responded in belligerent refusal, and their posts, unedited, remain to date. In fact, Brittany and Smith, still tagging Johnson in such posts, have made additional defamatory posts about Plaintiff (see attached).

- 36. On July 10, 2023, Plaintiff returned home to find a handwritten note left at her door by someone purporting to be a sheriff deputy with a message to return their call at the number provided.
- 37. On July 12, Plaintiff presented herself to the Mecklenburg County Sheriff's window to accept service of the document purported by the sheriff deputy, which was a complaint initiated by Smith against Plaintiff for "No Contact Order For Stalking or Nonconsensual Sexual Conduct," case 23CVD10471. The temporary *ex parte* order had been denied, and the hearing on the permanent order scheduled for July 31, 2023. Having no probable cause, Smith initiated this complaint in malicious retaliation against Plaintiff, motivated by apparent anger about Plaintiff's discovery of Smith's deceit and Plaintiff's subsequent termination of her membership.
- 38. In Smith's complaint, she falsely alleges that Plaintiff stole her property, and further, will harm her, her child and her girlfriend (see attached). Smith also alleges that,

"I am afraid that if the ex parte order is not entered Tigress McDaniel aka Tosha McDougal will seek to terrorize me due to her past involvement with crime and being convicted of a felony class identity theft. She has also created different aliases so I am afraid she will continue to do so in order to inflict harm on others including myself. I want her to stay away from me, my daughter, and my girlfriend." "Defendant [now Plaintiff] has prior criminal behavior from which I just learned. She has gone to prison for identity theft and [unintelligible] others and I am afraid of what she could do to me and my loved ones."

"She is a criminal and a fraud."

- 39. Plaintiff reiterates and reasserts that Brittany, Smith and Johnson were all sufficiently informed that Plaintiff had a felony conviction for identity theft, albeit wrongful, prior to Smith's and Johnson's voluntary activation of paid membership with Plaintiff's company. Brittany, Smith and Johnson learned of Plaintiff's felony conviction at the June 8, 2023 event, and all of them conversed with Plaintiff about her experience, and ironically expressed empathy for what she had experienced, having been wrongfully convicted. Accordingly, Smith's allegation that she "just learned of [Plaintiff's] conviction is another demonstration of her bad faith and malice."
- 40. Plaintiff also reiterates and reasserts that she was not ever in possession of any purported property of Smith's nor Johnson's except for the two black binders, which were returned intact.
- 41. Plaintiff further reiterates and reasserts that she not ever had any relationship with Brittany, albeit personal or professional.

### E. FIRST CAUSE OF ACTION (Defamation)

- 42. Plaintiff reasserts, realleges and reincorporates all herein stated in paragraphs 1 through41.
- 43. A complaint for defamation requires a showing of:
  - a. Defendant published the defamatory statement(s);
  - b. The statement(s) is/are about the Plaintiff;

- c. The statement harmed the reputation of the Plaintiff;
- d. The statement was published with some level of fault;
- e. And the statement was published without applicable privilege.
- 44. North Carolina has a broad definition of libel per se. This term refers to statements so egregious that they will always be considered defamatory and are assumed to harm the plaintiff's reputation, without further need to prove that harm. In North Carolina, a statement that does any of the following things amounts to libel per se:
  - charges that a person has committed an infamous crime;
  - charges a person with having an infectious disease:
  - tends to impeach a person in that person's trade or profession; or
  - otherwise tends to subject one to ridicule, contempt, or disgrace.

In North Carolina, a private figure plaintiff bringing a defamation lawsuit must prove that the defendant was at least negligent with respect to the truth or falsity of the allegedly defamatory statements. Public officials, all-purpose public figures, and limitedpurpose public figures must prove that the defendant acted with actual malice, i.e., knowing that the statements were false or recklessly disregarding their falsity.

- 45. The evidence clearly shows that Brittany, Smith and Johnson published the libelous statements, and have not deleted the posts which remain to date;
- 46. and such libelous statements were about Plaintiff;
- 47. and that such libelous statements have harmed the reputation of Plaintiff;
- 48. and that Brittany, Smith and Johnson acted negligently and recklessly in publishing libelous statements about Plaintiff;

- 49. and regarding Plaintiff's status as a public figure, that Brittany, Smith and Johnson did factually act with knowing malice with the intent to produce specific injury to Plaintiff and expose her to public disdain and diminution of her professional reputation as both a local politician and lawyer;
- 50. Brittany, Smith and Johnson also cited and re-published libelous articles published by The Charlotte Observer which are presently subject matter for Plaintiff's pending complaint against The Charlotte Observer for libel, and moreover, Brittany, Smith and Johnson have reasonable knowledge that those articles are factually libelous, and thus their re-publishing of the articles demonstrates their specific intent to subject Plaintiff to public disdain, ridicule, discreditation, victimization, and produce specific injury to Plaintiff without any regard toward determining the truth and accuracy of such publication. In fact, Smith cites the libelous statement that Plaintiff "filed 167 frivolous filings" in her complaint for "No Contact Order For Stalking or Nonconsensual Sexual Conduct," case 23CVD10471, to defraud the court to believe that her complaint is well substantiated. Smith used the knowingly libelous article in her defamatory Facebook posts, because she knew it would also help to convince her social viewers and readers that her defamatory statements were more likely true.
- 51. Brittany's, Smith's and Johnson's conduct, albeit Johnson's reposting of the defamatory posts, constitutes actionable prima facie defamation per se having all elements directly and entirely met.

#### SPACE LEFT INTENTIONALLY BLANK

# F. SECOND CAUSE OF ACTION (Malicious Prosecution)

52. Defendant reasserts, realleges and reincorporates all herein stated in paragraphs 1 through

51.

53. A cause of action for malicious prosecution requires a showing of

- a. initiated or participated in the proceeding upon a complaint,
- b. did so maliciously
- c. without probable cause,
- d. and the proceeding ended in favor of the Plaintiff.
- 54. Returning to the facts in paragraph 34 through 35,
  - a. Smith initiated a complaint for "No-Contact Order For Stalking or Nonconsensual Sexual Conduct" against Plaintiff;
  - b. Smith did so maliciously;
  - c. And without reasonable grounds;
  - d. And the court entered an order on July 3, 2023 denying her request for an *ex parte* Temporary No-Contact Order finding that "Plaintiff fails to state more than one occasion of unlawful conduct by defendant towards plaintiff."
- 55. Smith's conduct constitutes actionable *prima facie* malicious prosecution, having all elements directly and entirely met.

#### **G. DAMAGES**

56. Plaintiff has suffered loss of reputation, loss wages, and actual damages to investigate and remove defamatory content from social media as the direct and proximate result of

#### CERTIFCATE OF SERVICE

I hereby certify that, on this 14th day of July, 2023, in full accordance with Rule 4 et sequel of the NC Rules of Civil procedure regarding service, a copy of the COMPLAINT and SUMMONS have been delivered upon the Defendants in this action by placing date stamped copies in the custody of the USPS for delivery upon Defendants by certified mail, and via electronic service through the NC eFile system at Defendants' email addresses, as follows:

- Shameka Smith and Krysta Johnson 4215 Sugarstone Lane, Apt 233 Charlotte, NC 28269 Shemekam.smith@gmail.com k.johnson0721@yahoo.com
- Brittany Johnson
  Due to no known address, Plaintiff may elect to serve via public notice if she cannot identify a deliverable address.

Date: July 14, 2023

Tigress McDaniel, JD Plaintiff 1235 East Blvd Suite E 793 Charlotte, NC 28203

FI	LED	
DATE	E:August 30, 2023	
TIME:9:25:11 AM		
WAK	E COUNTY	
CLEF	RK OF SUPERIOR COURT	
STATE OF NORTH CAROLINA BY: L	H FILE NO. 23CV018328-910	
WAKE COUNTY	In The General Court of Justice	
	District Court Division	
Tigress Sydney Acute McDaniel, JD	}	
Plaintiff		
VERSUS	} [PROPOSED] ORDER FOR	
	ENTRY OF DEFAULT REGARDING	
Shameka Smith, Krysta Johnson,	DEFENDANT SHAMEKA SMITH	
and Brittany Johnson and Does.		

WHEREBY Plaintiff, regarding Defendant Smith, having most markedly shown prima facie evidence for defamation per se and malicious prosecution, and having further satisfied the requirements set forth under Rule 55 of the North Carolina Rules of Civil Procedure for entry of default, it is therefore ordered that Plaintiff's Motion for Entry of Default, regarding Defendant Smith is GRANTED.

Assistant Clerk

Date: 8/30/2023

RECEIVED

JUN 2 1 2024 VUB PETER A. MOORE, JR., CLERK US DISTRICT COURT, EDNC

#### UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA Civil Action No. 5:24-cv-00321-D

} }

The North Carolina State Bar	
Plaintiff	
VERSUS	
Tigress Sydney Acute McDaniel, Defendant(s)	JD

#### JD'S ANSWER AND COUNTERCLAIMS TO NC BAR'S COMPLAINT [JURY TRIAL DEMANDED]

NOW COMES Tigress Sydney Acute McDaniel, *Juris Doctor*, Counterclaim Defendant (hereinafter "JD"), having received service of Summons and Complaint initiated by the North Carolina State Bar (hereinafter "NC Bar" as opposed to its self-asserted abbreviation "State Bar" to distinguish from other State Bar in the United States of America [hereinafter "USA"] which JD asserts was done in bad faith to fabricate additionally defamatory case records regarding JD's litigative history), and having subsequently justly removed the complaint from which this matter stems to this federal tribunal due to the presence of a federal question, to hereby ANSWER the complaint of the NC Bar, originally frivolously and maliciously filed in the state tribunal, in Wake County, on May 22, 2024, and asserts AFFIRMATIVE AND ABSOLUTE DEFENSES and COUNTERCLAIMS as follows:

#### ANSWER TO NC BAR'S COMPLAINT

#### GENERAL DENIAL

Unless expressly admitted below, JD denies each and every allegation NC Bar has set forth in its complaint. The entirety of the NC Bar's complaint is unlawfully retaliatory, motivated by political bullying, unsubstantiated in law, padded with knowing lies, and thus maliciously and frivolously motivated.

# FILED

#### UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA Civil Action No. 5:24-cv-00321-D

} } JUN 2 1 2024 PETER A. MOORE, JR., CLERK US DISTRUCT COURT, EDNC BY ______DEP CLK

The North Carolina State Bar Plaintiff

VERSUS

#### JD'S AFFIDAVIT AS TO PAYMENTS FOR TEG MEMBER BENEFITS AND SERVICES BY SMITH AND KJ (EXHIBIT C)

Tigress Sydney Acute McDaniel, JD Defendant(s)

NOW COMES Tigress Sydney Acute McDaniel, Juris Doctor, Counterclaim Defendant (hereinafter "JD"), having been duly sworn, attests, affirms and so says regarding the payments

made for TEG member benefits and services by Smith and KJ:

- 1. TEG private membership requires a monthly fee of \$50, which both Smith and KJ paid for their individual membership for the month of June 2023;
- 2. KJ paid for the majority of Smith's member benefits and services;
- 3. KJ not ever exercised TEG member benefits and services for her own benefit;
- 4. The total amount paid by KJ and Smith was \$825.00;
- 5. Neither KJ nor Smith paid any fees or any payments for member benefits and services after the month of June 2023 in that I discovered Smith's fraud upon the court in forging documents and falsifying testimony regarding the DVPO against Sabb and permanently terminated their membership;
- 6. TEG private membership entails benefits and services, amongst which are typing services that were admittedly initially coded as "legal document preparation" based upon the POS system features, but both KJ and Smith fully apprehended that TEG nor JD was a licensed

lawyer nor could she provide legal advice or legal document preparation in accordance with statutory definitions for the same;

- JD reviewed the membership agreement with both KJ and Smith before executing the agreement;
- 8. I did change the coding for the item in the POS system to "typing services" because I do NOT prepare documents on members' behalf and instead a member can dictate a pleading to me and, in turn, I type the pleading while the member remains present with me while typing. I type what the member dictates. The legal analysis is the responsibility of the member. The type of pleading to file is decided by the member and dictated to me. I do NOT give legal advice.
- 9. TEG provides only vocational legal education, and advocacy limited under associational/organizational and/or representational standing;
- 10. To date, TEG has not had to exercise associational/organizational nor representational standing on any member's behalf;
- 11. I do NOT file anything with the courts for members;
- 12. Members are wholly responsible for deciding what to file with the courts;
- 13. Members are wholly responsible for filing their pleadings with the courts;
- 14. TEG is a private membership-based organization, and member benefits and services

thereunder are limited to that allowed by law for private membership-based organizations;

Submitted this 17th day of June 2024.

Tigress Sydney Acute McDaniel, JD, PhD ABD, MS Econ Plaintiff, pro se 1235 East Blvd Ste E 793 Charlotte NC 28203

#### STATE OF NORTH CAROLINA MECKLENBURG COUNTY

#### VERIFICATION

PERSONALLY APPEARED before me, TIGRESS SYL	DNEY ACUTE MCDANIEL, who being duly sworn,
deposes and says: That he/she has read the foregoing A	ffidavit and that all matters and things contained
therein are true of his/her knowledge, saving and except	ting those matters which are based upon
information and belief, and as to those matters, he/she v	Affiant's pignature
SWORN TO AND SUBSCRIBED before me	
This the <u>18</u> th day of <u>JUNE</u> , 20 <u>24</u> . <u>MONA MALIPHONE</u> Notary Public My Commission Expires: <u>03/27/2029</u>	Mona Maliphone NOTARY PUBLIC Mecklenburg County, NC

CERTIFICATE OF SERVICE

Plaintiff hereby certifies that sufficient copies of the foregoing have been (1) placed in the

custody of the United States District Court on this 17th day of June 2024 to be electronically .

delivered upon the Defendants through the CM/ECF system at the email addresses on record

enumerated below, respectively, (2) emailed directly to Plaintiff's counsel of record as follows,

and (3) placed in the custody of the USPS for delivery by regular mail, as well:

1. The North Carolina State Bar

B. Tessa Hale 217 East Edenton Street Raleigh, NC 27601 Itmail: thale@ncbar.gov

Tigress Sydney Acute McDaniel, JD, PhD ABD, MS Econ Plaintiff, pro se 1235 East Blvd Ste E 793 Charlotte NC 28203