

JAN 25 2001

STATE OF NORTH CAROLINA

COUNTY OF GUILFORD

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
NO 99-CVS-12425

DOMINICK DeJOY, JR.,

Plaintiff,

v.

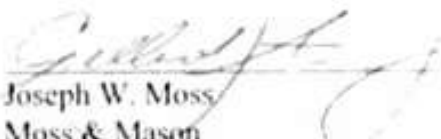
LOUIS DeJOY and MICHAEL DeJOY,

Defendants.

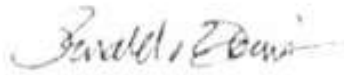
**STIPULATION OF DISMISSAL
WITH PREJUDICE**

Pursuant to Rule 41(a) of the North Carolina Rules of Civil Procedure, the parties to the above-styled action, through the undersigned counsel, hereby stipulate and agree that all claims asserted, or which could have been asserted, in this action are dismissed with prejudice because of settlement. Each party shall bear its own costs, attorney's fees and expenses of litigation.

This the 25th day of January, 2001.


Joseph W. Moss
Moss & Mason
1650 First Union Tower
300 North Greene Street
Greensboro, North Carolina 27401

Gilbert J. Andia, Jr.
Rhodes & Mason, PLLC
1600 First Union Tower
300 North Greene Street
Greensboro, North Carolina 27401
Attorneys for Dominick DeJoy, Jr.


Ronald R. Davis
Womble Carlyle Sandridge & Rice, PLLC
Post Office Drawer 84
Winston-Salem, North Carolina 27102
Attorney for Louis DeJoy and Michael DeJoy

CO-10A

CERTIFICATE OF SERVICE

I, Richard S. Gottlieb, hereby certify that on this date I served the foregoing **STIPULATION OF DISMISSAL WITH PREJUDICE** upon counsel of record by facsimile and by depositing a copy thereof in the United States mail, postage prepaid and addressed as follows:

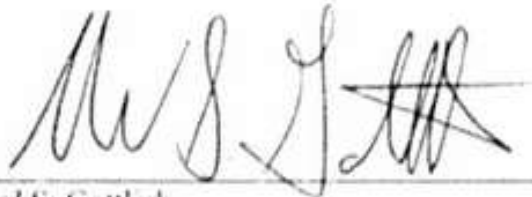
Joseph W. Moss, Esq.
Rhodes & Mason, PLLC
1600 First Union Tower
300 North Greene Street
Greensboro, North Carolina 27401

Attorney for Defendant Dominick DeJoy, Jr.

Ronald R. Davis, Esq.
Womble Carlyle Sandridge & Rice
Post Office Drawer 84
Winston-Salem, North Carolina 27102

Attorney Louis DeJoy and Michael DeJoy

This the 25th day of January, 2001.



Richard S. Gottlieb

KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, North Carolina 27101
Telephone: (336) 607-7300

34769-197153
WINLH01 867999 1

STATE OF NORTH CAROLINA

GUILFORD County

File No
99-CVS-12425

Film No

FILED

2001 JUN 25 PM

In The General Court Of Justice
 District Superior Court Division

GUILFORD COUNTY C.S.C.

COURT ACTION COVER SHEET

Rule 5(b), Rules of Practice For Superior and District Courts

Name Of Plaintiff
DOMINICK DEJOY, JR.

VERSUS

Name Of Defendant Name of Third-Party Defendants
LOUIS DEJOY and MICHAEL DEJOY

Does this Court Action complete this litigation? Yes No

		CLAIM OR MOTION ACTED ON		COURT ACTION	
Type of Claim or Motion <small>(For each claim or motion acted on, enter code for Type of Claim or Motion from list on reverse side, if OTHR, describe)</small>	Date Filed	By (Identify Party)	Against (Identify Party)	Action <small>(Enter code for Type of Court Action from list on reverse)</small>	Date
OTHR -		<input checked="" type="checkbox"/> All Parties	<input type="checkbox"/>	GW	01/22/01
Stipulation of		<input type="checkbox"/>	<input type="checkbox"/>		
Dismissal		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
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		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		

Date Of Motion: 01/25/01 Signature Of Attorney/Party: *Richard S. Cottler / JSP*

NOTE: papers filed in civil actions, special proceedings and estates shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts. The Clerk of Superior Court shall require a party to refile any paper which does not include the required cover sheet.

Types of Claims For Relief
(Superior Court and District Court)

Adoption (ADOP)
 Administrative Appeal (ADMA)
 Affidavit for Cost of Pairs Property (AFCD)
 Alimony (ALIM)
 Annuity (ANUL)
 Appointing Guardian Ad Litem (AGAL)
 Appointment of Receiver (APRC)
 Attachment/Garnishment (ATTG)
 Attorney Fees (ATTY)
 Boundary Settlement (BNDR)
 Carway (CARW)
 Caveat (CAVT)
 Child Support (CSUP)
 Claim And Delivery (CLMD)
 Collection On Account (ACCT)
 Condemnation (CNDM)
 Contract (CNTR)
 Court Costs (COST)
 Custody (CUST)
 Decedent Estate Sell Personal Property (SELP)
 Divorce (DIVR)
 Divorce From Bed And Board (DIVB)
 Domestic Violence (DOVE)
 Drainage District - Establishment (DRDS)
 Drainage - Individual/Corporation (DRMG)
 Equitable Distribution (EQUD)
 Ex Parte Restraining Order (EXPR)
 Foreclosure (FORE)
 Fund Invest Minors, Incompetent (FVST)
 Guardianship of Estate - Minor (GUEM)
 Guardianship of Person (GUPE)
 Incompetency (INCM)
 Injunction (INJU)
 Intentional Torts (TORT)
 Intervenors (INTR)
 Land Registration Torrens Act (TORR)
 Legislation (LGMT)
 Letters of Administration (LOAD)
 Limited Driving Privilege (FLDP)
 Lis Pendens (LIPS)
 Lock Box Inventory (LOCK)
 Medical Coverage (MEDC)
 Medical Malpractice (MDML)
 Minor Estate - Disburse Funds (DFND)
 Minor/Incompetent Estate Self-Release/Mortgage (MIES)
 Minor Settlement (MISTL)
 Money Owed (MNYO)
 Motor Vehicle Lien G.S. 44A (MVLN)
 Motor Vehicle Negligence (MNVG)
 Negligence - Other (NEGO)
 Partition (PART)
 Partition (PART)
 Paternity (PATR)
 Paction - Limited Driving Privilege (Out-of-State Convictions) (PLDP)
 Paction to Sell (PESE)
 Possession Of Personal Property (POPP)
 Possession (POSS)
 Post Separation Support (PSSU)
 Power of Attorney (POAT)
 Proceeding Exam To Discover Assets (PEDA)
 Preliminary Injunction (PREL)
 Probate - Letters Testamentary, Admin CTA (PROB)
 Product Liability (PROD)
 Protective Services - Adult (PRSE)
 Real Property/Tide (RLPR)
 Reimburse Past Public Assistance (RPPA)
 Removal/Substitution Of Trustee (RSOT)
 Renunciation Of Intrust - No Estate (RNUN)
 Renunciation Of Testamentary Trustee (RNNT)
 Resignation Of Trustee (RSNT)
 Resumption Of Former Name (RESU)
 Specific Performance (SPPR)
 Standby General Guardianship - Minor (SGUO)
 Standby Guardianship Of Person - Minor (SGUP)
 Sterilization (STRL)
 Summary Administration (SUMA)
 Surviving Spouse/Childs Allowance (SSCA)
 To Determine Heirs (TDHE)
 Transfer (TRFR)
 Trust - Cemetery (TCEM)
 Trust (TRST)
 Trust UMS Qual Reg, No Accounts (QRMA)
 Trust - UMS Qual And Not Required (TRUM)
 Unfair Trade Practice (UNTP)
 Valuation (VIST)
 Will for Recordkeeping - Not Proved (WMP)
 Will for Recordkeeping - Proved (WLPF)
 Wrongful Death (WRDE)
 Years Allowance (YEAL)
 Types Of Court Action
 (Claims and Motions)
 Granted In Whole Or Part (GW)
 Denied By The Court (DN)
 Voluntary Dismissal (VD)
 Involuntary Dismissal (ID)

Types Of Motions
(Superior Court and District Court)

Add Additional Party (ADDP)
 Amend (AMND)
 Appointing Guardian Ad Litem (AGAL)
 Attorney Fees (ATTY)
 Change Of Venue (CHVN)
 Claim/Designate Exempt Property (CDEX)
 Compel (CMPL)
 Consolidation (CNSL)
 Contempt (CNTP)
 Continue (CNTN)
 Default Judgment (DEFJ)
 Deposition (DEPO)
 Disburse Funds (DFND)
 Discontinuance (DISC)
 Discovery Scheduling Order (DSCH)
 Dismiss (Involuntary) (DISM)
 Entry Of Default (EODF)
 Ex Parte Restraining (EXPR)
 Exempt From Arbitration (EXAR)
 Exempt/Waive Mediation (EXMD)
 Extension Of Time (EXTM)
 Increase Bond (INBN)
 In The Cause (ITIC)
 In Litem (ILIM)
 Intervene (INTR)
 Join (JOIN)
 Judgment On Pleading (JOPL)
 Jury View (JRVV)
 Limit Deposition (LDEP)
 Modification Of A Motion (MALL)
 Modification Of Custody (MOCUS)
 Modification Of Support (MASUP)
 Modification Of Visitation (MVIS)
 More Definite Statement (Rule 12) (MDST)
 New Trial (NTRL)
 Objection Of Exclusions Claimed (OEXC)
 Other (OTHER) (Decision on front)
 Preliminary Injunction (PREL)
 Pretrial Order (PTRYO)
 Qualified Domestic Relations Order (QDRO)
 Quash (QUASH)
 Release From Stay Of Execution (RSEY)
 Rule 12 Motion In Lieu Of Answer (MDLA)
 Sanctions (SANC)
 Selection Of Mediator By Agree (SMAP)
 Sever Issues Or Claims (SICL)
 Show Cause (SHCA)
 Special Practice in LC (ADMP)
 Stay Of Execution (STEX)
 Strike (STRK)
 Summary Judgment (SUMJ)
 Transfer (TRFR)
 Temporary Restraining Order (TROR)
 Vacate/Modify Judgment Or Order (VCOMD)
 Withdraw As Counsel (WDCN)

GUILFORD

County ED

In The General Court Of Justice

District Superior Court Division

Name Of Plaintiff 1

Dominick DeJoy, Jr.

Tax ID/SSN

Name Of Plaintiff 2

Tax ID/SSN

Name Of Plaintiff 3

Tax ID/SSN

VERSUS

Name Of Defendant 1

Louis DeJoy and Michael DeJoy

Tax ID/SSN

Summons Submitted
 Yes No

Name Of Defendant 2

Tax ID/SSN

Summons Submitted
 Yes No

Name Of Defendant 3

Tax ID/SSN

Summons Submitted
 Yes No

Jury Demanded in Pleading
 Complex Litigation

Name And Address Of Attorney, Or Party if Not Represented (complete for initial appearance or change of address)

Richard S. Gottlieb

Attorney Bar No

23131

Initial Appearance in Case Change of Address

Name Of Firm

Kilpatrick Stockton LLP

Tax ID No

Telephone No
336-607-7484

FAX No
336-607-7500

Counsel for

All Plaintiffs All Defendants Only (List party(ies) represented)

Amount in controversy does not exceed \$15,000
 Stipulate to arbitration

TYPE OF PLEADING

CLAIM FOR RELIEF FOR

- (check all that apply)
- Amended Answer/Reply (AMND-Response)
 - Amended Complaint (AMND)
 - Answer/Reply (ANSW-Response)
 - Complaint (COMP)
 - Confession of Judgment (CNFJ)
 - Counterclaim vs. (CTCL)
 - All Plaintiffs Only (List on back)
 - Crossclaim vs. (List on back) (CRSS)
 - Extend Statute of Limitations, Rule 9 (ESOL)
 - Extend Time for Answer (MEOT-Response)
 - Extend Time For Complaint (EXCO)
 - Rule 12 Motion In Lieu Of Answer (MDLA)
 - Third Party Complaint (List Third Party Defendants On Back) (TPCL)
 - Other (specify)
Consent Order

- Administrative Appeal (ADMA)
- Appointment of Receiver (APRC)
- Attachment/Garnishment (ATTC)
- Claim and Delivery (CLMD)
- Collection on Account (ACCT)
- Condemnation (CNDM)
- Contract (CNTR)
- Discovery Scheduling Order (DSCH)
- Injunction (INJU)
- Medical Malpractice (MDML)
- Minor Settlement (MSTL)
- Money Owed (MNYO)
- Negligence - Motor Vehicle (MVNG)
- Motor Vehicle Lien G S 44A (MVLN)
- Limited Driving Privilege - Out-of-State Convictions (PLDP)
- Possession of Personal Property (POPP)
- Product Liability (PROD)
- Real Property (RLPR)
- Specific Performance (SPPR)
- Other (specify)

NOTE: Small claims are exempt from cover sheets.

Date
01/25/01

Signature Of Attorney/Party

Richard S. Gottlieb

NOTE: All papers filed in civil actions, special proceedings and estates shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts. The Clerk of Superior Court shall require a party to re-file any paper which does not include the required cover sheet.

STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

DOMINICK DEJOY, JR.,

Plaintiff,

99-CVS-12425

v.

LOUIS DEJOY and MICHAEL DEJOY,

Defendants.

NEW BREED, INC.,

Plaintiff,

v.

DOMINICK DEJOY, JR.,

Defendant.

00-CVS-3751

v.

LOUIS DEJOY, MICHAEL DEJOY
and NEW BREED TRANSFER CORP.,

Third-Party Defendants

CONSENT ORDER

THIS MATTER coming on to be heard and being heard pursuant to N.C. Gen. Stat. § 55-7-45 by consent of all parties.

AND IT APPEARING to the Court that the above-captioned matters involve, among other claims, derivative claims brought by Dominick DeJoy, Jr. on behalf of Defendant New Breed, Inc.;

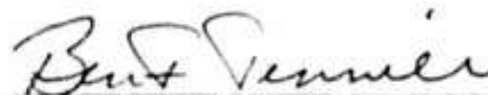
AND, IT FURTHER APPEARING that the parties have reached a confidential settlement and wish to dismiss all claims, counterclaims and third-party claims, including all derivative claims, raised in these matters:

AND IT FURTHER APPEARING that all of the parties have been represented throughout the pendency of these matters by counsel and that the parties have reviewed the terms of the confidential settlement agreement and release and have agreed to be bound by the terms thereof; and

AND IT FURTHER APPEARING that all shareholders of New Breed, Inc. and New Breed Transfer Corp. are parties to the confidential settlement agreement and release, and all shareholders have received notice of, and have knowingly and voluntarily agreed to the settlement.

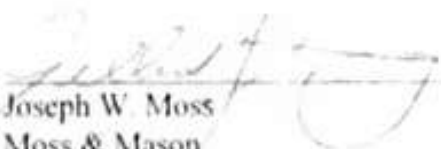
NOW, THEREFORE, upon the consent of the parties, it is hereby ORDERED that the derivative claims asserted in connection with the above-captioned matters may be dismissed and hereby are dismissed with prejudice.

This the 22nd day of January, 2001

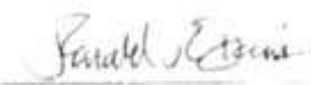



Honorable Ben F. Fennille
*Special Superior Court Judge for
Complex Business Cases*

CONSENTED TO:


Joseph W. Moss
Moss & Mason
1650 First Union Tower
300 North Greene Street
Greensboro, North Carolina 27401

Gilbert J. Andia, Jr.
Rhodes & Mason, PLLC
1600 First Union Tower
300 North Greene Street
Greensboro, North Carolina 27401
Attorneys for Dominick DeJoy, Jr.


Ronald R. Davis
Womble Carlyle Sandridge & Rice, PLLC
Post Office Drawer 84
Winston-Salem, North Carolina 27102
Attorney for Louis DeJoy and Michael DeJoy


Daniel R. Taylor, Jr.
Mark A. Stafford
Richard S. Gottlieb
Kilpatrick Stockton LLP
1001 West Fourth Street
Winston-Salem, North Carolina 27101-2400
*Attorneys for New Breed, Inc. and
New Breed Transfer Corp.*

CONSENTED TO:


DOMINICK DEJOY, JR.

SWORN TO and subscribed by me,
this the 17th day of January, 2001

B. S. Clontz
NOTARY PUBLIC
My Commission Expires:
12/04/04


MICHAEL DEJOY

SWORN TO and subscribed by me,
this the 19 day of January, 2001.

Harold A. Rice
NOTARY PUBLIC
My Commission Expires:

HAROLD A. RICE
Notary Public, State of New York
No. 30-4747391
Qualified in Nassau County
Commission Expires March 30, 2001


LOUIS DEJOY

SWORN TO and subscribed by me,
this the 18th day of January, 2001.

Hanka M. Cole
NOTARY PUBLIC
My Commission Expires:
10/23/03



NEW BREED TRANSFER CORP

By: [Signature]
LOUIS DEJOY, CEO

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

This 18th day of January, 2001, personally came before me, Marsha M Cole a Notary Public for said County and State, Louis DeJoy, who, being by me duly sworn, says that he is the Chief Executive Officer of **New Breed Transfer Corp.**, a corporation, and that the seal affixed to the foregoing instrument in writing is the corporate seal of said corporation, and that said writing was signed and sealed by him in behalf of said corporation by its authority duly given. And the said Chief Executive Officer acknowledged the said writing to be the act and deed of the corporation.

WITNESS my hand and official seal, this the 18th day of January, 2001.

(Official Seal)

Marsha M Cole
NOTARY PUBLIC
My Commission Expires 10/23/03

NEW BREED, INC

By: [Signature]
LOUIS DEJOY, CEO

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

This 18th day of January, 2001, personally came before me, Marsha M Cole a Notary Public for said County and State, Louis DeJoy, who, being by me duly sworn, says that he is the Chief Executive Officer of **NEW BREED, INC.**, a corporation, and that the seal affixed to the foregoing instrument in writing is the corporate seal of said corporation, and that said writing was signed and sealed by him in behalf of said corporation by its authority duly given. And the said Chief Executive Officer acknowledged the said writing to be the act and deed of the corporation.

WITNESS my hand and official seal, this the 18th day of January, 2001.

(Official Seal)

Marsha M Cole
NOTARY PUBLIC
My Commission Expires 10/23/03



STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

7:01 JUN 25 PM 3:55

DOMINICK DEJOY, JR.

COURTESY DEJOY USC

Plaintiff.

99-CVS-12425

v.

LOUIS DEJOY and MICHAEL DEJOY,

Defendants.

NEW BREED, INC.,

Plaintiff,

v.

DOMINICK DEJOY, JR.,

Defendant,

00-CVS-3751

v.

LOUIS DEJOY, MICHAEL DEJOY
and NEW BREED TRANSFER CORP.,

Third-Party Defendants.

CONSENT ORDER

THIS MATTER coming on to be heard and being heard pursuant to N.C. Gen Stat. § 55-7-45 by consent of all parties;

AND IT APPEARING to the Court that the above-captioned matters involve, among other claims, derivative claims brought by Dominick DeJoy, Jr on behalf of Defendant New Breed, Inc.;


AND, IT FURTHER APPEARING that the parties have reached a confidential settlement and wish to dismiss all claims, counterclaims and third-party claims, including all derivative claims, raised in these matters;

AND IT FURTHER APPEARING that all of the parties have been represented throughout the pendency of these matters by counsel and that the parties have reviewed the terms of the confidential settlement agreement and release and have agreed to be bound by the terms thereof; and

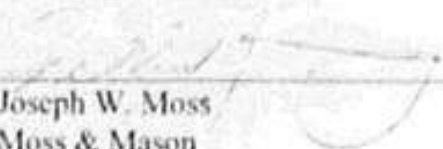
AND IT FURTHER APPEARING that all shareholders of New Breed, Inc and New Breed Transfer Corp. are parties to the confidential settlement agreement and release, and all shareholders have received notice of, and have knowingly and voluntarily agreed to the settlement.

NOW, THEREFORE, upon the consent of the parties, it is hereby ORDERED that the derivative claims asserted in connection with the above-captioned matters may be dismissed and hereby are dismissed with prejudice.


This the 22nd day of January, 2001

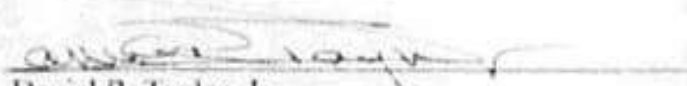

Honorable Ben F. Tennille
*Special Superior Court Judge for
Complex Business Cases*

CONSENTED TO:

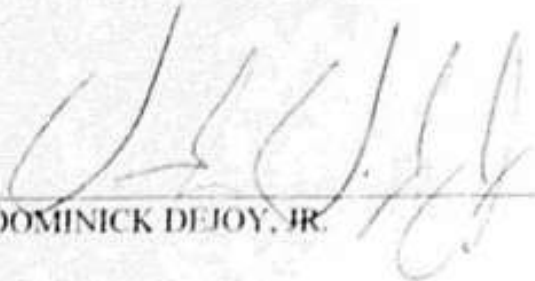

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Attorney for Louis DeJoy and Michael DeJoy

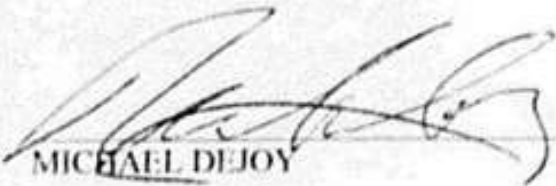

Daniel R. Taylor, Jr.
Mark A. Stafford
Richard S. Gottlieb
Kilpatrick Stockton LLP
1001 West Fourth Street
Winston-Salem, North Carolina 27101-2400
*Attorneys for New Breed, Inc. and
New Breed Transfer Corp.*

CONSENTED TO:

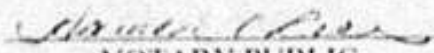

DOMINICK DEJOY, JR.

SWORN TO and subscribed by me,
this the 17th day of January, 2001.

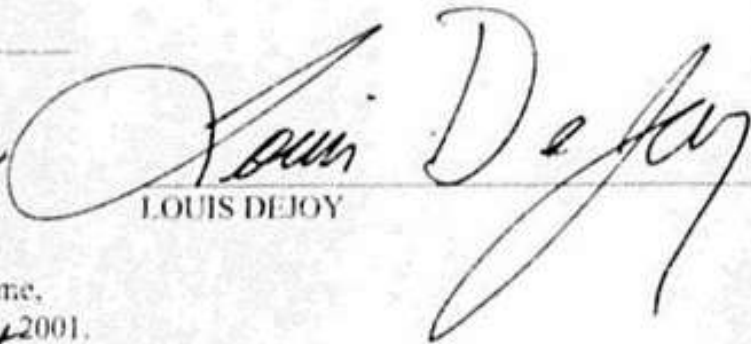

NOTARY PUBLIC
My Commission Expires:
12/04/04


MICHAEL DEJOY


SWORN TO and subscribed by me,
this the 19 day of January, 2001.


NOTARY PUBLIC
My Commission Expires:

HAROLD A. RICE
Notary Public, State of New York
No. 30-4747381
Qualified in Nassau County
Commission Expires March 30, 2001


LOUIS DEJOY

SWORN TO and subscribed by me,
this the 18th day of January, 2001.


NOTARY PUBLIC
My Commission Expires:
10/23/03

NEW BREED TRANSFER CORP.

By: *Louis DeJoy*
LOUIS DEJOY, CEO

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

This 18th day of January, 2001, personally came before me, *Marsha M. Cole* a Notary Public for said County and State, Louis DeJoy, who, being by me duly sworn, says that he is the Chief Executive Officer of **New Breed Transfer Corp.**, a corporation, and that the seal affixed to the foregoing instrument in writing is the corporate seal of said corporation, and that said writing was signed and sealed by him in behalf of said corporation by its authority duly given. And the said Chief Executive Officer acknowledged the said writing to be the act and deed of the corporation.

WITNESS my hand and official seal, this the 18th day of January, 2001.

(Official Seal)

Marsha M. Cole
NOTARY PUBLIC
My Commission Expires: 10/23/03

NEW BREED, INC.

By: *Louis DeJoy*
LOUIS DEJOY, CEO

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

This 18th day of January, 2001, personally came before me, *Marsha M. Cole* a Notary Public for said County and State, Louis DeJoy, who, being by me duly sworn, says that he is the Chief Executive Officer of **NEW BREED, INC.**, a corporation, and that the seal affixed to the foregoing instrument in writing is the corporate seal of said corporation, and that said writing was signed and sealed by him in behalf of said corporation by its authority duly given. And the said Chief Executive Officer acknowledged the said writing to be the act and deed of the corporation.

WITNESS my hand and official seal, this the 18th day of January, 2001.

(Official Seal)

Marsha M. Cole
NOTARY PUBLIC
My Commission Expires: 10/23/03

Locate

017 N1000

99 PJS 12425

STATE OF NORTH CAROLINA

Guilford County

County

FILED

In The General Court Of Justice
 District Superior Court Division

Name Of Plaintiff 1
Dominick DeJoy, Jr.
Tax ID/SSN

Name Of Plaintiff 2
Tax ID/SSN

Name Of Plaintiff 3
Tax ID/SSN

VERSUS

Name Of Defendant 1
Louis DeJoy & Michael DeJoy
Tax ID/SSN

Name Of Defendant 2
Tax ID/SSN

Name Of Defendant 3
Tax ID/SSN

3:45

GENERAL OCT 11 2000

CIVIL ACTION COVER SHEET

INITIAL FILING SUBSEQUENT FILING

Rule 5(b), Rules of Practice For Superior and District Courts

Name And Address Of Attorney Or Party, If Not Represented (complete for initial appearance or change of address)
**Joseph Moss
PO Box 9597
Greensboro NC 27429**

Attorney Bar No. **~~3149~~ 3149**

Initial Appearance in Case Change of Address

Name Of Firm
Moss & Mason

Tax ID No. Telephone No. FAX No.
370-1282 271-6638

Counsel for
 All Plaintiffs All Defendants Only (list parties) represented

- Jury Demanded In Pleading
 Complex Litigation
- Amount in controversy does not exceed \$15,000
 Stipulate to arbitration

TYPE OF PLEADING

CLAIMS FOR RELIEF FOR:

- (check all that apply)
- Amended Answer/Reply (AMND-Response)
 - Amended Complaint (AMND)
 - Answer/Reply (ANSW-Response)
 - Complaint (COMP)
 - Confession of Judgment (CNFJ)
 - Counterclaim vs. (CTCL)
 - All Plaintiffs Only (List on back)
 - Crossclaim vs. (List on back) (CRSS)
 - Extend Statute of Limitations, Rule 9 (ESOL)
 - Extend Time For Answer (MEOT-Response)
 - Extend Time For Complaint (EXCO)
 - Rule 12 Motion In Lieu Of Answer (MDLA)
 - Third Party Complaint (List Third Party Defendants on Back) (TPCL)
 - Other: (specify)

- Administrative Appeal (ADMA)
- Appointment of Receiver (APRC)
- Attachment/Garnishment (ATTC)
- Claim and Delivery (CLMD)
- Collection on Account (ACCT)
- Condemnation (CNDM)
- Contract (CNTR)
- Discovery Scheduling Order (DSCH)
- Injunction (INJU)
- Medical Malpractice (MDML)
- Minor Settlement (MSTL)
- Money Owed (MNYO)
- Negligence - Motor Vehicle (MVNG)
- Negligence - Other (NEGO)
- Motor Vehicle Lien G.S. 44A (MVLN)
- Limited Driving Privilege - Out-of-State Convictions (PLDP)
- Possession of Personal Property (POPP)
- Product Liability (PROD)
- Real Property (RLPR)
- Specific Performance (SPPR)
- Other: (specify)

notice of appearance

NOTE: Small claims are exempt from cover sheets.

Date **10 10 00**

Signature Of Attorney/Party
Joseph W. Moss / kmh

NOTE: All papers filed in civil actions, special proceedings and estates shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts. The Clerk of Superior Court shall require a party to refile any paper which does not include the required cover sheet.

Defendants) Agent Whom Courtroom Assisted

Plaintiff) Agent Whom Courtroom Assisted

No.	<input type="checkbox"/> Additional Defendant(s)	<input type="checkbox"/> Third Party Defendant(s)	Tax ID/SSN	Summons Submitted
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No

No.	<input type="checkbox"/> Additional Plaintiff(s)	Tax ID/SSN

77

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF GUILFORD

99 CVS 12425

DOMINICK DEJOY, JR.,

Plaintiff,

v.

LOUIS DEJOY and MICHAEL DEJOY,

Defendants.

FILED
OCT 10 PM 3:46
BY [Signature]


OCT 11 2000


[Signature]

NOTICE OF APPEARANCE

Joseph W. Moss and the firm of Moss & Mason, Attorneys at Law, and Gilbert J. Andia, Jr. and the firm of Rhodes & Mason, Attorneys at Law, give notice of their appearance in this action as counsel for Plaintiff Dominick Dejoy, Jr.

This the 10th day of October, 2000.


Joseph W. Moss
Attorney for Plaintiff


Gilbert J. Andia, Jr.
Attorney for Plaintiff

OF COUNSEL:

MOSS & MASON
300 North Greene Street, Suite 1650
Post Office Box 9597 (27429)
Greensboro, North Carolina 27401
Telephone: (336) 370-1282

OF COUNSEL:

RHODES & MASON
1600 First Union Tower
300 North Greene Street
Post Office Box 2974
Greensboro, North Carolina 27402
Telephone: (336) 273-4422

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **NOTICE OF APPEARANCE** was duly served upon counsel for all parties in accordance with the provisions of Rule 5 of the North Carolina Rules of Civil Procedure by depositing it in the United States Mail, first-class postage prepaid, addressed as follows:

Ronald R. Davis
WOMBLE CARLYLE SANDRIDGE & RICE
Post Office Drawer 84
Winston-Salem, North Carolina 27102
Attorney for Defendants

G. Russell Kornegay, III
Richard B. Fennell
Katherine Line T. Kelly
Ann L. Hester
JAMES, MCELROY & DIEHL, P.A.
600 South College Street
Charlotte, North Carolina 28202
Attorneys for Plaintiff

Daniel R. Taylor
Mark A. Stafford
KILPATRICK STOCKTON, LLP
1001 West Fourth Street
Winston-Salem, North Carolina 27101-2400
Attorneys for New Breed, Inc.

This the 10th day of October, 2000.



Joseph W. Moss

STATE OF NORTH CAROLINA

File No. 99 CVS 12425

Guilford County

In The General Court Of Justice
Superior Court Division

Name Of Plaintiff:
Dominick DeJoy, Jr. 2003 AUG -9 AM 10:48

ORDER FOR MEDIATED
SETTLEMENT CONFERENCE
AND
TRIAL CALENDAR NOTICE

Name Of Plaintiff's Attorney(s):
G. Russell Kornegay
600 South College Street
Charlotte, NC 28202

G.S. 7A-38.1; Rules Of Mediated Settlement Conference

AUG 9 9 51 AM '00

Time For Completion Of Mediated Settlement Conference

12-9-00

VERSUS

Name Of Defendant(s):
Louis DeJoy and Michael DeJoy

Name And Address Of Other Interested Party(ies) And Possible Lienholders

Name Of Defendant's Attorney(s):
Ronald R. Davis
P.O. Drawer 84
Winston-Salem, NC 27102

Name And Address Of Attorney(s), If Applicable

In accordance with the Rules Implementing Mediated Settlement Conferences, it is ORDERED that this case be referred to a mediated settlement conference, which shall be completed before the deadline shown above.

Within twenty-one (21) days after the date of this Order, the parties may, by agreement, select a certified mediator or nominate a non-certified mediator to conduct their mediated settlement conference. Within twenty-one (21) days after the date of this Order, the plaintiff or plaintiff's attorney shall notify the Court of the selection of a certified mediator or the nomination of a non-certified mediator, or the failure of the parties to agree on a mediator. Notice shall be on form AOC-CV-812.

A mediator selected by agreement of the parties shall be compensated at a rate agreed upon between the mediator and the parties. A court-appointed mediator shall be compensated at the rate of \$125 per hour for time spent in the mediated settlement conference, to be billed in quarter hour segments. In addition, a \$125 administrative fee shall be paid pursuant to Rule 7.B. The conference fee shall be paid as provided for in Rule 7.F.

All persons required by Rule 4.A(1) to attend the conference shall be physically present unless such physical presence is excused pursuant to the agreement of all parties and persons required to attend and the mediator or by an order of the Senior Resident Superior Court Judge, upon motion of a party and with notice to all parties and persons required to attend and the mediator.

The mediator shall schedule the date, time and location of the conference and timely notify all attorneys and unrepresented parties. The conference shall be completed by the deadline for completion set forth above and the mediator shall report the results on form AOC-CV-813 to the Court within ten (10) days after the conference is completed.

Date Of Order
8-9-00

Name Of Senior Resident Superior Court Judge (Type Or Print)
W. Douglas Albright

TENTATIVE CALENDARING NOTICE

[This section is optional, to be used at the discretion of the Senior Resident Superior Court Judge; however, mediated settlement shall not delay other proceedings, including trial (Rule 3E).]

Parties are notified of the following tentative calendaring schedule adopted by the Court. Final calendar notices will be provided through a published calendar, should settlement not be reached.

Tentative Date For Hearing Of Motions

Tentative Trial Date

AUG 21 2000 H

STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
99-CVS-12425

FILED

00 AUG 18 AM 9:14

DOMINICK DEJOY, JR.,

Plaintiff,

BY BB

LOUIS DEJOY and MICHAEL DEJOY,


Defendants.

**ORDER SETTING
SCHEDULING AND
SETTLEMENT CONFERENCE**

On August 8, 2000, the court conducted a telephonic hearing to determine convenient dates for the parties and counsel to attend a scheduling conference. Upon the agreement and request of the parties, the Court hereby sets a scheduling and settlement conference for August 18, 2000 at 10:00 o'clock a.m. in the courtroom. All counsel are instructed to appear, along with their respective clients or client representatives. All clients or client representatives shall have full settlement authority.

SO ORDERED.

This the 16th day of August, 2000.



The Hon. Ben Tennille,
Superior Court Judge for Complex Business Cases

CCTUA



FILED

00 AUG 18 AM 9:14

STATE OF NORTH CAROLINA

Ben F. Tennille
Special Superior Court Judge
For Complex Business Cases

NORTH CAROLINA BUSINESS COURT

200 S. Elm Street, Suite 200
Greensboro, N. C. 27401
Telephone (336) 334-5252
Facsimile (336) 334-5162

August 16, 2000

Mr. David Churchill
Clerk of Superior Court
Guilford County Courthouse
Post Office Box 3008
Greensboro, North Carolina 27402

Re: *Dominick DeJoy, Jr. v. Louis DeJoy and Michael DeJoy*
99 CVS 12425 (Guilford County)

Dear Mr. Churchill:

Enclosed please find an original and one copy of an order setting scheduling and settlement conference in the above-referenced case. Please file the original and return a filed copy to me in the attached self-addressed envelope.

Thank you for your assistance. Please contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Juliet E. Holmes".

Juliet E. Holmes
Judicial Assistant

cc: (via facsimile)
Richard B. Fennell, Esq.
Ronald R. Davis, Esq.
H. Grady Barnhill, Esq.

Gboro File # Assigned to HT

STATE OF NORTH CAROLINA

File No
99-CVS-12425

Guilford County

In The General Court Of Justice
 District Superior Court Division

Name of Plaintiff 1
Dominick DeJoy Jr.

Tax ID/SSN

Name of Plaintiff 2

Tax ID/SSN

Name of Plaintiff 3

Tax ID/SSN

VERSUS

Name of Defendant 1
Louis DeJoy

Tax ID/SSN

Summons Submitted
 Yes No

Name of Defendant 2
MICHAEL DEJOY

Tax ID/SSN

Summons Submitted
 Yes No

Name of Defendant 3

Tax ID/SSN

Summons Submitted
 Yes No

Jury Demanded In Pleading? Yes No

GENERAL CIVIL ACTION COVER SHEET

INITIAL FILING SUBSEQUENT FILING

Rule 5(b), Rules of Practice For Superior and District Courts

Name And Address Of Attorney Or Party, If Not Represented (complete for initial appearance or change of address)
**G. Russell Kornegay, III
James, McElroy & Diehl, P.A. 600 S. College St.
Charlotte, NC 28202**

Attorney Bar No
12459

Initial Appearance in Case Change of Address

Name Of Firm
James, McElroy & Diehl, P.A.

Tax ID No. Telephone No. FAX No.
56-0986309 372-9870 342-5858

Counsel for
 All Plaintiffs All Defendants Only (List Party(ies) Represented)

Amount in controversy does not exceed \$15,000
 Stipulate to arbitration

TYPE OF PLEADING

CLAIM FOR RELIEF FOR:

- (check appropriate box)
- Amended Answer/Reply (AMND-Response)
 - Amended Complaint (AMND)
 - Answer/Reply (ANSW-Response)
 - Complaint (COMP)
 - Confession Of Judgement (CNFJ)
 - Counterclaim vs. (CTCL)
 - All Plaintiffs Only (List on back)
 - Crossclaim vs. (List on back) (CRSS)
 - Extend Statute of Limitations, Rule 9 (ESOL)
 - Extend Time For An Answer (MEOT - Response)
 - Extend Time For Complaint (EXCO)
 - Rule 12 Motion In Lieu Of Answer (MDLA)
 - Third Party Complaint (List Third Party Defendants On Back) (TPCL)
 - Other: Plaintiff's Answers to Defendants' First Set of Requests for Admission

- Administrative Appeal (ADMA)
- Appointment of Receiver (APRC)
- Attachment/Garnishment (ATTC)
- Claim and Delivery (CLMD)
- Collection on Account (ACCT)
- Condemnation (CNDM)
- Contract (CNTR)
- Discovery Scheduling Order (DSCH)
- Injunction (INJU)
- Medical Malpractice (MDML)
- Minor Settlement (MSTL)
- Money Owed (MNYO)
- Negligence - Motor Vehicle (MVNG)
- Negligence - Other (NEGO)
- Motor Vehicle Lien G.S. 44A (MVLN)
- Limited Driving Priv- Out-of-State Conviction (PLDP)
- Possession of Personal Property (POPP)
- Product Liability (PROD)
- Real Property (RLPR)
- Specific Performance (SPPR)
- Other

AFFIDAVIT FOR JUDICIAL ASSIGNMENT (Check one)

- There is no previously-filed action involving these same parties/issues, the assigned judge is _____
- District Judge _____ previously heard testimony or entered orders in this action or in a previously-filed action involving these same parties

NOTE: Small claims are exempt from cover sheets

Date **4-20-00**

Signature Of Attorney/Party
G. Russell Kornegay III / GMM

NOTE: All papers filed in civil actions, special proceedings and estates shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts. The Clerk of Superior Court shall require a party to refile any paper which does not include the required cover sheet.

STATE OF NORTH CAROLINA FILED IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
COUNTY OF GUILFORD 60 APR 20 11:14 99-CVS-12425

DOMINICK DEJOY, JR.,

Plaintiff,

vs.

LOUIS DEJOY and MICHAEL
DEJOY,

Defendants.

**PLAINTIFF'S ANSWERS TO
DEFENDANTS' FIRST SET OF REQUESTS
FOR ADMISSION**

Plaintiff Dominick DeJoy, Jr. answers Defendants' First Set of Requests for Admission as follows:

REQUEST FOR ADMISSION NO. 1: Attached hereto as Exhibit "1" is a true and correct copy of a Shareholders' Agreement dated January 1, 1998.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 2: The signature of Plaintiff on Exhibit "1" is genuine.

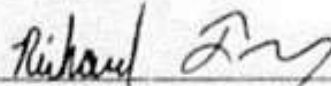
RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 3: Plaintiff signed Louis DeJoy's signature on a check.

RESPONSE: Admitted

This the 20 day of April, 1999.

JAMES, McELROY & DIEHL, P.A.



G. Russell Kornegay, III
Richard B. Fennell
Katherine Line T. Kelly
Ann L. Hester
600 South College Street
Charlotte, North Carolina 28202
Telephone: (704) 372-9870
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 20th day of April, 2000, the foregoing ***Plaintiff's Answers to Defendants' First Set of Requests for Admission*** was duly served upon counsel for Defendants by depositing a copy thereof in the United States Mail, sufficient first class postage prepaid, addressed as follows:

Ronald R. Davis
Womble Carlyle Sandridge & Rice
Post Office Drawer 84
Winston-Salem, North Carolina 27102

JAMES, McELROY & DIEHL, P.A.

Richard B. Fennell
Richard B. Fennell *by ALH*

STATE OF NORTH CAROLINA
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO: 99 CVS 12425

Dominick DeJoy Jr.

Plaintiff(s),

vs

Louis DeJoy and Michael DeJoy

Defendant(s).

ORDER

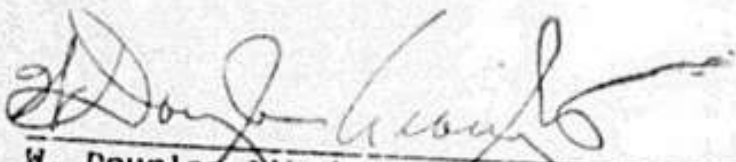
.....

THIS CAUSE came on to be heard and was heard before the undersigned Senior Resident Superior Court Judge of the Eighteenth Judicial District upon a written motion filed by the [x] plaintiff(s)/[x] defendant(s) to dispense with the Mediated Settlement Conference heretofore ordered herein.

The Court is of the opinion that the Motion should be [x] Allowed/[] Denied.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED, in the discretion of the Court, that the Motion be and the same is hereby [x] ALLOWED/[] DENIED.

This the 1st day of September, 2000.



W. Douglas Albright
Senior Resident Superior Court Judge

cc: Ronald Davis
G. Russell Kornegay & Richard Fennell

**WOMBLE
CARLYLE
SANDRIDGE
& RICE**
A PROFESSIONAL LIMITED
LIABILITY COMPANY

300 West Second Street
Winston-Salem, NC 27101

Mailing Address:
Post Office Drawer 84
Winston-Salem, NC 27102
Telephone: (336) 721-3600
Fax: (336) 721-3660

Ronald R. Davis
Direct Dial: (336) 721-3771
Direct Fax: (336) 720-0000
E-mail: rdavis@wcar.com

August 30, 2000

Ms. Debbie Burr
Trial Court Administrator
Guilford County Superior Court
Post Office Box 3008
Greensboro, NC 27402

**Via Fax (336) 574-4396
and First Class Mail**

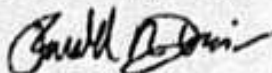
Re: Dominick DeJoy, Jr. v. Louis DeJoy and Michael DeJoy;
Case No.: 99 CVS 12425

Dear Ms. Burr:

I represent the Defendants in the referenced matter, and Rich Fennell represents the Plaintiff. This letter shall serve as a joint response from Mr. Fennell and me to the Court's Order for Mediated Settlement Conference and Trial Calendar Notice. All parties participated in a two-day mediation for this case (and another related matter) on May 15-16, 2000. Although the lawsuit was not resolved at mediation, the parties made significant progress and have continued their settlement negotiations with the assistance of Judge Tenille, to whom this matter is assigned. Thus, the parties' joint response to the Court's order is that they have already complied with the order that the case be mediated by December 19, 2000, and that they hope that they will be able to reach an amicable resolution of their disputes.

With best regards,

Very truly yours,



Ronald R. Davis

RRD/rtd

cc: Richard B. Fennell, Esq.
R. Frank Murphy, II, Esq.

Via Fax (704) 333-5508

Judge Tennille

STATE OF NORTH CAROLINA FILED IN THE GENERAL COURT OF JUSTICE
COUNTY OF GUILFORD SUPERIOR COURT DIVISION

00 SEP 15 AM 8:26

DOMINICK DEJOY, JR., JUDGE OF THE COURT, C.S.C.
Plaintiff, BY *[Signature]*

99-CVS-12425

v.
LOUIS DEJOY and MICHAEL DEJOY,
Defendants.

NEW BREED, INC.,
Plaintiff,

v.
DOMINICK DEJOY, JR.,
Defendant,

00-CVS-3751

v.
LOUIS DEJOY, MICHAEL DEJOY
and NEW BREED TRANSFER CORP.,
Third Party Defendants.

NOTICE

A case management conference will be held in the above-captioned matters on September 19, 2000 at 9:30 a.m. at the North Carolina Business Court, 200 South Elm Street, Suite 200, Greensboro, North Carolina.

This the 13th day of September, 2000.

[Signature]

Honorable Ben F. Tennille
Special Superior Court Judge
for Complex Business Cases

Parties Served (via facsimile):
Richard B. Fennell, Esq.
Ronald R. Davis, Esq.
H. Grady Barnhill, Esq.
Daniel R. Taylor, Esq.

FILED

STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

FILED
FEB 11 PM 3:16

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
99-CVS-12425

GUILFORD COUNTY, N.C.

BY SA

DOMINICK DEJOY, JR.,)

Plaintiff,)

vs.)

LOUIS DEJOY and MICHAEL)
DEJOY,)

Defendants.)

NOTICE OF FILING AFFIDAVIT OF SERVICE

Plaintiff, through undersigned counsel, hereby files the Affidavit of Dominic Dellaporte demonstrating that Defendant Michael DeJoy was personally served with the Summons and Complaint on February 5, 2000. The original Affidavit of Dominic Dellaporte is attached as Exhibit A.

The original Alias and Pluries Summons, a copy of which was served upon Michael DeJoy along with the Complaint, is attached as Exhibit B.

This the 29th day of February, 2000.

JAMES, McELROY & DIEHL, P.A.

G. Russell Kornegay, III
Richard B. Fennell
Katherine Line T. Kelly
Ann L. Hester
600 South College Street
Charlotte, North Carolina 28202
Telephone: (704) 372-9870
Attorneys for Plaintiff

EXHIBIT A



Demovsky Lawyer Service

Premier Nationwide Document Retrieval
and Process Service Company

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
COUNTY OF GUILFORD SUPERIOR COURT DIVISION

-----X
DOMINICK DEJOY, JR.,

Plaintiff,

Index No. 99-CVS-12425

-against-

AFFIDAVIT OF SERVICE

LOUIS DEJOY and MICHAEL DEJOY,

Defendants.

-----X
STATE OF NEW YORK)
 S.S.:
COUNTY OF NEW YORK)

DOMINIC DELLAPORTE, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 5th day of February, 2000, at approximately 10:00 AM, deponent served a true copy of the SUMMONS AND COMPLAINT upon MR. MICHAEL DEJOY at 95 Manetto Hill Road, Huntington, New York, by personally delivering and leaving the same with MR. MICHAEL DEJOY at that address. At the time of service, deponent asked MR. MICHAEL DEJOY whether he is in active military service for the United States of America or for any state in the United States in any capacity whatever and received a negative reply.



Demovsky Lawyer Service

Premier Nationwide Document Retrieval
and Process Service Company

MR. MICHAEL DEJOY is a white male, approximately 38 years of age, stands approximately 5 feet 6 inches tall, weighs approximately 145 pounds with black hair and dark eyes.

DOMINIC DELLAPORTE

849217

Sworn to before me this
15th day of February, 2000

NOTARY PUBLIC

HOWARD DANIEL GOLDMAN
Notary Public, State of New York
No. 31-5062405
Qualified in New York County
Certificate filed in New York County
Commission Expires July 1, 2000

EXHIBIT B

STATE OF NORTH CAROLINA

File No 99-CVS-12425

GUILFORD County

In the General Court of Justice
District Superior Court Division

Name of Plaintiff: DOMINICK DEJOY, JR.
Address: 1501 Regents Park Lane
City, State, Zip: Greensboro, NC 27455

CIVIL SUMMONS

G.S. 1A-1, Rules 3, 4

VERSUS
Name of Defendant(s): LOUIS DEJOY, MICHAEL DEJOY

Alias and Pluries Summons

December 29, 1999

Date Last Summons Issued

To Each Of The Defendant(s) Named Below:

Name & Address of Defendant 1: LOUIS DEJOY, c/o New Breed, Inc., 4043 Piedmont Parkway, High Point, NC 27265

Name & Address of Defendant 2: MICHAEL DEJOY, 95 Manetto Hill Road, Huntington, New York 11743

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

- 1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name and Address of Plaintiff's Attorney (if None, Address Of Plaintiff): G. Russell Kornegay, III, James, McElroy & Diehl, P.A. 600 S. College St. Charlotte, NC 28202

Date Issued: 1-26-00, Time: 1:28 PM, Signature: Charles Wilkins, Deputy CSC

ENDORSEMENT

This summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended thirty (30) days.

Date Issued, Time, Signature, Deputy CSC, Assistant CSC, Clerk of Superior Court

NOTE TO PARTIES: Many counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

RETURN OF SERVICE

I certify that this Summons and a copy of the complaint were received and served as follows:

DEFENDANT 1

Date Served

Name Of Defendant
LOUIS DEJOY

- 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.

DEFENDANT 2

Date Served

2-5-00

Name Of Defendant
MICHAEL DEJOY

- 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)

95 MANETTO HILL ROAD
HUNTINGTON, NEW YORK 11743

- Other manner of service (specify)
- Defendant WAS NOT served for the following reason.

Service Fee Paid

Date Received

PROCESS SERVER, DOMINIC DELLAPORTE

Paid By

Date Of Return

County NEW YORK

X 

HOWARD JAMES GOLDMAN
Notary Public, State of New York
No. 00002205
Qualified in New York County
Certificate issued by New York County
Commission Expires July 1, 2009

to be before this 8th day of February 2000

CERTIFICATE OF SERVICE

I hereby certify that the foregoing NOTICE OF FILING AFFIDAVIT OF SERVICE has this date been served upon the DEFENDANTS' counsel of record by depositing a copy of same in the United States Mail, sufficient postage prepaid, addressed to the Defendants' counsel as follows:

Ronald R. Davis
H. Grady Barnhill
Womble Carlyle Sandridge & Rice, PLLC
Post Office Drawer 84
Winston-Salem, North Carolina 27102

This the 29th day of February, 2000.

JAMES, McELROY & DIEHL, P.A.

By: G. Russell Kornegay, III
G. Russell Kornegay, III *by ALH*
600 South College Street
Charlotte, North Carolina 28202
(704) 372-9870
Attorneys for Plaintiff

STATE OF NORTH CAROLINA

File No
99-CVS-12425

Guilford County

In The General Court Of Justice
 District Superior Court Division

Name of Plaintiff 1
Dominick DeJoy Jr.

Tax ID/SSN

Name of Plaintiff 2

Tax ID/SSN

Name of Plaintiff 3

Tax ID/SSN

VERSUS

Name of Defendant 1
Louis DeJoy

Tax ID/SSN

Name of Defendant 2
MICHAEL DEJOY

Tax ID/SSN

Name of Defendant 3

Tax ID/SSN

GENERAL
CIVIL ACTION COVER SHEET
 INITIAL FILING SUBSEQUENT FILING
Rule 5(b), Rules of Practice For Superior and District Courts

Name And Address Of Attorney Or Party, If Not Represented (complete for initial appearance or change of address)

G. Russell Kornegay, III
James, McElroy & Diehl, P.A. 600 S. College St.
Charlotte, NC 28202

Attorney Bar No.
12459

Initial Appearance in Case Change of Address

Name Of Firm
James, McElroy & Diehl, P.A.

Tax ID No. **56-0986309** Telephone No. **372-9870** FAX No. **342-5858**

Counsel for
 All Plaintiffs All Defendants Only (List Party(ies) Represented)

Amount in controversy does not exceed \$15,000
 Stipulate to arbitration.

Jury Demanded In Pleading? Yes No

TYPE OF PLEADING **CLAIM FOR RELIEF FOR:**

- (check appropriate box)
- Amended Answer/Reply (AMND-Response)
 - Amended Complaint (AMND)
 - Answer/Reply (ANSW-Response)
 - Complaint (COMP)
 - Confession Of Judgement (CNFJ)
 - Counterclaim vs. (CTCL)
 - All Plaintiffs Only (List on back)
 - Crossclaim vs. (List on back) (CROSS)
 - Extend Statute of Limitations, Rule 9 (ESOL)
 - Extend Time For An Answer (MEOT - Response)
 - Extend Time For Complaint (EXCO)
 - Rule 12 Motion In Lieu Of Answer (MDLA)
 - Third Party Complaint (List Third Party Defendants On Back) (TPCL)
 - Other: Motion and Order for Extension of Time to Respond to Discovery

- Administrative Appeal (ADMA)
- Appointment of Receiver (APRC)
- Attachment/Garnishment (ATTC)
- Claim and Delivery (CLMD)
- Collection on Account (ACCT)
- Condemnation (CNDM)
- Contract (CNTR)
- Discovery Scheduling Order (DSCH)
- Injunction (INJU)
- Medical Malpractice (MDML)
- Minor Settlement (MSTL)
- Money Owed (MNYO)
- Negligence - Motor Vehicle (MVNG)
- Negligence - Other (NEGO)
- Motor Vehicle Lien G.S. 44A (MVLN)
- Limited Driving Priv- Out-of-State Conviction (PLDP)
- Possession of Personal Property (POPP)
- Product Liability (PROD)
- Real Property (RLPR)
- Specific Performance (SPPR)
- Other:

AFFIDAVIT FOR JUDICIAL ASSIGNMENT (Check one)

- There is no previously-filed action involving these same parties/issues, the assigned judge is _____
- District Judge _____ previously heard testimony or entered orders in this action or in a previously-filed action involving these same parties.

NOTE: Small claims are exempt from cover sheets.

Date **3/9/00**

Signature Of Attorney/Party
G. Russell Kornegay III / smc

NOTE: All papers filed in civil actions, special proceedings and estates shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts. The Clerk of Superior Court shall require a party to refile any paper which does not include the required cover sheet.)

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF GUILFORD

99-CVS-12425

MD

DOMINICK DEJOY, JR.,)

Plaintiff,)

vs.)

LOUIS DEJOY and MICHAEL)
DEJOY,)

Defendants.)

**PLAINTIFF'S MOTION FOR
EXTENSION OF TIME TO FILE AND
SERVE DISCOVERY RESPONSES**

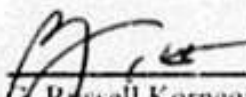
MOTION

Plaintiff Dominick DeJoy, Jr., through undersigned counsel, hereby moves the Court, pursuant to Rule 6(b) of the North Carolina Rules of Civil Procedure, to extend the time for serving discovery responses, and for filing responses to Requests for Admission, by an additional thirty (30) days, up to and including April 21, 2000, because he needs additional time in which to prepare a response. In support of this Motion, Plaintiff shows the Court that Defendants served him, *via* hand-delivery on February 21, 2000, with Defendant's First Set of Requests for Production and Defendant's First Set of Interrogatories and Requests for Admission, and that the time for responding to these discovery requests has not expired.

This Motion is made in good faith and not for the purpose of delay.

This the 9th day of March, 2000.

JAMES, McELROY & DIEHL, P.A.



C. Russell Kornegay, III
Richard B. Fennell
Katherine Line T. Kelly
Ann L. Hester
600 South College Street
Charlotte, North Carolina 28202
Telephone: (704) 372-9870
Attorneys for Plaintiff

CC: EA CC: m.a. led

ORDER

THIS CAUSE coming on to be heard and being heard before the undersigned Clerk of Superior Court on Motion of Plaintiff for an Order extending time for serving discovery responses, and for filing responses to Requests for Admission, pursuant to Rule 6 of the North Carolina Rules of Civil Procedure; and it appearing to the Court that the time allowed has not expired and that the Motion should be allowed:

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Plaintiff's time for serving responses to Defendant's First Set of Requests for Production and Defendant's First Set of Interrogatories and Requests for Admission, and for filing responses to Defendant's First Set of Requests for Admission, be extended to and including the 21st day of April, 2000.

This, the 17th day of March, 2000.

[Signature]
Clerk of Superior Court
Guilford County, North Carolina

FILED
00MAR 18 AM 3:07
CLERK OF SUPERIOR COURT, C.S.C.
BY *[Signature]*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO FILE AND SERVE DISCOVERY RESPONSES has this date been served upon the DEFENDANTS' counsel of record by depositing a copy of same in the United States Mail, sufficient postage prepaid, addressed to the Defendants' counsel as follows:

Ronald R. Davis
H. Grady Barnhill
Womble Carlyle Sandridge & Rice, PLLC
Post Office Drawer 84
Winston-Salem, North Carolina 27102

This the 9th day of March, 2000.

JAMES, McELROY & DIEHL, P.A.

By: 

G. Russell Komegay, III
600 South College Street
Charlotte, North Carolina 28202
(704) 372-9870
Attorneys for Plaintiff

MAR 05 2000

STATE OF NORTH CAROLINA

Guilford County

File No. 99 CVS 12425

Film No.

In The General Court Of Justice
District [] Superior Court Division [X]

FILED
MAR -6 PM 4:17

Name of Plaintiff: Dominick DeJoy, Jr.

VERSUS

Name of Defendant: Louis DeJoy and Michael DeJoy

MOTION COVER SHEET

Rule 5(b), Rules of Practice For Superior and District Courts

Name And Address Of Attorney Or Party, if Not Represented (complete for Initial Appearance or change of address): Ronald R. Davis, P.O. Drawer 84, Winston-Salem, NC 27102

Name Of Firm: Womble, Carlyle, Sandridge & Rice, PLLC

Fax No: 56-0308470 Telephone No: (336) 721-3771 Fax No: (336) 726-6006

Attorney Bar No: 20408

Initial Appearance in Case [] Change of Address []

MOTION

Table with 3 columns: Type of Motion, By (Identify Party), Against (Identify Party). Rows include Joint Motion That, Case Be Designated, As "Complex Business" And, Transferred To The Business Court, and multiple empty rows.

Date: 3/6/00

Signature Of Attorney: [Handwritten Signature]

NOTE: All papers filed in civil actions, special proceedings and estates shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts.

TYPES OF MOTIONS

- Modification Of Support (MSUP)
- Modification Of Visitation (MVIS)
- More Definite Statement (Rule 12) (MDSST)
- New Trial (NTRL)
- Objection Of Exemptions Claimed (OEXC)
- Other (OTHR) (Describe on front)
- Payment To Arbitrator (PYAR)
- Preliminary Injunction (PREL)
- Quash (QUSH)
- Relief -- Obligation Pay Medical Fee (RCPM)
- Release From Stay Of Execution (RSR)
- Sanctions (SANC)
- Selection Of Mediator By Agree (SMAR)
- Sever Issues Or Claims (SICL)
- Show Cause (SHOW)
- Stay Of Execution (STEX)
- Strike (STRK)
- Summary Judgment (SUMJ)
- Transfer (TRFR)
- Temporary Restraining Order (TROR)
- Vacate/Modify Judgment Or Order (VCAJD)
- Withdraw As Counsel (WDCN)
- Add Additional Party (ADDP)
- Amend (AMND)
- Change Of Venue (CHVN)
- Compel (CMPL)
- Consolidation (CNLS)
- Contempt (CNTP)
- Continue (CNTN)
- Default Judgment (DEFJ)
- Deposition (DEPO)
- Designate A Mediator (DSMD)
- Disburse Funds (DFND)
- Dismiss (Involuntary) (DISM)
- Entry Of Default (EODF)
- Ex Parte Restraining (EXPR)
- Exempt From Arbitration (EXAR)
- Exempt/Waive Mediation (EXMD)
- Extension Of Time (EXTM)
- Increase Bond (INBN)
- In The Cause (INTC)
- In Limine (ILIM)
- Intervene (INTR)
- Join (JOIN)
- Judgment On Pleading (JOPL)
- Jury View (JRVW)
- Limit Deposition (LDEP)
- Modification Of Alimony (MALI)
- Modification Of Custody (MCUS)

STATE OF NORTH CAROLINA

COUNTY OF GUILFORD

DOMINICK DEJOY, JR.,

Plaintiff,

v.

LOUIS DEJOY and MICHAEL DEJOY,

Defendants.

FILED

03 MAR - 6 PM 4:17

COMMUNITY, C.S.C

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
99-CVS-12425

**JOINT MOTION THAT CASE BE
DESIGNATED AS "COMPLEX
BUSINESS" AND TRANSFERRED
TO THE BUSINESS COURT**

Plaintiff Dominick DeJoy, Jr. and Defendants Louis and Michael DeJoy respectfully move the Court, pursuant to under Rules 2.1 and 2.2 of the General Rules of Practice, that this case be designated as a "complex business case" and for a recommendation from this Court that this matter be transferred to the Honorable Judge Ben Tenille, Superior Court Judge for Complex Business Cases (the "Business Court"), and in support thereof, respectfully show the Court that:

1. The complaint in this case was filed on January 18, 2000.
2. Defendants appeared and answered on February 21, 2000, requesting in their answer that Plaintiff concur with a request to this Court that this case be designated as a "complex business case" and a recommendation from this Court that this matter be transferred to the Business Court.
3. Plaintiff agrees and hereby requests that this Court recommend to the Chief Justice that this case be designated as a "complex business case" and a recommendation from this Court that this matter be transferred to the Business Court. Accordingly, each party agrees and consents to the relief requested in this motion.
4. Good cause exists for this request because this case involves questions of corporate governance and the duties among various corporate principals. This case involves numerous family-

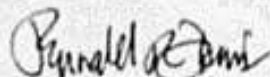
owned corporate entities in which the parties either own shares, serve as directors, or serve as officers. Plaintiff has alleged, among other things, that Defendants fraudulently created many of these corporate entities and fraudulently induced Plaintiff into signing a shareholders' agreement that limits Plaintiffs rights in connection with a corporate reorganization. Defendants have plead various defenses, including the shareholders' agreement and various other corporate actions by Plaintiff. The case is likely to involve complex evidentiary and corporate legal issues. The parties also anticipate that the case will involve substantial pretrial discovery, including voluminous document productions and numerous depositions.

5. The parties agree that a transfer to Judge Ben Tenille, Superior Court Judge for Complex Business Cases, will promote the efficient administration of justice.

This the 6th day of March, 2000.

Richard B. Fennell N.C. State Bar No. _____
James, McElroy & Diehl, P.A.
600 South College Street
Charlotte, NC 28202
(704) 372-9870

Attorney for Plaintiff



Ronald R. Davis N.C. State Bar No. 20408
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
Post Office Drawer 84
Winston-Salem, NC 27102
(336) 721-3600

Attorney for Defendants

MAR-08-00 MON 11:54 AM WOMBLE CARLYLE

FAX NO. 3397210000

owned corporate entities in which the parties either own shares, serve as directors, or serve as officers. Plaintiff has alleged, among other things, that Defendants fraudulently created many of these corporate entities and fraudulently induced Plaintiff into signing a shareholders' agreement that limits Plaintiff's rights in connection with a corporate reorganization. Defendants have plead various defenses, including the shareholders' agreement and various other corporate actions by Plaintiff. The case is likely to involve complex evidentiary and corporate legal issues. The parties also anticipate that the case will involve substantial pretrial discovery, including voluminous document productions and numerous depositions.

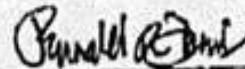
5. The parties agree that a transfer to Judge Ben Tenille, Superior Court Judge for Complex Business Cases, will promote the efficient administration of justice.

This the 6th day of March, 2000.



Richard B. Fennell N.C. State Bar No. 17398
James, McElroy & Diehl, P.A.
600 South College Street
Charlotte, NC 28202
(704) 372-9870

Attorney for Plaintiff



Ronald R. Davis N.C. State Bar No. 20408
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
Post Office Drawer 84
Winston-Salem, NC 27102
(336) 721-3600

Attorney for Defendants

WOMBLE
CARYLE
SANDRIDGE
& RICE
A PROFESSIONAL LIMITED
LIABILITY COMPANY

700 West Second Street
Winston-Salem, NC 27101

Mailing Address:
Post Office Drawer #4
Winston-Salem, NC 27102
Telephone: (336) 721-6000
Fax: (336) 721-3660
Web site: www.wcsr.com

FILED

MAR - 6 PM 4:17

GUILFORD COUNTY, C.S.C.

Ronald R. Davis
Direct Dial: (336) 721-3771
Direct Fax: (336) 726-6006
E-mail: RDavis@wcsr.com

March 6, 2000

CJ

VIA HAND-DELIVERY

The Honorable David L. Churchill
Guilford County Clerk of Superior Court
Courthouse
P.O. Box 3008
201 S. Eugene Street
Greensboro, NC 27401

Re: *Dominick DeJoy, Jr. v. Louis DeJoy and Michael DeJoy*
99 CVS 12425 (Guilford County)

Dear Mr. Churchill:

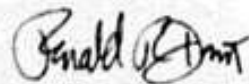
Enclosed for filing please find an original and two copies of a Joint Motion That Case Be Designated As "Complex Business" And Transferred To The Business Court.

Kindly file the Joint Motion and return a file stamped copy to our office via the courier delivering this correspondence.

Thank you in advance for your assistance.

With best regards,

Very truly yours,



Ronald R. Davis

RRD/sac
Encl

cc: G. Russell Komegay, III, Esq. (w/encl)
Richard B. Fennell, Esq. (w/encl)
The Honorable W. Douglas Albright (w/encl)

W0886276.1

STATE OF NORTH CAROLINA

File No: **99-CVS-12425**

Guilford County

In The General Court Of Justice
 District Superior Court Division

Name of Plaintiff 1
Dominick DeJoy Jr.

Tax ID/SSN

Name of Plaintiff 2

Tax ID/SSN

Name of Plaintiff 3

Tax ID/SSN

VERSUS

Name of Defendant 1
Louis DeJoy

Tax ID/SSN

Summons Submitted
 Yes No

Name of Defendant 2
MICHAEL DEJOY

Tax ID/SSN

Summons Submitted
 Yes No

Name of Defendant 3

Tax ID/SSN

Summons Submitted
 Yes No

GENERAL

CIVIL ACTION COVER SHEET

INITIAL FILING SUBSEQUENT FILING

Rule 5(b) Rules of Practice For Superior and District Courts

Name And Address Of Attorney Or Party, if Not Represented (complete for initial appearance or change of address)

G. Russell Kornegay, III
James, McElroy & Diehl, P.A. 600 S. College St.
Charlotte, NC 28202

Attorney Bar No
12459

Initial Appearance in Case Change of Address

Name Of Firm

James, McElroy & Diehl, P.A.

Tax ID No

56-0986309

Telephone No

372-9870

FAX No

342-5858

Counsel for

All Plaintiffs All Defendants Only (List Party(ies) Represented)

Jury Demanded In Pleading? Yes No

Amount in controversy does not exceed \$15,000
 Stipulate to arbitration.

TYPE OF PLEADING

CLAIM FOR RELIEF FOR:

(check appropriate box)

- Amended Answer/Reply (AMND-Response)
- Amended Complaint (AMND)
- Answer/Reply (ANSW-Response)
- Complaint (COMP)
- Confession Of Judgement (CNFJ)
- Counterclaim vs. (CTCL)
 - All Plaintiffs Only (List on back)
- Crossclaim vs. (List on back) (CRSS)
- Extend Statute of Limitations, Rule 9 (ESOL)
- Extend Time For An Answer (MEOT - Response)
- Extend Time For Complaint (EXCO)
- Rule 12 Motion In Lieu Of Answer (MDLA)
- Third Party Complaint (List Third Party Defendants On Back) (TPCL)
- Other: Notice of Filing of Affidavit of Service

- Administrative Appeal (ADMA)
- Appointment of Receiver (APRC)
- Attachment Garnishment (ATTC)
- Claim and Delivery (CLMD)
- Collection on Account (ACCT)
- Condemnation (CNDM)
- Contract (CNTR)
- Discovery Scheduling Order (DSCH)
- Injunction (INJU)
- Medical Malpractice (MDML)
- Minor Settlement (MSTL)
- Money Owed (MNYO)
- Negligence - Motor Vehicle (MVNG)
- Negligence - Other (NEGO)
- Motor Vehicle Lien G.S. 44A (MVLN)
- Limited Driving Priv- Out-of-State Conviction (PLDP)
- Possession of Personal Property (POPP)
- Product Liability (PROD)
- Real Property (RLPR)
- Specific Performance (SPPR)
- Other:

AFFIDAVIT FOR JUDICIAL ASSIGNMENT (Check one)

- There is no previously-filed action involving these same parties/issues, the assigned judge is _____
- District Judge _____ previously heard testimony or entered orders in this action or in a previously-filed action involving these same parties.

NOTE: Small claims are exempt from cover sheets.

Date **2/29/00**

Signature Of Attorney/Party
G. Russell Kornegay III

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STATE OF NORTH CAROLINA

File No 99-CVS-12425

Guilford County

FILED

In The General Court Of Justice District Superior Court Division

Name of Plaintiff 1 Dominick DeJoy Jr.

Tax ID/SSN

Name of Plaintiff 2

Tax ID/SSN

Name of Plaintiff 3

Tax ID/SSN

Name of Defendant 1 Louis DeJoy

Tax ID/SSN

Name of Defendant 2 MICHAEL DEJOY

Tax ID/SSN

Name of Defendant 3

Tax ID/SSN

Jury Demanded In Pleading? Yes No

COMAR - 1 PH 3:17 GENERAL CIVIL ACTION COVER SHEET BY SA INITIAL FILING SUBSEQUENT FILING

Rule 5(b) Rules of Practice For Superior and District Courts

Name And Address Of Attorney Or Party If Not Represented (complete for initial appearance or change of address)

G. Russell Kornegay, III James, McElroy & Diehl, P.A. 600 S. College St. Charlotte, NC 28202

Attorney Bar No. 12459

Summons Submitted Yes No

Initial Appearance in Case Change of Address

Name Of Firm

James, McElroy & Diehl, P.A.

Summons Submitted Yes No

Tax ID No

56-0986309

Telephone No

372-9870

FAX No.

342-5858

Counsel for

All Plaintiffs All Defendants Only (List Party(ies) Represented)

Summons Submitted Yes No

Amount in controversy does not exceed \$15,000. Stipulate to arbitration

TYPE OF PLEADING

CLAIM FOR RELIEF FOR:

- Amended Answer/Reply (AMND-Response)
Amended Complaint (AMND)
Answer/Reply (ANSW-Response)
Complaint (COMF)
Confession Of Judgement (CNFJ)
Counterclaim vs. (CTCL)
Crossclaim vs. (List on back) (CRSS)
Extend Statute of Limitations, Rule 9 (ESOL)
Extend Time For An Answer (MEOT - Response)
Extend Time For Complaint (EXCO)
Rule 12 Motion In Lieu Of Answer (MDLA)
Third Party Complaint (List Third Party Defendants On Back) (TPCL)
Other: Certificate of Service

- Administrative Appeal (ADMA)
Appointment of Receiver (APRC)
Attachment/Garnishment (ATTC)
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Discovery Scheduling Order (DSCH)
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Negligence - Motor Vehicle (MVNG)
Negligence - Other (NEGO)
Motor Vehicle Lien G.S. 44A (MVLN)
Limited Driving Priv- Out-of-State Conviction (PLDP)
Possession of Personal Property (POPP)
Product Liability (PROD)
Real Property (RLPR)
Specific Performance (SPFR)
Other:

AFFIDAVIT FOR JUDICIAL ASSIGNMENT (Check one)

- There is no previously-filed action involving these same parties/issues, the assigned judge is
District Judge previously heard testimony or entered orders in this action or in a previously-filed action involving these same parties

NOTE: Small claims are exempt from cover sheets

Date 2/29/00

Signature Of Attorney/Party G. Russell Kornegay III

NOTE: All papers filed in civil actions, special proceedings and estates shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts.

FILED

STATE OF NORTH CAROLINA
COUNTY OF GUILFORD
FEBRUARY -1 PM 3:16
GUILFORD COUNTY, N.C.
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
99-CVS-12425

BY SA

DOMINICK DEJOY, JR.,)
)
Plaintiff,)
vs.)
)
LOUIS DEJOY and MICHAEL)
DEJOY,)
)
Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that the Affidavit of Service attached as Exhibit A hereto has this date been served upon the Defendants by depositing a copy of same in the United States Mail, sufficient postage prepaid, addressed to the Defendants' attorneys of record as follows:

Ronald R. Davis
H. Grady Barnhill
Womble Carlyle Sandridge & Rice, PLLC
Post Office Drawer 84
Winston-Salem, North Carolina 27102

This the 29th day of February, 2000.

JAMES, McELROY & DIEHL, P.A.

Ann L. Hester

G. Russell Komegay, III
Richard B. Fennell
Katherine Line T. Kelly
Ann L. Hester
600 South College Street
Charlotte, North Carolina 28202
Telephone: (704) 372-9870
Attorneys for Plaintiff

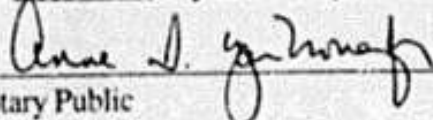
EXHIBIT A

6. The green Return Receipt Card was returned on January 24, 2000, indicating that the Complaint and Delayed Service of Complaint was delivered on January 21, 2000. [The original green "Domestic Return Receipt" is attached hereto as Exhibit B.]



G. Russell Komegay, III

SWORN and SUBSCRIBED before me
this 26th day of January, 2000.



Notary Public

My Commission Expires: 7-25-2001

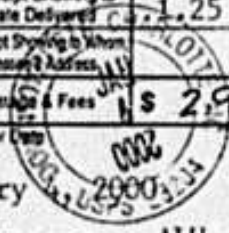
EXHIBIT A

Z 027 082 480

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to Michael DeJoy	
Street & Number 95 Manetto Hill Road	
Post Office, State, & ZIP Code Huntington, NY 11743	
Postage	\$ 33
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.98
Postmark or Date	January 2000

PS Form 3800, April 1995



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Received by (Please Print Clearly) _____ B. Date of Delivery 1/7/00 RB</p> <p>C. Signature X M. DeJoy <input type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>(E. DeJoy)</i></p> <p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below: _____</p>
<p>1. Article Addressed to: Michael DeJoy 95 Manetto Hill Road Huntington, NY 11743</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Copy from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

EXHIBIT B

Z 157 771 650 (AIY)

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to Michael DeJoy	
Street & Number 95 Manetto Hill Road	
Post Office, State, ZIP Code Huntington, New York 11743	
Postage	77
Certified Fee	0
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.42
Postmark or Date January 18, 2000	

PS Form 3800, April 1995

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY						
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<table border="1"> <tr> <td>A. Received by (Please Print Clearly)</td> <td>B. Date of Delivery 1/21</td> </tr> <tr> <td>C. Signature <i>Michael DeJoy</i></td> <td> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </td> </tr> <tr> <td>D. Is delivery address different from item 1? If YES, enter delivery address below:</td> <td> <input type="checkbox"/> Yes <input type="checkbox"/> No </td> </tr> </table>	A. Received by (Please Print Clearly)	B. Date of Delivery 1/21	C. Signature <i>Michael DeJoy</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No
A. Received by (Please Print Clearly)	B. Date of Delivery 1/21						
C. Signature <i>Michael DeJoy</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee						
D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No						
1. Article Addressed to: Michael DeJoy 95 Manetto Hill Road Huntington, New York 11743	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.						
2. Article Number (Copy from service label) Z 157 771 650	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes						

FILED

STATE OF NORTH CAROLINA PH 3:16 IN THE GENERAL COURT OF JUSTICE
COUNTY OF GUILFORD SUPERIOR COURT DIVISION
99-CVS-12425

BY SA

DOMINICK DEJOY, JR.)
)
 Plaintiff,)
 vs.)
)
 LOUIS DEJOY and MICHAEL)
 DEJOY,)
)
 Defendants.)


NOTICE OF FILING AFFIDAVIT OF SERVICE

Plaintiff, through undersigned counsel, hereby files the Affidavit of Dominic Dellaporte demonstrating that Defendant Michael DeJoy was personally served with the Summons and Complaint on February 5, 2000. The original Affidavit of Dominic Dellaporte is attached as Exhibit A.

The original Alias and Pluries Summons, a copy of which was served upon Michael DeJoy along with the Complaint, is attached as Exhibit B.

This the 29th day of February, 2000.

JAMES, McELROY & DIEHL, P.A.



Russell Kornegay, III
Richard B. Fennell
Katherine Line T. Kelly
Ann L. Hester
600 South College Street
Charlotte, North Carolina 28202
Telephone: (704) 372-9870
Attorneys for Plaintiff

EXHIBIT A



Demovsky Lawyer Service

Premier Nationwide Document Retrieval
and Process Service Company

STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

-----X
DOMINICK DEJOY, JR.,

Plaintiff,

Index No. 99-CVS-12425

-against-

AFFIDAVIT OF SERVICE

LOUIS DEJOY and MICHAEL DEJOY,

Defendants
-----X

STATE OF NEW YORK)
S.S.:
COUNTY OF NEW YORK)

DOMINIC DELLAPORTE, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 5th day of February, 2000, at approximately 10:00 AM, deponent served a true copy of the SUMMONS AND COMPLAINT upon MR. MICHAEL DEJOY at 95 Manetto Hill Road, Huntington, New York, by personally delivering and leaving the same with MR. MICHAEL DEJOY at that address. At the time of service, deponent asked MR. MICHAEL DEJOY whether he is in active military service for the United States of America or for any state in the United States in any capacity whatever and received a negative reply.



Demovsky Lawyer Service

Premier Nationwide Document Retrieval
and Process Service Company

MR. MICHAEL DEJOY is a white male, approximately 38 years of age, stands approximately 5 feet 6 inches tall, weighs approximately 145 pounds with black hair and dark eyes.

DOMINIC DELLAPORTE
849217

Sworn to before me this
15th day of February, 2000

NOTARY PUBLIC

HOWARD DANIEL GOLDMAN
Notary Public, State of New York
No. 31-5082405
Qualified in New York County
Certificate filed in New York County
Commission Expires July 1, 2000

EXHIBIT B

STATE OF NORTH CAROLINA

File No. **99-CVS-12425**

GUILFORD County

In the General Court of Justice
 District Superior Court Division

Name of Plaintiff
DOMINICK DEJOY, JR.
 Address
1501 Regents Park Lane
 City, State, Zip
Greensboro, NC 27455

CIVIL SUMMONS

G.S. 1A-1, Rules 3, 4

VERSUS
 Name of Defendant(s)
**LOUIS DEJOY
 MICHAEL DEJOY**

Alias and Pluries Summons
December 29, 1999
 Date Last Summons Issued

To Each Of The Defendant(s) Named Below:

Name & Address of Defendant 1
**LOUIS DEJOY
 c/o New Breed, Inc., 4043 Piedmont Parkway
 High Point, NC 27265**

Name & Address of Defendant 2
**MICHAEL DEJOY
 95 Manetto Hill Road
 Huntington, New York 11743**

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name and Address of Plaintiff's Attorney (if None, Address Of Plaintiff)
**G. Russell Kornegay, III
 James, McElroy & Diehl, P.A. 600 S. College St.
 Charlotte, NC 28202**

Date Issued: **1-26-00** Time: **1:28** AM PM
 Signature: *Charles William*
 Deputy CSC Assistant CSC Clerk of Superior Court

ENDORSEMENT

This summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended thirty (30) days.

Date Issued: _____ Time: _____ AM PM
 Signature: _____
 Deputy CSC Assistant CSC Clerk of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

RETURN OF SERVICE

I certify that this Summons and a copy of the complaint were received and served as follows:

DEFENDANT 1

Date Served

Name Of Defendant

LOUIS DEJOY

- 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.

DEFENDANT 2

Date Served

2-5-00

Name Of Defendant

MICHAEL DEJOY

- 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)

95 MANETTO HILL ROAD
HUNTINGTON, NEW YORK 11743

Other manner of service (specify)

Defendant WAS NOT served for the following reason.

Service Fee Paid

Date Received

PROCESS SERVER, DOMINIC DELLAPORTE

Paid By

Date Of Return

County **NEW YORK**

X 

HOWARD SOLOMAN
Notary Public
State of New York
No. 002405
Qualified in New York County
Certificate in New York County
Commission Expires May 31, 2009

to before this 5th day of February, 2000

CERTIFICATE OF SERVICE

I hereby certify that the foregoing NOTICE OF FILING AFFIDAVIT OF SERVICE has this date been served upon the DEFENDANTS' counsel of record by depositing a copy of same in the United States Mail, sufficient postage prepaid, addressed to the Defendants' counsel as follows:

Ronald R. Davis
H. Grady Barnhill
Womble Carlyle Sandridge & Rice, PLLC
Post Office Drawer 84
Winston-Salem, North Carolina 27102

This the 29th day of February, 2000.

JAMES, McELROY & DIEHL, P.A.

By: G. Russell Kornegay, III
G. Russell Kornegay, III *by ALH*
600 South College Street
Charlotte, North Carolina 28202
(704) 372-9870
Attorneys for Plaintiff

FILED

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
COUNTY OF GUILFORD SUPERIOR COURT DIVISION
99-CVS-12425

BY [Signature]

DOMINICK DEJOY, JR.,)
)
Plaintiff,)
vs.)
)
LOUIS DEJOY and MICHAEL)
DEJOY,)
)
Defendants.)

NOTICE OF FILING AFFIDAVIT OF SERVICE

Plaintiff, through undersigned counsel, hereby files the Affidavit of Dominic Dellaporte demonstrating that Defendant Michael DeJoy was personally served with the Summons and Complaint on February 5, 2000. The original Affidavit of Dominic Dellaporte is attached as Exhibit A.

The original Alias and Pluries Summons, a copy of which was served upon Michael DeJoy along with the Complaint, is attached as Exhibit B.

This the 29th day of February, 2000.

JAMES, McELROY & DIEHL, P.A.

[Signature]
G Russell Kornegay, III
Richard B. Fennell
Katherine Line T. Kelly
Ann L. Hester
600 South College Street
Charlotte, North Carolina 28202
Telephone: (704) 372-9870
Attorneys for Plaintiff

EXHIBIT A



Demovsky Lawyer Service

Premier Nationwide Document Retrieval
and Process Service Company

STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

-----X
DOMINICK DEJOY, JR.,

Plaintiff,

Index No. 99-CVS-12425

-against-

AFFIDAVIT OF SERVICE

LOUIS DEJOY and MICHAEL DEJOY,

Defendants.
-----X

STATE OF NEW YORK)
S.S.:
COUNTY OF NEW YORK)

DOMINIC DELLAPORTE, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 5th day of February, 2000, at approximately 10:00 AM, deponent served a true copy of the SUMMONS AND COMPLAINT upon MR. MICHAEL DEJOY at 95 Manetto Hill Road, Huntington, New York, by personally delivering and leaving the same with MR. MICHAEL DEJOY at that address. At the time of service, deponent asked MR. MICHAEL DEJOY whether he is in active military service for the United States of America or for any state in the United States in any capacity whatever and received a negative reply.



Demovsky Lawyer Service

Premier Nationwide Document Retrieval
and Process Service Company

MR. MICHAEL DEJOY is a white male, approximately 38 years of age, stands approximately 5 feet 6 inches tall, weighs approximately 145 pounds with black hair and dark eyes.

DOMINIC DELLAPORTE
849217

Sworn to before me this
15th day of February, 2000

NOTARY PUBLIC

HOWARD DANIEL GOLDMAN
Notary Public, State of New York
No. 31-5062405
Qualified in New York County
Certificate filed in New York County
Commission Expires July 1, 2000

EXHIBIT B

STATE OF NORTH CAROLINA

File No. **99-CVS-12425**

GUILFORD County

In the General Court of Justice
 District Superior Court Division

Name of Plaintiff
DOMINICK DEJOY, JR.
 Address
1501 Regents Park Lane
 City, State, Zip
Greensboro, NC 27455
VERSUS

CIVIL SUMMONS

G.S. 1A-1, Rules 3, 4

Name of Defendant(s)
LOUIS DEJOY
MICHAEL DEJOY

Alias and Pluries Summons
December 29, 1999
 Date Last Summons Issued

To Each Of The Defendant(s) Named Below:

Name & Address of Defendant 1
LOUIS DEJOY
c/o New Breed, Inc., 4043 Piedmont Parkway
High Point, NC 27265

Name & Address of Defendant 2
MICHAEL DEJOY
95 Manetto Hill Road
Huntington, New York 11743

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name and Address of Plaintiff's Attorney (if None, Address Of Plaintiff)
G. Russell Kornegay, III
James, McElroy & Diehl, P.A. 600 S. College St.
Charlotte, NC 28202

Date Issued **1-26-00** Time **1:28** AM PM
 Signature **Charlene Wilkins**
 Deputy CSC Assistant CSC Clerk of Superior Court

ENDORSEMENT

This summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended thirty (30) days.

Date Issued _____ Time _____ AM PM
 Signature _____
 Deputy CSC Assistant CSC Clerk of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

RETURN OF SERVICE

I certify that this Summons and a copy of the complaint were received and served as follows:

DEFENDANT 1

Date Served	Name Of Defendant LOUIS DEJOY
-------------	---

- 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.

DEFENDANT 2

Date Served 2-5-00	Name Of Defendant MICHAEL DEJOY
------------------------------	---

- 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)

**95 MANETTO HILL ROAD
HUNTINGTON, NEW YORK 11743**

- Other manner of service (specify)
- Defendant WAS NOT served for the following reason.

Service Fee Paid	Date Received	PROCESS SERVER, DOMINIC DELLAPORTE
------------------	---------------	------------------------------------

Paid By	Date Of Return	County NEW YORK
---------	----------------	------------------------

Signature	Signature	Signature
		<i>[Handwritten Signature]</i>

HOWARD J. SOLOMAN
Notary Public, State of New York
No. 062405
Qualified in New York County
Certificate of the New York County
Commission Expires July 3, 2000

to before us this 5th day of February, 2000

CERTIFICATE OF SERVICE

I hereby certify that the foregoing NOTICE OF FILING AFFIDAVIT OF SERVICE has this date been served upon the DEFENDANTS' counsel of record by depositing a copy of same in the United States Mail, sufficient postage prepaid, addressed to the Defendants' counsel as follows:

Ronald R. Davis
H. Grady Barnhill
Womble Carlyle Sandridge & Rice, PLLC
Post Office Drawer 84
Winston-Salem, North Carolina 27102

This the 29th day of February, 2000.

JAMES, McELROY & DIEHL, P.A.

By: G. Russell Kornegay, III
G. Russell Kornegay, III *by GKH*
600 South College Street
Charlotte, North Carolina 28202
(704) 372-9870
Attorneys for Plaintiff

FILED

STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

00 FEB 24 AM 10:19
GUILFORD COUNTY, C.S.C

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
99-CVS-12425

DOMINICK DEJOY, JR.,

BY _____

Plaintiff,

v.

LOUIS DEJOY and MICHAEL DEJOY,

Defendants.

NOTICE OF DEPOSITIONS

TO: DOMINICK DEJOY, JR. by and through his attorneys, G. Russell Korngay, III and Richard B. Fennell, at James, McElroy & Diehl, P.A., 600 South College Street, Charlotte, North Carolina 28202.

PLEASE TAKE NOTICE that counsel for Louis DeJoy will take the depositions of the following parties before a person authorized to administer oaths at the executive conference room, second floor, New Breed corporate headquarters, 4043 Piedmont Parkway, High Point NC 27265, beginning at 8:30 a.m. on Thursday, March 2, 2000, and continuing from day to day until completion, pursuant to Rules 26 and 30 of the Rules of Civil Procedure:

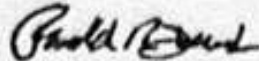
Dominick DeJoy, Jr. 8:30 a.m., March 2, 2000
1501 Regents Park Lane
Greensboro, NC 27455

Patricia DeJoy 9:00 a.m., March 3, 2000 (or upon completion
1501 Regents Park Lane of the Dominick DeJoy Jr. deposition)
Greensboro, NC 27455

The deposition will be taken by stenographer and videotape recording.

You are invited to attend and examine the witnesses.

Respectfully submitted,



Ronald R. Davis
NC State Bar No. 20408
H. Grady Barnhill, Jr.
NC State Bar No. 224

- Attorneys for Defendants -

Of Counsel:

WOMBLE CARLYLE SANDRIDGE & RICE

A Professional Limited Liability Company

Post Office Drawer 84

Winston-Salem, NC 27102

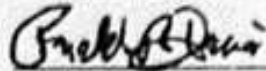
Telephone: 336-721-3600

CERTIFICATE OF SERVICE

I certify that by my direction on February 21st, 2000 I have caused to be served on the party in this action a copy of the foregoing **Notice of Depositions** by hand delivery, addressed as follows:

ADDRESSEE:

G. Russell Korngay, III, Esquire
Richard B. Fennell, Esquire
James, McElroy & Diehl, P.A.
600 South College Street
Charlotte, North Carolina 28202



Ronald R. Davis
NC State Bar No. 20408

- Attorney for Defendants -

Of Counsel:

WOMBLE CARLYLE SANDRIDGE & RICE
A Professional Limited Liability Company
Post Office Drawer 84
Winston-Salem, NC 27102
Telephone: 336-721-3600

WOMBLE
CARLYLE
SANDRIDGE
& RICE
A PROFESSIONAL LIMITED
LIABILITY COMPANY

200 West Second Street
Winston-Salem, NC 27101

Mailing Address:
Post Office Drawer #4
Winston-Salem, NC 27107
Telephone: (336) 721-1600
Fax: (336) 721-3660
Web site: www.wcsr.com

FILED

00 FEB 24 AM 10:18
GUILFORD COUNTY, C.S.C.

Ronald R. Davis
Direct Dial: (336) 721-3771
Direct Fax: (336) 726-6006
E-mail: RDavis@wcsr.com

February 23, 2000

The Honorable David L. Churchill
Guilford County Clerk of Superior Court
Courthouse
P.O. Box 3008
201 S. Eugene Street
Greensboro, NC 27401

Via Hand Delivery

Re: *Dominick DeJoy, Jr. v. Louis DeJoy and Michael DeJoy*
99 CVS 12425 (Guilford County)

Dear Mr. Churchill:

Enclosed for filing please find an original and one copy of the Notice of Depositions for Dominick DeJoy, Jr. and Patricia DeJoy.

Please file the Notice of Deposition, place your file-stamp on the additional copy, and return the file stamped copy to the courier delivering this package.

With best regards,

Very truly yours,



Ronald R. Davis

RRD/sac
Enclosure

cc: G. Russell Korngay, III, Esq. (w/encl)

W0001782.1

STATE OF NORTH CAROLINA

Guilford County

File No 99-CVS-12425

In The General Court Of Justice

District Superior

FEB 23 2000
FILED

Name Of Plaintiff 1 Dominick DeJoy, Jr.
Tax ID/SSN
Name Of Plaintiff 2
Tax ID/SSN

GENERAL

CIVIL ACTION COVER SHEET

INITIAL FILING SUBSEQUENT FILING

Name Of Plaintiff 3
Tax ID/SSN

Name And Address Of Attorney Or Party If Not Represented (complete for initial)

Ronald R. Davis and H. Grady Barnhill, Jr.

P.O. Drawer 84
Winston-Salem, NC 27102

VERSUS

Name Of Defendant 1 Louis DeJoy
Tax ID/SSN

Attorney Bar No 20408

Initial Appearance In Case Change Of Address

Name Of Defendant 2 Michael DeJoy
Tax ID/SSN

Name Of Firm Womble Carlyle Sandridge & Rice, PLLC

Tax ID No Telephone No 336-721-3600 FAX No 336-721-3600

Name Of Defendant 3
Tax ID/SSN

Counsel For Defendants

All Plaintiffs Only (List party(ies) represented)
 All

Jury Demanded in Pleading No Yes

Amount in controversy does not exceed \$15,000
 Stipulate to arbitration

TYPE OF PLEADING

CLAIM FOR RELIEF FOR

(Check all that apply)

- Amended Answer/Reply (AMND-Response)
- Amended Complaint (AMND)
- Answer/Reply (ANSW-Response)
- Complaint (COMP)
- Confession of Judgment (CNFJ)
- Counterclaim vs. (CTCL)
- All Plaintiffs Only (List on back)
- Crossclaim vs. (List on back) (CRSS)
- Extend Statue of Limitations, Rule 9 (ESQL)
- Extend Time for Answer (MEOT-Response)
- Rule 12 Motion in Lieu Of Answer (MDLA)
- Third Party Complaint (List Third Party Defendants On Back) (TPCL)
- Other (specify)

- Administrative Appeal (ADMA)
- Appointment of Receiver (APRC)
- Attachment/Garnishment (ATTC)
- Claim and Delivery (CLMD)
- Collection on Account (ACCT)
- Condemnation (CNDM)
- Contract (CNTR)
- Discovery Scheduling Order (DSCH)
- Injunction (INJU)
- Medical Malpractice (MDML)
- Money Owed (MNYO)
- Negligence - Motor Vehicle (MVNG)
- Motor Vehicle Lien G.S. 44A (MVLN)
- Limited Driving Privilege-Out of State Convictions (PLDP)
- Possession of Personal Property (POPP)
- Product Liability (PROD)
- Real Property (RLPR)
- Specific Performance (SPPR)
- Other (specify)

NOTE: Small claims are exempt from cover sheets.

Date [Date] 2/21/00

Signature Of Attorney Or Party *Ronald R. Davis*

NOTE: All papers filed in civil actions, special proceedings and estates shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative office the Courts. The Clerk of Superior Court shall require a party to refile any paper which does not include the required cover sheet.

STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
99-CVS-12425

CW

DOMINICK DEJOY, JR.,)
)
Plaintiff,)
)
v.)
LOUIS DEJOY and MICHAEL DEJOY,)
)
Defendants.)
_____)

DEFENDANTS' ANSWER

LOUIS DEJOY and MICHAEL DEJOY ("Defendants") answer the allegations in Plaintiff's Complaint (the "Complaint") as follows:

1. On information and belief, Defendants admit the averments in paragraph 1 of the Complaint.
2. Defendants admit the averments in paragraph 2 of the Complaint.
3. Defendants admit the averments in paragraph 3 of the Complaint.
4. Defendants admit the averments in paragraph 4 of the Complaint.
5. Defendants are requesting that Plaintiff concur with designating this case as a "complex business case" and a recommendation from this Court that this matter be transferred to the Honorable Judge Ben Tenille, Superior Court Judge for Complex Business Cases, under Rule 2.2 of the General Rules of Practice. Subject to and without waiving these rights, Defendants admit the averments in paragraph 5 of the Complaint.

CC, TGA

6. It is admitted that Plaintiff has claimed damages in excess of \$10,000. Except as admitted, denied.

7. Defendants admit the averments in paragraph 7 of the Complaint.

8. It is admitted that Dominick DeJoy Sr. started and operated businesses known as New Breed Moving, New Breed Leasing (of New York), and New Breed Hauling and Rigging and that these companies engaged in, among other businesses, the businesses of trucking and transportation, rigging, and warehousing. It is admitted that Dominick DeJoy Sr. was injured in 1977 and became unable to run the businesses, and that at one time Michael DeJoy managed Dominick DeJoy Sr.'s companies. Except as admitted, denied.

9. It is admitted that Louis DeJoy is a CPA and that Dominick DeJoy Jr. does not have a college education. It is admitted that Louis DeJoy hired and fired staff in the office. Except as admitted, denied.

10. It is admitted that Louis DeJoy did not initially own interests, and Michael and Dominick DeJoy Jr. never owned interests, in New Breed Moving, New Breed Hauling, or New Breed Leasing (of New York). Except as admitted, denied.

11. It is admitted that New Breed Transfer Company was incorporated in 1986 in New Jersey. Except as admitted, denied.

12. It is admitted that Louis DeJoy was the president and a director of New Breed Transfer and that Louis, Dominick Jr. and Michael DeJoy each owned one-third of the stock in New Breed Transfer. It is admitted that Louis DeJoy had substantial influence on the areas of New Breed Transfer's finances, bank accounts, check signing, legal issues and tax return filing. It is admitted

that formal director meetings were not held for New Breed Transfer because there was only one director, who had no need to meet with himself, and because that director operated by way of numerous informal meetings. In like manner, the shareholders operated by numerous informal, as opposed to formal, meetings. Except as admitted, denied.

13. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 13 of the Complaint and therefore deny same.

14. It is admitted that Dominick DeJoy, Jr. worked as a member of various project teams that worked on specific projects, including the development of certain equipment. Defendants are without knowledge or information sufficient to form a belief as to the truth of whom Dominick Jr. relied upon or trusted and therefore deny same. Except as admitted, denied.

15. It is admitted that Louis DeJoy and Michael DeJoy set up various corporations throughout the country between 1989 and 1997. It is admitted that an internal company document exists that uses the terms "parent company" in a way that could erroneously be construed to refer to New Breed Transfer. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments concerning the ambiguous phrases "New Corporations" and "New Companies" and therefore deny same. Except as admitted, denied.

16. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments concerning the ambiguous phrase "New Corporations" and therefore deny same. Defendants deny the remaining averments in paragraph 16 of the Complaint.

17. It is admitted that Louis DeJoy and Michael DeJoy established various corporations that were primarily owned by Defendants. Defendants are without knowledge or information

sufficient to form a belief as to the truth of the averments concerning the ambiguous phrase "New Corporations" and therefore deny same. Except as admitted, denied.

18. It is admitted that Louis DeJoy was the majority shareholder of all but one of the corporations set up between 1989 and 1997, that Michael DeJoy owned 49% of some of the corporations, and that Defendants were among the officers and directors of some of the corporations. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 18 of the Complaint concerning the ambiguous phrase "New Corporations" and therefore deny same. Except as admitted, denied.

19. It is admitted that Louis DeJoy and Michael DeJoy received salaries, bonuses, benefits, dividends or distributions of income from one or more of the corporations that they created between 1989 and 1997. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 19 concerning the ambiguous phrase "New Corporations" and therefore deny same. Except as admitted, denied.

20. It is admitted that Louis DeJoy, Michael DeJoy, and Dominick DeJoy Jr., after extensive negotiations, agreed on and structured business transactions in such a way as to provide Dominick DeJoy Jr. with additional interests in additional corporations in 1998 and that Louis DeJoy, Michael DeJoy, and Dominick DeJoy Jr. further negotiated and structured the ownership of New Breed Inc. such that Dominick DeJoy, Jr. initially received a 15% interest in New Breed, Inc. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments concerning the ambiguous phrase "New Corporations" and therefore deny same. Except as admitted, denied.

21. It is admitted that Louis DeJoy, Michael DeJoy, and Dominick DeJoy Jr. caused the stock of New Breed, Inc. to be initially issued as follows: 55% to Louis, 30% to Michael, and 15% to Dominick DeJoy, Jr. It is admitted that Louis DeJoy, Michael DeJoy, and Dominick DeJoy, Jr. signed a shareholders' agreement governing the stock of New Breed, Inc. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 21 of the Complaint concerning the ambiguous phrase "New Corporations" and therefore deny same. Except as admitted, denied.

22. Defendants deny the averments in paragraph 22 of the Complaint.

23. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 23 of the Complaint and therefore deny same.

24. It is admitted that Louis DeJoy has been the majority shareholder of New Breed Inc. at all times since its incorporation. Except as admitted, denied.

25. It is admitted that at various times, but not at all times, Louis DeJoy and Michael DeJoy have been officers of New Breed Transfer, Louis DeJoy and Michael DeJoy have been officers of New Breed, Inc., Louis DeJoy and Michael DeJoy have been directors of New Breed Transfer, and Michael DeJoy and Louis DeJoy have been directors of New Breed, Inc. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 25 of the Complaint concerning the ambiguous phrase "New Corporations" and therefore deny same. Except as admitted, denied.

26. It is admitted that Louis DeJoy was the chief executive officer and chairman of the board of New Breed Transfer and New Breed, Inc. It is admitted that Louis is three years older than

Dominick Jr., that Louis has a college education and Dominick Jr. does not, and that Louis has held leadership positions with New Breed Transfer and New Breed Inc. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining averments in paragraph 26 of the Complaint and therefore deny same.

27. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 27 of the Complaint and therefore deny same.

28. It is admitted that Louis DeJoy established a joint bank account at Branch Banking and Trust in Greensboro, North Carolina under the two names of Louis DeJoy and Dominick DeJoy, Jr. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments concerning the execution of the signature card for the BB&T account, but since it was the custom and practice of the DeJoy brothers to sign each other's name (including Dominick Jr. signing Louis's signature on behalf of Louis) and Dominick DeJoy Jr. had given Louis DeJoy permission to sign Dominick Jr.'s name to documents, it is possible that Louis DeJoy executed Dominick DeJoy, Jr.'s signature on the signature card. It is admitted that New Breed Inc. deposited \$4,478,624 to the BB&T account for Dominick Jr. and that Louis DeJoy deposited \$156,349 to the account for Dominick Jr.. It is admitted that \$1,405,497 of monies from the account were used to pay Dominick Jr.'s personal income tax obligations, \$2,173,755 of monies from the account were used to repay Dominick Jr.'s obligations to New Breed, Inc., Dominick Jr. gave \$10,000 from the account to his mother, Dominick Jr. took \$100,000 in cash from the account, \$653,300 in proceeds from the account were invested by or for Dominick Jr. in investments, and Dominick Jr. loaned Louis DeJoy \$254,985 from the account. Defendants are without knowledge or information sufficient to form a

belief as to the truth of the averments in paragraph 28 of the Complaint concerning the phrase "New Corporations" and therefore deny same. Except as admitted, denied.

29. Defendants deny the averments in paragraph 29 of the Complaint.

30. Defendants deny the averments in paragraph 30 of the Complaint.

31. Defendants deny the averments in paragraph 31 of the Complaint.

32. Defendants deny the averments in paragraph 32 of the Complaint.

33. It is admitted that Louis DeJoy, Michael DeJoy, and Dominick DeJoy Jr. all received distributions from New Breed Inc. and New Breed Transfer. At this time Defendants are without knowledge or information sufficient to form a belief as to distributions from New Breed Transfer prior to 1995 because Defendants have not yet had an opportunity to review records for years prior to 1995 for New Breed Transfer, and therefore deny same. Defendants will supplement the response to the averments in Paragraph 33 of the Complaint concerning distributions from New Breed Transfer for the years prior to 1995 upon completion of review of the relevant records. Except as admitted, denied.

34. It is admitted that New Breed Inc. recorded loans to Dominick Jr. on its books and that Louis DeJoy knew of the same. Except as admitted, denied.

35. It is admitted that formal director meetings were not held for New Breed Transfer because there was only one director, who had no need to meet with himself, and because that director operated by way of numerous informal meetings. In like manner, the shareholders operated by numerous informal, as opposed to formal, meetings. It is admitted that New Breed Inc. has not yet had its annual meeting of directors or shareholders because of Plaintiff's actions. It is admitted that

Louis DeJoy and Michael DeJoy, as /as their legal right to do, have caused certain corporate actions to take place without notice to Plaintiff. Except as admitted, denied.

36. Upon information and belief, it is admitted that loans to shareholders and repayments of loans to shareholders have been unequal and not in proportion to the respective share ownerships in both New Breed Transfer and New Breed Inc. because Louis, Michael, and Dominick DeJoy Jr. have borrowed and repaid various amounts from both companies, related in part to the personal expenses that each of them have respectively incurred during a particular year. It is admitted that Louis, Michael, and Dominick DeJoy Jr. agreed to make, and made, contributions to capital on an unequal basis for one year for New Breed Transfer. Except as admitted, denied.

37. Defendants deny the averments in paragraph 37 of the Complaint.

38. Defendants incorporate all previous responses, set forth above, in response to the averments in paragraph 38 of the Complaint.

39. Defendants deny the averments in paragraph 39 of the Complaint.

40. It is admitted that Dominick DeJoy, Jr. has demanded funds. Except as admitted, denied.

41. Defendants deny the averments in paragraph 41 of the Complaint.

42. Defendants incorporate all previous responses, set forth above, in response to the averments in paragraph 42 of the Complaint.

43. It is admitted that Louis DeJoy is and always has been the majority shareholder of New Breed, Inc. and that Louis DeJoy and Michael DeJoy, presuming they voted in the same

manner, could have exercised the rights of the holders of two-thirds of the shares of New Breed Transfer and, at least initially, 70% of the shares of New Breed, Inc. Except as admitted, denied.

44. It is admitted that Louis DeJoy is and was the chief executive officer and chairman of the board of New Breed Transfer and New Breed, Inc. It is admitted that Louis is three years older than Dominick Jr., that Louis has a college education and Dominick Jr. does not, and that Louis has held leadership positions with New Breed Transfer and New Breed Inc. Defendants are without knowledge or information sufficient to form a belief as to whom Dominick Jr. placed confidence in or trusted and therefore deny same. Except as admitted, denied.

45. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 45 of the Complaint and therefore deny same.

46. It is admitted that Louis DeJoy and Michael DeJoy have been, and remain, officers and directors of New Breed Inc. It is admitted that Louis DeJoy and Michael DeJoy at various times but not at all times have both been, and currently are, officers and directors of New Breed Transfer. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 46 concerning the ambiguous phrase "New Corporations" and therefore deny same. Except as admitted, denied.

47. Defendants deny the averments in paragraph 47 of the Complaint.

48. Defendants deny the averments in paragraph 48 of the Complaint.

49. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 49 concerning the ambiguous phrase "New Corporations" and therefore deny same. Defendants deny the remaining averments in paragraph 49 of the Complaint.

50. Defendants incorporate all previous responses, set forth above, in response to the averments in paragraph 50 of the Complaint.

51. It is admitted that, after Coopers and Lybrand, independent certified public accountants who prepared personal tax returns for Louis DeJoy, Michael DeJoy, and Dominick DeJoy, Jr., completed all work on their personal returns and had the returns in final form, Coopers and Lybrand then mailed the personal tax returns to a New Breed entity, and Louis DeJoy (or for one year Frances DeJoy) actually physically handed Dominick DeJoy his personal tax return for his inspection, review and approval, and signature and mailing for the years 1990, '91, '92. It is admitted that an internal company document exists that uses the terms "parent company" in a way that could erroneously be construed to refer to New Breed Transfer. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 51 concerning the ambiguous phrases "New Corporations" and "New Companies" and therefore deny same. Except as admitted, denied.

52. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 52 concerning the ambiguous phrase "New Corporations " and therefore deny same. Defendants deny the remaining averments in paragraph 52 of the Complaint.

53. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 53 concerning the ambiguous phrase "New Corporations" and therefore deny same. Defendants deny the remaining averments in paragraph 53 of the Complaint.

54. Defendants deny the averments in paragraph 54 of the Complaint.

55. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 55 of the Complaint concerning the awareness and reliance of Dominick DeJoy, Jr. and concerning the ambiguous phrase "New Companies" and therefore deny same. Defendants deny the remaining averments in paragraph 55 of the Complaint.

56. Defendants deny the averments in paragraph 56 of the Complaint.

57. Defendants deny the averments in paragraph 57 of the Complaint.

58. Defendants incorporate all previous responses, set for the above, in response to averments in paragraph 58 of the Complaint.

59. Defendants deny the averments in paragraph 59 of the Complaint.

60. It is admitted that any economic benefits that Defendants received from New Breed Transfer or New Breed, Inc. were legally and properly earned. It is admitted that Defendants have not made, since none has been or is due, restitution. Except as admitted, denied.

61. Defendants deny the averments in paragraph 61 of the Complaint.

62. Defendants incorporate all previous responses, set forth above, in response to the averments in paragraph 62 of the Complaint.

63. No responsive pleadings are necessary to paragraph 63 of the Complaint, since the paragraph submits a legal proposition. If any response be needed, paragraph 63 is denied.

64. Defendants deny the averments in paragraph 64 of the Complaint.

65. Defendants incorporate all previous responses, set forth above, in response to the averments in paragraph 65 of the Complaint.

66. It is admitted that loans to shareholders and repayments of loans to shareholders have been unequal and not in proportion to the respective share ownerships in both New Breed Transfer and New Breed Inc. because Louis, Michael, and Dominick DeJoy Jr. have borrowed and repaid various amounts from both companies, related in part to the personal expenses that they have respectively incurred during any particular year. It is admitted that Louis, Michael, and Dominick DeJoy Jr. agreed one year to make, and made, contributions to capital on an unequal basis for New Breed Transfer. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 66 concerning the ambiguous phrase "New Corporations" and therefore deny same. Except as admitted, denied.

67. Defendants deny the averments in paragraph 67 of the Complaint.

68. Defendants incorporate all previous responses, set forth above, in response to the averments in paragraph 68 of the Complaint.

69. Defendants deny the averments in paragraph 69 of the Complaint.

70. Defendants deny the averments in paragraph 70 of the Complaint.

71. Any averment not specifically responded to above is denied.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

The Complaint fails to state a claim against the Defendants, or either of them, upon which relief can be granted.

SECOND DEFENSE

Defendants plead the defense of waiver, both expressly and impliedly.

THIRD DEFENSE

Defendants plead the defenses of estoppel and acquiescence in response to any alleged wrongful act of Defendants, or either of them, which is denied. As to any alleged wrongful act of Defendants, or either of them, Defendants plead that Plaintiff led Defendants to reasonably believe that their actions were authorized by Plaintiff, and Defendants reasonably relied and acted upon the same, all such wrongful conduct by Defendants, or either of them, being denied.

FOURTH DEFENSE

Defendants plead the defense of accord and satisfaction.

FIFTH DEFENSE

Defendants plead the defense of license because Plaintiff, both expressly and impliedly and by his conduct, gave Defendants permission and authority to take many of the action for which he is now complaining.

SIXTH DEFENSE

Defendants plead the defense of the terms of the reorganization and the shareholders' agreement, which Plaintiff negotiated, agreed to, and signed.

SEVENTH DEFENSE

Defendants plead that Plaintiff is precluded from asserting some or all of the claims contained, or seeking the relief requested, in the Complaint by his failure to timely institute this

action to present his claims. The defense includes application of the doctrine of laches and all applicable statutes of limitations, which are each specifically pleaded in bar to any recovery.

EIGHTH DEFENSE

Defendants plead that their actions were not a or the cause, proximate cause, superseding cause, or intervening cause of Plaintiff's damages, if any. Accordingly, Plaintiff's damages, if any, are barred and should be denied in whole or in part.

NINTH DEFENSE

Defendants plead the defense that if either Defendant assumed control over Plaintiff's personal property, which is denied, such assumption of control was authorized by Plaintiff.

TENTH DEFENSE

Defendants plead the defense of ratification. To the extent that Defendants took any unauthorized action, which is denied, then Plaintiff subsequently approved those actions in connection with negotiating and executing the reorganization documents and by other subsequent acts.

ELEVENTH DEFENSE

Defendants plead that they acted in good faith, fairly, and in an open and honest manner.

TWELFTH DEFENSE

With respect to Plaintiff's claim of conversion, Defendant Louis DeJoy pleads the defense that his name was on the accounts allegedly converted, and accordingly he had joint authority over the monies in the same. Furthermore, all monies were used to Plaintiff's benefit, except for monies that Plaintiff chose to give to his mother.

THIRTEENTH DEFENSE

To the extent that Plaintiff attempts to plead derivative claims, Defendants plead the business judgment rule.

WHEREFORE, having answered all of the allegations in the complaint, Defendants Louis DeJoy and Michael DeJoy pray that:

1. Plaintiff have and recover nothing from Defendants, or either of them;
2. Defendants recover their reasonable and necessary attorneys' fees, costs, and expenses; and
3. Defendants further pray for such further relief to which it may be entitled.

Respectfully submitted,



Ronald R. Davis
NC State Bar No. 20408
H. Grady Barnhill, Jr.
NC State Bar No. 224

- Attorney for Defendants -

Of Counsel:

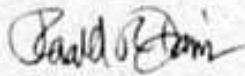
WOMBLE CARLYLE SANDRIDGE & RICE
A Professional Limited Liability Company
Post Office Drawer 84
Winston-Salem, NC 27102
Telephone: 336-721-3600

CERTIFICATE OF SERVICE

I certify that by my direction on February 2nd, 2000 I have caused to be served on the party in this action a copy of the foregoing **Defendants' Answer** by hand delivery, addressed as follows:

ADDRESSEE:

G. Russell Korngay, III, Esquire
Richard B. Fennell, Esquire
James, McElroy & Diehl, P.A.
600 South College Street
Charlotte, North Carolina 28202



Ronald R. Davis
NC State Bar No. 20408

- Attorney for Defendants -

Of Counsel:

WOMBLE CARLYLE SANDRIDGE & RICE
A Professional Limited Liability Company
Post Office Drawer 84
Winston-Salem, NC 27102
Telephone: 336-721-3600

WOMBLE
CARLYLE
SANDRIDGE
& RICE
A PROFESSIONAL CORPORATION
CHARLOTTE, NORTH CAROLINA

700 West Second Street
Winston-Salem, NC 27101

Mailing Address:
Post Office Drawer #4
Winston-Salem, NC 27102
Telephone: (336) 721-3600
Fax: (336) 721-3600
Web site: www.wcsr.com

Ronald R. Davis
Direct Dial: (336) 721-3771
Direct Fax: (336) 726-6006
E-mail: RDavis@wcsr.com

February 21, 2000

Estie Benington
Clerk, Superior Court
Courthouse
201 S. Eugene Street
Greensboro, NC 27402

Via Hand Delivery

Re: *Dominick DeJoy, Jr. v. Louis DeJoy and Michael DeJoy --
99 CVS 12425 (Guilford County)*

Dear Ms. Benington:

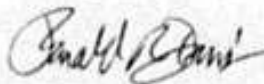
Enclosed for filing please find an original and copies of the following:

1. Defendants' Answer (with one additional copy);
2. General Action Cover Sheet.

Please file the answer, place your file-stamp on the additional copies, and return the file stamped copies to the courier delivering this package.

With best regards,

Very truly yours,



Ronald R. Davis

RRD:sac
Enclosure

cc: G. Russell Korngay, III (w/encl)

Via Hand Delivery

W0882799.1

STATE OF NORTH CAROLINA

GUILFORD County

File No. 99-CVS-12425

RECEIVED SHERIFF'S OFFICE
00 JAN 20 PM 4:19
HIGH POINT, NC
GUILFORD COUNTY

FEB 01 2000
The General Court Of Justice
 District Superior Court Division

Name Of Plaintiff
Dominick DeJoy, Jr.

VERSUS

Name Of Defendant
Louis DeJoy and Michael DeJoy

DELAYED SERVICE
OF
COMPLAINT

640

G.S. 1A-1, Rules 3 & 4

TO: Louis DeJoy
Name And Address Of Defendant 1
Louis DeJoy
c/o New Breed, Inc.
4043 Piedmont Parkway
High Point, North Carolina 27265

TO: Michael DeJoy
Name And Address Of Defendant 2
Michael DeJoy
95 Manetto Hill Road
Huntington, New York 11743

You are being served with a copy of the complaint in this action, the delayed filing of which was ordered when the summons was issued. You must:

1. Serve a copy of your written answer to the complaint upon the plaintiff or the plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or the plaintiff's attorney or by mailing a copy to one of them at his/her last known address.
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (If None, Address Of Plaintiff)
G. Russell Kornegay, III
James, McElroy & Diehl, P.A.
600 South College Street
Charlotte, North Carolina 28202

Date JAN 18 2000 Time 9:15 AM
Signature Ann Herkney
 Deputy CSC Assistant CSC Clerk Of Superior Court

349121

SERVICE ATTEMPTED		
DATE	TIME	OFFICER

BJ Torres, Sheriff
 Guilford County

Name Of Sheriff: **BJ Torres**
 County: **Guilford**
 Deputy Sheriff Making Return: **JP [Signature]**

Date Received: **1-20-00**

Date Of Return: **1-21-00 1415**

Service Fee Paid: **0**

Paid By:

Defendant WAS NOT served for the following reason:

Other Manner Of Service (specify):

Date Accepted

Service Accepted By Defendant

Signature

Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)

- By delivering to the defendant named above a copy of this Document and Complaint.
- By leaving a copy of this Document 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 this Document and Complaint to the person named below.

Date Served

Name Of Defendant

DEFENDANT 2

Defendant WAS NOT served for the following reason:

Other Manner Of Service (specify):

Date Accepted

Service Accepted By Defendant

Signature

Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)

- By delivering to the defendant named above a copy of this Document and Complaint.
- By leaving a copy of this Document 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 this Document and Complaint to the person named below.

Date Served

1-20-00

Name Of Defendant

Louis DeJoy

DEFENDANT 1

; certify that this Document and a copy of the Complaint were received and served as follows:

RETURN OF SERVICE

[Handwritten signature]

STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
99-CVS-12425

DOMINICK DEJOY, JR.,

Plaintiff,

vs.

LOUIS DEJOY and MICHAEL DEJOY,

Defendants.

[Handwritten initials]

JAN 28 2000

[Handwritten initials]

AFFIDAVIT OF SERVICE

G. RUSSELL KORNEGAY, III, being first duly sworn, deposes and says as follows:

1. I am a citizen and resident of the State of North Carolina. I am over the age of eighteen (18) years. I am under no legal disability, and I make this Affidavit upon my personal knowledge.

2. I am an attorney licensed to practice in the State of North Carolina, and I represent Plaintiff in this action.

3. On January 4, 2000, via certified mail, return receipt requested, number Z 027 082 480, my office sent a copy of an Application and Order Extending Time to File Complaint and Civil Summons to be Served with Order Extending Time to File Complaint in this matter addressed to Defendant, MICHAEL DEJOY, 95 Manetto Hill Road, Huntington, New York 11743. [The original "Receipt for Certified Mail" is attached hereto as Exhibit A.]

4. The green Return Receipt Card was returned on January 10, 2000, indicating that the Application and Order Extending Time to File Complaint and Civil Summons to be Served with Order Extending Time to File Complaint was delivered on January 7, 2000. [The original green "Domestic Return Receipt" is attached hereto as Exhibit A.]

5. On January 18, 2000, via certified mail, return receipt requested, number Z 157 771 650, my office sent a copy of a Complaint and Delayed Service of Complaint in this matter addressed to Defendant, MICHAEL DEJOY, 95 Manetto Hill Road, Huntington, New York 11743. [The original "Receipt for Certified Mail" is attached hereto as Exhibit B.]

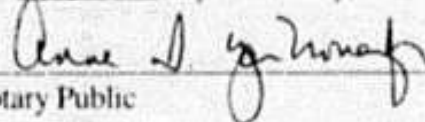
cc TOA cc: mailed

6. The green Return Receipt Card was returned on January 24, 2000, indicating that the Complaint and Delayed Service of Complaint was delivered on January 21, 2000. [The original green "Domestic Return Receipt" is attached hereto as Exhibit B.]



G. Russell Kornegay, III

SWORN and SUBSCRIBED before me
this 26th day of January, 2000.



Notary Public

My Commission Expires: 7-25-2001

EXHIBIT A

Z 027 062 480

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

To: Michael DeJoy	
Street & Number: 95 Manetto Hill Road	
Post Office, State, & ZIP Code: Huntington, NY 11743	
Postage	\$ 33
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing Whom Date, & Addressed Address	
TOTAL Postage & Fees	\$ 2.98
Postmark or Date	January

PS Form 3800 April 1995



[Handwritten signature]
 027 062 480
 JAN 17 1998

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Received by (Please Print Clearly) _____</p> <p>B. Date of Delivery: 1/7/98</p> <p>C. Signature: X M DeJoy <i>(Handwritten)</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? YES if YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to: Michael DeJoy 95 Manetto Hill Road Huntington, NY 11743</p>	<p>3. Service Type: <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Copy from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

EXHIBIT B

Z 157 771 650 (AIY)

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided
 Do not use for international Mail (See reverse)

Delivered to Michael DeJoy	
Street & Number 95 Manetto Hill Road	
Post Office, State & ZIP Code Huntington, New York 11743	
Postage	
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.42
Postmark or Date January 18, 2000	

PS Form 3800, April 1995



Handwritten initials: *QW*
 Vertical stamp: JUN 27 PM 4:23

SENDER, COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY						
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<table border="1"> <tr> <td>A. Received by (Please Print Clearly)</td> <td>B. Date of Delivery 1/21</td> </tr> <tr> <td>C. Signature <i>M. DeJoy</i></td> <td> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </td> </tr> <tr> <td>D. Is delivery address different from item 1? if YES, enter delivery address below:</td> <td> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No </td> </tr> </table>	A. Received by (Please Print Clearly)	B. Date of Delivery 1/21	C. Signature <i>M. DeJoy</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	D. Is delivery address different from item 1? if YES, enter delivery address below:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
A. Received by (Please Print Clearly)	B. Date of Delivery 1/21						
C. Signature <i>M. DeJoy</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee						
D. Is delivery address different from item 1? if YES, enter delivery address below:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						
1. Article Addressed to: Michael DeJoy 95 Manetto Hill Road Huntington, New York 11743	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.						
2. Article Number (Copy from service label) Z 157 771 650	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes						



STATE OF NORTH CAROLINA

File No
99-CVS-12425

GUILFORD COUNTY

In the General Court of Justice
 District Superior Court Division

Name Of Plaintiff 1
DOMINICK DEJOY, JR.

Tax ID/SSN

Name Of Plaintiff 2

Tax ID/SSN

Name Of Plaintiff 3

Tax ID/SSN

GENERAL CIVIL ACTION

COVER SHEET

INITIAL FILING SUBSEQUENT FILING

Rule 5(b) Rules of Practice for Superior and District Courts

VERSUS

Name Of Defendant 1
LOUIS DEJOY

Tax ID/SSN Summons Submitted
 Yes No

Name Of Defendant 2
MICHAEL DEJOY

Tax ID/SSN Summons Submitted
 Yes No

Name Of Defendant 3

Tax ID/SSN Summons Submitted
 Yes No

Name And Address Of Attorney, Or Party If Not Represented (complete for initial appearance or change of address)

G. Russell Kornegay, III
600 S. College Street
Charlotte, NC 28202

Attorney Bar No.
12459

Initial Appearance in Case Change of Address

Name Of Firm
James, McElroy & Diehl, P.A.

Tax ID No. Telephone No. FAX No.
704/372-9870 704/342-5858

Counsel for
 All Plaintiffs All Defendants Only (List party(ies) represented)

Jury Demanded in Pleading
 Complex Litigation

Amount in controversy does not exceed \$15,000
 Stipulate to arbitration

TYPE OF PLEADING **CLAIM FOR RELIEF FOR**

- (check all that apply)
- Amended Answer/Reply (AMND-Response)
 - Amended Complaint (AMND)
 - Answer/Reply (ANSW-Response)
 - Complaint (COMP)
 - Confession of Judgment (CNFJ)
 - Counterclaim vs. (CTCL)
 - All Plaintiffs Only (List on back)
 - Crossclaim vs. (List on back) (CRSS)
 - Extend Statute of Limitations, Rule 9 (ESOL)
 - Extend Time for Answer (MEOT-Response)
 - Extend Time For Complaint (EXCO)
 - Rule 12 Motion in Lieu Of Answer (MDLA)
 - Third Party Complaint (List Third Party Defendants On Back) (TPCL)
 - xx Other (specify) Affidavit of Service

- Administrative Appeal (ADMA)
- Appointment of Receiver (APRC)
- Attachment/Garnishment (ATTC)
- Claim and Delivery (CLMD)
- Collection on Account (ACCT)
- Condemnation (CNDM)
- Contract (CNTR)
- Discovery Scheduling Order (DSCH)
- Injunction (INJU)
- Medical Malpractice (MDML)
- Minor Settlement (MSTL)
- Money Owed (MNYO)
- Negligence - Motor Vehicle (MVNG)
- Motor Vehicle Lien G.S. 44A (MVLN)
- Limited Driving Privilege - Out-of-State Convictions (PLDP)
- Possession of Personal Property (POPP)
- Product Liability (PROD)
- Real Property (RLPR)
- Specific Performance (SPPR)
- Other (specify)

NOTE: Small claims are exempt from cover sheets

Date
January 26, 2000

Signature Of Attorney/Party

NOTE: All papers filed in civil actions, special proceedings and estates shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts. The Clerk of Superior Court shall require a party to re-file any paper which does not include the required cover sheet

No.	<input type="checkbox"/> Additional Plaintiff(s)	Tax ID/SSN

No.	<input type="checkbox"/> Additional Defendant(s)	<input type="checkbox"/> Third Party Defendant(s)	Tax ID/SSN	Summons Submitted
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No

Plaintiff(s) Against Whom Counterclaim Asserted

Defendant(s) Against Whom Crossclaim Asserted

JAMES, McELROY & DIEHL, P.A.
ATTORNEYS AT LAW

600 SOUTH COLLEGE STREET

CHARLOTTE, NORTH CAROLINA 28202

TELEPHONE 704 372 9870

800 247 9870

TELECOPIER 704 333 9508

J. MITCHELL ABERMAN*	EDWARD F. WINSON, JR.
JOHN S. ARROWOOD	KATHERINE S. WILLOUGH
KATHERINE A. BARNES	KENT D. JONES
MARY KAY BAYNARD	KATHERINE LINDY KELLY
JOHN W. BEEDON	DAVID M. KERN
JOHN R. BURIC	G. RUSSELL KORNEGAY, III
DAVID C. CORDES	FENDER W. MCELROY
WILLIAM K. DIEHL, JR.	FRED B. MONROE
RICHARD A. ELANS	EMILY J. SHEA
RICHARD B. FENNELL	ROBERT H. SHEPPARD
GARY E. HENRIC	BRUCE M. SIMPSON
ANN L. HESTER	BETH M. TATE
LAWRENCE W. HEWITT	JENNIFER K. YOUNG

January 26, 2000

*ALSO ADMITTED IN S.C.

HENRY JAMES, JR.
OF COUNSEL

Mr. David L. Churchill
Clerk of Superior Court
Guilford County Courthouse
Post Office Box 3008
Greensboro, North Carolina 27402-3008

RE: Dominick DeJoy, Jr. v. Louis DeJoy and Michael DeJoy
Guilford County File No. 99-CVS-12425

Dear Mr. Churchill:

Enclosed is the original and two copies of an Affidavit of Service to be filed in the above entitled matter. Please file the original and return the copies to me marked filed in the enclosed self-addressed, stamped envelope.

I also enclose a civil action cover sheet in the event a cover sheet is necessary to file with an Affidavit.

Thank you for your assistance.

Sincerely yours,


G. Russell Kornegay, III

GRK/atj
Enclosures

cc: Mr. Dominick DeJoy, Jr. (w/encl.)

STATE OF NORTH CAROLINA

File No. **99-CVS-12425**

GUILFORD County

In the General Court of Justice
 District Superior Court Division

Name of Plaintiff
DOMINICK DEJOY, JR.
 Address
1501 Regents Park Lane
 City, State, Zip
Greensboro, NC 27455

JAN 27 2000
CIVIL SUMMONS

G.S. 1A-1, Rules 3, 4

Name of Defendant(s)
LOUIS DEJOY
MICHAEL DEJOY

Alias and Pluries Summons
December 29, 1999
 Date Last Summons Issued

To Each Of The Defendant(s) Named Below:

Name & Address of Defendant 1
LOUIS DEJOY
 c/o New Breed, Inc., 4043 Piedmont Parkway
 High Point, NC 27265

Name & Address of Defendant 2
MICHAEL DEJOY
 95 Manetto Hill Road
 Huntington, New York 11743

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name and Address of Plaintiff's Attorney (If None, Address Of Plaintiff)
G. Russell Kornegay, III
 James, McElroy & Diehl, P.A. 600 S. College St.
 Charlotte, NC 28202

Date Issued **1-26-00** Time **1:28** AM PM
 Signature *[Handwritten Signature]*
 Deputy CSC Assistant CSC Clerk of Superior Court

CO JAMES M. KORN
 JAN 26 PM 1:28
 CSC

ENDORSEMENT

This summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended thirty (30) days.

Date Issued _____ Time AM PM
 Signature _____
 Deputy CSC Assistant CSC Clerk of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

RETURN OF SERVICE

I certify that this Summons and a copy of the complaint were received and served as follows:

DEFENDANT 1

Date Served

Name Of Defendant

LOUIS DEJOY

- 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.

DEFENDANT 2

Date Served

Name Of Defendant

MICHAEL DEJOY

- 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

Date Received

Name of Sheriff

Paid By

Date Of Return

County

Deputy Sheriff Making Return

JAMES, McELROY & DIEHL, P.A.
ATTORNEYS AT LAW

600 SOUTH COLLEGE STREET

CHARLOTTE, NORTH CAROLINA 28202

TELEPHONE 704 372-9870

800 247-9870

TELECOPIER 704 333-6508

J. MITCHELL ABERMAN*	EDWARD T. KINSON, JR.
JOHN S. ARROWOOD	KATHERINE S. HOLLIDAY
CATHERINE A. BARNES	KENT D. JONES
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RICHARD B. FENNELL	ROBERT H. SHEPPARD
GARY S. HEMRIC	BRUCE H. SIMPSON
ANN L. HILTER	BETH B. TATE
LAWRENCE W. LYNITT	JENNIFER A. YOUNG

January 20, 2000

*ALSO ADMITTED IN S.C.
HENRY JAMES, JR.
OF COUNSEL

Mr. David L. Churchill
Clerk of Superior Court
Guilford County Courthouse
Post Office Box 3008
Greensboro, North Carolina 27402-3008

RE: Dominick DeJoy, Jr. v. Louis DeJoy and Michael DeJoy
Guilford County File No. 99-CVS-12425

Dear Mr. Churchill:

Enclosed herewith are the original and two yellow copies each of a Civil Summons to be issued in the above entitled matter. The original Civil Summons was issued on December 29, 1999.

In order to timely serve both Defendants, I would appreciate if you would issue the Alias and Pluries Summons and return the copies to me in the enclosed self-addressed, stamped envelope.

Please call me at 1-800-247-9870 if you have any questions. Thank you for your assistance.

Sincerely yours,

G. Russell Kornegay, III

GRK/aiy
Enclosures

cc: Mr. Dominick DeJoy, Jr. (w/encl.)

JAN 18 2000

GUILFORD COUNTY

In the General Court of Justice
District Superior Court Division

Name Of Plaintiff 1 DOMINICK DEJOY, JR.

Tax ID/SSN

Name Of Plaintiff 2

Tax ID/SSN

Name Of Plaintiff 3

Tax ID/SSN

GENERAL CIVIL ACTION

COVER SHEET

INITIAL FILING SUBSEQUENT FILING

Rule 5(b) Rules of Practice for Superior and District Courts

Name And Address Of Attorney, Or Party If Not Represented (complete for initial appearance or change of address)

G. Russell Kornegay, III
600 S. College Street
Charlotte, NC 28202

Attorney Bar No. 12459

VERSUS

Name Of Defendant 1 LOUIS DEJOY

Tax ID/SSN Summons Submitted Yes No

Name Of Defendant 2 MICHAEL DEJOY

Tax ID/SSN Summons Submitted Yes No

Name Of Defendant 3

Tax ID/SSN Summons Submitted Yes No

Initial Appearance in Case Change of Address

Name Of Firm James, McElroy & Diehl, P.A.

Tax ID No Telephone No FAX No

Counsel for All Plaintiffs All Defendants Only (List party(ies) represented)

Jury Demanded in Pleading Complex Litigation

Amount in controversy does not exceed \$15,000 Stipulate to arbitration

TYPE OF PLEADING

CLAIM FOR RELIEF FOR

- Amended Answer/Reply (AMND-Response)
Amended Complaint (AMND)
Answer/Reply (ANSW-Response)
Complaint (COMP)
Confession of Judgment (CNFJ)
Counterclaim vs. (CTCL)
Crossclaim vs. (List on back) (CRSS)
Extend Statute of Limitations, Rule 9 (ESOL)
Extend Time for Answer (MEOT-Response)
Extend Time For Complaint (EXCO)
Rule 12 Motion In Lieu Of Answer (MDLA)
Third Party Complaint (List Third Party Defendants On Back) (TPCL)
Other (specify)

- Administrative Appeal (ADMA)
Appointment of Receiver (APRC)
Attachment/Garnishment (ATTC)
Claim and Delivery (CLMD)
Collection on Account (ACCT)
Condemnation (CNDM)
Contract (CNTR)
Discovery Scheduling Order (DSCH)
Injunction (INJU)
Medical Malpractice (MDML)
Minor Settlement (MSTL)
Money Owed (MNYO)
Negligence - Motor Vehicle (MVNG)
Motor Vehicle Lien G.S. 44A (MVLN)
Limited Driving Privilege - Out-of-State Convictions (PLDP)
Possession of Personal Property (POPP)
Product Liability (PROD)
Real Property (RLPR)
Specific Performance (SPPR)
Other (specify) Conversion, Breach of Fiduciary Duty and Constructive Trust, Actual Fraud, Restitution, etc.

NOTE: Small claims are exempt from cover sheets

Date January 18, 2000

Signature Of Attorney/Party

NOTE: All papers filed in civil actions, special proceedings and estates shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts.

No.	<input type="checkbox"/> Additional Plaintiff(s)	Tax ID/SSN

No.	<input type="checkbox"/> Additional Defendant(s)	<input type="checkbox"/> Third Party Defendant(s)	Tax ID/SSN	Summons Submitted
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No

Plaintiff(s) Against Whom Counterclaim Asserted

Defendant(s) Against Whom Crossclaim Asserted

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF GUILFORD

99-CVS-12425

DOMINICK DEJOY, JR.,

)

Walt

Plaintiff,

)

COMPLAINT

vs.

)

LOUIS DEJOY and MICHAEL
DEJOY,

)

)

Defendants.

)

[JURY TRIAL DEMANDED]

Plaintiff complains against Defendants as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Dominick DeJoy, Jr. (hereinafter "Dominick" or "Dominick, Jr.") is an adult citizen and resident of Greensboro, Guilford County, North Carolina.
2. Defendant Louis DeJoy (hereinafter "Louis"), is an adult citizen and resident of Greensboro, Guilford County, North Carolina.
3. Defendant Michael DeJoy (hereinafter "Michael"), is an adult citizen and resident of Huntington, New York.
4. Jurisdiction in this action is proper pursuant to N.C.G.S. § 1-75.1, *et seq.*
5. Venue in this Court is proper pursuant to N.C.G.S. § 1-82.
6. The amount in controversy in this action exceeds \$10,000.

FACTUAL ALLEGATIONS

7. Louis and Michael DeJoy are the older brothers of Dominick DeJoy, Jr. Louis, Dominick, Jr., and Michael are all the children of Dominick DeJoy, Sr. (hereinafter "Dominick, Sr.").
8. From 1968 to 1977, Dominick, Sr. started and operated a business, known as New Breed Moving ("Moving"), in New York and New Jersey. During that time period, he

also started and operated two other businesses known as New Breed Hauling and Rigging ("Hauling") and New Breed Leasing ("Leasing"). Dominick, Sr.'s companies were engaged in the trucking and transportation business. In 1977, Dominick, Sr. was injured and became unable to run the businesses. Thereafter, Dominick, Jr., and Michael began managing Moving, Hauling and Leasing for their father.

9. Louis graduated from college in 1978 with a degree in accounting and became a CPA. Dominick, Jr., does not have a college education. In approximately 1983, Louis began working at Moving, Hauling and Leasing as the Chief Financial Officer. He took control of the companies' finances, handling bank accounts, check signing, and tax return filings. He hired and fired the staff in the office, and he took control of all dealings with the companies' legal counsel.

10. Neither Louis, Dominick, Jr., or Michael owned any interest in Moving, Hauling or Leasing, until Louis purported to purchase Dominick, Sr.'s stock in Moving in approximately 1998.

11. In 1986, New Breed Transfer Corp. (hereinafter "Transfer") was incorporated in New Jersey to undertake business outside of the trucking and transportation business. Led in large part by Dominick, Jr.'s marketing efforts, Transfer expanded into the warehousing and logistical support business. Transfer's business dealings spread from New Jersey across the country.

12. Louis was the president and a director of Transfer. Louis, Michael and Dominick, Jr. each owned one-third of the stock in Transfer. However, Louis maintained *de facto* control of Transfer, handling the company's finances, bank accounts, check signing, legal issues and tax return filings, while Dominick's job duties consisted of business development and the technical aspects of implementing customers' contracts. Except for one occasion in June 1996, no directors' or shareholders' meetings of Transfer were ever held.

13. Dominick, Jr., trusted Louis, believed that he was a capable CPA, and believed that Louis would responsibly look after all three brothers' interests in managing the finances of Transfer. Likewise, Dominick, Jr., trusted Michael and believed that Michael would responsibly look after all three brothers' interests in Transfer.

14. When Dominick, Jr., brought in new customers for Transfer, he dealt with the technical aspects of implementing the customers' contract specifications. He developed new processes, systems, methods, proprietary equipment and other intellectual property to serve the needs of Transfer's new customers. However, he trusted and relied upon Louis to handle the necessary legal paperwork related to Transfer's acquisition of new customer contracts. Dominick, Jr., never saw the written contracts which Transfer's customers signed.

15. Between 1989 and 1997, when Dominick, Jr., brought in new customers for Transfer, Louis and, upon information and belief, Michael, set up additional corporations ("the New Corporations") throughout the country to contract with the customers which Dominick, Jr., had been instrumental in obtaining for Transfer through his sales efforts and development of new technology. On numerous occasions between 1989 and 1997, Louis made express statements to Dominick, Jr. that the New Corporations were wholly owned by Transfer and that Dominick, Jr. owned a one-third interest in all of the New Breed entities, including the New Corporations. These statements were false and included, but were not limited to the following:

- a. In or about October 1990, October 1991, and October 1992, when Louis presented Dominick, Jr., with Dominick, Jr.'s personal tax returns for signature, Louis represented to Dominick, Jr., that the New Breed Transfer and the New Corporations were consolidated and that Dominick, Jr., owned one-third of all of them.
- b. In or about April or May 1994, Louis represented to Dominick, Jr., that Dominick, Jr., owned one-third of all of the "New Breed Companies."
- c. In or about May 1996, Louis specifically represented to Dominick, Jr., and confirmed in writing in an internal company document issued by him, that New Breed Transfer was the "parent company" of the New Breed entities.

16. Between 1989 and 1997, and continuing to the present, Louis and, upon information and belief, Michael, intentionally concealed from Dominick, Jr., all documentation which would have revealed the true ownership of the New Corporations.

17. Without the knowledge of Dominick, Jr., and, upon information and belief, with the knowledge and cooperation of Michael, Louis primarily established himself, and to some extent Michael, as the owners of the New Corporations, while, upon information and belief, entirely excluding Dominick, Jr., from ownership in the New Corporations, at least until approximately 1998.

18. Louis always established himself as the majority shareholder of the New Corporations. In some instances, Michael was provided with a 49 percent ownership interest in the New Corporations. Louis and Michael were always among the officers and directors of the New Corporations; Dominick, Jr., was never made an officer or director. Dominick, Jr., was never informed of the true ownership of the New Corporations.

19. The New Corporations were formed and operated with the working capital, knowledge and expertise, personnel, equipment, methods, technology and intellectual property of Transfer. In fact, they were formed by diverting contracts which Dominick, Jr., had been instrumental in obtaining for Transfer from Transfer to the New Corporations. Upon

information and belief, Louis and Michael profited from the New Corporations by receiving salaries, bonuses, benefits, dividends, and/or distributions of income, while Dominick, Jr., received no profits or other benefits from the New Corporations.

20. Upon information and belief, Michael and Louis DeJoy incorporated the New Corporations with the intent to later reorganize the New Corporations into a new holding company in which Dominick DeJoy, Jr. would own less than the one-third interest which he owned in Transfer. Upon information and belief, Dominick DeJoy, Jr., was given no ownership interest in any of the New Corporations until approximately 1998, when Louis and Michael DeJoy apparently gave Dominick, Jr., a small minority interest in a few of the New Corporations in order to achieve their goal of having Dominick, Jr., own only a predetermined 15 percent interest in a new holding company known as New Breed, Inc. ("New Breed").

21. In approximately April 1998, Louis DeJoy and, upon information and belief, Michael DeJoy, took steps to reorganize Transfer and the New Corporations into the new corporation known as New Breed. Louis DeJoy and, upon information and belief, Michael DeJoy caused the stock of New Breed to be issued as follows: 55 percent to Louis; 30 percent to Michael; and 15 percent to Dominick, Jr. Louis and Michael also presented Dominick, Jr., with a shareholders' agreement governing the stock of New Breed which is very disadvantageous to Dominick, Jr. Louis and Michael DeJoy conspired to and did force Dominick, Jr. to sign the shareholder agreement.

22. Upon information and belief, Louis and Michael's creation of New Breed was part of a plan that the two of them had developed together, without the knowledge or consent of Dominick, Jr., to sell Dominick, Jr.'s interest in New Breed to a third-party investor, to disclose to Dominick, Jr., only a portion of the sale price of his stock, and to keep the remaining proceeds of the sale for their own use.

23. Prior to the presentation to him of the shareholders' agreement in April 1998, Dominick, Jr. did not suspect that Louis and Michael had been operating Transfer in a manner that was harmful to Dominick, Jr.

24. At all times alleged herein, Louis DeJoy and Michael DeJoy were the majority and controlling shareholders of Transfer. At all times since the incorporation of New Breed, Inc., Louis DeJoy has been the majority and controlling shareholder of New Breed. In cooperation with Louis, Michael also has been in control of New Breed at all times alleged herein.

25. At all times alleged herein, Louis and Michael DeJoy have been officers and directors of Transfer, the New Corporations and New Breed.

26. At all times alleged herein, based on his education, family status, and leadership position within the DeJoy family's business interests, Louis was in a dominant or superior

position to Dominick, Jr., and Dominick, Jr. placed trust and confidence in Louis to remain loyal to Dominick, Jr. and to act in the best interests of Dominick, Jr.

27. At all times alleged herein, based on Michael's familial and trusted business relationship with Dominick, Jr., Dominick, Jr., has placed trust and confidence in Michael to remain loyal to Dominick, Jr., and to act in the best interests of Dominick, Jr.

28. In mid-1999, Dominick, Jr. learned that Louis had established an account at Branch Banking & Trust in Greensboro, North Carolina ("the BB&T account"), under the joint names of Louis and Dominick, Jr. This account was established without the knowledge or consent of Dominick, Jr., and Dominick, Jr.'s signature was forged on the signature card. Without the knowledge or consent of Dominick, Jr., Louis made millions of dollars in deposits to this account from New Breed and the New Corporations. Louis made millions of dollars of payments from this account to himself and caused millions of dollars of additional payments from this account to be made to Transfer, New Breed, and related entities.

29. Upon information and belief, Louis used the BB&T account to pay required distributions to Dominick, Jr. from Transfer and New Breed, and then used these distributions for Louis' own personal purposes, including making payments directly to Louis and making capital contributions to Transfer and to New Breed which were neither authorized by nor properly credited to Dominick, Jr. Prior to Dominick, Jr.'s discovery of and closure of the BB&T account, Louis never informed Dominick, Jr., that distributions were made to Dominick, Jr., *via* the BB&T account, and Louis never informed Dominick, Jr., of the ultimate disposition of such distributions.

30. In mid-1999, Dominick, Jr., learned that Louis had established bank accounts at Bank One and had established investment accounts at Donaldson, Lufkin & Jenrette ("DL&J"), also in the joint names of Dominick, Jr., and Louis. Upon information and belief, Louis used the Bank One and DL&J accounts to make distributions to Dominick, Jr., of which Dominick, Jr., was never informed, and to use those distributions for Louis' own personal purposes.

31. Upon information and belief, when account statements from the BB&T, Bank One and DL&J accounts were sent to the attention of Dominick, Jr., Louis had office employees intercept such account statements so that Dominick, Jr., would not be aware of the accounts' existence, thereby actively concealing the existence of the accounts from Dominick, Jr. Upon information and belief, this concealment began in late 1994 and has continued to the present.

32. After learning of the joint accounts at BB&T, Bank One and DL&J, Dominick, Jr., demanded that Louis return the funds which he has misappropriated from Dominick, Jr., *via* those accounts. Louis has refused to do so.

33. Upon information and belief, Louis and Michael received distributions from Transfer and from New Breed which were disproportionate to their ownership interests and which were disproportionate to the distributions received by Dominick, Jr.

34. Louis DeJoy has caused New Breed to record loans to Dominick, Jr., on its books, when Dominick, Jr., has never received the proceeds of loans from New Breed. Such loans were issued without the knowledge or consent of Dominick, Jr.

35. Except for one occasion in June 1996 and one occasion in April 1998 (when the meeting was held without advance notice to Dominick, Jr.), neither Transfer nor New Breed ever held stockholders' or directors' meetings. Dominick, Jr., a director of both Transfer and New Breed, has never been presented with or signed a consent to action without meeting. Louis and, upon information and belief, Michael DeJoy have caused numerous corporate actions, including numerous actions detrimental to the interests of Dominick, Jr., to take place without notice to Dominick, Jr., and without proper authorization.

36. Upon information and belief, Louis and Michael have caused loans to shareholders, repayment of loans owed by shareholders, and contributions to capital of Transfer to occur on an unequal basis detrimental to Dominick, Jr. Upon information and belief, Louis and Michael have caused loans to shareholders, repayment of loans owed by shareholders, and contributions to capital of New Breed to occur on a disproportionate basis detrimental to Dominick, Jr.

37. As the result of Defendants' actions alleged in this Complaint, Dominick, Jr., has incurred, and will continue to incur, significant legal fees and expenses.

FIRST CLAIM FOR RELIEF (CONVERSION)

38. The allegations of paragraphs 1 through 37 are realleged and incorporated herein by reference as if fully set out.

39. Louis DeJoy has, without authority, exercised rights of ownership over money properly belonging to Dominick DeJoy, Jr., by diverting distributions paid to Dominick, Jr., via the BB&T, Bank One and DL&J accounts to Louis' own use, and to the exclusion of the rights of Dominick, Jr.

40. Dominick, Jr., has demanded that Louis return the misappropriated funds, and Louis has refused.

41. As the direct result of Louis' conversion of funds properly belonging to Dominick, Jr., Dominick, Jr. has been damaged in an amount to be determined at trial, which exceeds \$10,000.

SECOND CLAIM FOR RELIEF
(BREACH OF FIDUCIARY DUTY AND CONSTRUCTIVE TRUST)

42. The allegations of Paragraphs 1 through 41 are realleged and incorporated herein by reference as if fully set out.

43. At all times alleged herein, Louis and Michael DeJoy were the majority and controlling shareholders of Transfer. At all times alleged herein, Louis DeJoy was the majority shareholder of New Breed. At all times alleged herein, Michael DeJoy, in cooperation with Louis DeJoy, had control of New Breed.

44. At all times alleged herein, based on his education, family status, and leadership position within the DeJoy family's business interests, Louis was in a dominant or superior position to Dominick, Jr., and Dominick, Jr., placed trust and confidence in Louis to remain loyal to Dominick, Jr. and to act in the best interests of Dominick, Jr.

45. At all times alleged herein, based on Michael's familial and trusted business relationship with Dominick, Jr., Dominick, Jr., placed trust and confidence in Michael to remain loyal to Dominick, Jr., and to act in the best interests of Dominick, Jr.

46. At all times alleged herein, Louis and Michael DeJoy have been officers and directors of Transfer, the New Corporations and New Breed.

47. By taking the actions alleged in this Complaint, Louis and Michael breached the fiduciary duties which they owed Dominick, Jr. Furthermore, Louis and Michael gained personally as the result of their breaches of fiduciary duty, to the detriment of Dominick, Jr.

48. As the direct result of Louis' and Michael's breaches of fiduciary duty, Dominick, Jr., has been damaged in an amount to be determined at trial, which exceeds \$10,000.

49. Additionally, and in the alternative, Dominick, Jr., is entitled to have the Court place a constructive trust on all assets which Louis and Michael have obtained by means of their breaches of fiduciary duty, including, but not limited to, any interest with Louis and Michael owned or own in the New Corporations and in New Breed.

THIRD CLAIM FOR RELIEF
(ACTUAL FRAUD)

50. The allegations of Paragraphs 1 through 49 are realleged and incorporated herein by reference as if fully set out.

51. As previously alleged in this Complaint, from 1989 through the end of 1997, Louis DeJoy falsely represented to Dominick, Jr., that the New Corporations were wholly

owned by Transfer and that Dominick, Jr., owned a one-third interest in all of the New Breed entities, including the New Corporations. These statements were false and included, but were not limited to the following:

- a. In or about October 1990, October 1991, and October 1992, when Louis presented Dominick, Jr., with Dominick, Jr.'s personal tax returns for signature, Louis represented to Dominick, Jr., that the New Breed Transfer and the New Corporations were consolidated and that Dominick, Jr., owned one-third of all of them.
- b. In or about April or May 1994, Louis represented to Dominick, Jr., that Dominick, Jr., owned one-third of all of the "New Breed Companies."
- c. In or about May 1996, Louis specifically represented to Dominick, Jr., and confirmed in writing in an internal company document issued by him, that New Breed Transfer was the "parent company" of the New Breed entities.

52. When he made these representations to Dominick, Louis knew that the representations were false. He made the representations with the intention that Dominick would rely upon them and would refrain from undertaking any investigation which would lead him to discover that, in fact, Louis and Michael were engaging in a practice of obtaining ownership and control of the New Corporations (and the business of Transfer which was given to the New Corporations) for themselves.

53. From 1989 through the present, Louis DeJoy and Michael DeJoy concealed from Dominick, Jr., all documentation which would have revealed the true ownership of the New Corporations. Based on Louis and Michael DeJoy's fiduciary relationship to Dominick, Jr., they each had an obligation to disclose this information to Dominick, whose ownership interest in Transfer was being adversely affected while Louis and Michael were enriching themselves.

54. From late 1994 through mid-1999, Louis concealed from Dominick, Jr., the existence of joint bank and investment accounts titled in the name of Dominick, Jr., as well as all transactions which involved those accounts. Based on Louis DeJoy's fiduciary relationship to Dominick, Jr., Louis had an obligation to disclose this information to Dominick, whose ownership interest in assets held in the accounts was being adversely affected, while Louis profited from and diverted those assets.

55. Louis' misrepresentations, and Louis and Michael's concealments, caused Dominick, Jr., to continue relying on and trusting Louis and Michael at a time when they were taking advantage of him. Because of these misrepresentations and concealments, Dominick, Jr., was not aware that he should be investigating Louis' and Michael's activities, and

Dominick, Jr., did not investigate Louis' and Michael's activities with respect to Transfer, the New Companies, and the joint bank and investment accounts.

56. Dominick, Jr., reasonably relied on Louis' misrepresentations, and on Louis and Michael's concealments, to his detriment.

57. As the result of Louis' misrepresentations and Louis and Michael's concealments, Dominick, Jr., has been damaged in an amount to be determined at trial, which exceeds \$10,000.

FOURTH CLAIM FOR RELIEF
(RESTITUTION BASED ON UNJUST ENRICHMENT)

58. The allegations of Paragraphs 1 through 57 are realleged and incorporated herein by reference as if fully set out.

59. By means of his actions alleged in this Complaint, Louis and Michael DeJoy have given themselves benefits which properly belong to Dominick, Jr.

60. Louis and Michael DeJoy accepted these benefits - including, but not limited to, money and stock ownership - without the knowledge or consent of Dominick, Jr. and under circumstances which gave rise to a duty to account for the benefits received. These benefits were not conferred upon Louis and Michael gratuitously, and Louis and Michael have failed to either account for or make restitution for the property and benefits which they have received.

61. As the result of the actions of Louis and Michael DeJoy alleged in this Complaint, Louis and Michael DeJoy have been unjustly enriched, and Dominick DeJoy, Jr., has been injured, in an amount to be determined at trial, which exceeds \$10,000.

FIFTH CLAIM FOR RELIEF
(UNFAIR OR DECEPTIVE ACTS OR PRACTICES)

62. The allegations of Paragraphs 1 through 61 are realleged and incorporated herein by reference as if fully set out.

63. Louis and Michael DeJoy's actions alleged in this complaint are unfair and deceptive. Their conduct was in commerce or affected commerce.

64. As the direct result of Louis and Michael DeJoy's actions, Dominick, Jr., has been injured in an amount to be determined at trial, which exceeds \$10,000. The amount of damages awarded to Dominick, Jr. should be trebled, and Dominick, Jr., should be awarded attorneys fees and expenses incurred in prosecuting this action.

SIXTH CLAIM FOR RELIEF

(CIVIL CONSPIRACY)

65. The allegations of Paragraphs 1 through 64 are realleged and incorporated herein by reference as if fully set out.

66. Louis and Michael DeJoy entered into an agreement to wrongfully deprive Dominick DeJoy of his ownership interests in Transfer, New Breed and the New Corporations. Additionally, upon information and belief, Louis and Michael DeJoy agreed and planned to sell Dominick, Jr.'s New Breed stock to a third-party investor and to keep for themselves a portion of the proceeds without informing Dominick, Jr. of the true stock price or even that a sale of his stock was taking place. In furtherance of these agreements, Louis and Michael DeJoy have committed numerous overt acts, including, but not limited to:

- A. Establishing the New Corporations to undertake business and receive income which Dominick, Jr., had obtained for Transfer, and establishing themselves as the shareholders, officers and directors of the New Corporations;
- B. Intentionally concealing the true ownership of the New Corporations from Dominick, Jr.;
- C. Reorganizing Transfer into New Breed, and reducing Dominick, Jr.'s ownership share from one third to 15 percent;
- D. Forcing Dominick, Jr., to enter into a disadvantageous shareholder agreement which, among other things, restricted the transfer of his New Breed stock;
- E. Paying themselves distributions from Transfer and New Breed which were disproportionate to their ownership interests and to the distributions received by Dominick, Jr.; and
- F. Causing loans to shareholders, repayment of loans owed by shareholders, and contributions of capital to Transfer and New Breed to occur on an unequal and disproportionate basis disadvantageous to Dominick, Jr..

67. As the direct result of Louis and Michael DeJoy's actions, Dominick, Jr., has been injured in an amount to be determined at trial, which exceeds \$10,000.

PUNITIVE DAMAGES

68. The allegations of Paragraphs 1 through 67 are realleged and incorporated herein by reference as if fully set out.

69. Louis and Michael DeJoy committed the acts alleged in this Complaint willfully and with malice, and for the purpose of defrauding Dominick DeJoy, Jr. of money, stock ownership and other benefits he was entitled to receive.

70. In the alternative to treble damages, punitive damages should be awarded against Louis and Michael DeJoy in an amount to be determined at trial.

WHEREFORE, Plaintiff prays that the Court:

A. Impose a constructive trust on all assets which Defendants have obtained by means of breaching their fiduciary duties owed Plaintiff;

B. Award Plaintiff compensatory damages exceeding \$10,000 against Defendants;

C. Treble the amount of compensatory damages awarded Plaintiff;

D. Award Plaintiff attorneys' fees and expenses;

E. In the alternative to treble damages, award Plaintiff punitive damages against Defendants;

F. Tax the costs and expenses of this action to Defendants; and

G. Award Plaintiff such other and further relief as the Court deems just and proper.

PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES TRIABLE BY A JURY.

This, the 14th day of January, 2000.

JAMES, McELROY & DIEHL, P.A.



G. Russell Kornegay, III

Richard B. Fennell

Katherine Line T. Kelly

Ann L. Hester

600 South College Street

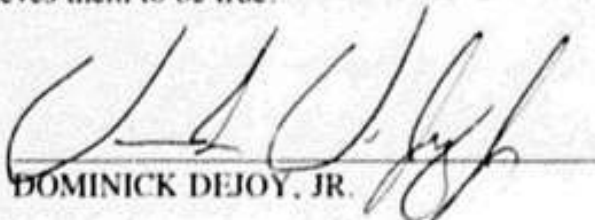
Charlotte, North Carolina 28202

Telephone: (704) 372-9870


Attorneys for Plaintiff

VERIFICATION

DOMINICK DEJOY, JR., being first duly sworn, deposes and says that he has read the foregoing Complaint by him subscribed, that the statements contained therein are true of his own knowledge, except as to those matters and things stated upon information and belief; and as to those such matters and things, he believes them to be true.


DOMINICK DEJOY, JR.

Sworn to and subscribed before me
this the 12th day of January, 2000


Notary Public

My Commission Expires: 10/19/02

Aldona Was

JAMES, MCELROY & DIEHL, P.A.

ATTORNEYS AT LAW

600 SOUTH COLLEGE STREET

CHARLOTTE, NORTH CAROLINA 28202

TELEPHONE 704 372-9870

800 247-9870

TELECOPIER 704 372-9808

J. WITCHELL ABERNATH*	EDWARD T. HINSON, JR.
JOHN S. ARROWOOD	KATHERINE S. HOLLIDAY
KATHERINE A. BARNES	KENT D. JONES
MARY RAY BAYNARD	KATHERINE LINDY T. KELLY
JOHN W. BEEDON	DAVID H. KERN
JOHN M. BURIC	G. RUSSELL KORNEGAY, III
DAVID C. CORDS	PENDER P. MCELROY
WILLIAM R. DEVLIN, JR.	FRED B. MORRICE
RICHARD A. ELKINS	EMILY J. SHEA
RICHARD S. FENNELL	ROBERT H. SHEPPARD
GARY S. HENRIC	BRUCE M. SIMPSON
ANN L. HESTER	BETH B. TATE
LAWRENCE W. HEWITT	JENNIFER A. YOUNG

January 4, 2000

*ALSO ADMITTED IN S.C.

HENRY JAMES, JR.
OF COUNSEL

WLB

ATTN: CIVIL PROCESS

Hon. B. J. Barnes
Guilford County Sheriff
201 South Eugene Street
Greensboro, North Carolina 27401

Re: Dominick DeJoy, Jr. vs. Louis DeJoy and Michael DeJoy, Guilford
County, North Carolina, case number 99-CVS-12425

Dear Sheriff Barnes:

Enclosed for service upon Louis DeJoy are:

- An Application and Order Extending Time to File Complaint; and
- A Civil Summons to be Served With Order Extending Time to File Complaint (the original and one copy).

The address on the Civil Summons is Mr. DeJoy's work address. His home address is:

7 Elm Ridge Lane
Greensboro, North Carolina 27408

Once you have served the Application and Civil Summons, please return the original Civil Summons, with return of service completed, to me in the enclosed stamped, self-addressed envelope so that I can make a photocopy of it before sending it to the Clerk's office for filing.

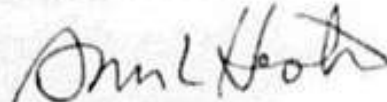
I have enclosed a check for \$5.00 for the service fee.

If you have any questions, please call me or Russ Kornegay at 704-372-9870.

RECEIVED
FROM
JAN 12 2000

Hon. B. J. Barnes
January 4, 2000
Page 2

Sincerely yours,


Ann L. Hester

/ALH

Enclosures

cc: Mr. Dominick DeJoy, Jr.

Dec. 29th

STATE OF NORTH CAROLINA

File No. 99-CVS-12425
Filing No.

GUILFORD County

JAN 13 2000

JB

In The General Court Of Justice
 District Superior Court Division

Name Of Plaintiff
Dominick DeJoy, Jr.

VERSUS
Name Of Defendant(s)
Louis DeJoy and Michael DeJoy

**CIVIL SUMMONS
TO BE SERVED WITH
ORDER EXTENDING
TIME TO FILE COMPLAINT**

G.S. 1A-1, Rule 4

TO: Louis DeJoy
Name And Address Of Defendant 1
Louis DeJoy
c/o New Breed, Inc.
4043 Piedmont Parkway
High Point, North Carolina 27265

TO: Michael DeJoy
Name And Address Of Defendant 2
Michael DeJoy
95 Manetto Hill Road
Huntington, New York 11743

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or the plaintiff's attorney within thirty (30) days after you have been served with the complaint as authorized in the attached order. You may serve your answer by delivering a copy to the plaintiff or the plaintiff's attorney or by mailing a copy to one of them at his/her last known address.
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (If None, Address Of Plaintiff)
G. Russell Kornegay, III
James, McElroy & Diehl, P.A.
600 South College Street
Charlotte, North Carolina 28202

Date 12-29-99 Time 9:08
Signature *Vernon A. Jones*
 Deputy CSC Assistant CSC Clerk Of Superior Court

*Process #
347222*

Service Fee Paid	Date Received	Name Of Sheriff	County	Deputy Sheriff Making Return
\$	12-27-99	BJ Barnes, Sheriff	Guilford County	B. B. Knight
Paid By	Date Of Return			
	01-06-00			

Defendant WAS NOT served for the following reason:

Other Manner Of Service (specify)

Service Accepted By Defendant

Date Accepted

Signature

Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)

- By delivering to the defendant named above a copy of this Summons and Order.
- By leaving a copy of this Summons and Order 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 this Summons and Order to the person named below.

Date Served

Name Of Defendant

DEFENDANT 2

Defendant WAS NOT served for the following reason:

Other Manner Of Service (specify)

Service Accepted By Defendant

Date Accepted

Signature

Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)

- By delivering to the defendant named above a copy of this Summons and Order.
- By leaving a copy of this Summons and Order 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 this Summons and Order to the person named below.

Date Served

Name Of Defendant

DEFENDANT 1

01-06-00

1300

Louis Kojay

I certify that this Summons and a copy of the Order were received and served as follows:

RETURN OF SERVICE

STATE OF NORTH CAROLINA

File No
99-CVS-12425

Guilford County

In The General Court Of Justice
 District Superior Court Division

Name of Plaintiff 1
Dominick DeJoy Jr.

Tax ID/SSN

Name of Plaintiff 2

Tax ID/SSN

Name of Plaintiff 3

Tax ID/SSN

VERSUS

Name of Defendant 1
Louis DeJoy

Tax ID/SSN

Name of Defendant 2
Michael DeJoy

Tax ID/SSN

Name of Defendant 3

Tax ID/SSN

Jury Demanded In Pleading? Yes No

GENERAL
CIVIL ACTION COVER SHEET
 INITIAL FILING SUBSEQUENT FILING
 Rule 5(b), Rules of Practice For Superior and District Courts

Name And Address Of Attorney Or Party, If Not Represented (complete for initial appearance or change of address)
G. Russell Kornegay, III
James, McElroy & Diehl, P.A. 600 S. College St.
Charlotte, NC 28202

Attorney Bar No.
12459

Initial Appearance in Case Change of Address

Name Of Firm
James, McElroy & Diehl, P.A.

Tax ID No **56-0986309** Telephone No **372-9870** FAX No **342-5858**

Counsel for
 All Plaintiffs All Defendants Only (List Party(ies) Represented)

Amount in controversy does not exceed \$15,000
 Stipulate to arbitration

TYPE OF PLEADING **CLAIM FOR RELIEF FOR:**

- (check appropriate box)
- Amended Answer/Reply (AMND-Response)
 - Amended Complaint (AMND)
 - Answer/Reply (ANSW-Response)
 - Complaint (COMP)
 - Confession Of Judgement (CNFJ)
 - Counterclaim vs. (CTCL)
 - All Plaintiffs Only (List on back)
 - Crossclaim vs. (List on back) (CRSS)
 - Extend Statute of Limitations, Rule 9 (ESOL)
 - Extend Time For An Answer (MEOT - Response)
 - Extend Time For Complaint (EXCO)
 - Rule 12 Motion In Lieu Of Answer (MDLA)
 - Third Party Complaint (List Third Party Defendants On Back) (TPCL)
 - Other: Application and Order Extending Time to File Complaint

- Administrative Appeal (ADMA)
- Appointment of Receiver (APRC)
- Attachment/Garnishment (ATTC)
- Claim and Delivery (CLMD)
- Collection on Account (ACCT)
- Condemnation (CNDM)
- Contract (CNTR)
- Discovery Scheduling Order (DSCH)
- Injunction (INJU)
- Medical Malpractice (MDML)
- Minor Settlement (MSTL)
- Money Owed (MNYO)
- Negligence - Motor Vehicle (MVNG)
- Negligence - Other (NEGO)
- Motor Vehicle Lien G.S. 44A (MVLN)
- Limited Driving Priv- Out-of-State Conviction (PLDP)
- Possession of Personal Property (POPP)
- Product Liability (PROD)
- Real Property (RLPR)
- Specific Performance (SPPR)
- Other: Conversion, breach of fiduciary duty, fraud

AFFIDAVIT FOR JUDICIAL ASSIGNMENT (Check one)

There is no previously-filed action involving these same parties/issues, the assigned judge is _____

District Judge _____ previously heard testimony or entered orders in this action or in a previously-filed action involving these same parties.

NOTE: Small claims are exempt from cover sheets.

Date **12/29/99**

Signature Of Attorney/Party
G. Russell Kornegay, III

NOTE: All papers filed in civil actions, special proceedings and estates shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts. The Clerk of Superior Court shall require a party to refile any paper which does not include the required cover sheet.)

STATE OF NORTH CAROLINA

FILED

File No.

99-CVS-12425

Film No.

Guilford

County

779 DEC 29 AM 0:08

In the General Court of Justice

District Court Division

Superior Court Division

Plaintiff

Dominick DeJoy, Jr.

GUILFORD COUNTY D.C. & S.C.

BY *WJ*

APPLICATION AND ORDER EXTENDING TIME TO FILE COMPLAINT

VERSUS

Defendant

Louis DeJoy and Michael DeJoy

GS 1A-1, Rule 3

APPLICATION

The undersigned requests of the Court an extension of time within which to file the complaint, and, as required by law, states below the nature and purpose of this action.

Nature and purpose of the action

To recover actual damages, property, including stock, and punitive damages against Louis DeJoy and Michael DeJoy on actions for conversion, breach of fiduciary duty and constructive trust, actual fraud, unjust enrichment, unfair or deceptive acts or practices and civil conspiracy.

Date

December 29, 1999

Signature of Plaintiff or Attorney

G. Russell Kornegay, III
G. Russell Kornegay, III

ORDER

The undersigned finds that the above Application for an extension of time to file complaint stating the nature and purpose of the action, is in compliance with the statute.

It is ORDERED that the time for filing the complaint is extended to and including the date shown below. It is further ORDERED that a copy of this Order be delivered to each defendant with a copy of the summons.

Time Extended To

1-18-00

Date Issued

12-29-99

Signature

Jeanne Blake

Deputy CSC

Assistant CSC

Clerk of Superior Court

cc: TCA

WILFORD-10 COUNTY CLERK OF COURT

Y087815 12/25/99 09:55:20

PAYEE: JAMES WILFORD & SONS

PAYER: DEPT OF CORRECTIONS

CASE#: 9900010405

21100 SO-CIVIL FEES 55.00

22120 CO FAC FEE S TV 16.00

TOTAL PAID 71.00

CO TENDERED 71.00

TAXES .00

30-2 IS CANCEL