STATE OF NORTH CAROLINA

File No. 17-CVS- 12215

MECKLENBURG County

In The General Court of Justice
☐ District ☒ Superior Court Division

Name of Plaintiff	
NICOLE L. BIFFLE and SARA JANE LUNDERS	**CIVIL SUMMONS**
Address: C/O 525 N. TRYON STREET, SUITE 1400	☐ **Alias and Pluries Summons**
City, State, Zip: CHARLOTTE, NC 28202	
VERSUS	G.S. 1A-1, Rules 3, 4
Name of Defendant(s): GREGORY J. BIFFLE, RICKY MATTHEW REAVIS, and ROUSH FENWAY RACING, LLC	Date Original Summons Issued Date(s) Subsequent Summon(es) Issued

To Each of The Defendant(s) Named Below:

Name And Address of Defendant 1	Name And Address of Defendant 2
GREGORY J. BIFFLE 319 Doolie Road Mooresville, NC 28117	RICKY MATTHEW REAVIS 588 Kenway Loop Mooresville, NC 28117

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)	Date Issued	Time
AMY E. SIMPSON HAMILTON STEPHENS STEELE & MARTIN, PLLC 525 NORTH TRYON STREET, SUITE 1400 CHARLOTTE, NC 28202	6/29/17	3:44 ☐ AM ☒ PM
	Signature	
	☒ 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 sixty (60) days.

Date of Endorsement	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 a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.*

AOC-CV-100, Rev. 10/01
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(Over)

STATE OF NORTH CAROLINA

File No. 17-CVS-2215

MECKLENBURG County

In The General Court of Justice
☐ District ☒ Superior Court Division

Name of Plaintiff	
NICOLE L. BIFFLE and SARA JANE LUNDERS	**CIVIL SUMMONS**
Address: C/O 525 N. TRYON STREET, SUITE 1400	☐ **Alias and Pluries Summons**
City, State, Zip: CHARLOTTE, NC 28202	
VERSUS	G.S. 1A-1, Rules 3, 4
Name of Defendant(s): GREGORY J. BIFFLE, RICKY MATTHEW REAVIS, and ROUSH FENWAY RACING, LLC	Date Original Summons Issued Date(s) Subsequent Summon(es) Issued

To Each of The Defendant(s) Named Below:

Name And Address of Defendant 1	Name And Address of Defendant 2
ROUSH FENWAY RACING, LLC c/o Stokely G. Caldwell, Registered Agent 101 N. Tryon Street, Suite 1900 Charlotte, NC 28246	

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)	Date Issued	Time
AMY E. SIMPSON HAMILTON STEPHENS STEELE & MARTIN, PLLC 525 NORTH TRYON STREET, SUITE 1400 CHARLOTTE, NC 28202	10/29/17	3:44 ☐ AM ☒ PM
	Signature	
	☐ Deputy CSC ☐ Assistant CSC ☐ Clerk of Superior Court	

	Date of Endorsement	Time
☐ ENDORSEMENT		☐ AM ☐ PM
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 sixty (60) days.	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 a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.*

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(Over)

FILED

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
17-CVS- 12215

MECKLENBURG CO., C.S.C.
BY

NICOLE L. BIFFLE and SARA JANE LUNDERS

Plaintiffs,

vs.

GREGORY J. BIFFLE, RICKY MATTHEW REAVIS, and ROUSH FENWAY RACING, LLC

Defendants.

COMPLAINT
(JURY TRIAL DEMANDED)

NOW COMES, Plaintiffs, Nicole L. Biffle ("Plaintiff Biffle") and Sara Jane Lunders ("Plaintiff Lunders") (collectively, "Plaintiffs"), by and through counsel, complaining of Defendants, Greg Biffle ("Defendant Biffle"), Ricky Matthew Reavis ("Defendant Reavis"), and Roush Fenway Racing LLC ("Defendant Roush" or "Roush") (collectively "Defendants") who allege and say as follows:

PARTIES

1. Plaintiff Biffle is an adult citizen and resident of Mecklenburg County, North Carolina.

2. Plaintiff Lunders is an adult citizen and resident of the state of Washington.

3. Defendant Biffle is a citizen and resident of Iredell County, North Carolina.

4. Defendant Reavis is a citizen and resident of Iredell County, North Carolina.

5. Defendant Roush is a foreign limited liability company authorized through the North Carolina Secretary of State to do business in the State of North Carolina, with a registered agent in North Carolina, doing business (with an office and staff) in Iredell County, North Carolina, and with a registered office at 101 N. Tryon Street, Suite 1900, Charlotte, NC 28246.

6. Plaintiff Biffle and Defendants Biffle and Reavis have resided in the state of North Carolina for at least six months preceding the institution of this action.

7. Plaintiff Biffle and Defendant Biffle were married on or about October 17, 2007.

8. Plaintiff Biffle and Defendant are the parents of one minor child, namely Emma Elizabeth Biffle ("Emma") born on July 6, 2011.

9. Plaintiff Lunders is Plaintiff Biffle's mother and Emma's maternal grandmother.

10. Plaintiff Biffle and Defendant Biffle legally separated on March 23, 2015 when, by agreement of the parties, Defendant Biffle left the former marital residence located at 319 Doolie Road, Mooresville, NC 28117 ("Doolie Road Home" or the "Home") and moved into an apartment.

11. Defendant Biffle was an employee or independent contractor for Roush; specifically, he drove a car in NASCAR by and for Roush and was an employee or independent contractor for Roush at all times when the injuries alleged below occurred..

12. Defendant Reavis was an employee of Roush at all times when the injuries alleged below occurred.

JURISDICTION AND VENUE

13. This Court has personal jurisdiction over Defendants pursuant to, without limitation, N.C. Gen. Stat. §§ 1-75.4(1) and 1-75.4(3).

14. This Court has subject matter jurisdiction over Defendants as the acts and omissions of Defendants occurred in the state of North Carolina and the amount in controversy sought by Plaintiff is in excess of $25,000.00.

15. Venue is proper in this Court pursuant to, without limitation, N.C. Gen. Stat. §§ 1-80 and 1-82.

FACTS & ALLEGATIONS

16. In 2008, Plaintiff Biffle and Defendant Biffle began construction on the Doolie Road Home which was to be their personal residence.

17. During the construction process and with Plaintiff Biffle's knowledge and approval, Defendant Biffle had a security monitoring system installed on the property where the Doolie Road Home is situated. These cameras are visible, not hidden and are located primarily (if not solely) on the exterior of the property.

18. Plaintiff Biffle was aware of the installation of this system and knew specifically the location of many of the cameras, motion detectors, and other external security monitoring devices. These cameras are conspicuous as they are "drop globe" cameras, visible to the naked eye.

19. After residing in the Home for many years, in 2013, Defendant Biffle asked Defendant Reavis, then an employee of Roush, to come to the Doolie Road Home and install new and additional cameras and to activate previously installed cameras on the interior of the home (that had never been utilized prior).

20. Without Plaintiff Biffle's knowledge or authorization, Defendant Biffle requested, and Defendant Reavis caused to be installed hidden monitoring equipment and multiple hidden cameras inside the Home, including hidden cameras in the master bedroom, the master bathroom, and the guest bedroom (the "Hidden Cameras").

21. In contrast to the cameras installed originally with the house, the Hidden Cameras were highly concealed and not clearly visible to the naked eye.

22. Also without Plaintiff Biffle's knowledge or authorization, Defendant Biffle enlisted Defendant Reavis' assistance in activating cameras located in the master bedroom and guest bedroom.

23. The Hidden Cameras and the activated bedroom cameras connected to a digital video recording ("DVR") system located in Defendant Biffle's gun safe. Defendant Biffle and Defendant Reavis connected this system through an application (the "App") on their mobile telephones which allowed each of them to access the live feed from said cameras twenty-four hours per day, seven days per week ("24/7").

24. At all times relevant to the claims in this Complaint, the mobile telephone Defendant Reavis used to access to Hidden Cameras was owned by Defendant Roush.

25. Neither Defendant Biffle nor Defendant Reavis ever told Plaintiff Biffle or Plaintiff Lunders about the Hidden Cameras or gave them access to the DVR directly or via an App.

26. In 2013, 2014, and 2015, without Plaintiff Biffle's or Plaintiff Lunders' knowledge or authorization, Defendant Biffle caused Plaintiff Biffle and Plaintiff Lunders to be filmed by the Hidden Cameras, including the hidden cameras in the bedroom and master bathroom. The images captured from those films were then made available to Defendant Biffle and Defendant Reavis directly through the DVR and through the App.

27. Defendant Biffle and Defendant Reavis did in fact view and access certain images obtained as a result of hidden cameras.

28. Upon information and belief, Defendant Biffle has shown images captured by the hidden cameras to third persons.

29. Defendant Reavis admitted that he uploaded data and images captured on the Hidden Cameras for the purposes of preserving and storing said images for the future (upon information and belief if the images were not downloaded or preserved after a certain period of time they could be "written over" with new images) and that he did so by and through an internal server/router maintained by his employer Roush. Upon information and belief, the uploaded data and images are still stored on Defendant Roush's internal server.

30. Defendant Reavis admitted that other employees of Roush had access to the data and images uploaded by and to and stored on the internal server/router maintained by Defendant Roush.

31. It is not yet known if anyone else at Defendant Roush accessed or viewed the images stored temporarily or permanently on the server maintained by Roush.

32. Plaintiff Biffle had an expectation of privacy in the master bedroom and the master bathroom area and did not know or consent to being filmed by anyone in these private locations. Plaintiff Biffle did not give Defendant Biffle or Defendant Reavis or Defendant Roush permission to intrude into her seclusion into those areas.

33. Plaintiff Lunders had an expectation of privacy in the guest bedroom where she did sleep/stay on at least one if not more occasions while visiting the Doolie Road Home and the master bathroom area and did not know or consent to being filmed by anyone in these private locations. Plaintiff Lunders did not give Defendant Biffle or Defendant Reavis or Defendant Roush permission to intrude into her seclusion into those areas.

34. Without the knowledge or approval of either Plaintiff, Defendant Biffle provided access to the monitoring system and the cameras, including the images being captured in and around the master bedroom and master bathroom/closet area to at least Defendant Reavis from the date the equipment was installed/activated to present.

35. After installation, Defendant Biffle instructed Defendant Reavis to access the DVR remotely and to download, copy, transfer, save, and/or transmit the images captured on said surveillance system. Defendant Reavis did gain access as instructed. Defendant Reavis testified under oath that he had unlimited access to the video feeds through the App.

36. Upon information and belief, Defendant Roush knew or should have known that Defendant Reavis was providing his services for Defendant Biffle, and in this case that Defendant Reavis' activities involved an unlawful activity using Roush resources.

37. At no time, did Plaintiffs ever give Defendant Reavis permission to download, copy, transfer, save and/or transmit any image of them taken from the Hidden Cameras.

38. It was not until 2015 that Plaintiff Biffle and Plaintiff Lunders discovered the Hidden Cameras in the bedrooms and master bathroom/closet area.

39. Prior to the date of filing of this lawsuit, Defendant Biffle proffered multiple and inconsistent/reasons for the act of installing, maintaining, and allowing/instructing a third party to access the images captured on Hidden Cameras and recording equipment located in the master bedroom and master bathroom/closet area without Plaintiff's knowledge and/or authorization.

40. Since this action was initiated, however, Defendant Biffle has repeatedly asserted under oath is that the Hidden Cameras were installed for "security purposes" because he believed his maids were stealing from him.

41. Plaintiff Biffle has suffered loss of appetite, loss of sleep, pain in her abdomen, emotional distress, worry, humiliation, fear, loss of trust and sleep, concern and other anxiety related conditions as a result of her discovery of Defendants' surreptitious and unlawful actions.

42. Plaintiff Lunders has suffered loss of appetite, loss of sleep, physical pain, emotional distress, worry, humiliation, fear, loss of trust and sleep, concern and other anxiety related conditions, as a result of her discovery of Defendants' surreptitious and unlawful actions. Plaintiff Lunders was prescribed a drug for anxiety and tension in January 2016 as a result of the stress from being filmed.

43. As an actual and proximate result of Defendants' unlawful actions in this case, Plaintiffs have been and are suffering from severe emotional distress which has required Plaintiff Biffle to undergo psychological counseling, to take prescribed anti-anxiety medication and to receive treatment for an ulcer.

FIRST CLAIM FOR RELIEF
(Invasion of Privacy- Intrusion Into Seclusion)

44. Plaintiffs re-allege and incorporate by reference the foregoing paragraphs as if fully set forth herein.

45. Defendants Biffle and Reavis physically and/or remotely intentionally intruded upon Plaintiffs' privacy and seclusion in the ways described above.

46. Defendants Biffle's and Reavis' actions in this regard as described above were and are highly objectionable and offensive to Plaintiffs and would be objectionable and offensive to any reasonable person if placed in this situation.

47. Defendant Reavis was an agent/employee of Roush at all times material to this action, and, because the feeds from the Hidden Cameras were being uploaded to its servers, Defendant Roush knew or should have known about this unlawful intrusion into Plaintiffs' privacy. The intrusions into seclusion by Defendant Roush by and through its agent/employee Defendant Reavis, and its contract driver, Defendant Biffle, were and are objectionable and offensive to any reasonable person, including Plaintiffs.

48. These intrusions into Plaintiffs' seclusion have directly and proximately caused injury to Plaintiffs entitling them to each recover damages in an amount in excess of $25,000.00, with an exact amount to be proven at trial.

SECOND CLAIM FOR RELIEF
(Intentional Infliction of Emotional Distress)

49. Plaintiffs re-allege and incorporate by reference the foregoing paragraphs as if fully set forth herein.

50. Through their egregious and unlawful acts described above, Defendants Biffle and Reavis intentionally engaged in conduct which they intended to and which in fact did cause Plaintiffs severe emotional distress when they learned of it.

51. Defendants Biffle and Reavis' actions described herein have directly and proximately caused injury to Plaintiffs entitling them to each recover damages in an amount in excess of $25,000.00, with an exact amount to be proven at trial.

THIRD CLAIM FOR RELIEF
(In the alternative, Negligent Infliction of Emotional Distress)

52. Plaintiffs re-allege and incorporate by reference the foregoing paragraphs as if fully set forth herein.

53. In their egregious and unlawful acts described above, Defendants negligently engaged in conduct which was reasonably foreseeable to and which in fact caused Plaintiffs severe emotional distress when they learned of it.

54. Defendants' actions described herein have directly and proximately caused injury to Plaintiffs entitling them to each recover damages in an amount in excess of $25,000.00, with an exact amount to be proven at trial.

FOURTH CLAIM FOR RELIEF
(Civil Conspiracy)

55. Plaintiffs re-allege and incorporate by reference the foregoing paragraphs as if fully set forth herein.

56. As it relates to the claims above, there existed either a true or implied agreement between Defendants Biffle and Reavis to do an unlawful act which resulted in injury to Plaintiffs. Upon information and belief, Defendants Biffle and Reavis entered into a conspiracy to commit unlawful acts, or to do lawful acts in an unlawful way, including, but not limited to, the conduct described above, which constitutes intrusion into seclusion, among the other claims.

57. In pursuit of this civil conspiracy, at least one of the conspirators intruded into the seclusion of Plaintiffs, among the other allegations and claims set forth above.

58. Defendants Biffle and Reavis took steps to implement a conspiracy as set forth above, and these steps have directly and proximately caused injury to Plaintiffs entitling them to each recover damages in an amount in excess of $25,000.00, with an exact amount to be proven at trial

59. As a result of Defendants Biffle's and Reavis' civil conspiracy, Defendants Biffle and Reavis are jointly and severally liable for the damages to Plaintiffs as set forth above.

FIFTH & SIXTH CLAIMS FOR RELIEF
(Negligence and/or Negligent Supervision/Retention)

60. Plaintiffs re-allege and incorporate by reference the foregoing paragraphs as if fully set forth herein.

61. Defendant Roush, individually, and by and through its agents and/or employees, Defendants Biffle and Reavis, had a duty to exercise reasonable and ordinary care and caution in and about the ownership, management, maintenance, supervision, control and operation of its servers, equipment, phones, and their employees, agents and independent contractors.

62. Defendant Roush, by and through its agents, employees, and/or independent contractors, was negligent in its acts and/or omissions, by amongst other things, allowing its employees to engage in the unlawful filming of Plaintiffs and allowing the streaming of the video feeds over its servers, equipment, and phones, failing to discover that its servers were being utilized for such unlawful filming of Plaintiffs and thereby allowing surreptitious videos to be taken of Plaintiffs by Defendants Biffle and Reavis.

63. As a direct and proximate result of the above-said conduct of Defendant Roush, Plaintiffs have suffered and continue to suffer from, including but not limited to, severe and permanent emotional distress, embarrassment, past and future medical expenses, and has incurred expenses and damages relating to the unauthorized intrusion into seclusion.

SEVENTH CLAIM FOR RELIEF
(Punitive Damages)

64. Plaintiffs re-allege and incorporate by reference the foregoing paragraphs as if fully set forth herein.

65. The actions of Defendants were malicious, intentional, and willful, thereby entitling Plaintiffs to an award of punitive damages pursuant to N.C. Gen. Stat. § 1D-5, in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs prays the Court for entry of a judgment against Defendants as follows:

1. That Plaintiffs have and recover of Defendants, jointly and severally, compensatory damages in an amount to be shown at trial, but in no event less than $25,000;

2. Incidental and consequential damages in an amount to be determined at trial;

3. That Plaintiffs have and recover of Defendants, jointly and severally, punitive damages in order to punish Defendants for their egregiously wrongful acts and to deter Defendants and others from committing similar wrongful acts;

4. The costs of this action;

5. Attorneys' fees as allowed by applicable law;

6. Prejudgment and post-judgment interest on Plaintiffs' damages; and

7. Awarding such other, further, and different relief as the Court shall deem proper.

JURY DEMAND

Plaintiffs hereby demand trial by jury on all claims triable to a jury.

This 29 day of June, 2017.

Hamilton Stephens Steele + Martin, PLLC

By: _____

Amy Elizabeth Simpson
M. Aaron Lay
Carolyn Krueger- Andes
Attorney for Plaintiff
525 North Tryon Street, Suite 1400
Charlotte, NC 28202
Phone (704) 227-1069
Fax (704) 344-1483
asimpson@lawhssm.com
malay@lawhssm.com
ckandes@lawhssm.com

STATE OF NORTH CAROLINA

VERIFICATION

COUNTY OF MECKLENBURG

NICOLE L. BIFFLE, being first duly sworn, deposes and says that she is the Plaintiff in the above-captioned matter; that she has read the foregoing and knows the contents thereof and that the same are true to her own knowledge except as to those matters stated on information and belief, and as to those matters she believes them to be true.

NICOLE L. BIFFLE

SWORN TO AND SUBSCRIBED BEFORE ME

this the 29th day of June, 2017.

Notary Public

My Commission Expires: May 23, 2018

STEPHANE JOHNSON ROCKEY
NOTARY
My Comm. Expires
May 23, 2018
PUBLIC
IREDELL COUNTY, NC

{00329083.DOCX V.3 B438.022723;}

STATE OF WASHINGTON

COUNTY OF Lewis

VERIFICATION

SARA JANE LUNDERS, being first duly sworn, deposes and says that she is the Plaintiff in the above-captioned matter; that she has read the foregoing and knows the contents thereof and that the same are true to her own knowledge except as to those matters stated on information and belief, and as to those matters she believes them to be true.

SARA JANE LUNDERS

MICHAEL P. ROEWE
COMMISSION EXPIRES
NOTARY
PUBLIC
FEB 4, 2019
STATE OF WASHINGTON

SWORN TO AND SUBSCRIBED BEFORE ME

this the 3rd day of November, 2016.

Notary Public

My Commission Expires: 2/04/19