

STATE OF NORTH CAROLINA

File No.

PENDER County

In The General Court Of Justice
 District Superior Court Division

Name And Address Of Plaintiff 1
 MONICA SHEPARD
 101 Glasgow Drive
 Rocky Point NC 28457

Name And Address Of Plaintiff 2
 DAMEON SHEPARD
 101 Glasgow Drive
 Rocky Point NC 28457

**GENERAL
 CIVIL ACTION COVER SHEET**

INITIAL FILING SUBSEQUENT FILING

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

VERSUS

Name And Address Of Defendant 1
 JORDAN KITA
 80 W Huckleberry Way
 Rocky Point, NC 28457

Name And Address Of Attorney Or Party, If Not Represented
 (complete for initial appearance or change of address)
 ELIZABETH HADDIX
 PO BOX 956
 CARRBORO NC 27510

Summons Submitted
 Yes No

Telephone No. 919-914-6106 Cellular Telephone No. 919-548-3584

Name And Address Of Defendant 2
 TIMOTHY KITA
 80 W Huckleberry Way
 Rocky Point, NC 28457

NC Attorney Bar No. 25818 Attorney Email Address chaddix@lawyerscommittee.org

Initial Appearance in Case Change of Address

Summons Submitted
 Yes No

Name Of Firm Lawyers' Committee for Civil Rights Under Law Fax No.

Counsel For
 All Plaintiffs All Defendants Only: (list party(ies) represented)

Jury Demanded In Pleading Complex Litigation Stipulate to Arbitration

TYPE OF PLEADING

(check all that apply)

- Amend (AMND)
- Amended Answer/Reply (AMND-Response)
- Amended Complaint (AMND)
- Assess Costs (COST)
- Answer/Reply (ANSW-Response) (see Note)
- Change Venue (CHVN)
- Complaint (COMP)
- Confession Of Judgment (CNFJ)
- Consent Order (CONS)
- Consolidate (CNSL)
- Contempt (CNTP)
- Continue (CNTN)
- Compel (CMPL)
- Counterclaim (CTCL) Assess Court Costs
- Crossclaim (list on back) (CRSS) Assess Court Costs
- Dismiss (DISM) Assess Court Costs
- Exempt/Waive Mediation (EXMD)
- Extend Statute Of Limitations, Rule 9 (ESOL)
- Extend Time For Complaint (EXCO)
- Failure To Join Necessary Party (FJNP)

- Failure To State A Claim (FASC)
- Implementation Of Wage Withholding In Non-IV-D Cases (OTHR)
- Improper Venue/Division (IMVN)
- Including Attorney's Fees (ATTY)
- Intervene (INTR)
- Interplead (OTHR)
- Lack Of Jurisdiction (Person) (LJPN)
- Lack Of Jurisdiction (Subject Matter) (LJSM)
- Modification Of Child Support In IV-D Actions (MSUP)
- Notice Of Dismissal With Or Without Prejudice (VOLD)
- Petition To Sue As Indigent (OTHR)
- Rule 12 Motion In Lieu Of Answer (MDLA)
- Sanctions (SANC)
- Set Aside (OTHR)
- Show Cause (SHOW)
- Transfer (TRFR)
- Third Party Complaint (list Third Party Defendants on back) (TPCL)
- Vacate/Modify Judgment (VCMD)
- Withdraw As Counsel (WDCN)
- Other (specify and list each separately)

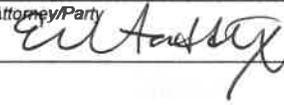
NOTE: All filings in civil actions shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts, and the Clerk of Superior Court shall require a party to refile a filing which does not include the required cover sheet. For subsequent filings in civil actions, the filing party must include either a General Civil (AOC-CV-751), Motion (AOC-CV-752), or Court Action (AOC-CV-753) cover sheet.

(Over)

CLAIMS FOR RELIEF

- | | | |
|--|--|---|
| <input type="checkbox"/> Administrative Appeal (ADMA) | <input type="checkbox"/> Limited Driving Privilege - Out-Of-State Convictions (PLDP) | <input type="checkbox"/> Product Liability (PROD) |
| <input type="checkbox"/> Appointment Of Receiver (APRC) | <input type="checkbox"/> Medical Malpractice (MDML) | <input type="checkbox"/> Real Property (RLPR) |
| <input type="checkbox"/> Attachment/Garnishment (ATTC) | <input type="checkbox"/> Minor Settlement (MSTL) | <input type="checkbox"/> Specific Performance (SPPR) |
| <input type="checkbox"/> Claim And Delivery (CLMD) | <input type="checkbox"/> Money Owed (MNYO) | <input checked="" type="checkbox"/> Other (<i>specify and list each separately</i>) |
| <input type="checkbox"/> Collection On Account (ACCT) | <input type="checkbox"/> Negligence - Motor Vehicle (MVNG) | Trespass |
| <input type="checkbox"/> Condemnation (CNDM) | <input type="checkbox"/> Negligence - Other (NEGO) | Assault |
| <input type="checkbox"/> Contract (CNTR) | <input type="checkbox"/> Motor Vehicle Lien G.S. Chapter 44A (MVLN) | Intentional Infl. of emotional distress |
| <input type="checkbox"/> Discovery Scheduling Order (DSCH) | <input type="checkbox"/> Possession Of Personal Property (POPP) | Negligent Infl. of emotional distress |
| <input type="checkbox"/> Injunction (INJU) | | Invasion of privacy |
| | | Civil Rights (99D-1) |

Date 1/26/2021

Signature Of Attorney/Party 

FEES IN G.S. 7A-308 APPLY

- Assert Right Of Access (ARAS)
 Substitution Of Trustee (Judicial Foreclosure) (RSOT)
 Supplemental Procedures (SUPR)

PRO HAC VICE FEES APPLY

Motion For Out-Of-State Attorney To Appear In NC Courts In A Civil Or Criminal Matter (Out-Of-State Attorney/Pro Hac Vice Fee)

No.	<input type="checkbox"/> Additional Plaintiff(s)	<input checked="" type="checkbox"/> Additional Defendant(s)	<input type="checkbox"/> Third Party Defendant(s)	Summons Submitted
3		ROBERT AUSTIN WOOD		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4-15		JOHN AND JANE DOES		<input type="checkbox"/> Yes <input checked="" 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
COUNTY OF PENDER

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
_____CVS_____

MONICA SHEPARD and)
DAMEON SHEPARD,)
)
Plaintiffs,)
)
vs.)
)
JORDAN KITA, TIMOTHY KITA,)
AUSTIN WOOD, and)
JOHN and JANE DOES 1 to 12,)
)
Defendants.)

**COMPLAINT
(JURY TRIAL DEMANDED)**

NATURE OF THIS ACTION

1. This case is a present-day example of the long and ugly history of white mobs acting with impunity and reckless disregard in the extrajudicial pursuit of Black Americans. Like the thousands of victims of KKK night rides or lynch mobs in the Jim Crow era, Plaintiff Monica Shepard and her teenage son Dameon were terrorized by Defendants’ actions, which constitute trespass, assault, intentional infliction of emotional distress, negligent infliction of emotional distress, interference with civil rights (N.C.G.S. §99D-1), and violation of the right to fair housing (N.C.G.S. §41A-1 et seq.).
2. On May 3, 2020, the Defendants, a mob of known and unknown white residents led by then-New Hanover County Sheriff’s Deputy Jordan Kita, attempted to forcibly enter the private Pender County home of Plaintiff Monica Shepard, an African American woman who lives there with her son, Plaintiff Dameon Shepard. Defendant Kita was wearing his official New Hanover County Sheriff’s Department uniform at the time and carrying his official sidearm. Other members of the mob led by Kita, including Defendant Austin Wood, were also armed. The mob claimed to be looking for a Black teenager who lived at the Shepards’ address because

they believed he was with a relative of Kita's who had been missing for a few hours. Although Plaintiff Dameon Shepard repeatedly explained that they had the wrong house and that he was not the person they were looking for, Defendants continued to harass and intimidate Dameon, and tried to force their way into his home. Plaintiff Monica Shepard also explained that they had the wrong house, but the Defendants continued their threatening presence and again tried to force their way inside. Monica refused to let them enter her home.

3. Fifteen to twenty minutes after the mob arrived at the Shepards' home, following a call by a concerned neighbor, Pender County Sheriff Deputies arrived on the scene. The Deputies were already in the neighborhood because they had been searching for the missing Kita relative in coordination with the mob. The Deputies made no arrests and failed to identify any of the members of the mob. They told the Shepards nothing other than that some of those present were related to the missing person.

4. Coming just three months after the shooting death of Ahmaud Arbery, and two months after the shooting death of Breonna Taylor late at night by three white plain clothed police officers after forcibly entering Taylor's apartment (another wrong address), Defendants' actions terrified Plaintiffs Monica and Dameon Shepard. The racialized context of Defendants' attack on Plaintiffs' home, the historical legacy of white mob violence against African Americans, and the failure of Pender County Sheriff Deputies to properly respond inform the nature of this action.

PARTIES

4. Plaintiff Monica Shepard is a Black woman and resident of Pender County, North Carolina. She owns her house located at 101 Glasgow Drive, Rocky Point in Pender County, North Carolina, where she has lived for four years. There is only one other Black household, an older couple, on Glasgow Drive. Monica is the mother of Dameon Shepard.

5. Plaintiff Dameon Shepard is a young Black man and resident of Pender County, North Carolina. He is 19 years old, has played football for six years, and recently graduated from Laney High School. He lives with his mother, Monica Shepard, at 101 Glasgow Drive.

6. Defendant Jordan Kita was at all times relevant to this complaint a deputy at the New Hanover County Sheriff's Department, located in Wilmington, North Carolina. He is a resident of Pender County. He is named as a Defendant in his individual capacity.

7. Defendant Timothy Kita is the father of Jordan Kita and is a resident of Pender County, North Carolina.

8. Defendant Austin Wood is a resident of Pender County, State of North Carolina.

9. Defendants John and Jane Does 1 to 12 are the other members of the mob that accompanied the named defendants in terrorizing the Plaintiffs on May 3, 2020. These Defendants are unidentified because their names are not known at this time, although the Pender County Sheriff's Office had an opportunity to identify them by gathering their names, addresses, and other relevant information on the evening in question, but failed to do so.

JURISDICTION AND VENUE

10. Plaintiffs bring this action pursuant to and under the common law of North Carolina for trespass; assault; intentional infliction of emotional distress; negligent infliction of emotional distress; invasion of privacy by intrusion into seclusion; and for violations of North Carolina's civil rights and fair housing statutes

11. This court has jurisdiction over this action pursuant to N.C.G.S. § 1-75.4, § 7A-243, § 41A-7, and § 99D-1(b).

12. The Superior Court of Pender County is the proper venue for this action pursuant to N.C.G.S. § 1-82 and § 41A-10.

FACTUAL ALLEGATIONS

13. On the evening of May 3, 2020, Monica Shepard and her son, Dameon, were at their home located at 101 Glasgow Drive Rocky Point in Pender County, North Carolina. Monica had retired to her room for the evening. Dameon was in the front room playing video games.

14. At approximately 10:00 p.m., there was a loud bang on the door.

15. Upon answering the door, Dameon saw a group of approximately fifteen people, all white, blocking the walkway and filling the porch.

16. Standing at the door, Dameon immediately noticed that several of the members of the mob were carrying firearms.

17. Defendant Jordan Kita was at the front of the group. At the time, Jordan Kita was employed by the New Hanover County Sheriff's Department as a Deputy Sheriff. Jordan Kita was in his Sheriff's Department official uniform at the door and was visibly wearing a gun which, upon information and belief, was his official weapon issued by the New Hanover County Sheriff's Department.

18. Defendant Austin Wood was standing close behind Defendant Jordan Kita on the porch, with the rest of the mob. Defendant Wood held an assault rifle in front of him, where Dameon could see it.

19. Another of the individuals on the porch—Defendant John Doe 1—held a shotgun and stood toward the outside edge of the mob.

20. Also present, upon information and belief, was Defendant Timothy Kita, Jordan Kita's father. Defendant Timothy Kita was standing on the Shepards' porch with the rest of the mob.

21. There were about a dozen other individuals, both male and female, all white, who are

identified as John Does and Jane Does 2-12 until their identities are revealed through discovery and further information.

22. Defendant Jordan Kita addressed Dameon and demanded information as to the location of a young girl named Lekayda Kempisty.

23. Defendant Jordan Kita said he wanted to step inside and question Dameon about his knowledge of the girl's location.

24. Dameon said that he did not know Kempisty, had no connection with her, and did not know her whereabouts.

25. One of the Doe Defendants told Dameon that they were looking for a young Black man and had been given "your name" and "this address." Eventually Defendants said they were looking for a Black teenager named "Josiyah" whom they believed attended Topsail High School and knew Kempisty.

26. Josiyah had lived in the neighborhood until moving out approximately one month before the incident described in this complaint.

27. After explaining that they had the wrong person, that he was not Josiyah and that he did not know Kempisty, Dameon asked the mob to leave and attempted to close the door.

28. Defendant Jordan Kita stuck his foot through the doorway and into the home, preventing Dameon from shutting the door, and demanded to enter Plaintiffs' home.

29. Dameon became very frightened and upset. The first things he saw when he opened the door were the guns, and he thought of all of the times when Black people have been killed by white police officers. He felt threatened and under attack, but he wanted to protect his mom and their home. He kept repeating that his name was Dameon, and that he attended Laney High School, so that the mob would realize they had the wrong house and leave.

30. The all-white mob, which had come looking for a Black teenage boy that allegedly lived in the neighborhood, assumed that Dameon must be him and ignored Dameon's repeated assertions that he was not the person for whom they were looking.

31. At the time of this confrontation, there was a bright gold-colored sign located in the front yard of the Shepard residence, directly next to the pathway/driveway that the mob walked up, with Dameon's name on it, congratulating him on his graduation from Laney High School. This was a sign provided by the school to all of the approximately four hundred 2020 graduates from Laney High School.

32. The loud banging on the door woke Ms. Shepard up. She looked out of her bedroom window and saw a mob of white people holding long flashlights, standing on her porch. She reacted immediately, coming to the front door in her pajamas. Afraid for her son's safety, she directed Dameon to stand back.

33. Defendant Jordan Kita continued to demand that Ms. Shepard let him and the mob into her home to interrogate Dameon.

34. As he confronted Ms. Shepard, Defendant Jordan Kita shifted his hip holster to show his exposed and unfastened gun. He kept his foot across the threshold of the Shepards' door, trying to push the door open.

35. Unable to close the door fully, Ms. Shepard repeatedly explained that the mob had the wrong person and asked them to leave.

36. During the confrontation, Ms. Shepard felt frightened, helpless, and violated. She was upset that strangers could show up at her door with guns and put her on the defense in her own home. She was well aware of the high-profile police killings of many Black men and women across the country, which made the encounter especially frightening. She was terrified that Dameon would

be viewed as a threat, and that the mob would shoot her son.

37. During this period of time, Dameon was pacing back and forth within the house, afraid for his mother's life as well as his own, and frantically repeating his name over and over again, that he attended Laney High School, and that he was not the person for whom they were looking.

38. During the confrontation, neighbors in the surrounding homes awoke, realized something was wrong, and began to gather near the Shepards' home. Several witnesses captured the incident on their cellphones.

39. The Shepards' neighbors reported that while the confrontation was taking place at the front door, some members of the mob walked around the Shepards' house on their private property, shining flashlights and looking into the windows.

40. After five minutes of the continuing confrontation with the Shepards, Defendant Jordan Kita and the mob left the Shepards' home. The mob got into their cars and left Glasgow Drive but stayed in the neighborhood.

41. One of the neighbors, watching the commotion from their window, saw a member of the mob put an AR-15 into the back seat of a red pickup truck. The truck had a decal that said "Better Stories, Fishing Charters."

Failure by the Pender County Sheriff's Office to Respond to the Attempted Entry of the Shepards' Home

42. Given the alarming nature of the armed mob at the Shepards' door, one of the Shepards' neighbors called 911. Two Pender County Sheriff's Deputies arrived within about five minutes.

43. The individual Defendants, who had just left the Shepards' street, returned to Glasgow Drive following the deputies' arrival. In all, around ten minutes passed between when the mob left the Shepards' home and when they returned to park behind the deputies.

44. The individual Defendants stood in the street, about ten yards away from the deputies, as

the deputies questioned the Shepards.

45. Upon information and belief, the deputies did not interview, question, or identify any of the members of the mob.

46. Shortly thereafter, Pender County Sheriff's Captain, B.A. Sanders, arrived and had a short conversation with the Plaintiffs and some of the surrounding neighbors. He urged the Shepards to understand that there was a missing girl.

47. Ms. Shepard and Dameon told Captain Sanders that the mob was armed.

48. Plaintiffs' neighbors also told Captain Sanders that the mob was armed.

49. Upon information and belief, Captain Sanders knew that Defendant Austin Wood was armed because Defendant Wood earlier had shown Captain Sanders his AR-15.

50. Members of the mob were present when Captain Sanders arrived and stayed for approximately ten minutes.

51. At no point did Captain Sanders interview, question, or identify any of the mob that trespassed onto the Shepards' property and attempted to enter their home.

52. Upon information and belief, the Deputies conducted no further investigation into the incident.

53. No arrests were made and no charges were filed related to the mob that night.

54. The next day, Captain Sanders returned to the Shepard residence. He told the Shepards that it was complicated to apprehend or arrest anyone who had been there the previous night.

55. Captain Sanders admitted that the Sheriff's Department did not take any names but said that he would look into it.

56. On Tuesday and Wednesday that week, no further action was taken by law enforcement except for a call made from Captain Sanders to Ms. Shepard on Wednesday evening. During that

call, Captain Sanders attempted to convince Ms. Shepard to not pursue the matter any further.

57. The following day at approximately 3:00 p.m., Attorney Jim Lea delivered a letter to the District Attorney for Pender and New Hanover County, as well as to Pender County Sheriff Alan Cutler and New Hanover County Sheriff Ed McMahan, demanding a full investigation into the incident at the Shepard residence.

58. The next day, at approximately 4:00 p.m., New Hanover County Sheriff Ed McMahan, Pender County Sheriff Alan Cutler, and New Hanover/Pender County District Attorney Ben David held a press conference in which they announced charges had been brought against two of the Defendants.

59. New Hanover County Sheriff's Department terminated Defendant Jordan Kita's employment and charged him with misdemeanor willful failure to discharge duties (N.C.G.S. §14-230), misdemeanor forcible trespass (common law), and misdemeanor breaking and entering (N.C.G.S. §14-230).

60. Defendant Wood was also charged with going armed to the terror of the people pursuant to N.C.G.S. §14-3(a).

61. No other arrests have been made since that time, although the New Hanover and Pender District Attorney's office and Pender County Attorney's office have suggested that some type of investigation into the incident is ongoing.

Pender County Sheriff's Office's Coordination with the Kita Family and the Mob

62. In the late afternoon of May 3rd, the Kita family notified Pender County Sheriff's Office (PCSO) that a young woman who lived with them, Lekayda Kempisty, was missing.

63. The PCSO came to the Kita home and began a search for Kempisty.

64. PCSO assisted the Kita family in their search for Kempisty and helped search their

neighborhood and other neighborhoods, the woods, empty construction sites, and other areas. PCSO also provided flashlights and offered the use of PCSO helicopters and/or drones.

65. At one point during the evening, the Kitas received a tip that Kempisty might be with a boy named Josyiah who lived in the Avendale neighborhood in Rocky Point. At that point, the Kitas identified themselves to Pender County law enforcement and said that they were going to go to Avendale and asked if it would be ok if they knocked on doors to see if anyone had seen Kempisty.

66. PCSO gave the Kitas permission to search in Avendale, which is where the Shepards live.

67. As detailed above, the armed mob assembled by the Kitas and led by Defendant Jordan Kita, then went to Avendale where they terrorized and attempted to forcibly enter the Shepards' home.

68. After questioning the Shepards and leaving the scene without interviewing the Defendants or otherwise investigating the incident, PCSO continued to coordinate and help the Kitas and other members of the search group.

69. In an interview from May 2020, Defendant Timothy Kita told a journalist that the PCSO was "absolutely" aware that they were going door to door in the Avendale neighborhood questioning residents.

70. After the mob threatened the Shepards and forcibly confronted them at their home, the Kita family continued to update PCSO about their search throughout the night with numerous texts and calls.

71. One member of the Kita family stated that the PCSO was with their search group "every step of the way."

North Carolina's History of Mob Violence Against Black Men

72. North Carolina has a long and sordid history of white mob violence against African

Americans. From 1877 to 1950 at least 123 Black people were lynched in North Carolina.

73. In 1898, in the wake of a heated election in which Wilmington voters elected a biracial city government, an armed mob of white residents, known as “Red Shirts,” descended on city hall in Wilmington and forced Black and white elected officials to resign. This was the only successful coup d’etat by a white mob in United States history. The leaders of the coup believed Black men were a danger to white women. It is estimated that 100 Black people were killed by the Red Shirts.

74. In 1918, a Black man was lynched after a white woman was raped in Lewiston, North Carolina. A white mob accused the Black man of the crime and killed him, before an investigation revealed that the real perpetrator had been a white man wearing black makeup.

75. In 1939, without investigating or verifying allegations, a North Carolina sheriff led a 500-person lynch mob in search of a 21-year-old Black man who had been accused of assaulting two white women. When the young Black man was eventually arrested in a neighboring county and stood trial, white mobs formed outside the courthouse. The young man was sentenced to 30 years in prison, based solely on the testimony of the two alleged victims. Neither the sheriff nor the mob leaders were held accountable for this attempted lynching.

76. Lynchings were so common in North Carolina and other states that white children often played a game about lynching, named “Salisbury,” after a series of lynchings in Salisbury, North Carolina in 1902 and 1906 that included a fifteen-year-old Black child as a victim.

77. A narrative of Black men as dangerous sexual predators has motivated many lynchings in North Carolina. Researchers believe that approximately 29 percent of lynchings from 1880-1930 in North Carolina, Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, South Carolina, and Tennessee were of African American men accused of sexual assault of white women.

78. Because both Ms. Shepard and Dameon were aware of the history of mob violence and

extrajudicial killings of Black men in North Carolina, as well as high-profile killings by law enforcement of unarmed Black men in the state—including the recent killings of Keith Lamont Scott in Charlotte, Marcus Smith in Greensboro, and Keith Collins in Raleigh—the mob that stood on their doorstep was particularly terrifying.

79. As a result of Defendants’ actions, Plaintiffs suffered emotional and physical distress, fear, intimidation, depression, and anxiety. Both Ms. Shepard and Dameon had trouble sleeping for about a month following the incident and felt paranoid. Ms. Shepard lost her appetite for a couple of weeks. Dameon – a high school football player - lost about ten pounds. Ms. Shepard had to take one month off of work to recover. Ms. Shepard has spoken at length to family members to process the traumatic experience. She has replayed the incident over and over in her mind, thinking about the “what-ifs.” Dameon processes his feelings more internally, but sometimes becomes noticeably anxious or melancholy because of Defendants’ actions.

80. Because of the Defendants’ actions, Plaintiffs no longer feel safe in their home or their neighborhood, have changed their personal and social activities, and their quality of life has been diminished. Ms. Shepard obtained a concealed carry permit and bought a gun, which she never would have done otherwise. She continues to carry her gun, a stun gun, and/or mace with her, which she did not do before the incident. At her own expense, she also installed a Ring doorbell security system, which she would not have done were it not for the armed mob showing up at her home.

FIRST CLAIM FOR RELIEF
(Trespass)

81. Plaintiffs reallege and incorporate herein by reference Paragraphs 1 through 80 as if set out in full.

82. At all times herein, Plaintiffs were in actual possession of and physically occupying their

property at 101 Glasgow Drive.

83. The Defendants intentionally came upon the Plaintiffs' property, attempted to enter their home, and remained there despite being told to leave repeatedly. Defendants did not have permission nor any legal authority to approach the Shepard family.

84. Some Defendants also walked around Plaintiffs' property peering and shining flashlights into the windows of Plaintiffs' home.

85. Defendants trespassed upon Plaintiffs' property repeatedly and continued their actions of trespass after being requested to leave.

SECOND CLAIM FOR RELIEF
(Assault)

86. The Plaintiffs reallege and incorporate herein by reference Paragraphs 1 through 85 as if set out in full.

87. Defendant Jordan Kita threatened the Plaintiffs and created for them a reasonable apprehension of immediate harm by refusing to allow them to close the door of their home, inserting his foot in the door frame, and demanding entry into their home.

88. Defendant Jordan Kita's attempt to enter Plaintiffs' home intentionally brought about the apprehension of immediate harm to Plaintiffs.

89. While at the Plaintiffs' residence, at least three members of the mob, including Defendants Kita and Wood, were armed with firearms including a shotgun and an assault rifle.

90. By approaching and attempting to enter the Plaintiffs' home and interrogating the Plaintiffs while brandishing or displaying weapons, Defendant Jordan Kita, Defendant Wood, and Doe Defendant 1 intentionally caused Plaintiffs a reasonable apprehension of immediate harm.

91. By approaching and attempting to enter the Plaintiffs' home, attempting to interrogate the Plaintiffs, walking around their house and looking into the windows and blocking Plaintiffs' ability to leave their home, Doe Defendants 2 through 12 intentionally caused Plaintiffs a reasonable apprehension of immediate harm.

92. As a direct and proximate cause of Defendants' intentional actions, Plaintiffs were in fact apprehensive of immediate harm.

THIRD CLAIM FOR RELIEF
(Intentional Infliction of Emotional Distress)

93. The Plaintiffs re-allege and incorporate herein by reference Paragraphs 1 through 92 as if set out in full.

94. The Defendants engaged in extreme and outrageous conduct by entering unlawfully onto Plaintiffs' property while brandishing firearms, attempting to forcibly enter the Plaintiffs' home, intimidating and interrogating the Plaintiffs, ignoring the clear evidence that they misidentified Dameon Shepard as another Black teenage male, and blocking Plaintiffs' ability to leave their home. Defendant Jordan Kita, by wearing his New Hanover County Sheriff's Department uniform, intentionally created the impression that he was acting with legal authority.

95. The Defendants' actions were intended to cause severe emotional distress to the Plaintiffs.

96. In the alternative, Defendants were recklessly indifferent to the likelihood that their actions would cause severe distress.

97. As a result of the Defendants' intentional acts of violence and intimidation, the Plaintiffs suffered severe emotional distress and were in fear for their lives.

FOURTH CLAIM FOR RELIEF
(Negligent Infliction of Emotional Distress)

98. The Plaintiffs re-allege and incorporate herein by reference Paragraphs 1 through 97 as if

set out in full.

99. The Defendants breached their reasonable duty of care by unlawfully entering upon the Plaintiffs' property while brandishing firearms, attempting to forcibly enter the Plaintiffs' home, intimidating and interrogating the Plaintiffs, ignoring the clear evidence that they misidentified Dameon Shepard as another Black teenage male, and blocking Plaintiffs' ability to leave.

100. Defendants' actions were reasonably foreseeable to cause severe emotional distress to Plaintiffs.

101. Defendants did in fact cause severe emotional distress to Plaintiffs.

FIFTH CLAIM FOR RELIEF
(Invasion of Privacy by Intrusion into Seclusion)

102. The Plaintiffs reallege and incorporate herein by reference Paragraphs 1 through 101 as if set out in full.

103. Plaintiffs had an actual expectation of seclusion in their own home on the night of Sunday, May 3, 2020.

104. Plaintiffs' expectation of seclusion was objectively reasonable, given the day of week, the time of night, and their presence inside their own home.

105. Defendants, a partially armed group of approximately fifteen individuals, intentionally physically intruded upon Plaintiffs' privacy when a member of their party knocked loudly on Plaintiffs' door and all refused to leave Plaintiffs' property for a significant period of time.

106. Defendant Jordan Kita, by inserting his foot inside Plaintiffs' door frame, physically blocked Plaintiffs from closing their door and retreating into the privacy of their own home.

107. Some Defendants also pointed flashlights at and peered through windows of Plaintiffs' home.

108. Defendants' intrusion was substantial and highly offensive to Plaintiffs and would be to

any reasonable person.

109. As a direct and proximate cause of Defendants' intentional actions, Plaintiffs installed the Ring security system to better secure their privacy in their home.

SIXTH CLAIM FOR RELIEF
(Interference with Civil Rights N.C.G.S. § 99D-1)

110. The Plaintiffs re-allege and incorporate herein by reference Paragraphs 1 through 109 as if set out in full.

111. North Carolina's civil rights statute creates civil liability if two or more persons, motivated by race, ethnicity or gender, conspire to interfere with the exercise or enjoyment by any other person(s) of their civil or constitutional rights. N.C.G.S § 99D-1.

112. Defendants, some of them armed, came to the Shepards' home on May 3 looking for a Black teenage male who they believed lived in the neighborhood.

113. Despite passing a sign bearing Dameon's name on the Plaintiffs' lawn congratulating Dameon for his graduation, and Dameon's repeated insistence that he was not the person they were looking for, Defendants continued to harass, intimidate, and threaten Dameon and Ms. Shepard.

114. The all-white mob, which had come looking for a Black teenage male that lived in the neighborhood assumed that, because he was a Black teenage male, Dameon must be the person they were looking for.

115. The Defendants' harassment, intimidation, and threats of violence and physical force against Plaintiffs were motivated by race—specifically by the fact that they were looking for a Black teenage male and Dameon Shepard is a Black teenage male.

116. Defendants conspired to use force, repeated harassment, and indirect threat of physical harm in an attempt to interfere with the Shepards' rights to exercise or enjoy various rights enforced, interpreted or impacted by a law of the United States or North Carolina.

SEVENTH CLAIM FOR RELIEF
(North Carolina Fair Housing Act (NCFHA), N.C.G.S. 41A-1 et seq.)

117. The Plaintiffs re-allege and incorporate herein by reference Paragraphs 1 through 116 as if set out in full.

118. North Carolina's Fair Housing Act makes it unlawful to "coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this Chapter."

119. Plaintiffs' right to the use and enjoyment of their housing free from invidious racial discrimination or harassment is protected under the NCFHA.

120. Defendants coerced, threatened, intimidated, and interfered with Plaintiffs' fair housing rights when, while brandishing firearms, they attempted to forcibly enter the Plaintiffs' home, harassed and attempted to interrogate the Plaintiffs, trespassed on their property, looked into the windows, and physically blocked their porch and driveway, preventing them from leaving their house for help.

121. The Defendants' harassment, intimidation, and threats of violence and physical force against Plaintiffs was motivated by race—specifically by the fact that they were looking for a Black teenage male and Dameon Shepard is a Black teenage male.

122. The totality of the circumstances demonstrate that Defendants violated Plaintiffs' rights under the NCFHA.

123. These circumstances include: the historical context of racialized white mob violence against Black men; the presence of an all-white mob brandishing weapons and led by a uniformed, armed Sheriff's Deputy; the mob's attempt to forcibly enter the Plaintiffs' home; and the Defendants' refusal to leave and continued harassment, intimidation, and threats to the Plaintiffs

despite their repeated insistence and other evidence that Dameon was not the person they were looking for.

PRAYER FOR RELIEF

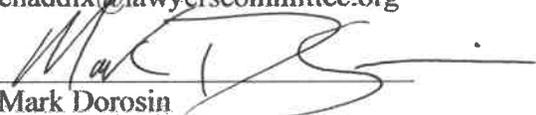
Based on the foregoing, Plaintiffs pray for the following relief:

1. That the Court enter judgment in favor of Plaintiffs and against Defendants on all claims for relief as alleged in this Complaint, in an amount to be determined by a jury in excess of twenty-five thousand dollars (\$25,000.00), both jointly and separately, and interest as determined by the Court;
2. That the Court enter judgment in favor of Plaintiffs and against Defendants for punitive damages in an amount to be determined by a jury;
3. For a trial by jury on all issues so triable;
4. That the costs, including any and all expert witness fees, be taxed against the Defendants;
5. That the Court award Plaintiffs reasonable attorneys' fees as allowed by law;
6. For such injunctive and equitable relief as deemed appropriate, including but not limited to, training concerning the history of racism and mob violence in North Carolina, and;
7. For such other and further relief as to the Court may seem just and proper.

This the 26th day of January 2021.

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW


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**Pro hac vice motion forthcoming*

THE LEA/SCHULTZ LAW FIRM, P.C.

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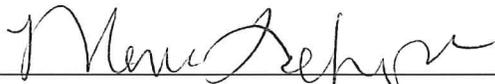

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Attorneys for Plaintiffs

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

VERIFICATION

MONICA SHEPARD, Plaintiff herein, being first duly sworn, deposes and says that she is the Plaintiff in the foregoing action; that she has read the foregoing Complaint and knows the contents thereof; that the same is true of her own knowledge except as to those matters therein stated upon information and belief, and as to those, she believes them to be true.

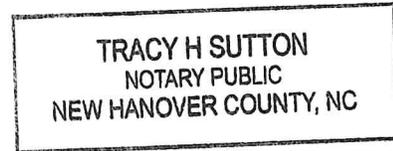


MONICA SHEPARD

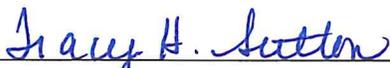
I certify that **MONICA SHEPARD** personally appeared before me and that

[] I have personal knowledge of the identity of the principal; or

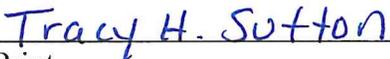
[X] I have seen satisfactory evidence of the principal's identity by a current state or federal identification with the principal's photograph in the form of a driver's license.



This the 25th day of January 2021.



Notary Public



Print

My commission expires: 9/18/2022

STATE OF NORTH CAROLINA

VERIFICATION

COUNTY OF NEW HANOVER

DAMEON SHEPARD, Plaintiff herein, being first duly sworn, deposes and says that he is the Plaintiff in the foregoing action; that he has read the foregoing Complaint and knows the contents thereof; that the same is true of his own knowledge except as to those matters therein stated upon information and belief, and as to those, he believes them to be true.

Dameon Shepard

DAMEON SHEPARD

I certify that **DAMEON SHEPARD** personally appeared before me and that

[] I have personal knowledge of the identity of the principal; or

[X] I have seen satisfactory evidence of the principal's identity by a current state or federal identification with the principal's photograph in the form of a driver's license.



This the 25th day of January 2021.

Tracy H Sutton
Notary Public

Tracy H. Sutton
Print

My commission expires: 9/18/2022