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NORTH CAROLINA COURT OF APPEALS  
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LUDOVICUS N. KEYZER, a/k/a LUDO  
KEYZER, JOSEPH KINTZ, ROBIN  
KINTZ, CARL W. PARKER III,  
and BARRY NAKELL,

Plaintiffs,

FROM ORANGE COUNTY  
NO. 03 CVS 623

v.

AMERLINK, LTD., RICHARD SPOOR,  
DEBORAH N. MEYER, JOHN  
MEUSER, MEYER & MEUSER, P. A.,  
AMERICAN DETECTIVE  
SERVICES, INC., and  
KENNETH J. JOHNSON,

Defendants.

FILED  
04 AUG 17 PM 3:42  
CLERK OF SUPERIOR COURT  
OF NORTH CAROLINA

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RECORD ON APPEAL

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No. COA04-

FIFTEEN B DISTRICT

LUDOVICUS N. KEYZER, a/k/a LUDO  
KEYZER, JOSEPH KINTZ, ROBIN  
KINTZ, CARL W. PARKER III,  
and BARRY NAKELL,

Plaintiffs,

FROM ORANGE COUNTY  
NO. 03 CVS 623

v.

AMERLINK, LTD., RICHARD SPOOR,  
DEBORAH N. MEYER, JOHN  
MEUSER, MEYER & MEUSER, P. A.,  
AMERICAN DETECTIVE  
SERVICES, INC., and  
KENNETH J. JOHNSON,

Defendants.

STATEMENT OF ORGANIZATION OF TRIAL COURT

From the March 31, 2003 Civil Session of the Superior Court of Orange County, Honorable John R. Jolly, Jr., Special Superior Court Judge, presiding, by assignment pursuant to Rule 2.1 of the General Rules of Practice for the Superior and District Courts. Plaintiffs appeal from the following orders: (A) Order signed on September 12, 2003 and filed on September 22, 2003, dismissing as to all plaintiffs except Plaintiff Ludo Keyzer the First Claim -- Invasion of Privacy, as to Defendants Deborah N. Meyer, John Meuser and Meyer & Meuser, P.A, and dismissing as to all plaintiffs the Second Claim -- Trespass, and Third Claim --

Punitive Damages, as to Defendants Deborah N. Meyer, John Meuser and Meyer & Meuser, P.A.; (B) Order signed on January 20, 2004 and filed on January 30, 2004, granting summary judgment in favor of Defendants Deborah N. Meyer, John Meuser and Meyer & Meuser, P.A., as to Plaintiff Ludo Keyzer's First Claim -- Invasion of Privacy and dismissing that claim as to those defendants, and denying Plaintiff Ludo Keyzer's motion for summary judgment as to his First Claim -- Invasion of Privacy as to those defendants; (C) Order signed on March 9, 2004 and filed on March 22, 2004, granting summary judgment in favor of Defendants American Detective Services, Inc. and Kenneth J. Johnson and dismissing this action as to Defendants American Detective Services, Inc. and Kenneth J. Johnson; (D) Order signed on March 30, 2004 and filed on April 12, 2004, granting summary judgment in favor of Defendants AmerLink, Ltd. and Richard Spoor and dismissing this action as to Defendants American Detective Services, Inc. and Kenneth J. Johnson. The parties appealing are the Plaintiffs, Ludovicus N. Keyzer, a/k/a Ludo Keyzer, Joseph Kintz, Robin Kintz, Carl W. Parker III, and Barry Nakell.

The record on appeal was filed in the Court of Appeals on  
August 17, 2004, and was docketed on  
August 19, 2004.

STATEMENT OF JURISDICTION

This action was commenced by the filing of a complaint and issuance of summons on April 11, 2003. The parties acknowledge that the trial court had jurisdiction over the persons and subject matter of the action.

STATEMENT REGARDING TRANSCRIPT AND DOCUMENTARY EXHIBITS

Pursuant to Rule 9(c)(2) of the North Carolina Rules of Appellate Procedure, transcripts of the depositions of the following witnesses are filed contemporaneously with this record:

(A) John B. Meuser, recorded by Court Reporter Laura C. Winchester on August 13, 2003, consisting of 162 pages, numbered 1-162, and two pages of exhibits.

(B) Deborah N. Meyer, recorded by Court Reporter Laura C. Winchester on August 13, 2003, consisting of 48 pages, numbered 1-48.

(C) Deborah N. Meyer, recorded by Court Reporter Laura C. Winchester on September 25, 2003, consisting of 189 pages, numbered 1-189, and two pages of exhibits.

(D) Deborah N. Meyer, recorded by Court Reporter Laura C. Winchester on November 14, 2003, consisting of 79 pages, numbered 1-79, and 21 pages of exhibits.

(E) Richard B. Spoor, recorded by Court Reporter Laura C. Winchester on March 25, 2003, consisting of 149 pages of testimony, numbered 1-149, and pages of exhibits.

(F) Richard B. Spoor, recorded by Court Reporter Laura C. Winchester on July 9, 2003, consisting of 126 pages of testimony, numbered 1-126.

(G) Larry Guyette, recorded by Court Reporter Sheila M. Mason on April 28, 2003, consisting of 104 pages of testimony, numbered 104.

(H) Larry Guyette, recorded by Court Reporter Laura C. Winchester on August 11, 2003, consisting of 94 pages of testimony, numbered 1-94.

(I) Ken Johnson, recorded by Court Reporter Peggy C. Garvin on March 12, 2003, consisting of 245 pages of testimony, numbered 1-245, and one page of exhibits.

(J) Ken Johnson, recorded by Court Reporter Alisa S. Lee on April 9, 2003, consisting of 87 pages of testimony, numbered 1-87, one errata sheet, and 5 pages of exhibits.

(K) Thomas Slocum, recorded by Court Reporter Laura C. Winchester on March 7, 2003, consisting of 140 pages of testimony, numbered 1-140, and            pages of exhibits.

(L) Joyce T. Wilkins, recorded by Court Reporter Laura C. Winchester on March 3, 2003, consisting of 49 pages of testimony, numbered 1-49.

(M) James B. Pierce, recorded by Court Reporter Laura C. Winchester on June 27, 2003, consisting of 37 pages of testimony, numbered 1-37.

(N) Sim Wilde, recorded by Court Reporter Sheila M. Mason on June 27, 2003, consisting of 37 pages of testimony, numbered 1-37.

(O) Kathy Smith, recorded by Court Reporter Sheila M. Mason on June 27, 2003, consisting of 60 pages of testimony, numbered 1-60.

(P) Bruce Brown, recorded by Court Reporter Alisa S. Lee on April 9, 2003, consisting of 76 pages of testimony, numbered 1-76.

(Q) Elizabeth Johnson, recorded by Court Reporter Alisa S. Lee on April 9, 2003, consisting of 115 pages of testimony, numbered 1-115.

(R) Rodney E. Pettey, recorded by Court Reporter Laura C. Winchester on August 5, 2003, consisting of 105 pages of testimony, numbered 1-105, and 56 pages of exhibits.

(S) Rodney E. Pettey, recorded by Court Reporter Frances A. Graham on October 2, 2003, consisting of 36 pages of testimony, numbered 1-36.

(T) Amy Cave, recorded by Court Reporter Frances A. Graham on October 2, 2003, consisting of 67 pages of testimony, numbered 1-67, and 4 pages of exhibits.

(U) Jim Pierce, recorded by Court Reporter Frances A. Graham on October 2, 2003, consisting of 29 pages of testimony, numbered 1-29.

Pursuant to Rule 9(d)(2) of the North Carolina Rules of Appellate Procedure, three copies of the documentary exhibits are filed contemporaneously with this record in a separate Documentary Exhibits Appendix to the Record on Appeal.



- 7 -  
STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
3:41 FILE NO. 03 CVS 623

LUDOVICUS N. KEYZER, a/k/a LUDO-  
KEYZER, JOSEPH KINTZ, ROBIN  
KINTZ, CARL W. PARKER III,  
and BARRY NAKELL,

Plaintiffs,

v.

**COMPLAINT**  
(Jury Trial Demanded)

AMERLINK, LTD., RICHARD SPOOR,  
DEBORAH N. MEYER, JOHN  
MEUSER, MEYER & MEUSER, P. A.,  
AMERICAN DETECTIVE  
SERVICES, INC., and  
KENNETH J. JOHNSON,

Defendants.

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Plaintiffs Ludovicus N. Keyzer, a/k/a Ludo Keyzer, Joseph Kintz, Robin Kintz, Carl W. Parker III, and Barry Nakell, complaining of Defendants AmerLink, Ltd., Richard Spoor, Deborah N. Meyer, John Meuser, Meyer & Meuser, P.A., American Detective Services, Inc., and Kenneth Johnson, allege as follows:

### **I. NATURE OF THE ACTION**

1. This is an action for invasion of privacy and unfair trade practices arising out of the action of Defendants AmerLink, Ltd. and Richard Spoor, through their attorneys, Deborah N. Meyer, John B. Meuser, and Meyer & Meuser, P. A., and their investigators, American Detective Services, Inc. and Kenneth Johnson, in conducting surreptitious interviews -- using deception and misrepresentation -- of persons engaged in litigation against Defendants AmerLink, Ltd. and

Richard Spoor and represented by attorneys, Plaintiff Barry Nakell and Alexander Bonds, without the knowledge or consent of their attorneys, and of one of their attorneys, Plaintiff Barry Nakell.

## II. PARTIES

2. Plaintiff Ludovicus N. Keyzer, also known as Ludo Keyzer, is a Dutch national and a resident of the Netherlands.
3. Plaintiffs Joseph Kintz and Robin Kintz are residents of the State of Illinois.
4. Plaintiff Carl W. Parker, III is a resident of Pitt County, North Carolina.
5. Plaintiff Barry Nakell is a resident of Orange County, North Carolina and an attorney licensed to practice law in the State of North Carolina.
6. Defendant AmerLink, Ltd. is a New York corporation with its principal place of business in Nash County, North Carolina. Defendant AmerLink, Ltd. is engaged in the business of selling packages of materials for the construction of log homes.
7. Defendant Richard Spoor is a resident of Wake County, North Carolina, and is the Chairman of the Board, Chief Executive Officer, and majority owner of Defendant AmerLink, Ltd.
8. Defendants Deborah N. Meyer and John B. Meuser are residents of Wake County, North Carolina and are attorneys licensed to practice law in the State of North Carolina and are partners in the Defendant law firm of Meyer & Meuser, P.A. in Wake County, North Carolina.
9. Defendant American Detective Services, Inc. is a North Carolina Corporation with its principal place of business in Wake County, North Carolina. Defendant Kenneth Johnson, is a resident of Wake County, North Carolina and is a licensed private investigator and the owner of Defendant American Detective Services, Inc. in Wake County, North Carolina.

10. At all times relevant to this Complaint, Defendants were acting in concert, were engaged together in a joint enterprise, were acting as the agents of each other, and were acting in agreement and in conspiracy with each other.

### III.

#### GENERAL ALLEGATIONS

11. Plaintiffs Ludo Keyzer, Joseph Kintz and Robin Kintz purchased from Defendant AmerLink, Ltd. packages of materials for the construction of log homes.

12. At all times relevant hereto, Plaintiff Ludo Keyzer was engaged in litigation and/or disputes in the State of North Carolina against Defendants AmerLink, Ltd. and Richard Spoor, arising out of his purchase of a package of materials for the construction of log homes, and was represented in such litigation and/or disputes by Plaintiff Barry Nakell.

13. At all times relevant hereto, Plaintiff Carl W. Parker III was engaged in litigation and/or disputes in the State of North Carolina against Defendant AmerLink, Ltd., and was represented in such litigation and/or disputes by Plaintiff Barry Nakell.

14. At all times relevant hereto, Plaintiffs Joseph Kintz and Robin Kintz were engaged in litigation and/or disputes in the State of Illinois against Defendant AmerLink, Ltd. arising out of their purchases from Defendant AmerLink, Ltd. of a package of materials for the construction of log homes, and were represented in such litigation and/or disputes by Illinois attorney Alexander Bonds, and Plaintiff Joseph Kintz was engaged in litigation and/or disputes in the State of North Carolina against Defendants AmerLink, Ltd. and Richard Spoor arising out of a purchase of a package of materials for the construction of log homes, and was represented in such litigation by Plaintiff Barry Nakell.

15. At all times relevant hereto, all Defendants knew that Plaintiffs Ludo Keyzer and Joseph Kintz were engaged in litigation and/or disputes with Defendant AmerLink, Ltd. and that Plaintiffs Ludo Keyzer and Joseph Kintz were represented by Plaintiff Barry Nakell.

16. At all times relevant hereto, Defendants AmerLink, Ltd., Richard Spoor, Deborah N. Meyer, John B. Meuser, and Meyer & Meuser, P. A., knew that Plaintiffs Ludo Keyzer, Joseph Kintz, and Carl Parker III, were engaged in litigation and/or disputes with Defendants AmerLink, Ltd. and Richard Spoor and that they were represented by Plaintiff Barry Nakell.

17. At all times relevant hereto, Defendants AmerLink, Ltd., Richard Spoor, Deborah N. Meyer, John B. Meuser, and Meyer & Meuser, P.A., knew that Plaintiffs Joseph Kintz and Robin Kintz were engaged in litigation and/or disputes with Defendant AmerLink, Ltd. and that they were represented by Illinois counsel.

18. At all times relevant hereto, Plaintiffs Ludo Keyzer and Carl Parker had confidential attorney-client relationships with Plaintiff Barry Nakell, Plaintiff Joseph Kintz had confidential attorney-client relationships with Plaintiff Barry Nakell and with Alexander Bonds, and Plaintiff Robin Kintz had a confidential attorney-client relationship with Alexander Bonds.

19. During the month of November, 2002, Defendants, for the purpose of obtaining information to use in their litigation against Plaintiff Ludo Keyzer, for the purpose of obtaining information to justify a new lawsuit they wanted to file against Plaintiff Ludo Keyzer in North Carolina, and for the purpose of disrupting the confidential relationship between Plaintiff Ludo Keyzer and Plaintiff Barry Nakell, engaged, retained, directed and instructed the firm of Counsels Investigative Office (hereinafter, "CIO") in the Netherlands, and its manager, P.J.M. (Peter) Velrath (hereinafter, "Velrath"), surreptitiously and using deception and misrepresentations to meet and speak with Plaintiff Ludo Keyzer at his place of work and induce Plaintiff to make

certain statements about his litigation and/or disputes against Defendant AmerLink, Ltd. and Richard Spoor, which Defendants used to justify a new lawsuit that they filed against Plaintiff Ludo Keyzer in North Carolina in December, 2002.

20. As shown by public records in the Netherlands, the Ministry of Justice in the Netherlands had refused to renew the license of CIO and Velrath on February 17, 2000 because of police reports showing that CIO and Velrath engaged in forgery, perjury, bribery, and misuse of confidential information, and because Velrath had a conviction for drunk driving, so that since February 17, 2000 CIO and Velrath were not licensed to perform services as private investigators in the Netherlands.

21. During the month of November, 2002, at the direction of Defendants, CIO and Velrath, for the purpose of obtaining information to use against Plaintiff Ludo Keyzer in the litigation and/or dispute of Plaintiff Ludo Keyzer against Defendants AmerLink, Ltd. and Richard Spoor, and for the purpose of disrupting the confidential relationship between Plaintiff Ludo Keyzer and Plaintiff Barry Nakell, did surreptitiously and using deception and misrepresentations, and without notice to, knowledge of, or consent from, Plaintiff Barry Nakell, meet and speak with Plaintiff Ludo Keyzer at his place of work and induce Plaintiff to make certain statements.

22. Thereafter, Defendants, for the purpose of assisting Defendants AmerLink, Ltd. and Richard Spoor in their litigation and/or disputes with Plaintiff Ludo Keyzer, did prepare reports that represented the meeting of CIO and Velrath with Plaintiff Ludo Keyzer in a false and misleading manner and did use those reports to assist Defendants AmerLink, Ltd. and Richard Spoor in their litigation and/or disputes with Plaintiff Ludo Keyzer.

23. Thereafter, Defendants, for the purpose of obtaining information to use in their litigation against Plaintiff Ludo Keyzer and for the purpose of disrupting the confidential

relationship between Plaintiffs Ludo Keyzer, Joseph Kintz, and Robin Kintz, with Plaintiff Barry Nakell and with Alexander Bonds, engaged, retained, directed and instructed the firm of Noble Investigative Services, Inc. and its Director, Kai M. Joy, surreptitiously and using deception and misrepresentations to meet and speak with Plaintiffs Joseph Kintz and Robin Kintz and induce Plaintiffs Joseph Kintz and Robin Kintz to make certain statements about the litigation and/or disputes by Plaintiff Ludo Keyzer against Defendants AmerLink, Ltd. and Richard Spoor.

24. Thereafter, Noble Investigative Services, Inc. and its Director, Kai M. Joy, did attempt surreptitiously and using deception and misrepresentations to meet and speak with Plaintiffs Joseph Kintz and Robin Kintz, without notice to, knowledge of, or consent from their attorneys, Plaintiff Barry Nakell and Alexander Bonds.

25. During the month of December, 2002, Defendants, for the purposes of obtaining information to use in their litigation against Plaintiff Ludo Keyzer, of disrupting the confidential relationship that Plaintiffs Ludo Keyzer, Joseph Kintz, and Carl Parker III, enjoyed with Plaintiff Barry Nakell, of disrupting the confidential relationship that Plaintiffs Joseph Kintz and Robin Kintz enjoyed with Alexander Bonds, and of disrupting the ability of Plaintiff Barry Nakell successfully to enter into confidential relationships with persons in need of counsel to represent them in disputes or litigation against Defendants AmerLink, Ltd. and/or Richard Spoor, surreptitiously and using deception and misrepresentations, arranged for Defendant Kenneth Johnson to meet and speak with Plaintiff Barry Nakell over the telephone and at his law office and residence, to make false and deceptive statements and misrepresentations that Defendant Kenneth Johnson was a customer of Defendant AmerLink, Ltd. who wanted to retain the professional services of Plaintiff Barry Nakell, and induce Plaintiff Barry Nakell to make certain statements about the litigation and/or disputes of his clients against Defendant AmerLink, Ltd. and Richard

Spoor, about his relationship and/or dealings with the Consumer Protection Division of the Office of the Attorney General of North Carolina, and about his relationships with his clients. Defendant Kenneth Johnson did so speak and meet with Plaintiff Barry Nakell and did surreptitiously and secretly tape record his conversations and meeting with Plaintiff Barry Nakell without notice to or the knowledge of Plaintiff Barry Nakell.

**IV. FIRST CLAIM -- INVASION OF PRIVACY.**

- 26. Plaintiffs reallege the allegations of Paragraphs 1 through 25 above.
- 27. Defendants' conduct constituted an invasion of the privacy of Plaintiffs.
- 28. As a direct and proximate result of Defendants' invasion of the privacy of Plaintiffs, Plaintiffs, and each of them, suffered damages in excess of \$10,000.

**V. SECOND CLAIM -- TRESPASS**

- 29. Plaintiff Barry Nakell realleges the allegations of Paragraphs 1 through 29 above.
- 30. Defendants' conduct constituted a trespass on the property of Plaintiff Barry Nakell.
- 31. As a direct and proximate result of Defendants' trespass, Plaintiff Barry Nakell suffered damages in excess of \$10,000.

**VI. THIRD CLAIM -- PUNITIVE DAMAGES**

- 32. Plaintiffs reallege the allegations of Paragraphs 1 through 28 above.
- 33. Defendants, at all times, acted in a gross, willful, wanton, and reckless fashion, and with malice or reckless indifference to the rights of Plaintiffs.
- 34. Defendants' actions toward Plaintiffs constitute extreme, outrageous, willful and wanton conduct.

**VI. FOURTH CLAIM -- UNFAIR TRADE PRACTICES.**

35. Plaintiffs reallege the allegations of Paragraphs 1-28 above.

36. The foregoing constitutes unfair or deceptive trade practices committed by Defendants AmerLink, Ltd., Richard Spoor, American Detective Services, Inc., and Kenneth Johnson.

37. Those unfair or deceptive trade practices committed by those defendants was in or affecting commerce.

38. The unfair or deceptive trade practices committed by Defendants proximately caused injury to Plaintiffs, and each of them, in excess of the sum of \$10,000, for which Plaintiffs, and each of them, are entitled to recover treble damages, pursuant to N.C. G.S. section 75-16.

39. Defendants AmerLink, Ltd., Richard Spoor, American Detective Services, Inc. And Kenneth Johnson willfully engaged in the unfair or deceptive trade practices and have unwarrantedly refused fully to resolve the matter. Accordingly, Plaintiffs are entitled to an award of a reasonable attorney's fee, pursuant to N.C. G.S. 75-16.1.

**PRAYER FOR RELIEF**

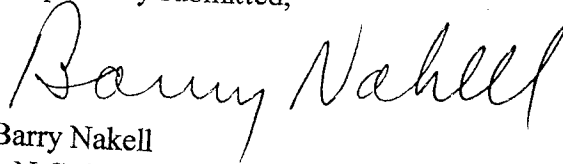
WHEREFORE, Plaintiffs respectfully request that the Court award Plaintiffs:

1. A jury trial.
2. Damages in a sum in excess of \$10,000 for each Plaintiff for invasion of privacy.
3. Damages in a sum in excess of \$10,000 for Plaintiff Barry Nakell for trespass.
4. Punitive damages in an amount to be determined by the jury
5. Damages treble the sum of at least \$10,000 for each Plaintiff for unfair and deceptive trade practices.
6. A reasonable attorney's fee.



6. Costs and interest.
7. Such other and further relief as to the Court seems just and proper.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barry Nakell".

Barry Nakell

N.C. State Bar No. 8148

149 Dixie Drive

Chapel Hill, N. C. 27514

(919) 967-7325

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JUN 11 2003

NORTH CAROLINA  
ORANGE COUNTY

FILED

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

03 JUN 11 PM 1:13

03 CVS 623

LUDOVICUS N. KEYZER, A/K/A LUDOVICUS N. KEYZER, JOSEPH KINTZ, ROBIN KINTZ, CARL W. PARKER III, AND BARRY NAKELL,

Plaintiffs,

v.

MOTION TO DISMISS AND  
ANSWER OF DEFENDANTS DEBORAH N.  
MEYER, JOHN MEUSER AND MEYER &  
MEUSER, P.A.

AMERLINK, LTD., RICHARD SPOOR,  
DEBORAH N. MEYER, JOHN MEUSER,  
MEYER & MEUSER, P.A., AMERICAN  
DETECTIVE SERVICES, INC., AND  
KENNETH J. JOHNSON,

Defendants.

**MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**  
**(Rule 12(b)(6), N.C.R. Civ. P.)**

Defendants Deborah N. Meyer, John Meuser and Meyer & Meuser, P.A., move that the Complaint be dismissed as to them for failure to state a claim upon which relief can be granted pursuant to Rule 12(b)(6), N.C.R.Civ.P.

**ANSWER**

Defendants Deborah N. Meyer, John Meuser and Meyer & Meuser, P.A., answer the Complaint as follows:

1. To the extent that Paragraph 1 contains any factual allegations or alleges any legal conclusions related to these defendants, those allegations are denied.
2. Admitted, upon information and belief.

3. These defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3.

4. These defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4.

5. Admitted, upon information and belief.

6. Admitted.

7. Admitted.

8. Defendant Deborah N. Meyer is a resident of Durham County. Otherwise, the allegations of Paragraph 8 are admitted.

9. Admitted, upon information and belief.

10. Denied.

11. Admitted as to plaintiff Keyzer. These defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 11.

12. Paragraph 12 is denied. While plaintiff had previously been involved in litigation with defendant AmerLink, Ltd., these defendants are informed and believe that all litigation and disputes had been dismissed at the times relevant to the events alleged in the Complaint.

13. It is admitted that plaintiff Parker was involved in a dispute which led to litigation in North Carolina against defendant AmerLink, Ltd. concerning alleged violation of the North Carolina Wage & Hour Act, and was represented in such dispute and litigation by plaintiff Nakell. These defendants lack knowledge or information to sufficient to form a belief as to the truth of the allegations of Paragraph 13 to the extent that they may relate to any other litigation or disputes involving plaintiff Parker and defendant AmerLink, Ltd.

14. While these defendants at some time acquired general knowledge of the existence of litigation between plaintiffs Kintz and defendant AmerLink, Ltd., they lack knowledge or information sufficient to form a belief as to the truth of the specific allegations of Paragraph 14.

15. These defendants incorporate by reference their responses to Paragraphs 12 and 14 in response to the allegations of Paragraph 15. Except as admitted, the allegations of Paragraph 15 are denied.

16. These defendants incorporate by reference their responses to Paragraphs 12, 13 and 14 in response to the allegations of Paragraph 16. Except as admitted, the allegations of Paragraph 16 are denied.

17. These defendants incorporate by reference their responses to Paragraph 14 in response to the allegations of Paragraph 17. Except as admitted, the allegations of Paragraph 17 are denied.

18. These defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 18.

19. Denied as to these defendants.

20. These defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 20.

21. Denied as to these defendants.

22. Denied.

23. Denied as to these defendants

24. These defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 24.

25. These defendants deny the allegations of Paragraph 25 except that they have since learned, and thus admit upon information and belief, that defendant Kenneth Johnson met with plaintiff Nakell and recorded a conversation with plaintiff Nakell.

26. These defendants reallege and incorporate by reference their responses to Paragraphs 1 through 25.

27. Denied.

28. Denied.

29. These defendants reallege and incorporate by reference their responses to Paragraphs 1 through 28.

30. Denied.

31. Denied.

32. These defendants reallege and incorporate by reference their responses to Paragraphs 1 through 28.

33. Denied.

34. Denied.

35. These defendants reallege and incorporate by reference their responses to Paragraphs 1 through 28.

36-39. The allegations of Paragraphs 36 through 39 are not directed to these defendants, and therefore no response is required. To the extent that Paragraphs 36 through 39 contain any allegations directed to these defendants, they are denied.

EACH AND EVERY ALLEGATION OF THE COMPLAINT, NOT HEREIN SPECIFICALLY ADMITTED, IS DENIED.

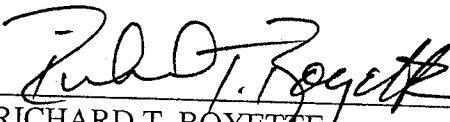
WHEREFORE, having fully answered the Complaint, these answering defendants pray for the following relief:

1. That this action be dismissed and that plaintiffs have and recover nothing of them.
2. FOR A TRIAL BY JURY OF ALL ISSUES SO TRIABLE.
3. For the costs.
4. For such other and further relief as the Court may deem just and proper.

This the 9<sup>th</sup> day of June, 2003.

CRANFILL, SUMNER & HARTZOG, L.L.P.

BY:

  
\_\_\_\_\_  
RICHARD T. BOYETTE  
ALYCIA S. LEVY  
Attorneys for Defendants Deborah Meyer,  
John Meuser, and Meyer & Meuser, P.A.  
Post Office Box 27808  
Raleigh, North Carolina 27611-7808  
Telephone: (919) 828-5100

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the attached *Motion to Dismiss and Answer* on all of the parties to this cause by:

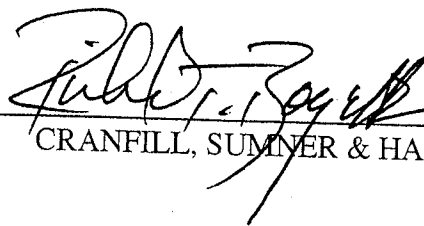
- \_\_\_ Hand delivering a copy hereof to the attorney for each said party addressed as follows:
- X Depositing a copy hereof, postage prepaid, in the United States Mail, addressed as follows:
- \_\_\_ Depositing a copy hereof with a nationally recognized overnight courier service, for overnight delivery, addressed to the attorney for each said party as follows:
- \_\_\_ Telecopying a copy hereof to the attorney for each said party as follows:

Barry Nakell  
Attorney for Plaintiffs  
149 Dixie Drive  
Chapel Hill, NC 27514

Michael P. Murphy  
Attorney for Defendants Amerlink, Ltd. and Richard Spoor  
Post Office Box 8738  
Rocky Mount, North Carolina 27804

John E. Campion  
Attorney for Defendants American Detective Services, Inc.  
and Kenneth J. Johnson  
Post Office Box 2656  
Raleigh, North Carolina 27602

This the 9<sup>th</sup> day of June, 2003.



CRANFILL, SUMNER & HARTZOG, LLP

FILED

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

ORANGE COUNTY

2003 JUN 13 AM 11:10

SUPERIOR COURT DIVISION

FILE NO. 03 CVS 623

ORANGE COUNTY, C.S.C.

BY JK

LUDOVICUS N. KEYZER, a/k/a )  
LUDO KEYZER, JOSEPH KINTZ, )  
ROBIN KINTZ, CARL W. )  
PARKER, III and BARRY NAKELL )  
Plaintiffs, )

vs. )

**MOTIONS AND ANSWER**

AMERILINK, LTD, RICHARD )  
SPOOR, DEBORAH N. MEYER, )  
JOHN MEUSER, MEYER & )  
MEUSER, P.A., AMERICAN )  
DETECTIVE SERVICES, INC., )  
and KENNETH J. JOHNSON, )  
Defendants. )

**MOTION TO DISMISS**

Defendants, Amerilink, Ltd. (hereinafter referred to as "Amerilink"), and Richard Spoor (hereinafter referred to as (Spoor")) move the court pursuant to Rule 12(b)(6) for dismissal of the First, Second and Third claims for relief of the Complaint contained in paragraphs 26 through 34 on the grounds that said claims fail to state a claim against moving Defendants for which relief can be granted.

**MOTION**

Defendants, Amerilink, Ltd. and Richard Spoor move the court pursuant to Rule 3.7 of the Revised Rules of Professional Conduct of the North Carolina State Bar for dismissal of Barry Nakell as a party Plaintiff in this action on the grounds that he is currently involved as Plaintiffs' counsel in litigation involving certain of the Plaintiffs against Amerilink and Spoor,



and that he is further precluded under Rule 3.7(a) as appearing as both a legal advocate and a witness and interested party in the same action.

**MOTION**

Defendants, Amerilink, Ltd. and Richard Spoor move the court pursuant to Rule 12(b)(3) for removal of this action to Nash County Civil Superior Court and in support of their Motion show the court:

1. That Defendant Amerilink has its principal place of business in Nash County, North Carolina;
2. That Barry Nakell has improperly been designated as a Plaintiff in this action and subject to dismissal as a party in this action pursuant to Rule 3.7 of the Rules of Professional Conduct.
3. That no other parties in this action reside in Orange County ;
4. That Nash County is a proper venue for the trial of this matter.

WHEREFORE, Defendants Amerilink and Spoor move the court for an Order removing this action to Nash County Civil Superior Court.

**ANSWER**

Defendants, Amerilink, Ltd., and Richard Spoor, answer the Complaint as follows:

1. The allegations contained in paragraph 1 of the Complaint are denied;
2. – 5. That upon information and belief, the allegations contained in paragraphs 2 , 3, 4 and 5 of the Complaint are admitted;
6. That the allegations contained in paragraph 6 of the Complaint are admitted;
7. That as to the allegations contained in paragraph 7 of the Complaint, it is admitted that Defendant Richard Spoor is a resident of Wake County, North Carolina, and is the Chairman of the Board and Chief Executive Officer of Amerilink, Ltd.; that answering

Defendants move the court to strike the remaining portions of paragraph 7 of the Complaint on the grounds that they contain impertinent and irrelevant material;

8. As to the allegations contained in paragraph 8 of the Complaint, it is admitted upon information and belief that Deborah N. Meyer and John Meuser are attorneys licensed to practice law in the state of North Carolina, and are engaged in the practice of law with the firm of Meyer & Meuser, P.A. in Wake County, North Carolina; that except as specifically admitted, these Defendants are without sufficient information and knowledge with which to respond to the remaining allegations of said paragraph, and therefore same are denied;

9. That upon information and belief, the allegations contained in paragraph 9 of the Complaint are admitted except that the answering Defendants deny for lack of information and knowledge, the residence of Kenneth J. Johnson.

10. That the allegations contained in paragraph 10 of the Complaint are denied;

11. That the allegations contained in paragraph 11 of the Complaint are admitted;

12. That as to the allegations contained in paragraph 12, it is admitted that prior to the events alleged in the Complaint Plaintiff Keyzer was involved in a legal dispute with Defendants Amerilink and Spoor arising from the purchase of a log home package, and it is admitted that in such litigation Barry Nakell was the Plaintiff's counsel; that except as specifically admitted, the remaining allegations denied;

13. That as to the allegations contained in paragraph 13 of the Complaint, it is admitted that Plaintiff Parker has been engaged in litigation against Defendant Amerilink in the state of North Carolina, and that in such litigation he was represented by Barry Nakell; that except as specifically admitted, the remaining allegations of said paragraph are denied;

14. That as to the allegations contained in paragraph 14 of the Complaint, it is admitted that Plaintiffs Kintz are engaged in litigation in the state of Illinois against Defendant

Amerilink related to the purchase and construction of a log home package, and that in such litigation, they were represented by attorney Alexander Bonds; that it is further admitted that Plaintiff Joseph Kintz was engaged in litigation in the State of North Carolina against Defendants Amerilink and Richard Spoor, related to the purchase and construction of a log home, and that in such litigation he was represented by attorney Barry Nakell; that except as specifically admitted, the remaining allegations of said paragraph are denied;

15. That as to the allegations contained in paragraph 15 of the Complaint, it is admitted that answering Defendants knew that Plaintiff Keyzer had been and Plaintiff Kintz was engaged in litigation and/or disputes with Amerilink; that Defendants lack specific information or knowledge with which to respond to the remaining allegations of said paragraph, and therefore same are denied;

16. That as to the allegations contained in paragraph 16 of the Complaint, it is admitted that Plaintiff Keyzer had been and that Plaintiffs Kintz and Parker were involved in litigation and/or disputes with Defendant Amerilink, with Nakell as their attorney; that except as specifically admitted, answering Defendants lack information and knowledge with which to respond to the remaining allegations of said paragraph, and therefore same are denied;

17. That as to the allegations contained in paragraph 17 of the Complaint, it is admitted that answering Defendants knew that Plaintiffs Kintz had been engaged in litigation and/or disputes with Defendant Amerilink, and that they had been represented by Illinois counsel and that Plaintiff Joseph Kintz had been represented by Nakell; that except as specifically admitted, these answering Defendants lack information and knowledge with which to respond to the remaining allegations of said paragraph, and therefore same are denied;

18. That answering Defendants lack information and knowledge with which to

respond to the allegations contained in paragraph 18 of the Complaint, and therefore same are denied;

19. That the allegations contained in paragraph 19 of the Complaint are denied;

20. Defendants move the court pursuant to Rule 12(f) of the Rules of Civil Procedure for an Order striking paragraph 20 from the Complaint on the grounds that it contains irrelevant and impertinent matters regarding the actions alleged in the Complaint; Without waiving their motion to strike, Defendants are without information and knowledge with which to respond to the allegations contained in paragraph 20 of the Complaint, and therefore such allegations are denied;

21. - 25. That the allegations contained in paragraphs 21, 22, 23, 24 and 25 of the Complaint are denied.

#### **FIRST DEFENSE**

26. That in response to the allegations contained in paragraph 26 of the Complaint, the answering Defendants incorporate herein their responses to paragraphs 1 through 25 as if fully set forth.

27. - 28. That the allegations contained in paragraphs 27 and 28 of the First Claim of the Complaint are denied.

#### **SECOND DEFENSE**

29. That in response to the allegations contained in paragraph 29 of the Complaint, the answering Defendants incorporate herein their responses to paragraphs 1 through 28 as if fully set forth.

30.-31. That the allegations contained in paragraphs 30 and 31 of the Second Claim of the Complaint are denied.

**THIRD DEFENSE**

32. That in response to the allegations contained in paragraph 32 of the Complaint, the answering Defendants incorporate herein their responses to paragraphs 1 through 28 as if fully set forth.

33. – 34. That the allegations contained in paragraphs 33 and 34 of the Third Claim of the Complaint are denied.

**FOURTH DEFENSE**

35. That in response to the allegations contained in paragraph 35 of the Complaint, the answering Defendants incorporate herein their responses to paragraphs 1 through 28 as if fully set forth.

36. – 39. That the allegations contained in paragraphs 36, 37, 38 and 39 of the Fourth Claim of the Complaint are denied.

**FIFTH DEFENSE**

40. That based upon information and circumstances presented to Defendant Amerilink, Ltd., said Defendant retained the services of an independent contractor to determine if Plaintiff Ludovicus N. Keyzer or his attorney in the earlier litigation, Barry Nakell, were disclosing information and facts in violation of the confidentiality agreement contained in a written agreement resolving the earlier litigation;

41. That answering Defendants retained the private investigative company of American Detective Services, Inc. for the specific purpose of determining if such information was being improperly disclosed, and independent contract is specifically pled as a bar to any recovery by the Plaintiff against these Defendants.

**SIXTH DEFENSE**

42. That the answering Defendants plead as an additional defense to this action

brought by Plaintiffs Keyzer and Nakell, the terms and conditions of the Confidentiality Agreement referenced in the Fifth Defense above.

WHEREFORE, having answered the Complaint, Defendants, Amerilink, Ltd., and Richard Spoor, pray the court as follows:

1. That this action be dismissed and that the Plaintiffs have and recover nothing against these Defendants;
2. That answering Defendants have and recover reasonable attorney's fees and costs pursuant to N.C. Gen. Stat. Chapter 75;
3. That the costs of this action be taxed to the Plaintiffs;
4. For such other and further relief as to the court deems just and proper.
5. A trial by jury is respectfully demanded.

This 12 day of June, 2003.

ANDERSON, JOHNSON, LAWRENCE,  
BUTLER & BOCK, L.L.P.

BY: \_\_\_\_\_

Steven C. Lawrence

Attorney for Defendants Amerilink, Ltd. and  
Richard Spoor

Post Office Drawer 2737

Fayetteville, NC 28302-2737

Telephone: (910) 483-1171

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Answer was this day served upon the below named counsel by mailing a copy of each of such instruments, postage prepaid, first class mail, to the office address of:

Mr. Barry Nakell  
Attorney for Plaintiff  
149 Dixie Drive  
Chapel Hill, NC 27514

This 12th day of June, 2003.

ANDERSON, JOHNSON, LAWRENCE,  
BUTLER & BOCK, L.L.P.

BY: 

Steven C. Lawrence  
Attorney for Defendants Amerilink, Ltd.  
and Richard Spoor  
Post Office Drawer 2737  
Fayetteville, NC 28302  
Telephone: (910) 483-1171

STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
File No. 03-CVS-623

LUDOVICUS N. KEYZER a/k/a LUDO  
KEYZER; JOSEPH KINTZ, ROBIN KINTZ,  
CARL W. PARKER III, and BARRY  
NAKELL,

Plaintiff,

vs.

AMERLINK, LTD., RICHARD SPOOR,  
DEBORAH N. MEYER, JOHN MEUSER,  
MEYER & MEUSER, P.A., AMERICAN  
DETECTIVE SERVICES, INC., and  
KENNETH J. JOHNSON.,

Defendant.

ANSWER OF DEFENDANT, KENNETH  
J. JOHNSON.

(JURY TRIAL REQUESTED)

COME NOW Defendant, Kenneth J. Johnson ("Johnson"), responding to the allegations contained in the Complaint, and states the following:

MOTION TO DISMISS

Pursuant to N.C.G.S. §1-83, and for the convenience of witnesses and in the interests of justice, Defendant moves the Court for an Order transferring this civil action to Wake County Superior Court or, in the alternative, to Nash County Superior Court.

MOTION TO DISMISS

(FAILURE TO STATE A CLAIM)

Pursuant to Rule 12(b)(6) of the North Carolina Rules of Civil Procedure, Defendant moves to dismiss Plaintiffs' Complaint for failure to state a claim upon which relief can be granted.



MOTION TO REMOVE PLAINTIFF'S COUNSEL

Pursuant to Rule 3.7 of the Revised Rules of Professional Conduct of the North Carolina State Bar, Defendant moves the Court for an Order compelling Plaintiff, Barry Nakell, to withdraw as counsel for any other Plaintiffs on the grounds that he is likely to be a necessary witness at the trial of this civil action.

FIRST DEFENSE

(ANSWER TO COMPLAINT)

1. Defendant lacks knowledge sufficient to form an opinion as to the truthfulness of the allegations contained in Paragraph 1 of the Complaint. Therefore, said allegations are denied.
2. Defendant lacks knowledge sufficient to form an opinion as to the truthfulness of the allegations contained in Paragraph 2 of the Complaint. Therefore, said allegations are denied.
3. Defendant lacks knowledge sufficient to form an opinion as to the truthfulness of the allegations contained in Paragraph 1 of the Complaint. Therefore, said allegations are denied.
4. Defendant lacks knowledge sufficient to form an opinion as to the truthfulness of the allegations contained in Paragraph 1 of the Complaint. Therefore, said allegations are denied.
5. The allegations contained in Paragraph 5 are admitted upon information and belief.
6. The allegations contained in Paragraph 6 of the Complaint are admitted upon

information and belief.

7. The allegations contained in Paragraph 7 of the Complaint are admitted upon information and belief.

8. Defendant is informed and believes that Deborah Meyer and John B. Meuser are attorneys licensed to practice law in the State of North Carolina and are partners in the law firm, Meyer & Meuser, PA. However, except as expressly admitted herein, the allegations contained in Paragraph 8 of the Complaint are denied for lack of knowledge.

9. The allegations contained in Paragraph 9 of the Complaint are admitted.

10. The allegations contained in Paragraph 10 of the Complaint are denied.

11. The allegations contained in Paragraph 11 of the Complaint are admitted upon information and belief.

12. Defendant is informed and believes that at certain times, Plaintiff, Ludo Keyzer, was involved in litigation and/or disputes with Defendants, AmerLink, Ltd. and Spoor, arising out of a commercial transaction between Keyzer and AmerLink, Ltd. and that Keyzer was represented by Plaintiff, Barry Nakell, with respect to said litigation and/or disputes. However, except as expressly admitted herein, the allegations contained in Paragraph 12 of the Complaint are denied for lack of knowledge.

13. Defendant is informed and believes that at certain times, Plaintiff, Carl W. Parker III, was engaged in litigation and/or disputes with Defendant, AmerLink, and that said Plaintiff was represented by Plaintiff, Barry Nakell with respect to said litigation and/or disputes. However, except as expressly admitted herein, the allegations contained in Paragraph 13 of the Complaint are denied for lack of knowledge.

14. Defendant is informed and believes that at certain times, Plaintiffs, Joseph Kintz

and Robin Kintz, were engaged in litigations and/or disputes in the State of Illinois against Defendants, Amerlink and Richard Spoor, arising out of a commercial transaction between said Plaintiffs and Defendant, Amerlink, that said plaintiffs were represented by Barry Nakell, that Plaintiff, Joseph Kintz, was engaged in litigation and/or disputes in North Carolina with Defendants, AmerLink and Richard Spoor, arising out of a commercial transaction between said Plaintiffs and Defendant, AmerLink, and that said Plaintiffs were represented by Plaintiff, Barry Nakell, in said litigation. However, except as expressly admitted herein, the allegations contained in Paragraph 14 of the Complaint are denied for lack of knowledge.

15. Defendant is informed and believes that at certain times, Plaintiffs, Ludo Keyzer and Joseph Kints, were engaged in litigations and/or disputes with Defendant, AmerLink, and were represented in said litigation by Plaintiff, Barry Nakell. However, except as expressly admitted herein, the allegations contained in Paragraph 15 of the Complaint are denied for lack of knowledge.

16. Defendant lacks knowledge sufficient to form an opinion as to the truthfulness of the allegations contained in Paragraph 16 of the Complaint. Therefore, said allegations are denied.

17. Defendant lacks knowledge sufficient to form an opinion as to the truthfulness of the allegations contained in Paragraph 17 of the Complaint. Therefore, said allegations are denied.

18. Defendant is informed and believes that at certain times, Plaintiffs, Ludo Keyzer and Carl Parker, retained Plaintiff, Barry Nakell, and Alexander Bonds as their attorneys. However, except as expressly admitted herein, the allegations contained in Paragraph 18 of the Complaint are denied.

19. It is admitted that at certain times, Defendants, ADS and Kenneth Johnson, contacted and communicated with the firm of Counsels Investigative Office ("CIO") in the Netherlands and its manager, P.J.M. Velrath ("Velrath"). However, except as expressly admitted herein, the allegations contained in Paragraph 19 of the Complaint are denied.

20. Defendant lacks knowledge sufficient to form an opinion as to the truthfulness of the allegations contained in Paragraph 20 of the Complaint. Therefore, said allegations are denied. Pursuant to Rule 12(f) of the North Carolina Rules of Civil Procedure, Defendants move to strike the allegations contained in Paragraph 20 of the Complaint on the grounds that said allegations are irrelevant, immaterial and impertinent.

21. Defendant is informed and believes that at certain times, CIO and Velrath contacted and communicated with Plaintiff, Ludo Keyzer. However, except as expressly admitted herein the allegations contained in Paragraph 21 of the Complaint are denied.

22. It is admitted that Defendant provided certain information to certain co-defendants that referenced or related to Plaintiff, Ludo Keyzer. However, except as expressly admitted herein, the allegations contained in Paragraph 22 of the Complaint are denied.

23. It is admitted that at certain times, Defendant contacted and communicated with the firm of Noble Investigative Services, Inc. ("NIS") and its director, Kai M. Joy ("Joy"). However, except as expressly admitted herein, the allegations contained in Paragraph 23 of the Complaint are denied.

24. Defendant is informed and believes that NIS and Joy contacted and communicated with Plaintiffs, Joseph Kintz and Robin Kintz. However, except as expressly admitted herein, the allegations contained in Paragraph 24 of the Complaint are denied for lack of knowledge.

25. It is admitted that in or about December 2002, at the request of certain co-defendants, Defendants, ADS and Kenneth Johnson, contacted and communicated with Plaintiff, Barry Nakell, for the purpose of gathering information. It is further admitted that Defendants, ADS and Kenneth Johnson, tape recorded certain communications with Plaintiff, Barry Nakell. However, except as expressly admitted herein, the allegations contained in Paragraph 25 of the Complaint are denied for lack of knowledge.

26. The statements contained in the preceding paragraphs are realleged and incorporated by reference.

27. The allegations contained in Paragraph 27 of the Complaint are denied.

28. The allegations contained in Paragraph 28 of the Complaint are denied.

29. The statements contained in the preceding paragraphs are realleged and incorporated by reference.

30. The allegations contained in Paragraph 30 of the Complaint are denied.

31. The allegations contained in Paragraph 31 of the Complaint are denied.

32. The statements contained in the preceding paragraphs are realleged and incorporated by reference.

33. The allegations contained in Paragraph 33 of the Complaint are denied.

34. The allegations contained in Paragraph 34 of the Complaint are denied.

35. The allegations contained in Paragraph 35 of the Complaint are denied.

36. The allegations contained in Paragraph 36 of the Complaint are denied.

37. The allegations contained in Paragraph 37 of the Complaint are denied.

38. The allegations contained in Paragraph 38 of the Complaint are denied.

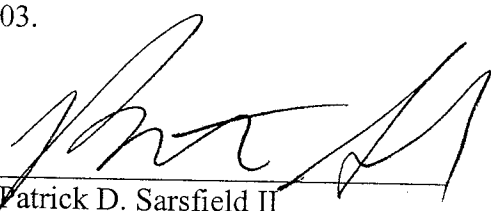
39. The allegations contained in Paragraph 39 of the Complaint are denied.

Furthermore, Plaintiffs know or reasonably should have known their claims of unfair or deceptive trade practices are frivolous and malicious.

WHEREFORE, Defendant, having answered fully the Complaint of Plaintiffs, respectfully prays the Court for the following relief:

1. That Plaintiffs have and recover nothing of the answering Defendant;
2. That Plaintiffs' Complaint be dismissed with prejudice;
3. That there be a trial by jury as to all issues so triable;
4. That Defendant have and recover its attorneys fees from Plaintiff pursuant to N.C.G.S. § 75-16.1; and
5. For such other and further relief as the Court may deem just and proper.

This the 2<sup>nd</sup> day of July 2003.

  
Patrick D. Sarsfield II  
N.C. Bar No. 20104  
Attorney for Kenneth J. Johnson

OF COUNSEL:

NEXSEN PRUET JACOBS & POLLARD, PLLC  
201 S. Tryon Street, Suite 1200  
Charlotte, North Carolina 28202  
Telephone: (704) 339-0304

CERTIFICATE OF SERVICE

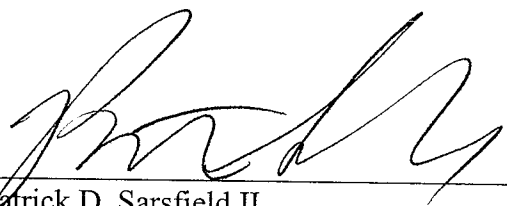
I certify that the foregoing ANSWER OF DEFENDANT, KENNETH J. JOHNSON, to which this certificate is attached has been served upon each party of record by placing a copy thereof in a postpaid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service, first class postage prepaid, for mailing to the attorney of record for each party at his last known address.

Barry Nakell, Esq.  
Attorney for Plaintiffs  
149 Dixie Drive  
Chapel Hill, NC 27514

Michael P. Murphy, Esq.  
Attorney for Defendants Amerlink,  
Ltd. and Richard Spoor  
P.O. Box 8738  
Rocky Mount, NC 27804

Richard T. Boyette, Esq.  
Alycia S. Levy, Esq.  
Attorneys for Defendants Deborah  
Meyer, John Meuser, and Meyer &  
Meuser, P.A.  
P.O. Box 27808  
Raleigh, NC 27611-7808

This the 2nd day of July 2003.



---

Patrick D. Sarsfield II  
State Bar # 20104  
NEXSEN PRUET JACOBS & POLLARD, PLLC  
201 S. Tryon Street, Suite 1200  
Charlotte, North Carolina 28202  
Telephone: (704) 339-0304

STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
File No. 03-CVS-623

LUDOVICUS N. KEYZER a/k/a LUDO  
KEYZER; JOSEPH KINTZ, ROBIN KINTZ,  
CARL W. PARKER III, and BARRY  
NAKELL,

Plaintiff,

vs.

AMERLINK, LTD., RICHARD SPOOR,  
DEBORAH N. MEYER, JOHN MEUSER,  
MEYER & MEUSER, P.A., AMERICAN  
DETECTIVE SERVICES, INC., and  
KENNETH J. JOHNSON.,

Defendant.

ANSWER OF DEFENDANT, AMERICAN  
DETECTIVE SERVICES, INC.

(JURY TRIAL REQUESTED)

COME NOW Defendant, American Detective Services, Inc., responding to the  
allegations contained in the Complaint, and states the following:

MOTION TO DISMISS

Pursuant to N.C.G.S. §1-83, and for the convenience of witnesses and in the interests of  
justice, Defendant moves the Court for an Order transferring this civil action to Wake County  
Superior Court or, in the alternative, to Nash County Superior Court.

MOTION TO DISMISS

(FAILURE TO STATE A CLAIM)

Pursuant to Rule 12(b)(6) of the North Carolina Rules of Civil Procedure, Defendant moves  
to dismiss Plaintiffs' Complaint for failure to state a claim upon which relief can be granted.



MOTION TO REMOVE PLAINTIFF'S COUNSEL

Pursuant to Rule 3.7 of the Revised Rules of Professional Conduct of the North Carolina State Bar, Defendant, American Detective Services, moves the Court for an Order compelling Plaintiff, Barry Nakell, to withdraw as counsel for any other Plaintiffs on the grounds that he is likely to be a necessary witness at the trial of this civil action.

FIRST DEFENSE

(ANSWER TO COMPLAINT)

1. Defendant lacks knowledge sufficient to form an opinion as to the truthfulness of the allegations contained in Paragraph 1 of the Complaint. Therefore, said allegations are denied.
2. Defendant lacks knowledge sufficient to form an opinion as to the truthfulness of the allegations contained in Paragraph 2 of the Complaint. Therefore, said allegations are denied.
3. Defendant lacks knowledge sufficient to form an opinion as to the truthfulness of the allegations contained in Paragraph 1 of the Complaint. Therefore, said allegations are denied.
4. Defendant lacks knowledge sufficient to form an opinion as to the truthfulness of the allegations contained in Paragraph 1 of the Complaint. Therefore, said allegations are denied.
5. The allegations contained in Paragraph 5 are admitted upon information and belief.
6. The allegations contained in Paragraph 6 of the Complaint are admitted upon

information and belief.

7. The allegations contained in Paragraph 7 of the Complaint are admitted upon information and belief.

8. Defendant is informed and believes that Deborah Meyer and John B. Meuser are attorneys licensed to practice law in the State of North Carolina and are partners in the law firm, Meyer & Meuser, PA. However, except as expressly admitted herein, the allegations contained in Paragraph 8 of the Complaint are denied for lack of knowledge.

9. The allegations contained in Paragraph 9 of the Complaint are admitted.

10. The allegations contained in Paragraph 10 of the Complaint are denied.

11. The allegations contained in Paragraph 11 of the Complaint are admitted upon information and belief.

12. Defendant is informed and believes that at certain times, Plaintiff, Ludo Keyzer, was involved in litigation and/or disputes with Defendants, AmerLink, Ltd. and Spoor, arising out of a commercial transaction between Keyzer and AmerLink, Ltd. and that Keyzer was represented by Plaintiff, Barry Nakell, with respect to said litigation and/or disputes. However, except as expressly admitted herein, the allegations contained in Paragraph 12 of the Complaint are denied for lack of knowledge.

13. Defendant is informed and believes that at certain times, Plaintiff, Carl W. Parker III, was engaged in litigation and/or disputes with Defendant, AmerLink, and that said Plaintiff was represented by Plaintiff, Barry Nakell with respect to said litigation and/or disputes. However, except as expressly admitted herein, the allegations contained in Paragraph 13 of the Complaint are denied for lack of knowledge.

14. Defendant is informed and believes that at certain times, Plaintiffs, Joseph Kintz

and Robin Kintz, were engaged in litigations and/or disputes in the State of Illinois against Defendants, Amerlink and Richard Spoor, arising out of a commercial transaction between said Plaintiffs and Defendant, Amerlink, that said plaintiffs were represented by Barry Nakell, that Plaintiff, Joseph Kintz, was engaged in litigation and/or disputes in North Carolina with Defendants, AmerLink and Richard Spoor, arising out of a commercial transaction between said Plaintiffs and Defendant, AmerLink, and that said Plaintiffs were represented by Plaintiff, Barry Nakell, in said litigation. However, except as expressly admitted herein, the allegations contained in Paragraph 14 of the Complaint are denied for lack of knowledge.

15. Defendant is informed and believes that at certain times, Plaintiffs, Ludo Keyzer and Joseph Kints, were engaged in litigations and/or disputes with Defendant, AmerLink, and were represented in said litigation by Plaintiff, Barry Nakell. However, except as expressly admitted herein, the allegations contained in Paragraph 15 of the Complaint are denied for lack of knowledge.

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19. It is admitted that at certain times, Defendants, ADS and Kenneth Johnson, contacted and communicated with the firm of Counsels Investigative Office ("CIO") in the Netherlands and its manager, P.J.M. Velrath ("Velrath"). However, except as expressly admitted herein, the allegations contained in Paragraph 19 of the Complaint are denied.

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22. It is admitted that Defendant provided certain information to certain co-defendants that referenced or related to Plaintiff, Ludo Keyzer. However, except as expressly admitted herein, the allegations contained in Paragraph 22 of the Complaint are denied.

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24. Defendant is informed and believes that NIS and Joy contacted and communicated with Plaintiffs, Joseph Kintz and Robin Kintz. However, except as expressly admitted herein, the allegations contained in Paragraph 24 of the Complaint are denied for lack of knowledge.

25. It is admitted that in or about December 2002, at the request of certain co-defendants, Defendants, ADS and Kenneth Johnson, contacted and communicated with Plaintiff, Barry Nakell, for the purpose of gathering information. It is further admitted that Defendants, ADS and Kenneth Johnson, tape recorded certain communications with Plaintiff, Barry Nakell. However, except as expressly admitted herein, the allegations contained in Paragraph 25 of the Complaint are denied for lack of knowledge.

26. The statements contained in the preceding paragraphs are realleged and incorporated by reference.

27. The allegations contained in Paragraph 27 of the Complaint are denied.

28. The allegations contained in Paragraph 28 of the Complaint are denied.

29. The statements contained in the preceding paragraphs are realleged and incorporated by reference.

30. The allegations contained in Paragraph 30 of the Complaint are denied.

31. The allegations contained in Paragraph 31 of the Complaint are denied.

32. The statements contained in the preceding paragraphs are realleged and incorporated by reference.

33. The allegations contained in Paragraph 33 of the Complaint are denied.

34. The allegations contained in Paragraph 34 of the Complaint are denied.

35. The allegations contained in Paragraph 35 of the Complaint are denied.

36. The allegations contained in Paragraph 36 of the Complaint are denied.

37. The allegations contained in Paragraph 37 of the Complaint are denied.

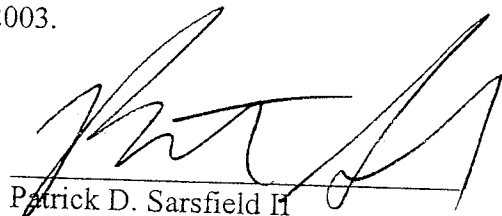
38. The allegations contained in Paragraph 38 of the Complaint are denied.

39. The allegations contained in Paragraph 39 of the Complaint are denied.

- 44 -  
Furthermore, Plaintiffs know or reasonably should have known their claims of unfair or deceptive trade practices are frivolous and malicious.

WHEREFORE, Defendant, having answered fully the Complaint of Plaintiffs, respectfully prays the Court for the following relief:

1. That Plaintiffs have and recover nothing of the answering Defendant;
  2. That Plaintiffs' Complaint be dismissed with prejudice;
  3. That there be a trial by jury as to all issues so triable;
  4. That Defendant have and recover its attorneys fees from Plaintiff pursuant to N.C.G.S. § 75-16.1; and
  5. For such other and further relief as the Court may deem just and proper.
- This the 30<sup>th</sup> day of June 2003.

  
Patrick D. Sarsfield II  
N.C. Bar No. 20104  
Attorney for American Detective Services, Inc.

OF COUNSEL:

NEXSEN PRUET JACOBS & POLLARD, PLLC  
201 S. Tryon Street, Suite 1200  
Charlotte, North Carolina 28202  
Telephone: (704) 339-0304

**CERTIFICATE OF SERVICE**

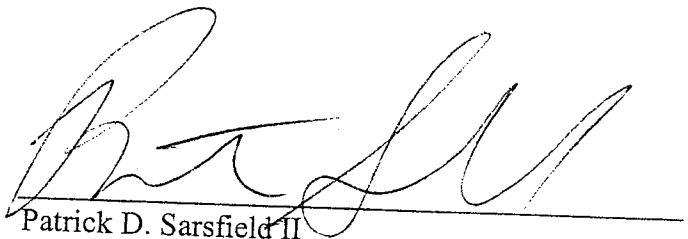
I hereby certify that the foregoing ANSWER OF DEFENDANT, AMERICAN DETECTIVE SERVICES, INC. to which this certificate is attached has been served upon each party of record by placing a copy thereof in a postpaid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service, first class postage prepaid, for mailing to the attorney of record for each party at his last known address.

Barry Nakell, Esq.  
Attorney for Plaintiffs  
149 Dixie Drive  
Chapel Hill, NC 27514

Michael P. Murphy, Esq.  
Attorney for Defendants Amerlink,  
Ltd. and Richard Spoor  
P.O. Box 8738  
Rocky Mount, NC 27804

Richard T. Boyette, Esq.  
Alycia S. Levy, Esq.  
Attorneys for Defendants Deborah  
Meyer, John Meuser, and Meyer &  
Meuser, P.A.  
P.O. Box 27808  
Raleigh, NC 27611-7808

This the 30th day of June, 2003.



Patrick D. Sarsfield II  
State Bar # 20104  
NEXSEN PRUET JACOBS & POLLARD, PLLC  
201 S. Tryon Street, Suite 1200  
Charlotte, North Carolina 28202  
Telephone: (704) 339-0304

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SEP 22 2003

NORTH CAROLINA  
ORANGE COUNTY

FILED  
SEP 22 PM 1:52  
IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
03 CVS 623

LUDOVICUS N. KEYZER, A/K/A LUDO  
KEYZER, JOSEPH KINTZ, ROBIN  
KINTZ, CARL W. PARKER III, AND  
BARRY NAKELL,

Plaintiffs,

v.

ORDER OF DISMISSAL

AMERLINK, LTD., RICHARD SPOOR,  
DEBORAH N. MEYER, JOHN MEUSER,  
MEYER & MEUSER, P.A., AMERICAN  
DETECTIVE SERVICES, INC., AND  
KENNETH J. JOHNSON,

Defendants.

THIS CAUSE came on for hearing before the undersigned presiding at the August 18, 2003 Session, Orange County Civil Superior Court, upon the motions of defendants Deborah N. Meyer, John Meuser and Meyer & Meuser, P.A. (hereafter: "Moving Defendants") to dismiss all claims against them, except the invasion of privacy claim of plaintiff Ludovicus Keyzer, pursuant to Rule 12(b)(6), N.C.R. Civ.P.

The undersigned has closely reviewed the arguments of counsel and the case authorities submitted at the hearing, and is of the opinion that the motions should be GRANTED.

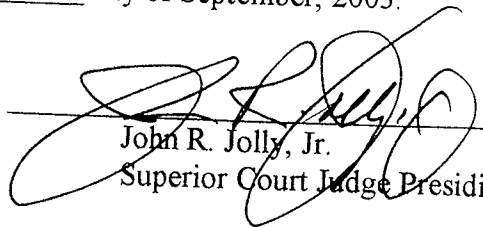
It is therefore ORDERED as follows:

1. All claims set forth in the "First Claim - Invasion of Privacy" against Moving Defendants, except that of Ludovicus Keyzer, are DISMISSED WITH PREJUDICE for failure to state a claim upon which relief can be granted;
2. All claims set forth in the "Second Claim - Trespass" against Moving Defendants, are DISMISSED WITH PREJUDICE for failure to state a claim upon which relief can be granted;
3. All claims set forth in the "Third Claim - Punitive Damages" against Moving Defendants, are DISMISSED WITH PREJUDICE for failure to state a claim upon which relief can be granted;
4. The "Fourth Claim - Unfair Trade Practices" contains no allegations against Moving Defendants; and therefore, no ruling relative to said Fourth Claim is intended by this Order.



The parties stipulated in open court that this Order could be signed out of session and out of County.

SO ORDERED this the 12<sup>th</sup> day of September, 2003.

  
John R. Jolly, Jr.  
Superior Court Judge Presiding

NORTH CAROLINA  
ORANGE COUNTY

- 48 -  
FILED  
IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
2003 AUG -7 PM 2:40 03 CVS 623

LUDOVICUS N. KEYZER, A/K/A LUDO  
KEYZER, JOSEPH KINTZ, ROBIN  
KINTZ, CARL W. PARKER III, AND  
BARRY NAKELL,

Plaintiffs,

v.

AMERLINK, LTD., RICHARD SPOOR,  
DEBORAH N. MEYER, JOHN MEUSER,  
MEYER & MEUSER, P.A., AMERICAN  
DETECTIVE SERVICES, INC., AND  
KENNETH J. JOHNSON,

Defendants.

ORANGE COUNTY, C.S.C.  
BY 

MOTION FOR  
SUMMARY JUDGMENT

Defendants Deborah N. Meyer, John Meuser and Meyer & Meuser, P.A., move for summary judgment, pursuant to Rule 56, N.C.R. Civ. P., as to the claims of plaintiff Ludovicus Keyzer (hereinafter "Keyzer") for invasion of privacy (Count II) on the grounds that there is no genuine issue of material fact and these defendants are entitled to judgment as a matter of law because the acts alleged to constitute invasion of privacy as to Keyzer are not attributable to movants.

1. This motion does not address, and movants specifically reserve the right to assert at a later time, the issue of whether the actions alleged to have taken place in the Netherlands amount to an invasion of privacy. This motion addresses only the attribution of those acts to these defendants

In support of this Motion, defendants rely upon the pleadings the attached affidavit of Klaas Bisschop, a dutch attorney, and the attached excerpts from the depositions of Thomas Slocum, Richard Spoor, Joyce Wilkins, Ken Johnson and Elizabeth Johnson in the cases of *Amerlink, Ltd. v. Ludovicus N. Keyzer* - 02 CVS 2454 and *Ludovicus N. Keyzer vs. Amerlink Ltd. and Richard Spoor* - 02 CVS 2461.

Copies of the complete transcripts of these depositions will be available at the hearing of this motion.

This the 6<sup>th</sup> day of August, 2003.

CRANFILL, SUMNER & HARTZOG, L.L.P.

BY:

Alycia Levy  
RICHARD T. BOYETTE  
ALYCIA S. LEVY  
Attorneys for Defendants Deborah Meyer,  
John Meuser, and Meyer & Meuser, P.A.  
Post Office Box 27808  
Raleigh, North Carolina 27611-7808  
Telephone: (919) 828-5100

- 50 -

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the attached *Motion for Summary Judgment* on all of the parties to this cause by:

- X Hand delivering a copy hereof to the attorney for each said party addressed as follows:
- X Depositing a copy hereof, postage prepaid, in the United States Mail, addressed as follows:
- Depositing a copy hereof with a nationally recognized overnight courier service, for overnight delivery, addressed to the attorney for each said party as follows:
- Telecopying a copy hereof to the attorney for each said party as follows:

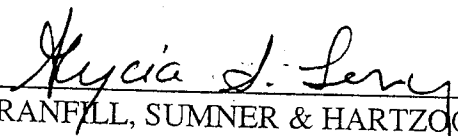
BY HAND DELIVERY

Barry Nakell  
149 Dixie Drive  
Chapel Hill, NC 27514

Steven C. Lawrence  
Anderson, Johnson, Lawrence, Butler & Bock, L.L.P.  
Post Office Drawer 2737  
Fayetteville, North Carolina 28302-2737

Patrick D. Sarsfield, III  
Nexsen Pruet Jacobs & Pollard, PLLC  
201 South Tryon Street, Suite 1200  
Charlotte, North Carolina 28202

This the 6<sup>th</sup> day of August, 2003.

  
\_\_\_\_\_  
CRANFILL, SUMNER & HARTZOG, LL

NORTH CAROLINA  
ORANGE COUNTY

FILED

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

03 CVS 623

03 NOV 25 AM 11:20

LUDOVICUS N. KEYZER, a/k/a LUDO,  
KEYZER, JOSEPH KINTZ, ROBIN  
KINTZ, CARL W. PARKER III and  
BARRY NAKELL,

Plaintiffs,

v.

SUPPLEMENT TO MOTION FOR  
SUMMARY JUDGMENT

AMERLINK, LTD., RICHARD SPOOR,  
DEBORAH N. MEYER, JOHN MEUSER,  
MEYER & MEUSER, P.A., AMERICAN  
DETECTIVE SERVICES, INC., and  
KENNETH J. JOHNSON,

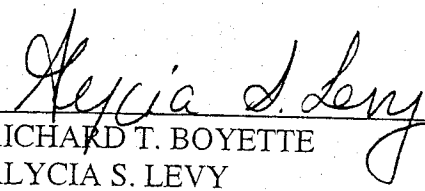
Defendants.

Defendants Deborah N. Meyer, John Meuser and Meyer & Meuser, P.A., supplement their motion for summary judgment, which was filed on August 6, 2003, with the Dutch caselaw (Dutch and English translations) attached as Exhibits A-F. In addition, to the attached authority and the materials attached to movants motion for summary judgment, movants will rely upon depositions and other discovery in this case to be tendered to the Court at the time of hearing upon this motion.

This the 24<sup>th</sup> day of November, 2003.

CRANFILL, SUMNER & HARTZOG, L.L.P.

BY:

  
RICHARD T. BOYETTE  
ALYCIA S. LEVY

Attorneys for Defendants Deborah Meyer,  
John Meuser, and Meyer & Meuser, P.A.  
Post Office Box 27808  
Raleigh, North Carolina 27611-7808  
Telephone: (919) 828-5100

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the attached Supplement to Motion for Summary Judgment on all of the parties to this cause by:

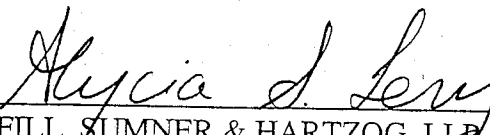
- ☐ Hand delivering a copy hereof to the attorney for each said party addressed as follows:
- ☒ Depositing a copy hereof, postage prepaid, in the United States Mail, addressed as follows:
- ☐ Depositing a copy hereof with a nationally recognized overnight courier service, for overnight delivery, addressed to the attorney for each said party as follows:
- ☐ Telecopying a copy hereof to the attorney for each said party as follows:

Barry Nakell  
149 Dixie Drive  
Chapel Hill, NC 27514

Steven C. Lawrence  
Anderson, Johnson, Lawrence, Butler & Bock, L.L.P.  
Post Office Drawer 2737  
Fayetteville, North Carolina 28302-2737

Patrick D. Sarsfield, III  
Nexsen Pruet Jacobs & Pollard, PLLC  
201 South Tryon Street, Suite 1200  
Charlotte, North Carolina 28202

This the 24<sup>th</sup> day of November, 2003.

  
\_\_\_\_\_  
CRANFILL, SUMNER & HARTZOG, LLP

- 53 -  
FILED

STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

2003 DEC 23 AM 10:32

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 03 CVS 623

ORANGE COUNTY, N.C.  
BY [Signature]

LUDOVICUS N. KEYZER, a/k/a LUDO  
KEYZER, JOSEPH KINTZ, ROBIN  
KINTZ, CARL W. PARKER III,  
and BARRY NAKELL,

Plaintiffs,

v.

**MOTION FOR PARTIAL SUMMARY  
JUDGMENT**

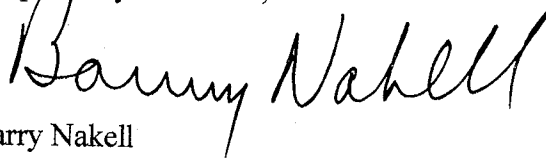
AMERLINK, LTD., RICHARD SPOOR,  
DEBORAH N. MEYER, JOHN  
MEUSER, MEYER & MEUSER, P. A.,  
AMERICAN DETECTIVE  
SERVICES, INC., and  
KENNETH J. JOHNSON,

Defendants.

---

Pursuant to Rule 56(a) of the North Carolina Rules of Civil Procedure, Plaintiff Ludo Keyzer moves the Court for partial Summary Judgment in his favor on the issue of liability in his claim against Defendants Deborah N. Meyer, John Meuser, and Meyer & Meuser, P.A. In support of this Motion, Plaintiff Ludo Keyzer will submit to the Court the transcripts of the depositions of Deborah N. Meyer, John Meuser, and Denise Doll, certain documents produced in discovery, and the transcripts of the depositions of the following witnesses in *Keyzer v. AmerLink, Ltd., et al.*, Nash County Superior Court 02-CVS-2461, 02-CVS-2454 (consolidated): Richard B. Spoor, March 25, 2003; Richard B. Spoor, July 9, 2003; Ken Johnson, March 12, 2003; Ken Johnson, April 9, 2003; Bruce Brown, April 9, 2003.

- 54 -  
Respectfully submitted,

A handwritten signature in cursive script that reads "Barry Nakell". The signature is written in dark ink and is positioned above the printed contact information.

Barry Nakell  
N.C. State Bar No. 8148  
149 Dixie Drive  
Chapel Hill, N. C. 27514  
(919) 967-7325  
Fax: (919) 967-3730  
Email: [bnakell@mindspring.com](mailto:bnakell@mindspring.com)



**CERTIFICATE OF SERVICE**

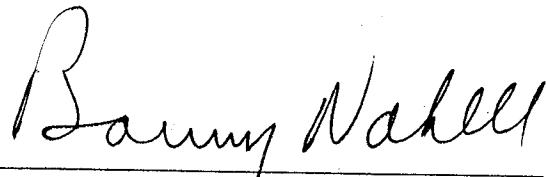
I hereby certify that I have served one copy of the foregoing Motion for Partial Summary Judgment on all parties required to be served by depositing a copy in the United States Mail, first class postage prepaid, addressed to each of the following:

Mr. Richard T. Boyette  
Cranfill, Sumner & Hartzog, LLP  
P. O. Box 27808  
Raleigh, N. C. 27611-7808  
Fax: (919) 828-2277

Mr. Steven C. Lawrence  
Anderson, Johnson, *et al.*  
P. O. Drawer 2737  
Fayetteville, N. C. 28302-2737  
Fax: (910) 483-5005

Mr. Patrick D. Sarsfield, III  
Nexsen, Pruet et al.  
201 South Tryon Street, Suite 1200  
Charlotte, N. C. 28202  
(704) 338-5377

Date: December 22, 2003

  
\_\_\_\_\_  
Barry Nakell

STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

- 56 -  
**FILED** IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

04 JAN -5 AM 11:10

FILE NO. 03 CVS 623

ORANGE COUNTY, C.S.C.

LUDOVICUS N. KEYZER, a/k/a LUDO  
KEYZER, JOSEPH KINTZ, ROBIN  
KINTZ, CARL W. PARKER III,  
and BARRY NAKELL,

Plaintiffs,

v.

**REQUEST FOR JUDICIAL NOTICE**

AMERLINK, LTD., RICHARD SPOOR,  
DEBORAH N. MEYER, JOHN  
MEUSER, MEYER & MEUSER, P. A.,  
AMERICAN DETECTIVE  
SERVICES, INC., and  
KENNETH J. JOHNSON,

Defendants.

---

Pursuant to Rule 201 of the North Carolina Rules of Evidence, Plaintiff Ludo Keyzer requests that the Court take judicial notice in regard to the cross-motions for partial summary Judgment the following documents from the case of *Keyzer v. AmerLink, Ltd., et al.*, Nash County Superior Court 02-CVS-2461, 02-CVS-2454 (consolidated):

- (A) The pleadings;
- (B) All documents presented to the Court in connection with the summary judgment proceeding.

In support of this Request, Plaintiff shows as follows:

1. By assignment of the Chief Justice pursuant to Rule 2.1 of the General Rules of Practice for the Superior and District Courts, the Honorable John R. Jolly, Jr. Is presiding over the Nash County Consolidate cases.

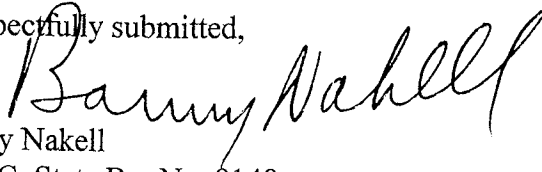
2. By reason of that assignment, Defendants Deborah N. Meyer, John Meuser and Meyer & Meuser, P.A., requested that the Honorable John R. Jolly, Jr. Also be assigned to preside over this case pursuant to Rule 2.1 of the General Rules of Practice for the Superior and District Courts.

3. The Honorable Wade Barber, Resident Superior Court Judge for the Orange County Superior Court, has made that request of the Chief Justice.

4. Plaintiff understands that the Honorable John R. Jolly, Jr. Is assigned to preside in Orange County Superior Court on January 12, 2004, the date the cross-motions for summary judgment are scheduled for hearing, and so in any event will be the judge presiding at the hearing of the cross-motions for summary judgment.

5. In the interest of judicial efficiency and economy, the Court should take judicial notice of the requested documents. The documents are all capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned, that is, the files of the Clerk of the Nash County Superior Court. Plaintiff's counsel and the Defendants who are parties to the pending cross-motions for summary judgment are all counsel for the parties in the Nash County consolidated cases and therefore, along with the Honorable John R. Jolly, Jr., have ready access to the documents.

Respectfully submitted,



Barry Nakell

N.C. State Bar No. 8148

149 Dixie Drive

Chapel Hill, N. C. 27514

(919) 967-7325

Fax: (919) 967-3730

Email: bnakell@mindspring.com

**CERTIFICATE OF SERVICE**

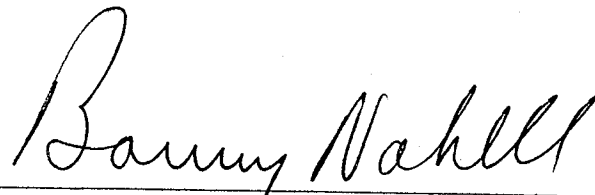
I hereby certify that I have served one copy of the foregoing Request for Judicial Notice on all parties required to be served by depositing a copy in the United States Mail, first class postage prepaid, addressed to each of the following:

Mr. Richard T. Boyette  
Cranfill, Sumner & Hartzog, LLP  
P. O. Box 27808  
Raleigh, N. C. 27611-7808  
Fax: (919) 828-2277

Mr. Steven C. Lawrence  
Anderson, Johnson, *et al.*  
P. O. Drawer 2737  
Fayetteville, N. C. 28302-2737  
Fax: (910) 483-5005

Mr. Patrick D. Sarsfield, III  
Nexsen, Pruet et al.  
201 South Tryon Street, Suite 1200  
Charlotte, N. C. 28202  
(704) 338-5377

Date: January 2, 2004



Barry Nakell

STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 03 CVS 623

LUDOVICUS N. KEYZER, a/k/a LUDO  
KEYZER, JOSEPH KINTZ, ROBIN  
KINTZ, CARL W. PARKER III,  
and BARRY NAKELL,


Plaintiffs,

v.

**SUPPLEMENT TO  
REQUEST FOR JUDICIAL NOTICE**

AMERLINK, LTD., RICHARD SPOOR,  
DEBORAH N. MEYER, JOHN  
MEUSER, MEYER & MEUSER, P. A.,  
AMERICAN DETECTIVE  
SERVICES, INC., and  
KENNETH J. JOHNSON,

Defendants.

2004 JAN 12 AM 9:36  
ORANGE COUNTY, N.C.  
BY 

FILED

Plaintiff Ludo Keyzer hereby supplements his request pursuant to Rule 201 of the North Carolina Rules of Evidence that the Court take judicial notice in regard to the cross-motions for partial summary Judgment of certain documents from the case of *Keyzer v. AmerLink, Ltd., et al.*, Nash County Superior Court 02-CVS-2461, 02-CVS-2454 (consolidated), by providing this more complete list of the documents:

(A) The pleadings:

-- Motion to Place Documents Under Seal, in Nash County Superior Court No. 02 CVS 2454, with "DRAFT" stamp on the top of the first page.

(B) All documents presented to the Court in connection with the summary judgment proceeding:

-- Keyzer's Summary Judgment Memorandum

-- The following deposition transcripts:

Richard B. Spoor, March 25, 2003

Richard B. Spoor, July 9, 2003

Larry Guyette, April 28, 2003

Larry Guyette, August 11, 2003

Ken Johnson, March 12, 2003

Ken Johnson, April 9, 2003

Thomas Slocum, March 7, 2003

Joyce T. Wilkins, March 3, 2003

James B. Pierce, June 27, 2003

Sim Wilde, June 27, 2003

Kathy Smith, June 27, 2003

Bruce Brown, April 9, 2003

Elizabeth Johnson, April 9, 2003

Rodney E. Pettey, August 5, 2003

Rodney E. Pettey, October 2, 2003

Amy Cave, October 2, 2003

Jim Pierce, October 2, 2003

-- General Cover Sheet and Complaint in *AmerLink, Ltd. V. Travelers Property Casualty*,  
Nash County Superior Court Civil Action No. 02-CVS-600.

-- Discovery Documents produced by AmerLink, Ltd. and Spoor in the consolidated  
cases:

Documents 3-9, 12-18, 23-27, 29-32, 34-41, 43, 48, 53-54, 57-58, 61-64, 69-74, 77, 79, 81-87, 89-109, 111-116, 119-130, 136-138, 141-176, 10030-10038, 10050, 10073, 10091-10092, 100145-100152, 100156-100161, 100177-100196, 100202-100217, 10028-10037, 10050.

-- Discovery documents produced by Ken Johnson at his deposition pursuant to a subpoena duces tecum in the consolidated cases:

Documents 181, 225-227, 231, 233-234, 241, 279-282, 293-296, 301, 305-338, 342-354, 358-361

-- Discovery documents produced by Keyzer in the consolidated cases:

AmerLink's and Spoor's Supplemental Responses to Keyzer's Discovery Requests Pursuant to Court Order.

(AmerLink's) Statement of Monetary Relief Sought.

AmerLink's Response to Keyzer's First Request for Admissions.

AmerLink's Response to Keyzer's Second Request for Admissions.

Including:

Letter, dated January 20, 2003, from John B. Meuser to Mr. Barry Nakell.

Fax, dated November 26, 2002, from Barry Nakell to Mr. John B. Meuser.

E-mail messages dated November 1, 2002, between Barry Nakell and Rod

Petty.

E-mail messages dated November 25, 2002, between Barry Nakell and Rod

Petty.

AmerLink's Responses to Keyzer's Fifth Consolidated Requests for Production of Documents.

AmerLink's Supplemental Responses to Keyzer's First Request for Production of Documents 02-CVS-2454.

AmerLink's Supplemental Responses to Keyzer's First Request for Production of Documents 02 CVS 2461.

AmerLink's Supplemental Responses to Keyzer's Second Request for the Production of Documents 02-CVS-2461.

-- Discovery documents produced by Meyer & Meuser, P.A. in *Keyzer, et al. v. AmerLink, Ltd., et al.*, Orange County Superior Court Civil Action No. 03 CVS 623:

Documents MM-65-78, 339-340, 2578-2580

-- *Keyzer v. AmerLink, Ltd.*, No. COA01-598, North Carolina Court of Appeals:

Plaintiff-Appellant's Brief, with exhibit, Transcript of the proceedings in *Keyzer v. AmerLink, Ltd.*, Nash County Superior Court, on September 10, 2001, before the Honorable John R. Jolly, Jr.

Defendant-Appellee's Brief.

-- Copy of transcript of deposition in *Gilman v. AmerLink, Ltd., et al.*, Iredell County Superior Court Civil Action No. 03-CVS-1456, Tom Slocum, November 7, 2003, 2003, cover page and pages 28-32.

-- Transcript of deposition in *Keyzer v. AmerLink, Ltd., et al.*, Nash County Superior Court Civil Action No. 99-CVS-368, Mark Hope, December 15, 2000.

-- Statements produced by Plaintiff of Peter J.M. Velrath and Yolanda Moerkens.

-- Deposition of Thomas R. Slocum, Executive Vice-President of AmerLink, Ltd., December 2, 1999, in *Keyzer v. AmerLink, Ltd.*, Nash County Superior Court Civil Action No. 99-CVS-368, pages 5, 29-30, 36-39, 43-47, 70-86.

-- Deposition of Richard Spoor, President of AmerLink, Ltd., in *Keyzer v. AmerLink, Ltd.*, Nash County Superior Court Civil Action No. 99-CVS-368, September 25, 2000, pages 80-90, 145.

-- Deposition of Richard Spoor, President of AmerLink, Ltd., in *Keyzer v. AmerLink, Ltd.*, Nash County Superior Court Civil Action No. 99-CVS-368, April 25, 2000, pages 103-108.



- Deposition of William A. "Bill" Yalch, former head of the AmerLink, Ltd. International Department, July 11, 2001, in *Keyzer v. AmerLink, Ltd.*, Nash County Superior Court Civil Action No. 99-CVS-368, pages 29-37, 153-173.
- Deposition of David Neil Kirkman, Assistant Attorney General, Consumer Protection Division, February 2, 2001, in *Keyzer v. AmerLink, Ltd.*, Nash County Superior Court Civil Action No. 99-CVS-368, pages 18, 118-119, 136-137, 144-145, 147-149, 153-156, Defendant's Exhibit 4, and Plaintiff's Exhibits 1, 8, 10, 15.
- Affidavit of Barbara K. Martin, Executive Director of the Building Systems Councils of the National Association of Home Builders, February 3, 1994, in *AmerLink, Ltd. v. Batsford, et al.*, Nash County Superior Court Civil Action Nos. 93-CVS-1605, 1602, 1599, 1606, 1608, 1603, 1604, 1607, 1600.
- Deposition of Kay Schwandt, February 10, 2001, in *Keyzer v. AmerLink, Ltd.*, Nash County Superior Court Civil Action No. 99-CVS-368, pages 2, 13-15, 22-23, 78, and Exhibit 1.
- Videotaped deposition of Kay Schwandt, February 12, 2001, in *Keyzer v. AmerLink, Ltd.*, Nash County Superior Court Civil Action No. 99-CVS-368, pages 4, 87-101, 111.
- Plaintiff's Report on Settlement Discussions, filed April 2, 2001, in *Keyzer v. AmerLink, Ltd.*, Nash County Superior Court Civil Action No. 99-CVS-368.

-64-  
Respectfully submitted,

*Barry Nakell*  
Barry Nakell  
N.C. State Bar No. 8148  
149 Dixie Drive  
Chapel Hill, N. C. 27514  
(919) 967-7325  
Fax: (919) 967-3730  
Email: bnakell@mindspring.com

**CERTIFICATE OF SERVICE**

I hereby certify that I have served one copy of the foregoing Supplement to Request for Judicial Notice on all parties required to be served by fax to each of the following:

Mr. Richard T. Boyette  
Cranfill, Sumner & Hartzog, LLP  
P. O. Box 27808  
Raleigh, N. C. 27611-7808  
Fax: (919) 828-2277

Mr. Steven C. Lawrence  
Anderson, Johnson, *et al.*  
P. O. Drawer 2737  
Fayetteville, N. C. 28302-2737  
Fax: (910) 483-5005

Mr. Patrick D. Sarsfield, III  
Nexsen, Pruet et al.  
201 South Tryon Street, Suite 1200  
Charlotte, N. C. 28202  
(704) 338-5377

Date: January 9, 2004

*Barry Nakell*  
\_\_\_\_\_  
Barry Nakell

STATE OF NORTH CAROLINA **FILED**

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

ORANGE COUNTY

04 APR -6 PM 4: 01

03 CVS 623

ORANGE COUNTY, C.S.C.

LUDOVICUS N. KEYZER, a/k/a LUD~~Ø~~  
KEYZER, JOSEPH KINTZ, ROBIN  
KINTZ, CARL W. PARKER III,  
and BARRY NAKELL,  
Plaintiffs,

v.

**ORDER**

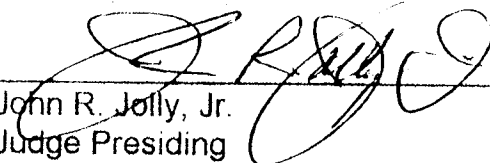
AMERLINK, LTD., RICHARD SPOOR,  
DEBORAH N. MEYER, JOHN  
MEUSER, MEYER & MEUSER, P. A.,  
AMERICAN DETECTIVE  
SERVICES, INC., and  
KENNETH J. JOHNSON,  
Defendants

This matter, coming on to be heard and being heard on January 12, 2004, February 16, 2004, and March 19, 2004, at the civil sessions of the Orange County Superior Court, Honorable John R. Jolly, Jr., Special Superior Court Judge Presiding, on assignment of the Chief Justice pursuant to the provisions of Rule 2.1 of the General Rules of Practice for the Superior and District Courts, on the Request of Plaintiff Ludo Keyzer for Judicial Notice of the documents listed in Plaintiff Ludo Keyzer's Supplement to Request for Judicial Notice. Plaintiffs were represented by Barry Nakell. Defendants AmerLink, Ltd. and Richard Spoor were represented by Steve Lawrence. Defendants Deborah N. Meyer, John Meuser, and Meyer & Meuser, P.A. were represented by Richard Boyette. Defendants American Detective Services,

Inc. and Kenneth J. Johnson were represented by Patrick Sarsfield. Upon due consideration,

IT IS HEREBY ORDERED that the Request for Judicial Notice is granted. The Court announced this ruling in open court on January 12, 2004. In ruling on the respective motions for summary judgment by all Defendants the Court considered such of the documents as to which Plaintiff Ludo Keyzer requested judicial notice that the Court deemed relevant.

As of the 27<sup>th</sup> day of March, 2004.

  
\_\_\_\_\_  
John R. Jolly, Jr.  
Judge Presiding

STATE OF NORTH CAROLINA FILED

COUNTY OF ORANGE FEB -9 PM 1:54

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
File No. 03-CVS-623

LUDOVICUS N. KEYZER a/k/a LUDO  
KEYZER; JOSEPH KINTZ, ROBIN KINTZ,  
CARL W. PARKER III, and BARRY  
NAKELL,

Plaintiff,

vs.

AMERLINK, LTD., RICHARD SPOOR,  
DEBORAH N. MEYER, JOHN MEUSER,  
MEYER & MEUSER, P.A., AMERICAN  
DETECTIVE SERVICES, INC., and  
KENNETH J. JOHNSON.,

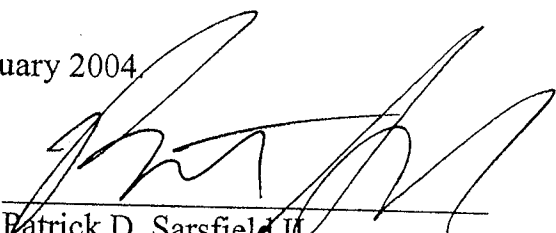
Defendant.

DEFENDANTS', AMERICAN DETECTIVE  
SERVICES, INC. and KENNETH J.  
JOHNSON, MOTION FOR SUMMARY  
JUDGMENT

COME NOW, Defendants, American Detective Services, Inc. ("ADS") and Kenneth J. Johnson ("Johnson"), pursuant to Rule 56 of the North Carolina Rules of Civil Procedure, and move the Court for an Order granting summary judgment in favor of said Defendants and against Plaintiffs in the above captioned civil action on the grounds that the pleadings on file, the depositions of Richard Spoor and Ken Johnson, ADS' together the parties' Responses to Interrogatories and Request For Production of Documents show that there is no genuine issue as to any material fact and that ADS and Johnson are entitled to judgment as to all claims as matter of law.

- 68 -

This the 5th day of February 2004.



Patrick D. Sarsfield II  
N.C. Bar No. 20104  
Attorney for Kenneth J. Johnson  
and American Detective Services, Inc.

OF COUNSEL:

NEXSEN PRUET ADAMS KLEEMEIER, PLLC  
201 S. Tryon Street, Suite 1200  
Charlotte, North Carolina 28202  
Telephone: (704) 339-0304

CERTIFICATE OF SERVICE

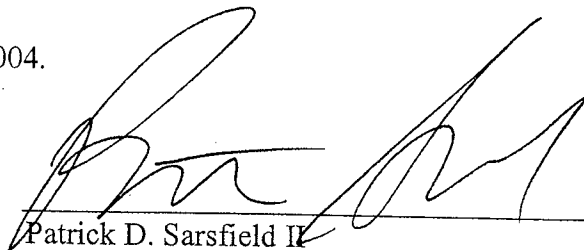
I certify that the foregoing Motion for Summary Judgment to which this certificate is attached has been served upon each party of record via facsimile and by placing a copy thereof in a postpaid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service, first class postage prepaid, for mailing to the attorney of record for each party at his last known address.

Barry Nakell, Esq.  
149 Dixie Drive  
Chapel Hill, NC 27514

Michael P. Murphy, Esq.  
P.O. Box 8738  
Rocky Mount, NC 27804

Steven C. Lawrence  
Anderson, Johnson, Lawrence, Butler  
& Bock, LLP  
P.O. Drawer 2737  
Fayetteville, NC 28302-2737

This the 5<sup>th</sup> day of February 2004.

  
Patrick D. Sarsfield II

MAR 19 2004

NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 03 CVS 623

ORANGE COUNTY

04 MAR 15 AM 11:48

LUDOVICUS N. KEYZER, a/k/a LUDOVICUS N. KEYZER, JOSEPH KINTZ, ROBIN KINTZ, CARL W. PARKER, III, and BARRY NAKELL,

Plaintiffs,

v.

AMERLINK, LTD., RICHARD SPOOR, DEBORAH N. MEYER, JOHN MEUSER, MEYER & MEUSER, P.A., AMERICAN DETECTIVE SERVICES, INC., and KENNETH J. JOHNSON,

Defendants.

**MOTION FOR SUMMARY JUDGMENT**

Defendants, Amerlink, Ltd. and Richard Spoor, move the court pursuant to Rule 56 of the Rules of Civil Procedure for summary judgment on the grounds that there is no genuine issue as to any material fact as shown by the pleadings, answers to Interrogatories and Request for Production of Documents, and the depositions taken in this action and the consolidated Nash County cases under Court File Nos. 02 CVS 2454 and 02 CVS 2461 which have previously been requested for notice by this court and submitted for consideration of this court, and movants are entitled to judgment as a matter of law.

This the 12 day of March, 2004.

ANDERSON, JOHNSON, LAWRENCE,  
BUTLER & BOCK, L.L.P.

By:

Steven C. Lawrence

Attorney for Defendants, Amerlink, Ltd. and Richard Spoor  
Post Office Drawer 2737  
Fayetteville, North Carolina 28302-2737  
Telephone: (910) 483-1171

ANDERSON, JOHNSON,  
LAWRENCE, BUTLER  
& BOCK, L.L.P.  
P.O. DRAWER 2737  
FAYETTEVILLE, N.C.  
28302-2737



- 71 -  
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing MOTION FOR SUMMARY JUDGMENT was this day served upon the below named counsel by mailing a copy of each of such instruments, postage prepaid, first class mail, to the office address of:

Mr. Barry Nakell  
Attorney for Plaintiffs  
149 Dixie Drive  
Chapel Hill, North Carolina 27514

This the 12 day of March, 2004.

ANDERSON, JOHNSON, LAWRENCE,  
BUTLER & BOCK, L.L.P.

By: 

Steven C. Lawrence

Attorney for Defendants, Amerlink, Ltd.  
and Richard Spoor  
Post Office Drawer 2737  
Fayetteville, North Carolina 28302  
Telephone: (910) 483-1171  
Facsimile: (910) 483-5005

FILED

NORTH CAROLINA  
ORANGE COUNTY

JUN 23 PM 4:16  
CLERK, C.S.C.

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
03 CVS 623

LUDOVICUS N. KEYZER, A/K/A LUDO  
KEYZER, JOSEPH KINTZ, ROBIN  
KINTZ, CARL W. PARKER III, AND  
BARRY NAKELL,

Plaintiffs,

v.

AMERLINK, LTD., RICHARD SPOOR,  
DEBORAH N. MEYER, JOHN  
MEUSER, MEYER & MEUSER, P.A.,  
AMERICAN DETECTIVE SERVICES,  
INC., AND KENNETH J. JOHNSON,  
Defendants.

ORDER

THIS MATTER, coming on for hearing on January 12, 2004, before the undersigned, Superior Court Judge assigned to preside over this civil action pursuant to the provisions of Rule 2.1 of the General Rules of Practice for the Superior and District Courts, upon cross motions by Plaintiff Ludovicus N. Keyzer, a/k/a Ludo Keyzer (herein "Keyzer") and Defendants Deborah N. Meyer, John Meuser and Meyer & Meuser, P.A. (herein, moving Defendants are collectively referred to as "Meyer & Meuser") for summary judgment in their respective favors as to the FIRST CLAIM – INVASION OF PRIVACY stated in the Complaint in this matter, pursuant to the provisions of Rule 56, NCRCP; and the parties having consented in open court to the entry and signing of this Order out of term and district; and

THE COURT, by Order dated September 12, 2003 (filed September 22,

1003), and pursuant to Rule 12(b)(6), NCRCP, having granted the previous motion by Defendants Meyer & Meuser for (1) dismissal as to all Plaintiffs of the SECOND CLAIM – TRESPASS and THIRD CLAIM – PUNITIVE DAMAGES , insofar as said claims attempt to state causes of action against Defendants Meyer & Meuser; and (2) dismissal as to all Plaintiffs except Plaintiff Keyzer of the FIRST CLAIM – INVASION OF PRIVACY, insofar as said claim attempts to state a cause of action against Defendants Meyer & Meuser; and

THE COURT, having reviewed the pleadings, depositions, affidavits, discovery materials, submissions by the parties, and other matters of record, and having considered the briefs and oral arguments of counsel, CONCLUDES that to the extent Plaintiff Keyzer's FIRST CLAIM – INVASION OF PRIVACY states a cause of action against Defendants Meyer & Meuser, there exists no genuine issue as to any material fact, and that Defendants Meyer & Meuser are entitled to summary judgment in their favor; and that as to said claim, the motion by Meyer & Meuser should be GRANTED, and the motion for summary judgment by Plaintiff Keyzer should be DENIED.

NOW THEREFORE, based upon the foregoing CONCLUSION, it is HEREBY ORDERED that:

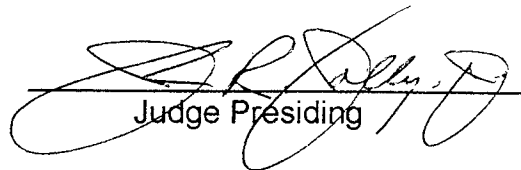
1. The motion for summary judgment in their favor by Defendants Deborah N. Meyer, John Meuser and Meyer & Meuser, P.A., as to Plaintiff Keyzer's FIRST CLAIM – INVASION OF PRIVACY, stated in the Complaint in this civil action, is GRANTED; and as to said Defendants, Plaintiff's FIRST CLAIM – INVASION OF PRIVACY is DISMISSED. Plaintiff Keyzer's motion for

summary judgment as to said FIRST CLAIM – INVASION OF PRIVACY, insofar as the same relates to Defendants Deborah N. Meyer, John Meuser and Meyer & Meuser, P.A., is DENIED.

2. This Order disposes of the only remaining claim for relief relative to this civil action stated against Defendants Deborah N. Meyer, John Meuser and Meyer & Meuser, P.A.; and therefore, this civil action is DISMISSED as to said Defendants.

3. This Order does not dispose of all stated causes of action in this matter. Accordingly, costs are not taxed.

SO ORDERED, this the 20<sup>th</sup> day of January, 2004.

  
Judge Presiding

- 75-  
FILED

NORTH CAROLINA  
ORANGE COUNTY

04 MAR 22 AM 10:53  
ORANGE COUNTY, C.S.C.

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
03 CVS 623

BY SC  
LUDOVICUS N. KEYZER, A/K/A LUDO  
KEYZER, JOSEPH KINTZ, ROBIN  
KINTZ, CARL W. PARKER III, AND  
BARRY NAKELL,

Plaintiffs,

v.

ORDER

AMERLINK, LTD., RICHARD SPOOR,  
DEBORAH N. MEYER, JOHN  
MEUSER, MEYER & MEUSER, P.A.,  
AMERICAN DETECTIVE SERVICES,  
INC., AND KENNETH J. JOHNSON,  
Defendants.

THIS MATTER, coming on for hearing on February 16, 2004, before the undersigned, Superior Court Judge assigned to preside over this civil action pursuant to the provisions of Rule 2.1 of the General Rules of Practice for the Superior and District Courts, upon motions by Defendants American Detective Services, Inc. (herein "ADS") and Kenneth J. Johnson (herein "Johnson") for summary judgment in their respective favors as to all claims stated by the respective Plaintiffs in the Complaint in this matter, pursuant to the provisions of Rule 56, NCRCP; and the parties having consented in open court to the entry and signing of this Order out of term and district; and

THE COURT, having reviewed the pleadings, depositions, discovery materials, submissions by the parties, and other matters of record, and having considered the briefs and oral arguments of counsel, CONCLUDES that to the

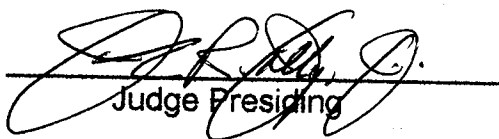
extent the Complaint in this civil action states various claims in behalf of the Plaintiffs against Defendants ADT and Johnson, there exists no genuine issue as to any material fact; and Defendants ADT and Johnson are entitled to summary judgment in their favor.

NOW THEREFORE, based upon the foregoing CONCLUSION, it is  
HEREBY ORDERED:

1. The motion for summary judgment in their favor by Defendants American Detective Services, Inc. and Kenneth J. Johnson is GRANTED; and as to said Defendants this civil action is DISMISSED.

3. This Order does not dispose of all stated claims for relief in this civil action. Accordingly, costs are not taxed.

SO ORDERED, this the 9<sup>th</sup> day of March, 2004.

  
Judge Presiding

FILED

NORTH CAROLINA  
ORANGE COUNTY

04 APR 12 PM 3:46

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

ORANGE COUNTY, C.S.C.

03 CVS 623

LUDOVICUS N. KEYZER, AKA LUDO  
KEYZER, JOSEPH KINTZ, ROBIN  
KINTZ, CARL W. PARKER III, AND  
BARRY NAKELL,

Plaintiffs,

v.

ORDER

AMERLINK, LTD., RICHARD SPOOR,  
DEBORAH N. MEYER, JOHN  
MEUSER, MEYER & MEUSER, P.A.,  
AMERICAN DETECTIVE SERVICES,  
INC., AND KENNETH J. JOHNSON,  
Defendants.

THIS MATTER, coming on for hearing on February 16, 2004, before the undersigned, Superior Court Judge assigned to preside over this civil action pursuant to the provisions of Rule 2.1 of the General Rules of Practice for the Superior and District Courts, upon motions by Defendants American Detective Services, Inc. (herein "ADS") and Kenneth J. Johnson (herein "Johnson") for summary judgment in their respective favors as to all claims stated by the respective Plaintiffs in the Complaint in this matter, pursuant to the provisions of Rule 56, NCRCP; and the parties having consented in open court to the entry and signing of this Order out of term and district; and

THE COURT, having reviewed the pleadings, depositions, discovery materials, submissions by the parties, and other matters of record, and having considered the briefs and oral arguments of counsel, CONCLUDES that to the

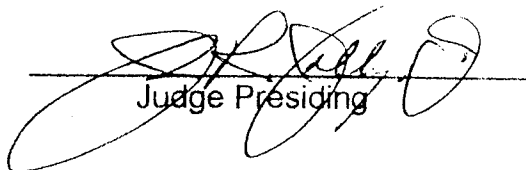
Meuser, Meyer & Meuser, P.A., American Detective Services, Inc. and Kenneth J. Johnson; and Moving Defendants therefore are the only remaining parties Defendant; and

THE COURT, having reviewed the pleadings, depositions, affidavits, discovery materials, submissions by the parties, and other matters of record, and having considered the briefs and oral arguments of counsel, having CONCLUDED that there exists no genuine issue as to any material fact, and that Defendants AmerLink, Ltd and Richard Spoor are entitled to summary judgment in their favor as to all claims for relief stated in the Complaint, as amended; and that the motion for summary judgment by Moving Defendants should be GRANTED.

NOW THEREFORE, based upon the foregoing CONCLUSION, it hereby is ORDERED that:

1. The motion for summary judgment in their favor by Defendants AmerLink, Ltd. and Richard Spoor is GRANTED; and as to said Defendants, this civil action is DISMISSED.
2. This Order disposes of all remaining claims for relief stated in the Complaint in this civil action. Therefore, this civil action is DISMISSED in its entirety.
3. Costs are taxed against Plaintiffs.

This the 30<sup>th</sup> day of March, 2004.

  
Judge Presiding



STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 03 CVS 623

LUDOVICUS N. KEYZER, a/k/a LUDO  
KEYZER, JOSEPH KINTZ, ROBIN  
KINTZ, CARL W. PARKER III,  
and BARRY NAKELL,

Plaintiffs,

v.

**NOTICE OF APPEAL**

AMERLINK, LTD., RICHARD SPOOR,  
DEBORAH N. MEYER, JOHN  
MEUSER, MEYER & MEUSER, P. A.,  
AMERICAN DETECTIVE  
SERVICES, INC., and  
KENNETH J. JOHNSON,

Defendants.

FILED  
SEP 19 PM 2:17  
CLERK OF SUPERIOR COURT  
BY [Signature]

Pursuant to Rule 3 of the North Carolina Rules of Appellate Procedure, Plaintiffs hereby give notice of appeal to the North Carolina Court of Appeals from the following Orders:

(A) Order signed on September 12, 2003 and filed on September 22, 2003, dismissing as to all plaintiffs except Plaintiff Ludo Keyzer the First Claim -- Invasion of Privacy, as to Defendants Deborah N. Meyer, John Meuser and Meyer & Meuser, P.A, and dismissing as to all plaintiffs the Second Claim -- Trespass, and Third Claim -- Punitive Damages, as to Defendants Deborah N. Meyer, John Meuser and Meyer & Meuser, P.A.

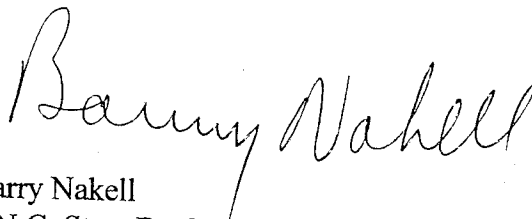
(B) Order signed on January 20, 2004 and filed on January 30, 2004, granting summary judgment in favor of Defendants Deborah N. Meyer, John Meuser and Meyer & Meuser, P.A., as to Plaintiff Ludo Keyzer's First Claim -- Invasion of Privacy and dismissing that claim as to

those defendants, and denying Plaintiff Ludo Keyzer's motion for summary judgment as to his First Claim -- Invasion of Privacy as to those defendants.

(C) Order signed on March 9, 2004 and filed on March 22, 2004, granting summary judgment in favor of Defendants American Detective Services, Inc. and Kenneth J. Johnson and dismissing this action as to Defendants American Detective Services, Inc. and Kenneth J. Johnson.

(D) Order signed on March 30, 2004 and filed on April 12, 2004, granting summary judgment in favor of Defendants AmerLink, Ltd. and Richard Spoor and dismissing this action as to Defendants American Detective Services, Inc. and Kenneth J. Johnson.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barry Nakell". The signature is written in dark ink and is positioned above the printed contact information.

Barry Nakell  
N.C. State Bar No. 8148  
149 Dixie Drive  
Chapel Hill, N. C. 27514  
(919) 967-7325  
Fax: (919) 967-3730  
Email: [bnakell@nc.rr.com](mailto:bnakell@nc.rr.com)

CERTIFICATE OF SERVICE

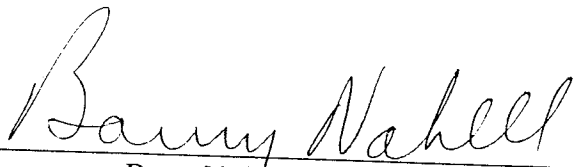
I hereby certify that I have served one copy of the foregoing Notice of Appeal on all parties required to be served by depositing a copy in the United States Mail, first class postage prepaid, addressed as follows:

Mr. Richard T. Boyette  
Ms. Alycia S. Levy  
Cranfill, Sumner & Hartzog, LLP  
P. O. Box 27808  
Raleigh, N. C. 27611-7808

Mr. Steven C. Lawrence  
Anderson, Johnson, *et al.*  
P. O. Drawer 2737  
Fayetteville, N. C. 28302-2737

Mr. Patrick D. Sarsfield, III  
Nexsen, Pruet et al.  
201 South Tryon Street, Suite 1200  
Charlotte, N. C. 28202

Date: April 19, 2004

  
\_\_\_\_\_  
Barry Nakell

STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

FILED

2004 MAY 24 PM 4:35

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 03 CVS 623

ORANGE COUNTY, N.C.

BY LBO  
LUDOVICUS N. KEYZER, a/k/a LUDO  
KEYZER, JOSEPH KINTZ, ROBIN  
KINTZ, CARL W. PARKER III,  
and BARRY NAKELL,

Plaintiffs,

v.

**ORDER**

AMERLINK, LTD., RICHARD SPOOR,  
DEBORAH N. MEYER, JOHN  
MEUSER, MEYER & MEUSER, P. A.,  
AMERICAN DETECTIVE  
SERVICES, INC., and  
KENNETH J. JOHNSON,

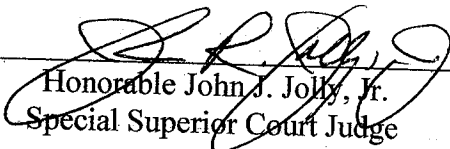
Defendants.

---

Pursuant to Rules 11(f) and 27(c)(2) of the North Carolina Rules of Appellate Procedure,  
and for good cause shown,

IT IS HEREBY ORDERED that Plaintiffs are granted an extension of time of 30 days  
from May 24, 2004 to June 23, 2004 in which to serve the Record on Appeal.

May 7, 2004

  
Honorable John J. Jolly, Jr.  
Special Superior Court Judge

No. COAP04-508

North Carolina Court of Appeals

\*\*\*\*\*

LUDOVICUS N. KEYZER, A/K/A LUDO KEYZER, JOSEPH KINTZ,  
ROBIN KINTZ, CARL W. PARKER, III, AND BARRY NAKELL

From Orange  
(02CVS1433)

V

AMERLINK, LTD., RICHARD SPOOR, DEBORAH N. MEYER,  
JOHN MEUSER, MEYER & MEUSER, P.A., AMERICAN  
DETECTIVE SERVICES, INC., AND KENNETH J. JOHNSON

\*\*\*\*\*

ORDER

The following order was entered:

The motion filed in this cause on the 14th day of June 2004 and designated "Motion for Extension of Time to Serve Record on Appeal" is allowed as follows: Proposed record on appeal shall be served on or before 26 July 2004.

By order of the Court this the 16th day of June 2004.

The above order is therefore certified to the Clerk of Superior Court Orange County.

Witness my hand and official seal this the 16th day of June 2004.



John H. Connell  
Clerk of North Carolina Court of Appeals

CSC Orig

cc:

Mr. Barry Nakell  
Mr. Richard T. Boyette  
Ms. Alycia S. Levy  
Mr. Steven C. Lawrence  
Mr. Patrick D. Sarsfield, III

FILED  
04 JUN 16 PM 2:07  
CLERK COURT OF APPEALS  
OF NORTH CAROLINA

ASSIGNMENTS OF ERROR

Plaintiffs assign as error:

1. The court's order dismissing the case against Defendants Deborah N. Meyer, John B. Meuser, and Meyer & Meuser, P.A., as to all plaintiffs except Plaintiff Ludo Keyzer, on the ground that the Complaint sufficiently alleges claims for trespass and invasion of privacy against those defendants on behalf of all Plaintiffs.

R. P. 46-47

2. The court's order granting summary judgment in favor of Defendants Deborah N. Meyer, John B. Meuser, and Meyer & Meuser, P.A. as to Plaintiff Ludo Keyzer, on the ground that Plaintiff Ludo Keyzer presented evidence showing a factual basis for his claims for trespass and invasion of privacy against those defendants and raising at least a genuine factual issue on each of those claims against those defendants.

R. p. 72-74

3. The court's orders granting summary judgment in favor of Defendants AmerLink, Ltd., Richard Spoor, American Detective Services, Inc., and Kenneth J. Johnson, Inc. on Plaintiffs' claims for trespass and invasion of privacy on the ground that Plaintiffs presented evidence showing a factual basis for their claims for trespass and invasion of privacy against those defendants and raising at least a genuine factual issue on each of those claims against those defendants.

R. P. 72-76

4. The court's orders granting summary judgment in favor of Defendants AmerLink, Ltd., Richard Spoor, American Detective Services, Inc., and Kenneth J. Johnson, Inc. on Plaintiffs' claim for unfair and deceptive trade practices on the ground that Plaintiffs presented evidence showing a factual basis for their claim for unfair and deceptive trade practices against those defendants and raising at least a genuine factual issue on each of those claims against those defendants.

R. P. 75-78

5. The court's orders granting summary judgment in favor of Defendants AmerLink, Ltd., Richard Spoor, American Detective Services, Inc., and Kenneth J. Johnson, Inc. on Plaintiffs' claims for trespass and invasion of privacy on the ground that Plaintiffs presented evidence showing a factual basis for their claims for trespass and invasion of privacy against those defendants and raising at least a genuine factual issue on each of those claims against those defendants.

R. P. 75-78

6. The court's orders dismissing all claims by all plaintiffs against all defendants, on the ground that Plaintiffs presented evidence showing that at a time when Defendants were aware that all of the Plaintiffs, other than their attorney, Plaintiff Nakell, were represented by counsel in litigation against Defendant AmerLink, Ltd., Defendant AmerLink, Ltd., its

CEO, Defendant Richard Spoor, and its attorneys, Defendants Deborah N. Meyer, John B. Meuser, and Meyer & Meuser, P.A., directed, supported, financed, or assisted or participated in directing, supporting or financing Defendants American Detective Services, Inc. and Kenneth J. Johnson to interview or to attempt to interview those plaintiffs without notice to and in the absence of their counsel, and also to interview one of their attorneys, Plaintiff Nakell, using deceit and misrepresentations to obtain information related to the representation and the litigation against Defendant AmerLink, Ltd., and Defendants American Detective Services, Inc. and Kenneth J. Johnson, under the direction and control or with the support, financing, or assistance of the other defendants, did interview Plaintiff Keyzer in his small flower shop and Plaintiff Nakell over the telephone and in his home and office, using deceit and misrepresentations, and, in the case of Plaintiff Nakell, also using surreptitious tape recording of the conversations, for the purpose of acquiring information to use in connection with the litigation, and that evidence is sufficient to withstand Defendants' motions to dismiss and for summary judgment as to Plaintiffs' claims for trespass and invasion of privacy against all defendants and unfair and deceptive trade practices against all defendants except the attorneys.



7. The court's order dismissing all claims by all plaintiffs against all defendants, on the ground that Plaintiffs presented evidence showing that while all of the Plaintiffs, other than Plaintiff Nakell, were represented by Plaintiff Nakell and an Illinois attorney in litigation against Defendant AmerLink, Ltd., Defendants entered into a civil conspiracy to invade the privacy of those attorney-client relationships, to invade the privacy of Plaintiff Keyzer's small flower shop, to trespass on and invade the privacy of Plaintiff Nakell's home and office, and to engage in unfair and deceptive trade practices by using deceit, misrepresentations and surreptitious tape recordings to obtain information related to the representation and the litigation against Defendant AmerLink, Ltd., and pursuant to that civil conspiracy, did interview Plaintiff Keyzer in his small flower shop and Plaintiff Nakell over the telephone and in his home and office, using deceit and misrepresentations, and, in the case of Plaintiff Nakell, using surreptitious tape recording of the conversations, and that evidence is sufficient to withstand Defendants' motions to dismiss and for summary judgment as to Plaintiffs' claims for trespass and invasion of privacy against all defendants and unfair and deceptive trade practices against all defendants except the attorneys.

R. P. 46-47, 72-78

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF COUNSEL

Counsel for Plaintiffs is:

Barry Nakell  
149 Dixie Drive  
Chapel Hill, N. C. 27514  
(919) 967-7325  
Fax: (919) 967-3730  
bnakell@nc.rr.com

Counsel for Defendants are:

Mr. Richard T. Boyette  
Ms. Alycia S. Levy  
Cranfill, Sumner & Hartzog, LLP  
P. O. Box 27808  
Raleigh, N. C. 27611-7808  
Fax: (919) 828-2277  
Rtb@cshlaw.com  
asl@cshlaw.com

Counsel for Defendants Deborah N. Meyer,  
John B. Meuser, and Meyer & Meuser, P.A.

Mr. Steven C. Lawrence  
Anderson, Johnson, et al.  
P. O. Drawer 2737  
Fayetteville, N. C. 28302-2737  
Fax: (910) 483-5005  
slawrence@andersonjohnson.com

Counsel for Defendants AmerLink, Ltd.  
and Richard Spoor

Mr. Patrick D. Sarsfield, II  
Nexsen, Pruet et al.  
201 South Tryon Street, Suite 1200  
Charlotte, N. C. 28202  
Fax: (704) 338-5377  
psarsfield@npjp.com

Counsel for Defendants Kenneth Johnson  
and American Detective Services, Inc.

CERTIFICATE OF SERVICE

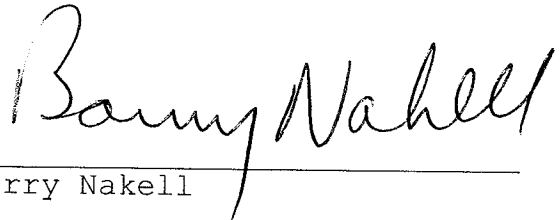
I hereby certify that I have served one copy of this proposed Record on Appeal on all parties required to be served by mailing a copy, first class postage prepaid, addressed as follows:

Mr. Richard T. Boyette  
Ms. Alycia S. Levy  
Cranfill, Sumner & Hartzog, LLP  
P. O. Box 27808  
Raleigh, N. C. 27611-7808

Mr. Steven C. Lawrence  
Anderson, Johnson, et al.  
P. O. Drawer 2737  
Fayetteville, N. C. 28302-2737

Mr. Patrick D. Sarsfield, II  
Nexsen, Pruet et al.  
201 South Tryon Street, Suite 1200  
Charlotte, N. C. 28202

July 17, 2004

  
Barry Nakell

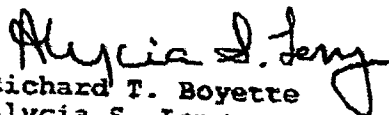
AGREEMENT SETTling RECORD ON APPEAL

Pursuant to Rule 11(c) of the North Carolina Rules of Appellate Procedure, the parties agree to settle the record on appeal in accordance with the attached Index.

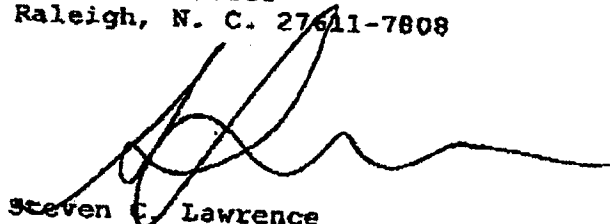
August 13, 2004



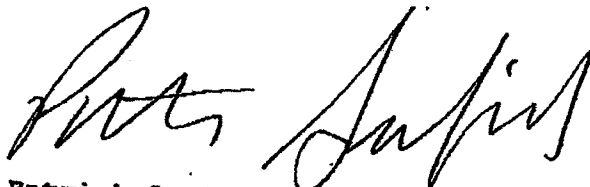
Barry Nakell  
149 Dixie Drive  
Chapel Hill, N. C. 27514  
(919) 967-7325  
Fax: (919) 967-3730  
bnakell@nc.rr.com



Richard T. Boyette  
Alycia S. Levy  
Cranfill, Sumner & Hartzog, LLP  
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Raleigh, N. C. 27611-7808



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P. O. Drawer 2737  
Fayetteville, N. C. 28302-2737



Patrick D. Sarsfield, II  
Nexsen, Pruet et al.  
201 South Tryon Street, Suite 1200  
Charlotte, N. C. 28202