

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

2008 OCT 29 P 1:40 08 CVS 018831  
08E2804

LINDA LEE FISHER, EXECUTRIX OF  
THE ESTATE OF MICHELLE MARIE  
FISHER YOUNG,

Plaintiff,

v.

JASON LYNN YOUNG,

Defendant.

WAKE COUNTY, CSC


MOTION FOR TEMPORARY SEAL OF  
CIVIL ACTION AND ESTATE FILINGS  
AND FOR AUTHORIZATION OF  
PROCESS SERVER

Plaintiff moves the Court for an order requiring the Clerk of Superior Court to seal the file of this civil action and the file of the Estate of Michelle Marie Fisher Young pending service of the Summons and Complaint in this action on the Defendant. As grounds for this Motion, Plaintiff shows the Court that the high probability of media attention to the filing of this action would alert the Defendant of its commencement before he is served with the Summons and Complaint. Plaintiff contends that it is in the interest of justice to temporarily seal said files to insure proper service on Defendant without providing an opportunity to elude or evade service. Plaintiff also contends that it is in the interest of justice for process in this case and the estate matter to be effected by a private process server, as Plaintiff is informed and believes that the Transylvania County Sheriff's Department, like many sheriff's departments, routinely calls and advises defendants of pending process. Therefore, to also insure proper service on Defendant without an opportunity to elude or evade service, Plaintiff moves the Court to authorize Marylee M. Eagle of Carolina Attorney Services, Inc. in Asheville to serve process in this matter and the estate matter.

This the 29<sup>th</sup> day of October, 2008.

MICHAELS & MICHAELS P.A.

BY:   
John A. Michaels, NCSB # 7905

BY:   
Paul J. Michaels, NCSB # 5751  
Attorneys for Plaintiff  
107 Glenwood Avenue  
Raleigh, North Carolina 27603  
(919) 582-2100 (Telephone)  
(919) 582-2141 (Facsimile)

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

COUNTY OF WAKE

FILED 08 CVS 018831  
08E 2804

LINDA LEE FISHER, EXECUTRIX OF  
THE ESTATE OF MICHELLE MARIE  
FISHER YOUNG,

2008 OCT 29 P 1:40

WAKE COUNTY, OSC  
ORDER

Plaintiff,

v.

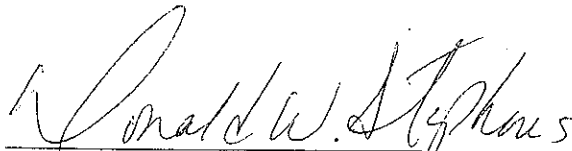
JASON LYNN YOUNG,

Defendant.

This matter comes before the undersigned on Plaintiff's Motion for an order requiring the Clerk of Superior Court to temporarily seal the file of this civil action and the file of the Estate of Michelle Marie Fisher Young pending service of the Summons and Complaint in this action on the Defendant. Having reviewed and considered the grounds for this Motion, the Court finds that it is in the interest of justice to grant the Motion to insure proper service without providing the Defendant an opportunity to elude or evade service. On essentially the same basis, not giving Defendant notice of this action in advance of service, Plaintiff has also moved, in the interest of justice, for authorization for process in this case and the estate matter to be effected by a private process server. The Court also finds the granting of this request to be in the interest of justice, and therefore, it is ORDERED, ADJUDGED AND DECREED as follows:

- (1) The Clerk of the Wake County Superior Court shall keep the file of this civil action and the file of the Estate of Michelle Marie Fisher Young under seal until service of process is obtained against Defendant.
- (2) Plaintiff shall promptly notify the Clerk of the Wake County Superior Court when service is affected, and upon such notice the Clerk of the Wake County Superior Court shall promptly unseal these filings for the public record.
- (3) Marylee M. Eagle of Carolina Attorney Services, Inc. in Asheville is authorized to serve process in this civil action and the estate matter.

This the 29 day of October, 2008.

  
Donald W. Stephens, Senior Resident Judge

STATE OF NORTH CAROLINA

File No.

08CVS 018831

FILED

Wake County

In The General Court Of Justice

District  Superior Court Division

2008 OCT 29 P 1:40

Name Of Plaintiff Linda Lee Fisher, Executrix of the Estate of Michelle Marie Fisher Young

Address

City, State, Zip Sayville NY 11782

WARE COUNTY, CSC

CIVIL SUMMONS

ALIAS AND PLURIES SUMMONS

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

VERSUS

Name Of Defendant(s) Jason Lynn Young

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1 Jason Lynn Young

Name And Address Of Defendant 2

Brevard NC 28712

A Civil Action Has Been Commenced Against You!

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

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

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

Name And Address Of Plaintiff's Attorney (If None, Address Of Plaintiff) Paul J. Michaels and John A. Michaels

Michaels & Michaels P.A. 107 Glenwood Avenue Raleigh NC 27603

Date Issued 10/29/08 Time 1:36  AM  PM

Signature [Handwritten Signature]

Deputy CSC  Assistant CSC  Clerk Of Superior Court

ENDORSEMENT

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement Time  AM  PM

Signature

Deputy CSC  Assistant CSC  Clerk Of Superior Court

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

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

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SUPERIOR COURT DIVISION

08 CVS 018831

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LINDA LEE FISHER, EXECUTRIX OF WAKE] COUNTY, CSC  
THE ESTATE OF MICHELLE MARIE ]  
FISHER YOUNG, ]

Plaintiff, ]

v. ]

JASON LYNN YOUNG, ]

Defendant. ]

COMPLAINT

(JURY TRIAL DEMANDED)

Plaintiff, Linda Lee Fisher, Executrix of the Estate of Michelle Marie Fisher Young, complains of the defendant, Jason Lynn Young, as follows:

1. Plaintiff is the duly appointed Executrix of the Estate of Michelle Marie Fisher Young in Wake County, North Carolina, and she brings this action in such capacity.

2. Plaintiff's decedent (and daughter), Michelle Marie Fisher Young (hereinafter "Michelle Young"), was a citizen and resident of Wake County, State of North Carolina, until her death on November 3, 2006.

3. Defendant, Jason Lynn Young (hereinafter "Jason Young"), is now a resident of Transylvania County, North Carolina.

4. Jason Young was a resident of Wake County, North Carolina until November 3, 2006 or shortly thereafter.

5. Michelle Young and Jason Young were married and resided together at 5108 Birchleaf Drive, Raleigh, N.C. until November 3, 2006.

6. In the early morning hours of November 3, 2006, Jason Young brutally murdered Michelle Young at their residence.

7. Plaintiff brings this action under N.C. Gen. Stat. § 28A-18-2 for the wrongful death of Michelle Young.

8. Pursuant to § 31A-3 and declaratory judgment rights under Article 26 of Chapter 1 of the General Statutes of North Carolina, Plaintiff also seeks a determination by this Court that Jason Young willfully and unlawfully killed Michelle Young or was an accessory before the fact in her murder.

9. Whether Jason Young is determined to be Michelle Young's slayer through this action or through the criminal process, as also provided in § 31A-3, Plaintiff seeks a judgment declaring that Jason Young is barred from collecting any insurance benefits, that Jason Young is subject to all the provisions of Article 3 of Chapter 31A, and directing distribution of any applicable assets or benefits in accordance with said law.

10. At the time of her death, Michelle Young was 29 years of age, pregnant and in excellent health.

11. Michelle Young was the loving and devoted mother of Cassidy Young, who is the beneficiary of this wrongful death claim.

12. Michelle Young was a Certified Public Accountant and an employee of Progress Energy.

13. As a direct and proximate result of Defendant's murder of Michelle Young or his complicity in the murder, Plaintiff is entitled to recover of Defendant all damages available under G.S. 28A-18-2, including but not limited to:

- a. compensation for the horror, pain and suffering of Michelle Young caused by Defendant's fatal assault;
- b. the reasonable funeral expenses for Michelle Young;
- c. the present monetary value to Cassidy of her mother's reasonably expected net income;
- d. the present monetary value to Cassidy for the loss of her mother's reasonably expected services, protection care and assistance;
- e. the present monetary value to Cassidy of her mother's reasonably expected society, companionship, comfort, guidance, kindly offices and advice, and
- f. punitive damages for the murder of Michelle Young.

14. Plaintiff, in her capacity as Executrix for the Estate of Michelle Marie Fisher Young, is entitled to recover from Defendant compensatory damages in an amount in excess of Ten Thousand Dollars.

15. Plaintiff, in her capacity as Executrix for the Estate of Michelle Marie Fisher Young, is entitled to recover from Defendant punitive damages in an amount in excess of Ten Thousand Dollars.

WHEREFORE, Plaintiff, Linda Fisher, in her capacity as Executrix for the Estate of Michelle Marie Fisher Young, respectfully prays to the Court for judgment as follows:

1. That this Court find, pursuant to § 31A-3 of the General Statutes of North Carolina, that Jason Young willfully and unlawfully killed Michelle Young or was an accessory before the fact of her murder;

2. Whether Jason Young is determined Michelle Young's slayer through this action or the criminal process, a judgment declaring that Jason Young was the slayer of Michelle Young;

3. A judgment declaring that Jason Young is barred from collecting any life insurance benefits on the life of Michelle Young;

4. A judgment declaring, directing and applying all applicable provisions of Article 3 of Chapter 31A of the North Carolina General Statutes.

5. That Plaintiff have and recover from Defendant, Jason Young, compensatory damages for the wrongful death of Michelle Marie Fisher Young in an amount in excess of Ten Thousand Dollars;

6. That Plaintiff have and recover from Defendant, Jason Young, punitive damages for the wrongful death of Michelle Marie Fisher Young in an amount in excess of Ten Thousand Dollars;

7. For a trial by jury on all issues so triable;

8. That Plaintiff have and recover from the defendant the costs of court, including interest, to the extent permitted by law;

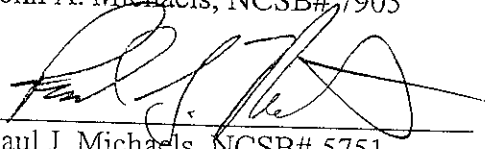
9. That Plaintiff have such other and further relief which the Court deems equitable, just and proper.



This the 29<sup>th</sup> day of October, 2008.

MICHAELS & MICHAELS P.A.

BY:   
John A. Michaels, NCSB# 7905

BY:   
Paul J. Michaels, NCSB# 5751  
Attorneys for Plaintiff  
107 Glenwood Avenue  
Raleigh, North Carolina 27603  
(919) 582-2100 (Telephone)  
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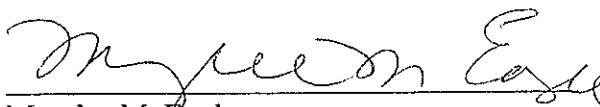
Defendant.

**AFFIDAVIT OF SERVICE**

I, Marylee M. Eagle, being duly sworn, depose and say that, after being appointed to serve process in this case, on the 30<sup>th</sup> day of October, 2008 at 6:30 pm, I delivered a copy of the Civil Summons and Complaint to Jason L. Young in this case to Pat Young, Mother of Jason L. Young, at the address of 41 Mockingbird Lane, Brevard, N.C. 28712, her residence and Jason L. Young's residence.

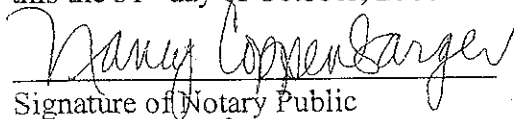
I certify that I am over the age of 18 and have no interest in the above action.

This the 31<sup>st</sup> day of October, 2008.



Marylee M. Eagle  
Carolina Attorney Services, Inc.  
1854-A Hendersonville Rd. #5  
Asheville, N.C. 28803  
828/808-4921

Subscribed and sworn to before me  
this the 31<sup>st</sup> day of October, 2008.

  
Signature of Notary Public

Nancy Coppenbarger  
Printed Name of Notary Public

My Commission Expires: July 31, 2010

