

STATE OF NORTH CAROLINA

WAKE County

File No

In The General Court of Justice
District Court Division

Name of Plaintiffs

Linda L. Fisher and Meredith Lynn Fisher

Address

c/o Michael F. Schilawski and Katie Hardersen King
Wake Family Law Group
4350 Lassiter at North Hills Avenue, Ste. 360

City, State, Zip

Raleigh, North Carolina 27609

VERSUS

Name of Defendant

Jason Lynn Young
41 Mockingbird Lane
Brevard, NC 28712

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

**CIVIL SUMMONS
PROCESS SERVER**
 ALIAS AND PLURIES SUMMONS

To Each of the Defendant(s) Named Below:

Name and Address of Defendant 1

Jason Lynn Fisher

Alternate Address for Defendant

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)

Michael F. Schilawski
Katie Hardersen King
Wake Family Law Group
4350 Lassiter at North Hills Avenue, Suite 360
Raleigh, North Carolina 27609

Date Issued

12/17/2008

Time

11 AM PM

Signature

Jayne M

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.

1. 2008 NC Session, Sec. 50-11

2. 2008 NC Session, Sec. 50-12

NORTH CAROLINA
COUNTY OF WAKE

FILED

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IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
-CVD-

WAKE COUNTY, C.S.C.
LINDA L. FISHER and MEREDITH LYNN FISHER,
Plaintiff
BY _____
-v-
JASON LYNN FISHER,
Defendant

**AFFIDAVIT OF JUDICIAL
ASSIGNMENT**

A copy of this form must be filed with a domestic relations complaint so that a judge can be assigned to the family and a court date will be given for issues other than absolute divorce pursuant to local rules 2.1-2.4

THE UNDERSIGNED certifies the following:

That I, Katie Hardersen King am either the Plaintiff or Counsel for Plaintiff in this action.

1. That there DOES or DOES NOT presently exist a pending civil action in this District involving the same parties, and/or family members (including either parties' children), and/or related family issues, or that *any civil action* WAS or WAS NOT previously filed in this district involving the same parties, and/or family members (including either parties' children), and/or related family issues.

(Pending Superior court case 08 CVS 18831)

2. That the attached Complaint/Petition is:
 A newly filed Complaint/Petition;
 A re-filing of an action with the same legal issues that were previously closed by voluntary dismissal, involuntary dismissal or discontinuance.

3. That District Court Judge _____ previously heard testimony or entered orders in this or a prior action acknowledged above, or in any prior action identified in response to Question number 3, without hearing testimony or entering orders in the same.

4. ISSUES: Divorce CC CS ALM PSS ED
 DBB Other: motion for psychological evaluation of defendant.

This is the 17th day of December, 2008

Katie King
 Plaintiff or Plaintiff's Attorney

FAMILY COURT COMPLETES REMAINDER OF FORM

Judge Assigned:

Sasser Mangum Rozier Walczyk Other _____

Temporary Hearings:

<input checked="" type="checkbox"/>	Child Custody	Date: <u>2-4-09</u>	Time: <u>9:00</u>	Courtroom: <u>9B</u>
<input type="checkbox"/>	Child Support	Date: _____	Time: _____	Courtroom: _____
<input type="checkbox"/>	Post Separation Support	Date: _____	Time: _____	Courtroom: _____
<input checked="" type="checkbox"/>	Other <u>Psychological evaluation of def.</u>	Date: <u>2-4-09</u>	Time: <u>9:00</u>	Courtroom: <u>9B</u>

TOTAL 1 hr.

Ex Parte Hearings

<input type="checkbox"/>	_____ (issues)	Date: _____	Time: _____	Courtroom: _____
<input type="checkbox"/>	Initial Status Conference	Date: _____	Time: _____	Courtroom: _____
Other:				
<input type="checkbox"/>	_____ (issues)	Date: _____	Time: _____	Courtroom: _____
<input type="checkbox"/>	Initial Status Conference	Date: _____	Time: _____	Courtroom: _____

Family Court Case Coordinator: J. Buene

Date: 12-17-08

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Affidavit of Judicial Assignment has been served on the opposing party/counsel in the following manner:

By depositing a copy in the US Mail in a properly addressed, postpaid envelope to:

By hand delivery to:

By confirmed facsimile transmission to the following number:

Other:
Process Server to Defendant, Jason Lynn Young

Date: 12/17/08

Kathleen King
 Plaintiff Attorney for Plaintiff
 Defendant Attorney for Defendant

FILED

<p>STATE OF NORTH CAROLINA COUNTY OF WAKE</p>	<p>IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION WAKE COUNTY, N.C. FILE NO.</p>
<p>LINDA L. FISHER & MEREDITH LYNN FISHER, Plaintiffs</p> <p>v.</p> <p>JASON LYNN YOUNG, Defendant.</p>	<p>BY _____</p> <p>CHILD CUSTODY COMPLAINT</p> <p>MOTION FOR PSYCHOLOGICAL EVALUATION OF DEFENDANT</p>

NOW COME the Plaintiffs, by and through counsel, complaining of the Defendant, and allege and say as follows:

1. Plaintiff Linda L. Fisher ("Plaintiff Linda Fisher") is a citizen and resident of Sayville, New York. Plaintiff Linda Fisher is the biological mother of Plaintiff Meredith Lynn Fisher ("Plaintiff Meredith Fisher") and the biological mother of Michelle Marie Fisher Young, now deceased. She is the maternal grandmother of Cassidy Elizabeth Young, born March 29, 2004, the minor child who is the subject of this action. Plaintiff Linda Fisher is unmarried, having been divorced in June, 1995.
2. Plaintiff Meredith Fisher is a citizen and resident of Wake County, North Carolina and has been a citizen and resident of North Carolina for more than six (6) months prior to the commencement of this action. Plaintiff Meredith Fisher is the daughter of Plaintiff Linda Fisher and the sister of Michelle Marie Fisher Young, now deceased. She is the maternal aunt of Cassidy Elizabeth Young, the minor child who is the subject of this action.

3. Plaintiff Meredith Fisher is unmarried and resides at 1532 Lake Glen Drive, Fuquay-Varina, Wake County, North Carolina. Said residence is owned by Plaintiff Linda Fisher.
4. The Defendant is a citizen and resident of the State of North Carolina and has been so for more than six (6) months prior to the date of commencement of this action. Defendant resided in Wake County, North Carolina at 5108 Birchleaf Drive, Raleigh, North Carolina until approximately November 3, 2006. On or about November 9, 2006, the Defendant began staying at the residence of his sister and brother-in-law in Etowah, North Carolina. Defendant is currently staying at the home of his mother, Pat Young, in Brevard, North Carolina.
5. The Defendant married Michelle Marie Fisher Young on or about August 12, 2003 in Raleigh, Wake County, North Carolina. One (1) child was born to the marriage of Defendant and Michelle Marie Fisher Young, namely: Cassidy Elizabeth Young ("Cassidy"), born March 29, 2004.
6. In the early morning hours of November 3, 2006, the Defendant brutally murdered Michelle Marie Fisher Young ("Michelle") at their residence. Michelle was pregnant with Defendant's son at the time of her murder. Upon information and belief, Cassidy was in the residence at the time the Defendant murdered her mother.
7. The Defendant sold the residence in June 2008. The Defendant still owns a residence in Wake County located at 5304 Arete Way, Raleigh, North Carolina.
 - a. Pursuant to N.C. Gen. Stat., Section 50A-201, facts exist which justify this Court's assumption of jurisdiction to determine custody of the minor child,

Cassidy, and, pursuant to N.C. Gen. Stat., Section 50A-209, Plaintiffs respectfully show the Court the following information:

- b. From the date of her birth until approximately June 2005, Cassidy resided at 5304 Arete Way, Raleigh, North Carolina 27607 with Defendant and Michelle; from approximately June 2005 until approximately November 3, 2006, Cassidy resided at 5108 Birchleaf Drive, Raleigh, North Carolina 27606 with the Defendant and Michelle; from approximately November 3, 2006 until the date of filing this Complaint, Cassidy has resided with the Defendant at the residence of his sister and brother-in-law at 132 Timberline Drive, Etowah, North Carolina and is currently staying at the residence of the Defendant's mother, Pat Young, at 41 Mockingbird Lane, Brevard, North Carolina.
 - c. The Plaintiffs have not participated as parties, witnesses or in any other capacity in any other litigation concerning the custody of Cassidy in this or any other state.
 - d. The Plaintiffs have no information as to any custody proceeding concerning Cassidy pending in a court of this or any other state.
 - e. The Plaintiffs know of no other person not a party to these proceedings who has physical custody of Cassidy or who claims to have custody or visitation rights with respect to said minor child.
8. In order to avoid controversy between the parties with regard to the custody of Cassidy, it is in the best interests of all concerned, that this Court make an award of

custody of the minor child as well as providing visitation privileges with the minor child.

9. The Plaintiffs have enjoyed a close and loving relationship with Cassidy since her birth. Prior to Michelle's murder and Defendant's removing the minor child from Wake County, Plaintiff Linda Fisher, who is retired, would fly from New York each month to visit with Cassidy and purchased a home in Wake County with the hope of moving there and helping care for Cassidy and her unborn grandson. Prior to Michelle's murder and Defendant's removing the minor child from Wake County, Plaintiff Meredith Fisher would visit with Cassidy several times a week and, on occasion, would pick up Cassidy from daycare and spend the day with her. In addition, Plaintiff Meredith Fisher served as a nanny for Cassidy from approximately March 2004 through August 2005. Cassidy is attached to the Plaintiffs. Despite the Defendant's and his family's efforts to exclude the Plaintiffs from Cassidy's life, as set out below, a strong bond continues to exist between Cassidy and the Plaintiffs.
10. The Plaintiffs, jointly and individually, are fit and proper persons to have the care, custody and control of Cassidy, and it would be in Cassidy's best interests for her custody to be awarded to Plaintiffs. The Plaintiffs are both financially, physically, and emotionally able to care for Cassidy, and each can provide a safe and suitable home for Cassidy.
11. The Plaintiffs are better able than Defendant to encourage and facilitate relationships between Cassidy and both sides of her extended family. They can better help

Cassidy process the loss of her mother and to be in a secure environment in which to talk about Michelle and remember her.

12. Extreme tension exists between the Plaintiffs and the Defendant and between the Plaintiffs and Defendant's family. Defendant and his family are unable and/or unwilling to encourage Cassidy's relationship with the Plaintiffs.
13. Since the Defendant removed the minor child from Wake County, the Plaintiffs have made repeated, consistent efforts to have telephone and personal contacts with Cassidy. Except for limited contact allowed by the Defendant and/or his family, the Defendant has consistently denied telephone and personal contact between the Plaintiffs and Cassidy. In addition, gifts that Plaintiffs have sent to Cassidy (including all Christmas presents from the Plaintiffs and their extended family) have been returned, unopened, to the Plaintiffs.
14. The Defendant has not provided a stable living environment for Cassidy since leaving Wake County in November 2006 and has been staying at the homes of family members.
15. Upon information and belief, the Defendant relies primarily on family members to care for Cassidy instead of providing such care himself. Prior to Michelle's murder, Michelle was the primary caregiver of Cassidy.
16. Prior to Michelle's murder, the Defendant engaged in a pattern of conduct that was degrading to Michelle, erratic, and inappropriate. Such conduct includes, but is not limited to:

- a. Upon information and belief, the Defendant engaged in extramarital affairs and sexual relationships with several women in the weeks and months before Michelle's murder. The Defendant allowed one such woman, who will be identified at trial, to stay in the home of the Defendant and Michelle in the month prior to Michelle's murder. Upon information and belief, the Defendant brought this woman to Cassidy's daycare on more than one occasion.
 - b. On many occasions, the Defendant drank alcohol to excess and behaved in an uncontrollable manner. Upon information and belief, on one such occasion approximately two months before Michelle's murder, Defendant became intoxicated and was taken to the bathroom at a friend's home. He came out of the bathroom naked and sat down on the couch.
 - c. The Defendant behaved in an immature manner, using "bathroom humor" frequently. Upon information and belief, the Defendant would frequently engage in "penis tricks," in which he would expose his penis to others at social events. Upon information and belief, the Defendant wanted to live and behave as if he were a bachelor. The Defendant spoke often about sex with inappropriate detail and at inappropriate times.
 - d. The Defendant publicly berated and was cruel to Michelle. There was escalating disharmony between the Defendant and Michelle in the weeks prior to her murder.
17. The Defendant has not behaved as a grieving spouse would since Michelle's murder. Upon information and belief, the Defendant has continued contact since

Michelle's murder with at least one woman with whom he was sexually involved prior to Michelle's murder. Upon information and belief, in recent months, the Defendant has attempted to solicit dates online, even posting pictures of the minor child as part of his dating efforts.

18. The Defendant has not cooperated with law enforcement in the murder investigation of his wife.
19. The Defendant was unemployed from November 2006 until April 2007. He was fired from his most recent job in September 2008. He is currently unemployed and has generated little or no income.
20. On December 5, 2008, a Judgment was entered against the Defendant in Wake County Superior Court under caption 08 CVS 18831 which declared that the Defendant "willfully and unlawfully killed" Michelle, and, as a result of that Judgment the Defendant is barred from collecting any insurance proceeds payable on Michelle's life or from inheriting any property from Michelle's estate.
21. For the reasons stated above and others as may be proven at trial, the Defendant is not a fit and proper person to have the care, custody and control of Cassidy. By his conduct as set out herein, the Defendant has acted inconsistently with his Constitutionally-protected status as the biological parent to Cassidy.
22. The Plaintiffs have been allowed no personal contact with Cassidy since a visit in October 2008, which required extensive attorney involvement to facilitate. They are in need of a temporary custody order establishing immediate contact with Cassidy.

MOTION FOR PSYCHOLOGICAL EVALUATION OF DEFENDANT

NOW COME the Plaintiffs, by and through their undersigned counsel, and move the Court pursuant to Rule 35 of the North Carolina Rules of Civil Procedure and Rule 706 of the North Carolina Rules of Evidence for the appointment of a qualified physician or psychologist to conduct a psychological evaluation of the Defendant to assist the Court in determining the issue of custody and visitation. In support of said motion, the Plaintiffs respectfully show unto the Court the following:

1. The allegations set out in the Plaintiffs' Child Custody Complaint (above) are incorporated herein by reference.
2. The Defendant is not a fit and proper person to have custody of the minor child for the reasons articulated in the Plaintiffs' Complaint.
3. The Plaintiffs have concerns about the parenting ability of the Defendant and his mental and emotional state, as articulated in Plaintiffs' Complaint, and believe that a psychological evaluation of the Defendant would aid the Court in making a determination regarding custody and visitation.
4. Good cause exists for the appointment of a qualified physician or psychologist to do a psychological evaluation of the Defendant to assist the Court in making a determination as to the custodial/visitation arrangement in the minor child's best interests.

WHEREFORE, Plaintiffs respectfully pray of the Court as follows:

1. That this verified Complaint be accepted and taken as an affidavit in support of Plaintiffs' claims;

2. That temporary and permanent orders be entered awarding the Plaintiffs, jointly and/or individually, the exclusive care, custody and control of the minor child, Cassidy Elizabeth Young;
3. That the Court appoint a qualified physician or psychologist to conduct a psychological evaluation of the Defendant to assist the Court in making a determination regarding custody and visitation of the minor child with the cost of such evaluation to be borne by the Defendant;
4. That the costs of this action, including Plaintiffs' reasonable attorney's fees, be taxed against the Defendant; and
5. That Plaintiffs have such other and further relief as the Court may deem just and proper.

This the 17th day of December, 2008.

WAKE FAMILY LAW GROUP
Board-Certified Family Law Specialists
Attorneys for Plaintiffs

Michael F. Schilawski

Michael F. Schilawski, Attorney at Law
N.C. Bar # 10511
Sokol McLamb Schilawski Oliver Ladd & Grace, PLLC
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919.787.4040

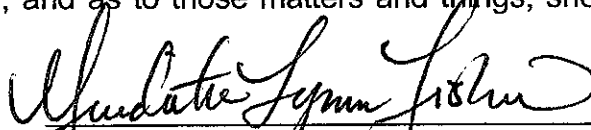
Katie Hardersen King

Katie Hardersen King, Attorney at Law
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Raleigh, NC 27609
919.787.4040

STATE OF NORTH CAROLINA
COUNTY OF WAKE

VERIFICATION

MEREDITH LYNN FISHER, being first duly sworn, deposes and says that she is a Plaintiff in the above-entitled action, that she has read the foregoing Complaint and knows the contents thereof, that the same are true of her own knowledge, except as to those matters and things stated upon belief, and as to those matters and things, she believes them to be true.


Meredith Lynn Fisher, Plaintiff

WAKE COUNTY
NORTH CAROLINA

I certify that the following person personally appeared before me this day, and

- I have personal knowledge of the identity of the principal; OR
- I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a _____; OR
- a credible witness has sworn to the identity of the principal.

She voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Meredith Lynn Fisher.

Date: 12/16/08 Danna T. Whitfield (SEAL)
Danna T. Whitfield, Notary Public



My commission expires: 12/11/2010

STATE OF New York
COUNTY OF Suffolk

VERIFICATION

LINDA L. FISHER, being first duly sworn, deposes and says that she is a Plaintiff in the above-entitled action, that she has read the foregoing Complaint and knows the contents thereof, that the same are true of her own knowledge, except as to those matters and things stated upon belief, and as to those matters and things, she believes them to be true.

Linda L. Fisher
Linda L. Fisher, Plaintiff

STATE OF New York
COUNTY OF Suffolk

I certify that the following person personally appeared before me this day, and

- I have personal knowledge of the identity of the principal; OR
- I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a NVDL # 490927952; OR
Ex. 12-3-09
- a credible witness has sworn to the identity of the principal.

She voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Linda L. Fisher.

Date: Dec. 11, 2008

_____(SEAL)

[Signature], Notary Public

Mark G. Gustinvil
Notary Public, State of New York
No. 0130612375
Qualified in Suffolk County
Commission Expires April 18, 2009
(Official Seal)

My commission expires: April 18, 2009

08.10.2018

FILED



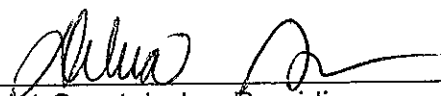
STATE OF NORTH CAROLINA COUNTY OF WAKE	THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION FILE NO.
LINDA L. FISHER & MEREDITH LYNN FISHER, Plaintiffs	ORDER [Temporarily Sealing Court File Pending Service of Process and Authorization of Private Process Server]
v.	
JASON LYNN YOUNG, Defendant.	

This matter came before the undersigned District Court judge upon the request of Plaintiffs for an order temporarily sealing the court file in this civil action pending service of the Summons and Complaint in this matter upon Defendant. Plaintiffs have further requested that a private process server be authorized to effect service of the Summons and Complaint upon Defendant. Having reviewed and considered Plaintiffs' motion, the Court finds that it is the interest of justice and in the best interest of the minor child, who is the subject of this action, that service upon Defendant be effectuated in a prompt manner and without Defendant having an opportunity to evade or avoid service.

Therefore, it is ORDERED, ADJUDGED, AND DECREED that:

1. Ian Gray of Carolina Attorney Services, Inc. of Asheville, North Carolina is authorized to serve process of the Summons and Complaint in this action.
2. The Clerk of Court shall keep the file of this action under seal until such time as Defendant has been served with the Summons and Complaint. Plaintiffs' counsel shall promptly notify the Clerk when service upon Defendant has been effectuated, and, upon such notice, the Clerk shall promptly unseal the file in this action.

This is the 17th day of December, 2008.



District Court Judge Presiding

FILED

STATE OF NORTH CAROLINA COUNTY OF WAKE	2008 DEC 17 AM 11:49	IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION
LINDA L. FISHER & MEREDITH LYNN FISHER, Plaintiffs	WAKE COUNTY, C.S.C.	FILE NO.
v. JASON LYNN YOUNG, Defendant.	BY _____	MOTION IN THE CAUSE [Authorization of Process Server and Temporary Seal of Custody Action]

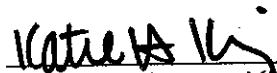
NOW COME PLAINTIFFS and move the Court pursuant to Rule 4 of the North Carolina Rules of Civil Procedure for an order authorizing a private process server to serve process in this matter and for an order requiring the Clerk of Court to seal the file in this action until such time as the Defendant has been served with the Summons and Complaint. In support of such motion, Plaintiffs show the Court:

1. There is a high likelihood of media attention involving these parties, and it is Plaintiffs' belief that Defendant will evade or elude service of process once alerted to the filing of this action. Temporarily sealing the court file in this action would prevent Defendant's being alerted to the filing of the action via the media before service is effectuated.
2. Upon information and belief, Defendant is currently staying with the minor child in Transylvania County, North Carolina. Upon information and belief, the Transylvania County Sheriff's Department will routinely notify defendants of pending process in an effort to achieve service, which would give Defendant an opportunity to elude or evade service of process.
3. It is Plaintiffs' belief that a private process server may be able to achieve service on Defendant more quickly and without requiring the resources of local law enforcement. Due to the nature of this action (custody of a minor child), prompt service of process would serve the interest of justice and the best interests of the minor child.
4. Plaintiffs requests that Ian Gray of Carolina Attorney Services, Inc. in Asheville, North Carolina be authorized to effect service.
5. It is in the interest of justice that the file in this action be temporarily sealed, pending service of process on Defendant, and that a private process server be authorized to effect service.

WHEREFORE the Plaintiffs request that the Court enter an order temporarily sealing the court file in this action, pending service of process upon Defendant, and authorizing Ian Gray of Carolina Attorney Services, Inc. to serve process in this action.

This the 17th day of December, 2008.

WAKE FAMILY LAW GROUP
Board-Certified Family Law Specialists
Attorneys for Plaintiffs



Katie Hardersen King, Attorney at Law
N.C. Bar # 28562
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