

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO: 18 CVD 345

FILED
2018 NOV -1 AM 10:28

RUSSELL L. McLEAN
Plaintiff

HAYWOOD COUNTY, C.S.C.

NOV 9 2018


Vs.

LISA A. KOSIR
Defendant

MOTION FOR EXTENSION
OF TIME

NOW COMES the Defendant pursuant to N.C.G.S §1-85 and moves for a 30 day Extension of Time in which to answer or otherwise respond to the Plaintiff's Request for Production of Documents. That the Plaintiff's Request for Production of Documents were served by personal service on the 4th day of October, 2018 and the time to reply or otherwise respond has not expired.

This the 1st day of November, 2018.


Bill J. Jones, Attorney at Law
89 Walnut Street
Waynesville, NC 28786
Telephone: 828-456-2886
Bar No. 25594

ORDER

THIS CAUSE being heard by the undersigned Clerk on Motion of Defendant for an order extending time in which to provide answers or otherwise respond to the Plaintiff's Request for Production of Documents pursuant to the North Carolina Rules of Civil Procedure; and to it appearing to the Court that the time allowed has not expired and that the Motion should be allowed.

IT IS THEREFORE ORDERED that the Defendant's time for answering or otherwise responding to the Plaintiff's Request for Production of Documents be extended an additional thirty (30) days, up to and including the 3rd day of December, 2018.

This is the 01st day of November, 2018.


Haywood County Clerk of Superior Court

FILED
NOV 13 2018
WAYWOOD COUNTY, C.S.C.


CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing document, upon each party to this cause, or the attorney(s) of record for said party, in accordance with Rule 5 of the NC Rules of Civil Procedure by:

- Personal delivery by myself or an employee or agent of my office
- Depositing a copy of the same in a receptacle of the United States Postal Service, with adequate postage affixed thereon
- Facsimile
- Email

Virginia Jordan, Attorney at Law
154 North Main Street, Suite 1
Waynesville, NC 28786

This the 1st day of November, 2018.



Bill J. Jones, Attorney at Law, P.A.
89 Walnut Street
Waynesville, NC 28786
Phone: (828) 456-2886
Fax: (828) 456-2887
Bar No: 25594

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

FILED
2018 NOV -1 AM 10
IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO: 18 CVD 345

McLEAN LAW FIRM, P.A.
Plaintiff

HAYWOOD COUNTY, C.S.C.


Vs.

LISA A. KOSIR
Defendant

MOTION FOR EXTENSION
OF TIME

NOW COMES the Defendant pursuant to N.C.G.S §1-85 and moves for a 30 day Extension of Time in which to answer or otherwise respond to the Plaintiff's Request for Admissions. That the Plaintiff's Request for Admissions were served by personal service on the 4th day of October, 2018 and the time to reply or otherwise respond has not expired.

This the 1st day of November, 2018.

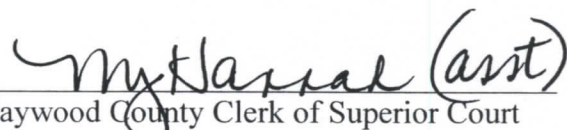

Bill J. Jones, Attorney at Law
89 Walnut Street
Waynesville, NC 28786
Telephone: 828-456-2886
Bar No. 25594

ORDER

THIS CAUSE being heard by the undersigned Clerk on Motion of Defendant for an order extending time in which to provide answers or otherwise respond to the Plaintiff's Request for Admissions pursuant to the North Carolina Rules of Civil Procedure; and to it appearing to the Court that the time allowed has not expired and that the Motion should be allowed.

IT IS THEREFORE ORDERED that the Defendant's time for answering or otherwise responding to the Plaintiff's Request for Admissions be extended an additional thirty (30) days, up to and including the 3rd day of December, 2018.

This is the 01st day of November, 2018.


Haywood County Clerk of Superior Court

FILED
CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing document, upon each party to this cause, or the attorney(s) of record for said party, in accordance with Rule 5 of the NC Rules of Civil Procedure by:

2018 NOV - 1 AM 10:28
WAYNE COUNTY, C.S.C.
BY _____

Personal delivery by myself or an employee or agent of my office


Depositing a copy of the same in a receptacle of the United States Postal Service, with adequate postage affixed thereon

Facsimile

Email

Virginia Jordan, Attorney at Law
154 North Main Street, Suite 1
Waynesville, NC 28786

This the 1st day of November, 2018.



Bill J. Jones, Attorney at Law, P.A.
89 Walnut Street
Waynesville, NC 28786
Phone: (828) 456-2886
Fax: (828) 456-2887
Bar No: 25594

STATE OF NORTH CAROLINA

HAYWOOD

County

2018 OCT 31 PM 1:50

File No.

10 CVD 345

Film No.

In The General Court Of Justice

District Superior Court Division Small Claims

Name Of Plaintiff/Petitioner

MCLEAN LAW FIRM PA
RUSSELL MCLEAN

VERSUS

Name Of Defendant/Respondent

LISA A. KOSIR

ORDER

DISMISSAL With Prejudice Without Prejudice

This action is dismissed for the following reason:

- The plaintiff elected not to prosecute this action and has moved for dismissal.
- Neither the plaintiff, nor the defendant appeared on the scheduled trial date.
- The plaintiff failed to appear on the scheduled trial date; the defendant did appear on that date and has moved to dismiss this action.
- Other:

DISCONTINUANCE [G.S. 1A-1, Rule 4(e)]

The defendant has never been served in this action, and more than ninety (90) days have elapsed since the last summons was issued.

CONTINUANCE

The trial of this action is continued to the following date and time on motion of the

- Plaintiff
- Defendant
- Judge or Magistrate
- Other: (specify)

NOT REACHED

Date Of New Trial

01-07-2019

Time Of New Trial

0900

AM PM

Location Of New Trial

HAYWOOD CO DOMESTIC RELATIONS SESSION

BANKRUPTCY

It is ordered that this action be removed from the active calendar and placed on inactive status because a petition for bankruptcy has been filed staying this proceeding. This action may be reinstated if the claim is not resolved in the U.S. Bankruptcy or District Courts.

Date

10-31-2018

Signature

Judge Magistrate
 Assistant CSC Clerk Of Superior Court

STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE

COUNTY OF HAYWOOD

2018 OCT -4 PM 4: FILE NO: 18 CVD 345

DISTRICT COURT DIVISION

MCLEAN LAW FIRM, P.A.,

HAYWOOD COUNTY, C.S.C

Plaintiff,

MOTION TO INTERVENE

vs.

LISA A. KOSIR,

Defendant.

NOW COMES the undersigned pursuant to North Carolina Rule 24 of the Rules of Civil procedure and moves the Court for permission to intervene as a party plaintiff in this action on the following grounds;

1. That on April 2nd 2018 the locks at the Plaintiffs business were changed and the Defendant had no key or access to the premises and had no permission to be on the premises of the Law Firm, and the property was posted.
2. That the Defendant has heretofore admitted that the locks where changed and that she knew that at the time, and she had no key which gave rise to her wrongful entry into the premises.
3. The Defendant without permission, just cause or right, took and removed a 700 Samsung computer belonging to Mclean Law Firm P.A. which had been purchased in the year 2013.
4. After a Lawsuit was filed against the Defendant as set forth in this matter herein and an order entered in by the Honorable Judge Donna Forga, the Sherriff's Office of Haywood County located the Plaintiff's computer and seized the same.
5. That the computer was located at the Defendant's previous residence at the Maggie Valley Inn, and conference center (room 205). The computer was then seized by the Sheriff's department and placed into evidence with the Sheriff's department.
6. Thereafter pursuant to an order entered by the Honorable Judge Donna Forga, a company known as New Meridian mirrored imaged the files belonging to Mclean Law Firm P.A. which included trust accounts belonging to the Plaintiffs clients as well as computer files

in the name of the Intervener and the Defendant and other files that were placed on that computer by the named Defendant.

7. Since May the 25th 2018 the Intervener has been unable to access 3 files belonging to the Intervener as well as files belonging to the Defendant named herein.
8. The Intervener has attempted through communication with the Plaintiffs' lawyer and with the program known as Quick books to locate the administrative password or to change the password, which Quick Books has refused to change the password without permission of the Defendant or sufficient documentation to establish that the Defendant is no longer the responsible party having access to the password.
9. That the Intervener is in need of obtaining the information contained on the files which are subject to the Defendant,s administrative password.
10. The Petitioner herein named has no way of securing the passwords necessary to access to the computer files on the mirror imaged program delivered to the undersigned by New Meridian without the Defendants password access to those programs.
11. That the applicant for Intervention has in this action common facts which would provide facts in common with the Plaintiff's use of its corporate files and a common question of fact in that the administrative password is common to all files contained thereon on the said computer program.

WHEREFORE, having fully prayed the applicant requests the following:

1. For an Order permitting him to intervene in this action as an individual.
2. That the petitioner be allowed to file a complaint in this action to recover access to his property.
3. The cost of this action be taxed to the Defendant.
4. For such other and further relief as the Court may deem just and proper.

This the 4th day of October, 2018.



Russell L. Mclean III
Pro Se
P.O. Box 4
Waynesville, NC 28786
Phone: 828-452-2896

FILED

CERTIFICATE OF SERVICE

2018 OCT -4 PM 4:30

WAYNE COUNTY, C.S.C.

I hereby certify that I have this day served a copy of the foregoing Motion by U.S. Mail to the following:

BY _____

Joy McIver
89 Montford Avenue
Asheville, NC 28801

Bill Jones
89 Walnut St.
Waynesville, NC 28786

This the 4th day of October 2018.



Russell L. McLean, III
Pro Se
P.O. Box 4
Waynesville, NC 28786
Phone: (828) 452-2896
Fax: (828) 356-6517