

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

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

FILED
12/6/19 8:34am
HAYWOOD COUNTY C.S.C.
BY C

MCLEAN LAW FIRM, P.A.
Plaintiff

Vs.

MOTION FOR RETURN OF SEIZED
PROPERTY

LISA A. KOSIR (now Meislahn)
Defendant

DEC 6 2019

NOW COMES the Defendant, Lisa A. Kosir, now Meislahn, and moves that the Court return to her a Samsung computer seized in the above captioned matter, and in support of this motion alleges and says as follows:

1. That the Defendant purchased the computer from Best Buy on the 6th day of May 2013 using her Discover Credit Card, with the total purchase price being \$1,273.25.
2. That the Defendant then paid for the computer by paying her credit card bill with a withdrawal from a account at Mountain 1st bank.
3. That the computer was placed into the custody of the Haywood County Sheriff's Department pursuant to an ex parte order in this matter, and then Meridian Technologies.
4. That the computer should be returned to the Defendant, with any files belonging to McLean Law Firm, P.A., being "purged" pursuant to a previous order of the Court.
5. That the cost of this action, including Defendant's reasonable attorney's fees, be taxed against the Plaintiff.

WHEREFORE, the Defendant prays judgment as follows:

1. That the Court direct the Samsung computer seized in the above captioned matter be returned to the Defendant.
2. That in the alternative, ownership and rightful possession of the Samsung Computer referenced in the above captioned matter be determined in the equitable distribution matter pending between the parties, in Haywood County File No: 18cvd 608.

3. That the cost of this action, including Defendant's reasonable attorney's fees, be taxed against the Plaintiff.

This is the 6th day of December, 2019.



Bill Jones, Attorney for Defendant
89 Walnut St.
Waynesville, NC 28786
(828)456-2886
Bar No: 25594

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

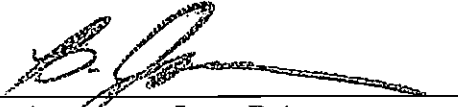
Depositing a copy of the same in a receptacle of the United States Postal Service, with adequate postage affixed thereon

Facsimile

Email

Meredith Vuotto, Attorney at Law
98 Hemlock Street
Waynesville, NC 28786

This the 6th day of December, 2019.



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
COUTY OF HAYWOOD

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

FILED
12/6/19 @ 8:53 am
HAYWOOD COUNTY C.S.C.
BY C

McLEAN LAW FIRM, P.A.)
Plaintiff)
Vs.)
LISA A. KOSIR)
Defendant)
_____)

DEFENDANT'S AMENDED
RESPONSES TO
REQUESTS FOR ADMISSIONS


To: McLean Law Firm, P.A., Plaintiff
c/o Meredith Vuotto, Attorney at Law
98 Hemlock Street
Waynesville, NC 28786

NOW COMES the Defendant and hereby submits amended responses to Request for Admissions.

10. That in June 2013, McLean Law firm P.A. (hereinafter "the law firm") reimbursed the Defendant's discover credit card by payment of \$2500.00 to its credit card services by check from law firm.

ANSWER: That the Defendant objects to this request for admission as it is not relevant to the pending motions in this matter. Without waiving objection, the Defendant denies the allegations contained in request for admission 10.

This the 5th day of December, 2019.



Bill J. Jones
Attorney for the Defendant
89 Walnut Street
Waynesville, North Carolina 28786
(828) 456-2886
NC Bar # 25594

VERIFICATION TO ACCOMPANY
REQUEST FOR ADMISSIONS

I, Lisa Meislahn (formally Lisa A. Kosir), the undersigned Defendant in this matter, being first duly sworn, state that the attached responses are true to the best of his knowledge and belief, except for those allegations set forth upon information and belief, and as to those allegations, he believes them to be true.

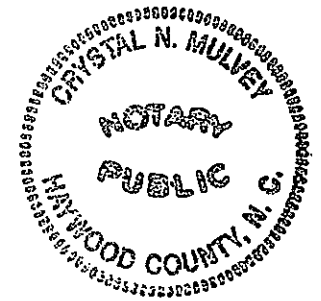
Lisa Meislahn
Lisa Meislahn, Defendant

State of North Carolina
County of Haywood

Sworn to and subscribed before me this the 5th day of December, 2019.

Crystal N. Mulvey
Crystal N. Mulvey
Notary Public

April 18, 2021
My Commission Expires:



CERTIFICATE OF SERVICE

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Facsimile

Email

Meredith Vuotto, Attorney at Law
98 Hemlock Street
Waynesville, NC 28786

This the 6th day of December, 2019.



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

FILED
2019 DEC -3 AM 10: 23

HAYWOOD COUNTY, C.S.C.

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO.: 18 CVD 608
FILE NO.: 18 CVD 345

RUSSELL L. MCLEAN, III,

Plaintiff

vs.

LISA A. KOSIR

Defendant

MOTION TO AMEND CAPTION

NOW COMES the Plaintiff and ask of the Court to amend the caption pursuant to North Carolina Rule of Civil Procedure, North Carolina Rules of Civil Procedure 15 (a) and (d), in the above matter and shows unto the Court the following:

1. The Defendant's legal name at the filing, 18 CVD 608, of this and related matters was Lisa Kosir.
2. Earlier this year, Plaintiff became aware that Ms. Kosir had married Bill Meislahn.
3. Following that, Plaintiff further became aware that Defendant legally changed her name to Lisa Meislahn.
4. Additionally, Plaintiff filed an additional pleading in the above-captioned case regarding the return of a law firm computer which is captioned Haywood County 18 CVD 345. Here, the Plaintiff is McLean Law Firm P.A. and the Defendant is named Lisa Kosir.
5. Correctly name the Defendant and in the interest of judicial economy, Plaintiff moves to amend the Defendant's name in 18 CVD 345 from Lisa Kosir to Lisa Meislahn as well.

WHEREFORE, the Plaintiff respectfully prays unto the Court for the following:

1. That the caption, and other references to, and filings in this and related matter(s), for the Defendant be amended from Lisa Kosir to Lisa Meislahn.

This the 3rd day of December, 2019



Russell L. McLean III
P.O. Box 4
Waynesville, NC 28786
Phone: 828-452-2896
rlmclean3@aol.com

FILED

STATE OF NORTH CAROLINA 2019 NOV 26 AM 10:24 IN THE GENERAL COURT OF JUSTICE
COUNTY OF HAYWOOD HAYWOOD COUNTY, C.S.C. DISTRICT COURT DIVISION
18 CVD 345

BY _____

McLEAN LAW FIRM, P.A.

Plaintiff

NOTICE OF HEARING

vs.

LISA KOSIR

Defendant

PLEASE TAKE NOTICE that on the SESSION BEGINNING 12/6/2019, before the Honorable Judge Brittain, the undersigned will bring the following for hearing:

- Plaintiff's Motion to Assess Costs and Release and Return of Computer

This the 26th day of November, 2019

[Handwritten Signature]

Plaintiff
 Attorney for Plaintiff

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a copy of the foregoing Motion and Notice of Hearing to on the opposing party or opposing counsel in the above entitled action in the following manner:

- By hand delivering a copy to the office of Mr. Bill Jones.
- By mailing a copy of the motion enclosed in a postage paid envelope properly addressed to:

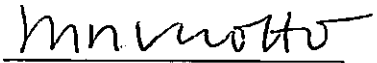
Bill J. Jones Attorney at Law, Attorney of Record for Ms. Kosir

89 Walnut St.

Waynesville, NC 28786

- By sending a facsimile copy to 828-456-2887.
- By telephonic communication to the office of Mr. Jones on November 25th, 2019.
- By leaving a copy in the Justice Center attorney box of Mr. Jones on November 26th, 2019.

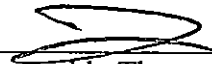
This is the 26th day of November 2019.



Meredith Norris Vuotto
Attorney for Plaintiff, NC State Bar 43103
98 Hemlock Street
Waynesville, NC 28786
Telephone (828) 476-8169
Meredith@nclicensehelp.com

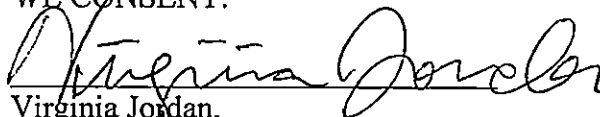
7. In the event the above referenced accounts are accessed by the Plaintiff, then Plaintiff's motion shall be deemed moot.
8. That in the event this matter needs to be heard further, it may be heard out of county, district, session and term before the Honorable Judge Thomas Brittain Jr.

This the 10th day of January, 2019.




The Honorable Thomas Brittain Jr.
DISTRICT COURT JUDGE PRESIDING

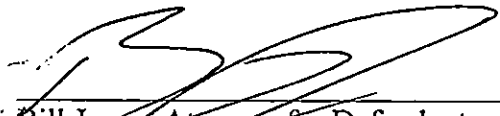
WE CONSENT:



Virginia Jordan,
Attorney for Plaintiff



Russell McLean III,
President of McLean Law Firm P.A.



Bill Jones, Attorney for Defendant



Lisa Kosir, Defendant

FILED

2018 SEP -3 AM 10:41

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

C.S.C.

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

MCLEAN LAW FIRM, P.A.
Plaintiff

Vs.

MOTION TO DISMISS A
MOTION TO COMPEL

LISA A. KOSIR
Defendant


NOW COMES the Defendant moving that a pleading filed in the above captioned matter be dismissed, and stricken, and in support of this motion the Defendant alleges and says as follows:

1. That on the 26th day of September, 2018 a Motion to Compel was filed in the above captioned matter.
2. That the motion alleges that the Defendant, Lisa Kosir was served with Request for Production of Documents on the 2nd day of July, 2018; however, the undersigned attorney for this matter was not, at that time, served with interrogatories.
3. That the motion alleges that a copy of the interrogatories are attached to the motion; however, there is no attachment.
4. That paragraph 4 of the motion alleges that the undersigned attorney, Russell McLean III, made notice to produce discovery within 10 days, and certifies that this request was made to Joy McIver. Mrs. McIver was never the attorney of record in this matter, and the undersigned is still attorney of record in this matter.
5. That the requests are signed by Russell McLean III; however, this motion is also improper as the Honorable Judge Tessa Sellers entered an order of disqualification on June 7, 2018 preventing Mr. Mclean from acting as the attorney in this matter.
6. That the Defendant was subsequently served with Requests for Admissions and Request for Production of Documents in the above captioned matter; however, these requests were not served until October 4, 2018.

WHEREFORE, the Defendant respectfully prays judgment as follows:

1. That the Court dismiss the motion to compel discovery filed by the Plaintiff on the 2nd day of July, 2018, for the reasons cited above, and that such a dismissal be with prejudice.
2. for any such other and further relief the Court deems just and proper.

This is the 30th day of November, 2018.



Bill Jones, Attorney for Defendant
89 Walnut St.
Waynesville, NC 28786
(828)456-2886
Bar No: 25594

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 Song, Attorney at Law
154 N. Main Street, Suite 1
Waynesville, NC 28786

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

Russell L. McLean III
P.O. Box 4
Waynesville, NC 28786

This the 3rd day of December, 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

FILED

7010 DEC -3 AM 10:41

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

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

MCLEAN LAW FIRM P.A.

Plaintiff

vs.

NOTICE OF OBJECTION
TO THIRD PARTY INTERVENTION


LISA A. KOSIR,

Defendant

NOW COMES the Defendant responding to a motion to intervene filed by Russell McLean III, and objects to the same, and says that the potential intervenor, Russell McLean III has failed to meet the mandatory requirements for permissive intervention per N.C.G.S. § 1A-1, Rule 24, in both his pleadings and fact.

WHEREFORE the Defendant respectfully requests that the motion of Russell McLean III to intervene in the above captioned matter be dismissed.

This is the 30th day of November, 2018.


Bill Jones, Attorney for Defendant
89 Walnut St.
Waynesville, NC 28786
(828)456-2886
Bar No:25594

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Facsimile

Email

Russell L. McLean III
P.O. Box 4
Waynesville, NC 28786

This the 3rd day of December, 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

FILED
STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

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

McLEAN LAW FIRM, P.A.)
Plaintiff)
Vs.)
LISA A. KOSIR)
Defendant)

DEFENDANT'S RESPONSES TO
REQUESTS FOR ADMISSIONS

To: McLean Law Firm, P.A., Plaintiff
c/o Virginia Jordan Attorney at Law
154 N. Main Street, Suite 1
Waynesville, NC 28786

NOW COMES the Defendant, pursuant to Rules 33 of the North Carolina Rules of Civil Procedure, responding to Plaintiff's Requests for Admissions, states as follows:

1. That the Quickbooks program attached hereto as Exhibit A and made a part hereof including software used in the Samsung Model 700A computer (hereinafter "the computer") was purchased by McLean Law firm P.A. Exhibit A Attached hereto and made a part hereof. .

ANSWER: The Defendant objects to this request for production on the following grounds:

- 1) Objection 1: The Defendant cannot answer this request for admission as there was no exhibit A attached to the requests tendered to Defendant, and as such the Defendant is unable to admit or deny these allegations.
 - 2) Objection 2: That the Defendant is without sufficient information to admit or deny whether certain, unlabeled software was or was not purchased by the McLean Law Firm, P.A.
2. That Lisa A. Kosir P.L.L.C., a Professional Limited liability Corporation, was dissolved with the North Carolina Secretary of State in the month of August on or about the 16th day of August, 2016 as shown on Exhibit B attached hereto an made a part hereof.

ANSWER: The Defendant objects to this request for admission.

- 1) Objection 1: That, once again, there is no attached exhibit B, and as such the Defendant is unable to admit or deny what Exhibit B, which is unattached, says or shows.
- 2) Objection 2: This request for admission is not relevant to the subject matter of any pending matters in this action.

However, without waiving objection, it is denied that Lisa A. Kosir, P.L.L.C. was dissolved on August 16, 2016.

3. That on April 4, 2018 the Defendant entered the building at 1878 Camp Branch Road and removed the computer that was found in Defendant's possession by the Haywood County Sheriff's Department.

ANSWER: That the Defendant objects to this request for admission in that it is not relevant to the subject matter of any motions pending in this matter. However, without waiving objection the allegations contained in this request for admission are hereby denied.

4. That the Defendant is a full time employee of the Haywood County Magistrate's office and that no work was performed by Lisa A. Kosir P.L.L.C. after August 2016.

ANSWER: The Defendant objects to this request for admission, in that the request is not relevant to any pending matters in this action.

5. That the computer's propriety files, trust accounts, client information, payroll files and other property belonging to the Plaintiff were downloaded and mirror imaged by New Meridian Technologies and that the attached Exhibit C to this admission and made a part hereof is true and correct as to the contents of the hard drive of the computer which is the subject of this lawsuit.

ANSWER: The Defendant objects to this request for admission.

- 1) Objection 1: The form of this requests is not proper, as there is no exhibit C attached.
 - 2) Objection 2: That the Defendant cannot admit or deny exactly what actions that New Meridian Technologies did or did not undertake.
6. That Defendant took the computer from 1878 Camp Branch road and placed it in a motel room at the Maggie Valley Inn and Conference Center which is occupied by Defendant.

ANSWER: The Defendant objects to this request for admission, in that the inquiry is not relevant to any pending motions in this matter. However, without waiving objection this request is denied.

7. That at or about 10:27:40 a.m. on the morning of April 4th 2018, Defendant attempted to breach SOL account entitled rlmclean3@aol.com with a device known as Firefox Windows NT.

ANSWER: That the Defendant objects to this request for admission as it is not relevant to the pending motions in this matter. However, without waiving objection this request is hereby denied.

8. That at on April 4, 2018 at 4:55 a.m. Defendant attempted to sign on to an AOL email account entitled rlmclean3@aol.com.

ANSWER: That the Defendant objects to this request for admission as it is not relevant to the pending motions in this matter. However, without waiving objection this request is hereby denied.

9. That on numerous occasions since April 4, 2018 as hereinabove referred to, Defendant has attempted to sign into AOL email account entitled rlmclean3@aol.com.

ANSWER: That the Defendant objects to this request for admission as it is not relevant to the pending motions in this matter. However, without waiving objection this request is hereby denied.

10. That in June 2013, McLean Law firm P.A. (hereinafter "the law firm") reimbursed the Defendant's discover credit card by payment of \$2500.00 to its credit card services by check from law firm.

ANSWER: That the Defendant objects to this request for admission as it is not relevant to the pending motions in this matter. Furthermore, the Defendant is without sufficient information to admit or deny the allegation contained in the preceding request for admissions.

11. That the doors at 1878 Camp Brach Road, the office of the law firm and Brad H. Ferguson were changed and that Defendant did not have a new key to unlock the new locks.

ANSWER: That the Defendant objects to this request for admission on multiple grounds.

- 1) Objection 1: The request is not relevant to any pending motion in this matter.
- 2) Objection 2: Improper Form: The request contains no time frame for the request and the Defendant is without sufficient information to admit or deny what has been, or was, done during such an unlimited time frame.

However, without waiving objection this request is hereby denied.

12. That Defendant left the law firm office on March 29, 2018 and instructed the Plaintiff to handle all bills itself and that she would no longer be involved in the process.

ANSWER: The Defendant objects to this interrogatory as it is not relevant to any pending motion in this action. However, without waiving objection the request is hereby denied.

13. That the Mclean law firm and Brad H. Ferguson law firm were tenants in possession of 1878 Camp Branch Road since 2012 up to the present.

ANSWER: That the Defendant objects to this interrogatory.

- 1) Objection: as it is not relevant to matters pending in this action.
- 2) Objection: The Defendant further objects in that the requests calls for a legal conclusion as to the determination of what is a tenant.

Without waiving objection, the Defendant admits that the law firm, and Brad Ferguson have used the building at 1878 Camp Branch Rd; however, at various periods since 2012 so have the Defendant, Lisa A. Kosir, PLLC, Ben Olinger, and possibly even other unknown persons. However, the North Carolina Secretary of State shows that the McLean Law Firm, P.A.'s registered office and mailing address are at 1922 Camp Branch Rd, Waynesville, NC 28786, a fact which has remained unchanged, according to the information available from the Secretary of State since March 9, 2011.

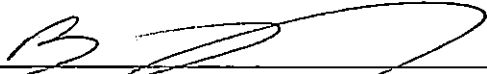
14. That the property at 1878 Camp Branch Road, Waynesville, North Carolina was posted with a No Trespass sign as of April 4, 2018.

ANSWER: That the Defendant objects to this request for admission as it is not relevant to the pending action in this matter. However, without waiving objection, the allegation denied to the extent that the Defendant, a co-owner by deed of the property located at 1878 Camp Branch Rd, Waynesville, NC was unaware of any trespassing sign being posted, and as a co-owner, has never posted a sign herself, or had agents post a no trespassing sign on the property. As to any remaining portion of the request for admission, the Defendant is without sufficient information to admit or deny what an unnamed person or party may have posted at the property.

15. That the Defendant posted on Facebook that she had hacked into the account of Rusty Mclean.

ANSWER: That the Defendant objects to this request as it is not relevant to any pending action or motion in this matter. However, without waiving objection this allegation is denied.

This the 30th day of November, 2018.



Bill J. Jones
Attorney for the Defendant
89 Walnut Street
Waynesville, North Carolina 28786
(828) 456-2886
NC Bar # 25594

VERIFICATION TO ACCOMPANY

REQUEST FOR ADMISSIONS

I, LISA A. KOSIR, the undersigned Defendant in this matter, being first duly sworn, state that the attached responses are true to the best of her knowledge and belief, except for those allegations set forth upon information and belief, and as to those allegations, she believes them to be true.

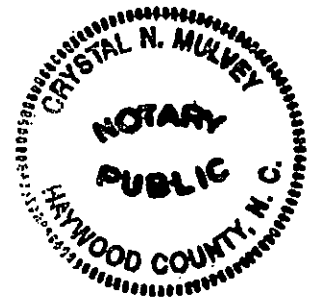
Lisa A. Kosir
Lisa A. Kosir, Defendant

State of North Carolina
County of Haywood

Sworn to and subscribed before me this the 30th day of November, 2018.

Crystal N. Mulvey
Crystal N. Mulvey
Notary Public

April 18, 2021
My Commission Expires:



CERTIFICATE OF SERVICE

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Virginia Jordan Song, Attorney at Law
154 N. Main Street, Suite 1
Waynesville, NC 28786

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Facsimile

Email

Russell L. McLean III
P.O. Box 4
Waynesville, NC 28786

This the 3rd day of December, 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