

Exhibit D

*McDonald, et al. v. AutoMoney, Inc., et
al.*

**U.S. District Court
North Carolina Middle District (NCMD)
CIVIL DOCKET FOR CASE #: 1:21-cv-00114-WO-JEP**

MCDONALD et al v. AUTOMONEY, INC. et al
Assigned to: JUDGE WILLIAM L. OSTEEN, JR
Referred to: MAG/JUDGE JOI ELIZABETH PEAKE
Case in other court: Richmond County Superior Court, 21 CVS
128
Cause: 28:1332 Diversity

Date Filed: 02/09/2021
Date Terminated: 11/30/2021
Jury Demand: None
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

VICKIE MCDONALD

represented by **JAMES ROBERT FAUCHER**
**BROWN, FAUCHER, PERALDO &
BENSON, PLLC**
822 N. ELM ST., STE. 200
GREENSBORO, NC 27401
336-478-6000
Fax: 336-273-5597
Email: james@greensborolawcenter.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

JEFFREY K. PERALDO
**BROWN, FAUCHER, PERALDO &
BENSON, PLLC**
822 N. ELM ST., STE. 200
GREENSBORO, NC 27401
336-478-6000
Fax: 336-273-5597
Email: jeff@greensborolawcenter.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

FENTRESS BROWN

represented by **JAMES ROBERT FAUCHER**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

JEFFREY K. PERALDO
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

TRISTA RHINEHART

represented by **JAMES ROBERT FAUCHER**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

JEFFREY K. PERALDO

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

KAREN BANKS

represented by **JAMES ROBERT FAUCHER**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

JEFFREY K. PERALDO

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Defendant

AUTOMONEY, INC.

represented by **MICHAEL MONTECALVO**

WOMBLE BOND DICKINSON (US) LLP

ONE WEST FOURTH STREET

WINSTON-SALEM, NC 27101

336-721-3770

Fax: 336-726-6912

Email: michael.montecalvo@wbd-us.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

LINDSEY W. COOPER, JR.

THE LAW OFFICE OF L.W. COOPER JR.

36 BROAD STREET

CHARLESTON, SC 29401

843-375-6622

Fax: 843-375-6623

Email: lwc@lwcooper.com

ATTORNEY TO BE NOTICED

SCOTT D. ANDERSON

WOMBLE BOND DICKINSON (US) LLP

555 FAYETTEVILLE STREET

SUITE 1100

BOX 831

RALEIGH, NC 27601

919-755-2121

Fax: 919-755-6084

Email: Scott.D.Anderson@wbd-us.com

ATTORNEY TO BE NOTICED

Defendant

AUTOMONEY NORTH, LLC

represented by **MICHAEL MONTECALVO**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

LINDSEY W. COOPER, JR.
 (See above for address)
ATTORNEY TO BE NOTICED

SCOTT D. ANDERSON
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/09/2021	<u>1</u>	PETITION FOR REMOVAL against KAREN BANKS, FENTRESS BROWN, VICKIE MCDONALD, TRISTA RHINEHART (Filing fee \$ 402 receipt number 0418-2983990.), filed by AUTOMONEY NORTH, LLC, AUTOMONEY, INC.. (Attachments: # <u>1</u> Exhibit A - Complaint, # <u>2</u> Exhibit B - Summons, # <u>3</u> Exhibit C - Acceptance of Service, # <u>4</u> Civil Cover Sheet)(ANDERSON, SCOTT) (Additional attachment(s) added on 2/9/2021: # <u>5</u> Issued Summons) (Sheets, Jamie). (Entered: 02/09/2021)
02/09/2021	<u>2</u>	DECLARATION of Jeremy Blackburn re <u>1</u> Petition for Removal, by Defendants AUTOMONEY NORTH, LLC, AUTOMONEY, INC.. (Attachments: # <u>1</u> Exhibit 1 - Brown Payment History and Damages Calculations, # <u>2</u> Exhibit 2 - Banks Payment History and Damages Calculations)(ANDERSON, SCOTT) (Entered: 02/09/2021)
02/09/2021	<u>3</u>	DECLARATION of Lindsey Cooper re <u>1</u> Petition for Removal, by Defendants AUTOMONEY NORTH, LLC, AUTOMONEY, INC.. (Attachments: # <u>1</u> Exhibit 1 - Feb 5 2021 1253 pm Email Correspondence from Peraldo to Cooper, # <u>2</u> Exhibit 2 - Feb 5 2021 0105 pm Email Correspondence from Peraldo to Cooper)(ANDERSON, SCOTT) (Entered: 02/09/2021)
02/09/2021	<u>4</u>	ANSWER to Complaint by AUTOMONEY NORTH, LLC, AUTOMONEY, INC.. (ANDERSON, SCOTT) (Entered: 02/09/2021)
02/09/2021	<u>5</u>	COMPLAINT against AUTOMONEY, INC. AUTOMONEY NORTH, LLC, filed by VICKIE MCDONALD, FENTRESS BROWN, TRISTA RHINEHART, KAREN BANKS. (Original filed in Richmond County Superior Court, case number 21-CVS-128, and listed as Exhibit A to the Petition for Removal) (Sheets, Jamie) (Entered: 02/09/2021)
02/09/2021	<u>6</u>	Summons Issued as to AUTOMONEY, INC., AUTOMONEY NORTH, LLC, (Original filed in Richmond County Superior Court, case number 21-CVS-128, and listed as Additional Attachment to the Petition for Removal) (Sheets, Jamie) (Entered: 02/09/2021)
02/09/2021	<u>7</u>	Notice of Right to Consent. (Attachments: # <u>1</u> Consent Form) (Sheets, Jamie) (Entered: 02/09/2021)
02/09/2021		CASE REFERRED to Mediation pursuant to Local Rule 83.9b of the Rules of Practice and Procedure of this Court. Please go to our website under Attorney Information for a list of mediators which must be served on all parties. (Sheets, Jamie) (Entered: 02/09/2021)
02/09/2021		Case ASSIGNED to JUDGE WILLIAM L. OSTEEN, JR and MAG/JUDGE JOI ELIZABETH PEAKE. (Sheets, Jamie) (Entered: 02/09/2021)
02/10/2021	<u>8</u>	NOTICE of Attorney Appearance by attorney MICHAEL MONTECALVO on behalf of Defendants AUTOMONEY NORTH, LLC, AUTOMONEY, INC. (MONTECALVO,

		MICHAEL) (Entered: 02/10/2021)
02/10/2021	<u>9</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Defendant AUTOMONEY, INC. (ANDERSON, SCOTT) (Entered: 02/10/2021)
02/10/2021	<u>10</u>	Corporate Disclosure Statement by AUTOMONEY NORTH, LLC. (ANDERSON, SCOTT) (Entered: 02/10/2021)
02/11/2021	<u>11</u>	NOTICE of Initial Pretrial Conference Hearing: Initial Pretrial Conference Hearing set for 3/18/2021 09:30 AM in Winston-Salem Courtroom #3 before MAG/JUDGE JOI ELIZABETH PEAKE. (Garrett, Kim) (Entered: 02/11/2021)
03/04/2021	<u>12</u>	MOTION to Remand by KAREN BANKS, FENTRESS BROWN, VICKIE MCDONALD, TRISTA RHINEHART. Response to Motion due by 3/25/2021 (PERALDO, JEFFREY) (Entered: 03/04/2021)
03/04/2021	<u>13</u>	<i>Plaintiffs' BRIEF In Support of Motion to Remand.</i> (Attachments: # <u>1</u> Exhibit Loan Agreement, # <u>2</u> Exhibit AutoMoney v. Pippins, # <u>3</u> Exhibit AutoMoney North v. Brown, # <u>4</u> Exhibit Declaration of Fentress Brown, # <u>5</u> Exhibit Deposition of Linda Derbyshire, # <u>6</u> Exhibit SC State Bd of Fin Institutions, # <u>7</u> Exhibit Declaration of Karen Banks, # <u>8</u> Exhibit Blettner v. Masick, # <u>9</u> Exhibit Pippins v. AutoMoney, Inc., # <u>10</u> Exhibit Cannon, et al. v. AutoMoney, Inc.)(PERALDO, JEFFREY) (Entered: 03/04/2021)
03/08/2021	<u>14</u>	Joint MOTION to Continue <i>Initial Pretrial Conference</i> by AUTOMONEY NORTH, LLC, AUTOMONEY, INC.. (MONTECALVO, MICHAEL) (Entered: 03/08/2021)
03/09/2021		Motions Referred: RE: <u>14</u> Joint MOTION to Continue <i>Initial Pretrial Conference</i> , to MAG/JUDGE JOI ELIZABETH PEAKE (Garrett, Kim) (Entered: 03/09/2021)
03/10/2021	<u>15</u>	MOTION to Transfer Case by AUTOMONEY NORTH, LLC, AUTOMONEY, INC.. Response to Motion due by 3/31/2021 (MONTECALVO, MICHAEL) (Entered: 03/10/2021)
03/10/2021	<u>16</u>	MEMORANDUM filed by Defendants AUTOMONEY NORTH, LLC, AUTOMONEY, INC. re <u>15</u> MOTION to Transfer Case filed by AUTOMONEY NORTH, LLC, AUTOMONEY, INC.. (Attachments: # <u>1</u> Exhibit Declaration of Jeremy Blackburn) (MONTECALVO, MICHAEL) (Entered: 03/10/2021)
03/15/2021	<u>17</u>	ORDER signed by MAG/JUDGE JOI ELIZABETH PEAKE on 3/15/2021. The Joint Motion to Continue (Doc. # <u>14</u>) is GRANTED and the Initial Pretrial Conference is continued pending resolution of the Motion to Remand and Motion to Transfer. (Daniel, J) (Entered: 03/15/2021)
03/17/2021	<u>18</u>	NOTICE of Special Appearance by attorney LINDSEY W. COOPER, JR on behalf of Defendants AUTOMONEY NORTH, LLC, AUTOMONEY, INC. (Filing fee \$ 25 receipt number 0418-3009823.) (COOPER, LINDSEY) (Entered: 03/17/2021)
03/25/2021	<u>19</u>	RESPONSE in Opposition re <u>12</u> MOTION to Remand filed by FENTRESS BROWN, TRISTA RHINEHART, VICKIE MCDONALD, KAREN BANKS filed by AUTOMONEY NORTH, LLC, AUTOMONEY, INC.. Replies due by 4/8/2021 (Attachments: # <u>1</u> Supplement Supplemental Declaration of Jeremy Blackburn, # <u>2</u> Supplement Declaration of Jeffrey K Peraldo)(MONTECALVO, MICHAEL) (Entered: 03/25/2021)
03/26/2021	<u>20</u>	RESPONSE in Opposition re <u>15</u> MOTION to Transfer Case filed by AUTOMONEY NORTH, LLC, AUTOMONEY, INC. filed by KAREN BANKS, FENTRESS BROWN, VICKIE MCDONALD, TRISTA RHINEHART. Replies due by 4/9/2021 (Attachments: # <u>1</u> Exhibit Brown Loan Agreement, # <u>2</u> Exhibit Affidavits of Simmons and Douglas, # <u>3</u> Exhibit Affidavit of Elizabeth Rosenberg, # <u>4</u> Exhibit Affidavit of Anne Lewallen, # <u>5</u>

		Exhibit Affidavits of Crumel and Cuthrell, # <u>6</u> Exhibit Affidavit of Erin Stotts, # <u>7</u> Exhibit Affidavit of Ann Gunning, # <u>8</u> Exhibit Affidavit of Brandy Hayes, # <u>9</u> Exhibit Declaration of Fentress Brown, # <u>10</u> Exhibit Brown 09/07/2018 Loan Agreement, # <u>11</u> Exhibit Am_Rail Const. v. A&K, # <u>12</u> Exhibit Order Denying Mot Dismiss in Troublefield v AM, # <u>13</u> Exhibit Ada Liss Grp v Sara Lee, # <u>14</u> Exhibit NCGS 22B-3, # <u>15</u> Exhibit State v. Western Sky, # <u>16</u> Exhibit Hunter v. Mtn. Comm. Bank, # <u>17</u> Exhibit Williamson v Prime Sports, # <u>18</u> Exhibit Order Granting Mot Dismiss in AutoMoney v. Pippins, # <u>19</u> Exhibit Order Denying Mot Reconsider in AutoMoney v. Pippins)(PERALDO, JEFFREY) (Entered: 03/26/2021)
03/30/2021	<u>21</u>	NOTICE of Manual Filing Certificate of Authenticity of Erin Stotts and attached spreadsheet in paper form with the Clerk's Office (PERALDO, JEFFREY) (Entered: 03/30/2021)
04/07/2021	<u>22</u>	REPLY, filed by Plaintiffs KAREN BANKS, FENTRESS BROWN, VICKIE MCDONALD, TRISTA RHINEHART, to Response to <u>12</u> MOTION to Remand filed by KAREN BANKS, FENTRESS BROWN, VICKIE MCDONALD, TRISTA RHINEHART. (Attachments: # <u>1</u> Exhibit Declaration of Rhinehart, # <u>2</u> Exhibit Declaration of McDonald, # <u>3</u> Exhibit Kellar v. 1st Capital Finance, # <u>4</u> Exhibit Cannon, et al. v. AutoMoney, # <u>5</u> Exhibit Deposition of Linda Derbyshire, # <u>6</u> Exhibit Brown Bank Statements, # <u>7</u> Exhibit Rhinehart Loan Agreement and NCDMV lien record, # <u>8</u> Exhibit AutoMoney v. Pippins DSC Docket, # <u>9</u> Exhibit Melton NCDMV Lien Record, # <u>10</u> Exhibit State v. Western Sky, # <u>11</u> Exhibit Orders denying AutoMoney Motions to Dismiss)(PERALDO, JEFFREY) (Entered: 04/07/2021)
04/08/2021	<u>23</u>	REPLY, filed by Defendants AUTOMONEY NORTH, LLC, AUTOMONEY, INC., to Response to <u>15</u> MOTION to Transfer Case filed by AUTOMONEY NORTH, LLC, AUTOMONEY, INC.. (Attachments: # <u>1</u> Exhibit 1 - AM Troublefield Notice of Appeal re Venue, # <u>2</u> Exhibit 2 - Order - Snipes v. TitleMax of Virginia)(ANDERSON, SCOTT) (Entered: 04/08/2021)
04/08/2021		Motions Submitted re: <u>12</u> MOTION to Remand, <u>15</u> MOTION to Transfer Case, to JUDGE WILLIAM L. OSTEEEN, JR. (Welch, Kelly) (Entered: 04/08/2021)
06/18/2021	<u>24</u>	Suggestion of Subsequently Decided Authority re <u>12</u> MOTION to Remand by Defendants AUTOMONEY NORTH, LLC, AUTOMONEY, INC.. (Attachments: # <u>1</u> Exhibit Declaration of Andrew Brown, # <u>2</u> Exhibit Declaration of Andrew Brown, # <u>3</u> Exhibit Final Award of Arbitrator)(ANDERSON, SCOTT) (Entered: 06/18/2021)
11/30/2021	<u>25</u>	MEMORANDUM OPINION AND ORDER signed by JUDGE WILLIAM L. OSTEEEN, JR. on 11/30/2021. For the foregoing reasons, Plaintiffs' Motion to Remand (Doc. <u>12</u>) is GRANTED and this case is REMANDED for further proceedings in the Superior Court of Richmond County, North Carolina. FURTHER that the Clerk of Court is directed to send a certified copy of this Memorandum Opinion and Order to the Clerk of Superior Court in Richmond County. FURTHER that Defendants' Motion to Transfer (Doc. <u>15</u>) is DENIED WITHOUT PREJUDICE. (Daniel, J) (Entered: 11/30/2021)
11/30/2021	<u>26</u>	Letter to Clerk of Richmond County Superior Court re: <u>25</u> Memorandum Opinion and Order. (Daniel, J) (Entered: 11/30/2021)

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