

8. From the time of the marriage of the Plaintiff and his wife until the occurrences set forth in this Complaint, Plaintiff loved his spouse very much and continues to love his spouse.

FACTUAL ALLEGATIONS

9. The preceding paragraphs are reincorporated by reference as if fully set forth herein.

10. Defendant and Plaintiff's wife above named spouse were involved in an affair and in a romantic relationship with each other from approximately December, 2008 up to the middle of February, 2009.

11. Upon information and belief, this relationship between Defendant and Plaintiff's wife existed continuously from December, 2008 through early February, 2009.

12. Upon information and belief, Defendant engaged in sexual relations with Plaintiff's wife on numerous occasions from December, 2008 up to and including a part of February, 2009.

13. At all times mentioned herein, Defendant had actual knowledge that Plaintiff's wife was married to Plaintiff.

14. Defendant, while knowing Plaintiff's wife to be married to Plaintiff, unlawfully gained the affection of the Plaintiff's wife, alienated her affections from Plaintiff and induced her to neglect the Plaintiff and her home by lying to Plaintiff's wife about his intentions and love and affection toward Plaintiff's wife.

15. Defendant wrongfully and maliciously alienated the love and affection which existed between Plaintiff's wife and Plaintiff.

16. That such acts of the Defendant include, but are not limited to, the following:

a) As a result of the actions of the Defendant in alienating the affection of Plaintiff's wife and committing criminal conversation with Plaintiff's wife, Plaintiff's wife was terminated from her position with the Clerk of Superior Court of Rowan County immediately subsequent to the re-election of the Defendant herein.

b) Sometime in late November or early December 2008, the affair between Defendant and Plaintiff's wife began, resulting in Plaintiff's wife becoming distant and aloof from Plaintiff, which worsened each day from December, 2008 until February, 2009, when Plaintiff confronted his wife and she confessed to the affair with Defendant.

c) After the affair between Defendant and Plaintiff's wife began in late November or early December 2008, Plaintiff's wife lost a lot of weight and changed her hair color and stated to

the Plaintiff that she was not happy and didn't know what was going on inside her head and that she just needed some space. By the middle of December 2008 Plaintiff's wife didn't even want to sit beside Plaintiff at home or when they would go out.

d) On or about November 24, 2008 at 4:39 p.m., Defendant initiated a phone call from his cell phone to Plaintiff's wife's cell phone. Plaintiff is informed this was a continuation of the pursuit of Plaintiff's wife by Defendant.

e) Sometime shortly thereafter, while not at work, Defendant did kiss Plaintiff's wife, in his pursuit of Plaintiff's wife, which Plaintiff is informed and believes began the affair.

f) There were telephone calls between Plaintiff's wife and Defendant from time to time, one of which occurred on Tuesday, December 9, 2008 at 6:53 p.m. The Plaintiff is informed and believes that the Defendant's wife was out of town around December 9th thru 13th, 2008, that gave the Defendant the opportunity to continue with the clandestine activity and illicit affair with Plaintiff's wife.

g) Plaintiff is informed and believes that on Saturday morning, December 13, 2008, Plaintiff's wife and Defendant communicated by telephone and met at an undisclosed location in continuation of the illicit relationship between Defendant and Plaintiff's wife.

h) On Thursday, December 18, 2008 at 11:05 a.m. Plaintiff's wife received a telephone call from "Rodney Eddinger's" home telephone number. The Plaintiff is informed that Rodney Eddinger is Defendant's brother and that Defendant was calling Plaintiff's wife to advise that the "coast is clear" and to come over. The Plaintiff is informed and believes that Defendant would meet with Plaintiff's wife at Defendant's brother's home and engage in illicit sexual conduct as well as other dates and times during lunch hour and after work. In order to insure and cover up such activities, Defendant would instruct Plaintiff's wife to park her car in the garage at said location, and assist her in the clandestine activity for the sole purpose of committing illicit sexual conduct, notwithstanding the marriage between Plaintiff and his wife.

i) The Plaintiff is informed and believes that Charles F. Eddinger is the father of the Defendant and that Defendant at various times used his father's phone to communicate with Plaintiff's wife, in a clandestine manner, and for purposes of continuing with the illicit relationship with Plaintiff's wife.

j) During Christmas 2008, as a result of the pursuit and actions on the part of the Defendant herein, Plaintiff's wife remained at her parent's home and would not return to the marital residence with the Plaintiff resulting in Plaintiff going home alone on Christmas night.

k) Around January 2009, Plaintiff's wife was coming home later every day; remaining away from the marital home without explanation; not taking care of the children as in the past; and generally causing Plaintiff significant anguish and concern about his marriage resulting in Plaintiff seeking counseling; medication; ceasing his church activity; and not being able to perform his work as he should. The Plaintiff is informed and believes that all such as

alleged herein is a direct result of the alienation of the affection of Plaintiff's wife as well as the illicit conduct by the Defendant with Plaintiff's wife, all the while Defendant being aware that Plaintiff's wife was married to Plaintiff.

l) Plaintiff is informed and believes that on Tuesday, January 20, 2009, Defendant took Plaintiff's wife to a hotel in Chapel Hill, North Carolina for the day and engaged in illicit sexual conduct.

m) On Sunday, February 1, 2009, Defendant appeared at a Super Bowl party being hosted by Plaintiff and his wife. Defendant appeared with his wife and 1 year old twins. He took approximately 10 pictures of Plaintiff's wife holding his children with his camera. Later Plaintiff was informed that Defendant appeared at the Super Bowl party because he could not stand being away from Plaintiff's wife and stated such to Plaintiff's wife when asked why he came to the party in the presence of the Plaintiff and their friends.

n) On Wednesday, February 11, 2009, Plaintiff discovered on Plaintiff's wife's cell phone text messages from Defendants saying "hi cutie", "love you", etc. When confronted with the text messages, Plaintiff's wife confessed to Plaintiff that she and the Defendant had been having sex.

o) On Thursday, February 12, 2009, Plaintiff advised the Clerk of Superior Court for Rowan County about the affair between his wife and Defendant. Plaintiff was advised by the Clerk of Superior Court that if Plaintiff filed a lawsuit against Defendant that the Clerk would have to terminate Plaintiff's wife from her employment.

p) The Plaintiff is informed and believes that on February 19, 2009, Plaintiff's wife communicated with Defendant and asked if the things he had told her about how he felt for her were true and what his feelings really were for her. Plaintiff is informed and believes that the Defendant advised Plaintiff's wife that everything he told her about his feelings for her were a lie and never to contact him again.

q) The Plaintiff is informed and believes that the Defendant, in the pursuit of Plaintiff's wife and alienating the affections of Plaintiff's wife, only got involved with Plaintiff's wife to use her for his pleasure. The Defendant is well educated with a college degree, a law degree, and is an elected District Court Judge who preyed on Plaintiff's wife, an employee of the Clerk of Superior Court and oftentimes a courtroom deputy where the Defendant presided, for gratification purposes only. The Defendant knew what to say, how to act, and what to do to get Plaintiff's wife to do what he wanted her to do for only as long as he wanted her around.

r) More recently, in early 2010, the Defendant announced of his intentions to seek re-election and referred to the affair with Plaintiff's wife as a consensual relationship. Plaintiff is informed that Defendant, with the clear and obvious intent of seducing Plaintiff's wife, made statements and remarks to Plaintiff's wife to the effect that he loved her, and wanted to be with her, as well as other charming comments that resulted in the alienation of Plaintiff's wife from Plaintiff herein. Defendant did not advise the voters of Rowan County that all such comments

made by him were untrue. The Plaintiff is informed and believes that such comments by Defendant herein to Plaintiff's wife were false and misleading and such comments being made publicly that it was a "consensual affair" exacerbated the situation causing Plaintiff embarrassment as well as humiliation and placing the affair in the public domain to satisfy Defendant's gratification and self-serving motive of obtaining re-election to the position of District Court Judge's, and getting rid of Plaintiff's wife from the office of the Clerk of Superior Court as a result of his re-election.

s) Plaintiff is informed and believes that as a result of Defendant's actions and conduct, there was a meeting between the Clerk of Superior Court and certain member(s) of the Rowan County Judiciary with regard to the assignment of courtroom deputies and that Plaintiff's wife was part of that conversation. The Plaintiff is informed and believes that due to the actions on the part of Defendant herein in seducing Plaintiff's wife with lies and false comments for the purpose of his own self gratification, Defendant was adamant about Plaintiff's wife not serving as courtroom deputy in his court, and as a consequence of such a position, notwithstanding Plaintiff's wife's excellent job performance, Plaintiff's wife was terminated from the office of the Clerk of Superior Court on the basis that "her work there had been completed."

t) Plaintiff and Plaintiff's wife enjoyed a certain standard of living based on both incomes. As a result of the termination of Plaintiff's wife from her position with the Clerk of Superior Court, Plaintiff's financial situation has deteriorated which impacts on his quality of life, all as a direct and proximate result of the alienating of affection by Defendant herein of Plaintiff's wife with lies and other false comments designed to seduce and satisfy his personal sexual desires. The affair was discovered in February, 2009 and brought to the attention of the Clerk of Superior Court at that time. Notwithstanding, Plaintiff's wife was permitted to remain in the office of the Clerk of Superior, and Plaintiff is informed and believes performed her job and tasking in an excellent manner. Plaintiff is informed and believes that only because of the Defendant's re-election and insistence with regard to Plaintiff's wife's removal from his courtroom, that Plaintiff's wife was terminated.

FIRST CLAIM FOR RELIEF
(Alienation of Affections)

17. The preceding paragraphs are reincorporated by reference as if fully set forth herein.

18. That by reason of Defendant's malicious and unlawful conduct with Plaintiff's wife, Defendant has alienated Plaintiff's wife's affections from Plaintiff; has deprived Plaintiff of the comfort, society, aid, services and love and affections of his wife during the time period as set forth above; and has damaged Plaintiff's happiness and his home.

19. By reason of Defendant's above mentioned conduct, Plaintiff has suffered emotional distress, physical damage, humiliation, and shame.

20. Plaintiff has been damaged by Defendant's alienation of Plaintiff's wife's affections from Plaintiff in an amount in excess of \$10,000.00.

SECOND CLAIM FOR RELIEF
(Criminal Conversation)

21. The preceding paragraphs are reincorporated by reference as if fully set forth herein.

22. Upon information and belief, Defendant, while knowing that Plaintiff's wife was married to Plaintiff, engaged in sexual intercourse with Plaintiff's wife without the consent of Plaintiff.

23. Upon information and belief, Defendant, while knowing that Plaintiff's wife was married to Plaintiff, engaged in sexual relations and sexual intercourse with Plaintiff's wife on more than one occasion from approximately December, 2008 up to and including the 10th day of February, 2009.

24. Plaintiff has been damaged by Defendant's criminal conversation with the Plaintiff's wife in an amount in excess of \$10,000.00.

THIRD CLAIM FOR RELIEF
(Punitive Damages)

25. The preceding paragraphs are reincorporated by reference as if fully set forth herein.

26. The acts of Defendant as alleged above were malicious; unlawful; willful and wanton; evidenced ill will, spite and rudeness and oppression against Plaintiff; and were done with the careless and reckless and conscious and intentional disregard of and indifference to the rights of Plaintiff and his marriage and such acts and conduct by Defendant were made with knowledge that such acts and conduct would likely result in injury, damage, or harm to the Plaintiff.

27. Plaintiff is entitled to recover from the Defendant punitive damages.

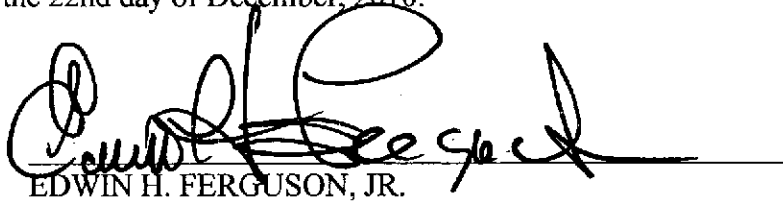
WHEREFORE, the Plaintiff respectfully prays the Court:

1. That pursuant to Plaintiff's First Claim for Relief, Plaintiff have and recover from Defendant compensatory damages in an amount in excess of \$10,000.00;

2. That pursuant to Plaintiff's Second Claim for Relief, Plaintiff have and recover from Defendant compensatory damages in an amount in excess of \$10,000.00;

3. That pursuant to Plaintiff's Third Claim for Relief, Plaintiff have and recover from Defendant punitive damages in an amount to be determined by the Jury;
4. That all of the issues in this case be tried by a Jury;
5. That cost of this action be taxed against Defendant; and
6. For such other and further relief as the Court may deem just and proper.

Respectfully submitted this the 22nd day of December, 2010.

A handwritten signature in black ink, appearing to read "Edwin H. Ferguson, Jr.", written over a horizontal line.

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